

OREGON BULLETIN

Supplements the 2009 *Oregon Administrative Rules Compilation*

Volume 48, No. 12
December 1, 2009

For October 16, 2009–November 13, 2009



Published by
KATE BROWN
Secretary of State
Copyright 2009 Oregon Secretary of State

INFORMATION AND PUBLICATION SCHEDULE

General Information

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

Background on Oregon Administrative Rules

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

How to Cite

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

Understanding an Administrative Rule’s “History”

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

Locating the Most Recent Version of an Administrative Rule

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

Locating Administrative Rules Unit Publications

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

2008–2009 Oregon Bulletin Publication Schedule

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

Submission Deadline — Publishing Date

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

Reminder for Agency Rules Coordinators

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

Publication Authority

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

© January 1, 2009 Oregon Secretary of State. All rights reserved. Reproduction in whole or in part without written permission is prohibited.

TABLE OF CONTENTS

	Page
Information and Publication Schedule	2
Table of Contents	3
Executive Orders	4
Other Notices	5, 6
Notices of Proposed Rulemaking Hearings/Notices	
The citations and statements required by ORS 183.335(2)(b)(A)–(D) have been filed with and are available from the Secretary of State.	
Board of Clinical Social Workers, Chapter 877	7
Board of Licensed Professional Counselors and Therapists, Chapter 833.....	7, 8
Board of Parole and Post-Prison Supervision, Chapter 255.....	8
Board of Psychologist Examiners, Chapter 858	8
Board of Tax Practitioners, Chapter 800	8
Bureau of Labor and Industries, Chapter 839.....	8, 9
Construction Contractors Board, Chapter 812	9
Department of Administrative Services, Chapter 125.....	9
Department of Administrative Services, Human Resource Services Division, Chapter 105	9
Department of Agriculture, Chapter 603.....	9–11
Department of Consumer and Business Services, Building Codes Division, Chapter 918.....	11
Division of Finance and Corporate Securities, Chapter 441.....	11, 12
Insurance Division, Chapter 836	12, 13
Oregon Occupational Safety and Health Division, Chapter 437	13
Department of Corrections, Chapter 291	13
Department of Energy, Chapter 330.....	13, 14
Department of Environmental Quality, Chapter 340	14, 15
Department of Fish and Wildlife, Chapter 635	15
Department of Human Services, Addictions and Mental Health Division: Mental Health Services, Chapter 309.....	15, 16
Administrative Services Division and Director’s Office, Chapter 407.....	16
Public Health Division, Chapter 333.....	16, 17
Seniors and People with Disabilities Division, Chapter 411	17
Department of Justice, Chapter 137	17
Department of Oregon State Police, Office of State Fire Marshal, Chapter 837	17
Department of Public Safety Standards and Training, Chapter 259.....	18
Department of Transportation, Driver and Motor Vehicle Services Division, Chapter 735.....	18, 19
Highway Division, Chapter 734	19
Public Transit Division, Chapter 732	19
Department of Veterans’ Affairs, Chapter 274	19
Employment Department, Chapter 471	19
Land Conservation and Development Department, Chapter 660.....	19, 20
Office for Oregon Health Policy and Research, Chapter 409.....	20
Oregon Business Development Department, Chapter 123.....	20, 21
Oregon Criminal Justice Commission, Chapter 213.....	21
Oregon Department of Education, Chapter 581.....	21, 22
Oregon Health Authority, Chapter 943	22
Oregon Health Licensing Agency, Chapter 331	22
Oregon Housing and Community Services Department, Chapter 813.....	22, 23
Oregon Medical Board, Chapter 847	23
Oregon Military Department, Office of Emergency Management, Chapter 104.....	23
Oregon State Lottery, Chapter 177	24
Oregon State Treasury, Chapter 170	24
Oregon University System, Chapter 580.....	24
Oregon University System, Southern Oregon University, Chapter 573	24
Public Utility Commission, Chapter 860	24, 25
Secretary of State, Corporation Division, Chapter 160	25
Elections Division, Chapter 165	25–28
Teacher Standards and Practices Commission, Chapter 584.....	28, 29
Administrative Rules	
The citations and statements required by ORS 183.335(2)(b)(A)–(D) have been filed with and are available from the Secretary of State.	
Appraiser Certification and Licensure Board, Chapter 161.....	30, 31
Board of Architect Examiners, Chapter 806	32
Board of Examiners for Engineering and Land Surveying, Chapter 820.....	32–40
Board of Naturopathic Examiners, Chapter 850	40–42
Bureau of Labor and Industries, Chapter 839.....	42, 43
Department of Administrative Services, Human Resource Services Division, Chapter 105	43, 44
Oregon Educators Benefit Board, Chapter 111	44
Department of Community Colleges and Workforce Development, Chapter 589	44–46
Department of Consumer and Business Services, Division of Finance and Corporate Securities, Chapter 441	46, 47
Insurance Division, Chapter 836	47–51
Department of Corrections, Chapter 291	51–56
Department of Energy, Chapter 330.....	56–68
Department of Environmental Quality, Chapter 340	68–71
Department of Fish and Wildlife, Chapter 635	71–100
Department of Human Services, Children, Adults and Families Division: Child Welfare Programs, Chapter 413	100–111
Self-Sufficiency Programs, Chapter 461	111–113
Department of Justice, Chapter 137	113–118
Department of State Lands, Chapter 141	118–122
Department of Transportation, Driver and Motor Vehicle Services Division, Chapter 735	122
Employment Department, Chapter 471.....	122–125
Landscape Contractors Board, Chapter 808.....	125–129
Oregon Board of Dentistry, Chapter 818	129–132
Oregon Business Development Department, Chapter 123.....	132–139
Oregon Department of Education, Chapter 581.....	139–142
Oregon Film and Video Office, Chapter 951	142, 143
Oregon Liquor Control Commission, Chapter 845.....	143, 144
Oregon Medical Board, Chapter 847	144–150
Oregon State Marine Board, Chapter 250.....	150–152
Oregon State Treasury, Chapter 170	152–155
Oregon Youth Authority, Chapter 416.....	155, 156
Public Utility Commission, Chapter 860	156–163
Secretary of State, Corporation Division, Chapter 160	163
Teacher Standards and Practices Commission, Chapter 584.....	163, 164
Travel Information Council, Chapter 733	164
OAR Revision Cumulative Index	165–215

EXECUTIVE ORDERS

EXECUTIVE ORDER NO. 09 - 17

GRANTING STATE PUBLIC HEALTH DIRECTOR ADDITIONAL AUTHORITY TO RESPOND TO PANDEMIC H1N1 INFLUENZA

Pandemic H1N1 influenza (once referred to as “swine flu”), a new flu virus that causes respiratory illness in people, is widespread throughout Oregon.

The Centers for Disease Control and Prevention (CDC) first detected the H1N1 virus in the United States in April 2009. In June 2009, the World Health Organization (WHO) declared that an H1N1 pandemic is underway, which means this infectious disease is spreading among people throughout the world.

On October 24, 2009, President Obama signed a National Emergency Declaration on H1N1. The National Emergency Declaration on H1N1 allows healthcare systems to quickly implement disaster plans should they become overwhelmed, by applying for and obtaining federal waivers under the Social Security Act. To date, within Oregon, Josephine County has declared a state of emergency due to H1N1. Since September 1, 2009, Oregon has experienced 745 hospitalizations and 20 deaths as a result of H1N1 influenza.

In Oregon, the Department of Human Services (DHS) Public Health Division is leading the State’s response to pandemic H1N1 flu. Since September 1, 2009, the Public Health Division has consulted with counties regarding ten presumed H1N1 outbreaks, and responded to approximately thirty other calls from county health departments related to H1N1. The Division has also worked to fill county and tribal orders for medication and personal protective equipment, providing approximately 4,240 courses of antiviral medications, 129,091 N95 face masks, 141,000 surgical masks, 810 gowns, 9,700 gloves, and 1,716 face shields.

As this situation develops, the Public Health Division is working to share information about pandemic H1N1, promote influenza vaccinations, and support Oregon’s healthcare system. This Order provides the Public Health Director with additional authority to respond proactively to pandemic H1N1 influenza, as the disease spreads.

Oregon’s tribal and local governments play crucial public health roles, and have the ability to take swift action at a local level. This Order directs DHS to work with tribal and local governments to fully implement an H1N1 influenza response. Local governments have independent power to initiate quarantines and isolate individuals with communicable pandemic H1N1 influenza as needs require.

NOW THEREFORE, IT IS HEREBY DIRECTED AND ORDERED:

1. Pursuant to ORS 431.264(1), the Public Health Director has found that a communicable disease, pandemic H1N1 influenza, is reported in Oregon, is an issue of significant regional and national concern, and is an issue for which there is significant involvement from federal authorities requiring state-federal coordination.

2. Accordingly, I hereby authorize the Public Health Director, to take any of the public health actions outlined in ORS 431.264(2), as need-

ed, to proactively implement Oregon’s public health response to pandemic H1N1 influenza. These actions include, but are not limited to:

- a. Coordinating the public health response across jurisdictions.
- b. Prescribing measures for the:
 - i. Identification, assessment and control of the communicable disease or reportable disease, disease outbreak, epidemic or other condition of public health importance; and
 - ii. Allocation and distribution of antitoxins, serums, vaccines, immunizing agents, antibiotics, antidotes and other pharmaceutical agents, medical supplies or personal protective equipment.
- c. After consultation with appropriate medical experts, creating and requiring the use of diagnostic and treatment guidelines and provide notice of those guidelines to health care providers, institutions and facilities.
- d. Directing a person to use appropriate prophylactic measures to prevent the introduction or spread of pandemic H1N1 influenza, with certain exceptions.
- e. Directing a district school board to close a children’s facility or school under the jurisdiction of the board.
- f. Issuing guidelines for private businesses regarding appropriate work restrictions.
- g. Organizing public information activities regarding the public health response to pandemic H1N1 influenza.
- h. Adopting reporting requirements for, and providing notice of those reporting requirements to, health care providers, institutions and facilities for the purpose of obtaining information directly related to pandemic H1N1 influenza.
- i. Taking control of antitoxins, serums, vaccines, immunizing agents, antibiotics, antidotes and other pharmaceutical agents, medical supplies or personal protective equipment.

3. DHS Public Health Division shall continue to promptly respond to tribal and local governments’ specific requests for additional technical support, staffing, equipment, and medications, with information and support as needed. Specific county and tribal requests may include but are not limited to requests for antiviral medications, N95 face masks, surgical masks, gowns, gloves, and face shields.

4. This Order expires on July 1, 2010.

Done on this 4th day of November, 2009, in Salem, Oregon

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

ATTEST

/s/ Kate Brown
Kate Brown
SECRETARY OF STATE

OTHER NOTICES

REQUEST FOR COMMENTS PROPOSED REMEDIAL ACTION AT THE CHEMCENTRAL (AKA UNIVAR, INC.) SITE

COMMENTS DUE: December 30, 2009

PROJECT LOCATION: 10821 North Lombard Street, Portland, Oregon

PROPOSAL: The Department of Environmental Quality (DEQ) is proposing a remedy to address soil and groundwater contamination present at the CHEMCENTRAL (aka Univar, Inc.) site located at 10821 N. Lombard Street in Portland, Oregon. The site is identified as #878 in DEQ's Environmental Cleanup and Site Information (ECSI) database. As required by ORS 465.320, DEQ invites public comment on the remedial action, which consists of treatment of soil using vapor extraction, groundwater treatment by in-situ remediation, and monitored natural attenuation.

HIGHLIGHTS: Site investigation has identified volatile organic compounds (VOCs) in soil and groundwater beneath the site. Contamination is related to releases from underground storage tanks (abandoned in 1993) and an on-site dry well (no longer a source). Soil interim remedial actions undertaken by CHEMCENTRAL/Univar (1993 to Present) and natural biodegradation have reduced the concentration and extent of contamination; however, based on a 2009 Risk Assessment approved by DEQ, VOCs remain above risk-based levels in soil in the Central and East Dock area, and in groundwater around dry well #2. A Feasibility Study was approved by DEQ in August 2009 which evaluated remedial actions to address remaining site contamination. The document proposed treatment of soil by expanding the existing soil vapor extraction system, treatment of groundwater by injection of a non-toxic "carbon donor" to stimulate bacterial destruction around dry well #2, and monitored natural attenuation. Soil, groundwater, and/or vapor monitoring would be utilized to confirm treatment effectiveness, and contingency measures were outlined in the event that treatment is not fully effective. The proposed remedy is acceptable to DEQ as outlined in a November 2009 Staff Report. The proposed remedy is protective, addresses the balancing factors outlined in OAR 340-122-090(3), and addresses DEQ's preference for treatment of hot spots required under OAR 340-122-085(5,6,7) and 340-122-090(4). Public notice of the proposed action will run from December 1 to December 30, 2009. DEQ will consider all public comments received by the close of the comment period before finalizing the proposed remedial action in a Record of Decision.

HOW TO COMMENT: The project file may be reviewed by appointment at DEQ's Northwest Region Office at 2020 SW Fourth Avenue, Suite #400, Portland, OR 97201. To schedule an appointment to review the file or to ask questions, please contact Dawn Weinberger at (503 229-6729). Summary information and a copy of DEQ's Staff Report outlining the proposed remedial action 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 878 in the Site ID box and click "Submit" at the bottom of the page. Next, click the link labeled 878 in the Site ID/Info column. To be considered, written comments must be received by 4:30 PM on December 30, 2009 and sent to Dan Hafley, Project Manager, at the address listed above. Upon written request by ten or more persons or by a group with a membership of 10 or more, a public meeting will be held to receive verbal comments.

THE NEXT STEP: DEQ will consider all public comments received by the date and time stated above, before selecting a remedial action for the site.

REQUEST FOR COMMENTS PROPOSED NO FURTHER ACTION DETERMINATION, 7654 AVERY STREET, NEWPORT, OREGON

COMMENTS DUE: 5 pm, January 1st, 2009

PROJECT LOCATION: 7654 Avery St, Newport, Oregon

PROPOSAL: The Oregon Department of Environmental Quality (DEQ) requests public comment on its recommendation that no further action is required for investigation or cleanup of contaminated

soil the M. R. Wood Property at 7654 Avery Steet in Newport Oregon.

HIGHLIGHTS: DEQ's proposed no further action (NFA) determination is based on our review of environmental assessments completed in 2006 and 2009. The property owners enrolled in DEQ's Independent Cleanup Program in December of 2008, requesting a NFA.

The property is a 30-acre parcel divided into three lots within the city limits of Newport. The surrounding are is a mix of industrial and residential landuses. A closed landfill is adjacent to the the property on the north side. According to the Phase I environmental site assessment of the subject property, two separate shop/garage areas were identified where motor oil had been leaked on the gravel floors from parked vehicles or from minor spillage during vehicle repair activities. Approximately 1 ton of stained soils were excavated from inside the shop buildings and disposed of at Coffin Butte Landfill in Corvallis, Oregon.

The site also contained a variety of derelict machinery, industrial equipment, and other solid wastes. Environmental impacts to the surface soil (besides the two oil stained areas) were identified by DEQ Environmental Cleanup Program staff members during site visits. Due to the wide spread distribution of solid waste across the property the significance of the environmental conditions was difficult to determine. DEQ's solid waste program facilitated the removal of the waste materials, which allowed assessment of the potential soil contamination resulting from the storage of a variety of waste materials.

The soil at the site was sampled and analyzed to determine if there were significant impacts to the soil. The results of the analyses indicated the petroleum-related chemicals (diesel, heacy oil, and polycyclic aromatic hydrocarbons) had contaminated the soil at low levels. However, the concentrations found were all below DEQ's risk-based cleanup concentrations (RBCs). There were also metals (Arsenic, Barium, Cadmium, Chromium, Lead, and Selenium) found in the soil samples collected from the site. However, the metals were found to be at levels below DEQ's RBCs or were restricted to a small area of surface soil that was not determined to pose a significant risk to the current and future occupants.

DEQ is proposing no further action for this cleanup.

HOW TO COMMENT: A DEQ Staff Report presenting details about the site and cleanup activities supports the decision to approve the No-Further-Action determination. The Staff Report can be viewed in DEQ's Environmental project web site (<http://www.deq.state.or.us/lq/ECSI/ecsidetail.asp?seqnbr=4659>), or by contacting the DEQ project coordinator, Ian Balcom at 541-687-7347 or at ian.balcom@state.or.us. The report can be viewed in person at the DEQ Eugene office by appointment at 165 E. 7th Ave, Suite 100, Eugene, OR 97401. Comments on the proposed determination need to be received by the Eugene Office, attn: Ian Balcom, by 5 pm on January 1st, 2009. Fax or email comments are acceptable. The Fax number is 541-686-7551.

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

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 PROPOSED APPROVAL OF CLEANUP AT THE TUBE SPECIALTIES SITE, PORTLAND, OREGON

COMMENTS DUE: 5 pm, December 31, 2009

OTHER NOTICES

PROJECT LOCATION: 5131 NE 148th Avenue in Portland, 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 a proposed No Further Action determination for a property located in east Portland. The property consists of two tax lots and the No Further Action determination would apply to the developed eastern Tax Lot (No. 400). In November 2007 DEQ issued a No Further Action determination for the undeveloped west Tax Lot (No. 800). DEQ is also proposing to remove the facility from the CRL and Inventory lists as provided in ORS 465.230 and OAR 340-122-0070 through -0079.

HIGHLIGHTS: In 2002, chlorinated solvent contamination was found in groundwater in the southeast part of the site. In 2003, DEQ issued an Order (DEQ No. LQSR-NWR-02-16) to Tube Specialties and L&L Fabrication requiring a Remedial Investigation to determine the source and extent of contamination, potential risks posed to human health and the environment, and whether contamination posed a significant threat to the City of Portland's Columbia Southshore Wellfield that serves as a supplemental water supply for the Portland metro region. Investigations confirmed that the sources were two septic drain fields that are no longer in use. Solvent concentrations exceeded DEQ Risk-Based Concentrations (RBCs) for drinking water and for site workers exposed to air from volatilization into the site building. Very limited contamination appeared to have moved deeper into the Troutdale Groundwater Aquifer (TGA), a potential municipal water supply source. City of Portland municipal water supply wells are located nearby in deeper aquifers.

Interim cleanup actions were initiated in 2007 with the removal and off-site disposal of the accessible portions of the drain fields along with 80 cubic yards of solvent-contaminated soil. The remaining drainfield piping was connected to a vapor extraction system (VES) installed in the excavations to intercept solvents and vent them to outside air. In addition, enhanced bioremediation of the groundwater contamination was initiated. By 2008, the bioremediation treatment had significantly reduced contaminant levels in groundwater. In 2008, additional bioremediation was performed within the drainfield beneath the building because air monitoring in the building still showed solvent concentrations above DEQ RBCs. Post treatment air monitoring has shown that this treatment led to indoor air quality improvements meeting DEQ cleanup criteria.

DEQ has concluded that residual soil and associated groundwater contamination in the Overbank Deposits is unlikely to adversely affect current and future beneficial uses of the underlying Troutdale Gravel Aquifer (TGA) as a source of municipal water supply. DEQ concludes, therefore, that environmental conditions at 5131 NE 148th Avenue do not pose an unacceptable risk to human health and the environment, and meet the requirements of the Oregon Environmental Cleanup Laws.

HOW TO COMMENT: DEQ's Staff Report for the Tube Specialties site and other 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 Dawn Weinberger at 503-229-6729; toll free at 1-800-452-4011. 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 2474 in the Site ID box and click "Submit" at the bottom of the page. Next, click the link labeled 2474 in the Site ID/Info column. Please send written comments to Robert Williams, Project Manager, at the address listed above or via email at williams.robert.k@deq.state.or.us. To be considered, DEQ must receive written comments by 5 pm on December 31, 2009. Upon written request by ten or more persons or by a group with a membership of 10 or more, DEQ will hold a public meeting to receive verbal comments.

THE NEXT STEP: DEQ will consider all public comments received by the date and time stated above, before making a final decision regarding the "No Further Action" determination. In the absence of comments, DEQ will issue the No Further Action determination for the Tube Specialties site and remove it from the CRL and Inventory.

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) 229-6488 or toll free in Oregon at (800) 452-4011; fax to 503-229-6945; or e-mail to deqinfo@deq.state.or.us. People with hearing impairments may call the Oregon Telecommunications Relay Service 1-800-735-2900 number.

NOTICES OF PROPOSED RULEMAKING

Notices of Proposed Rulemaking and Proposed Rulemaking Hearings

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

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

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

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

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

.....
Board of Clinical Social Workers
Chapter 877

Rule Caption: Adopts and amends rules to change Board name, streamline licensure and mandatory reporting requirements.

Date:	Time:	Location:
12-15-09	2 p.m.	3218 Pringle Rd. SE 2nd Floor Conference Rm. Salem, OR

Hearing Officer: Rebecca Rasmussen, Board Chair

Stat. Auth.: ORS 675.510–675.600, 675.990, 676.175–676.177, 183.335 & 183.360

Other Auth.: SB 177 (2009) & HB 2059 (2009)

Stats. Implemented: ORS 675510–675.600

Proposed Adoptions: 877-040-0016, 877-020-0057

Proposed Amendments: 877-010-0000, 877-010-0045, 877-020-0009, 877-020-0030, 877-025-0016, 877-025-0021, 877-030-0040, 875-040-0003

Last Date for Comment: 12-21-09

Summary: Implements certain Senate Bill 177 (2009) provisions that become law on January 1, 2010, including renaming the Board to “Board of Licensed Clinical Social Workers,” and defining “practice of social work” in ORS 675.540 as “practice of clinical social work.” Streamlines licensing renewal by limiting the requirement to submit continuing education reports and eliminating the requirement for LCSWs to attest to active practice of clinical social work. Specifies Board recognition of accrediting bodies and foreign degree equivalency determination. Specifies application process and requirements for former license holders. Conforms Board mandatory reporting requirements to House Bill 2059 (2009).

Rules Coordinator: Martin Pittioni

Address: Board of Clinical Social Workers, 3218 Pringle Rd. SE, Salem, OR 97302

Telephone: (503) 373-1163

Board of Licensed Professional Counselors and Therapists Chapter 833

Rule Caption: Add rules to implement legislative changes; rearrange, streamline, and renumber existing rules.

Stat. Auth.: ORS 675.785–675.835

Other Auth.: ORS 676.160–676.180, HB 2118 (2009), HB 2506 (2009) & HB 2059 (2009)

Stats. Implemented: ORS 675.785 & 675.835

Proposed Adoptions: Rules in 833-070, 833-080, 833-090, 833-100, 833-110, 833-120

Proposed Repeals: Rules in 833-025

Proposed Ren. & Amends: Rules in 833-001, 833-010, 833-020, 833-030, 833-040, 833-050, 833-060

Last Date for Comment: 12-28-09, Close of Business

Summary: Re-organizes all of the administrative rules, amending and renumbering them to simplify language and make it easier to find rules on specific topics. The proposed structure:

- 833 Divisions:
 - 001 Procedures
 - 010 Definitions
 - 020 Applications/License Issuance
 - 030 LPC qualification requirements (formerly in divisions 020 and 050)
 - 040 LMFT qualification requirements formerly in divisions 020 and 050
 - 050 Registered Interns (formerly in divisions 020, 030, and 050)
 - 055 Impaired professionals program (unchanged)
 - 060 Graduate degree standards (formerly Division 25)
 - 070 Fees (formerly division 40)
 - 080 Continuing education (formerly Division 25)
 - 090 Distance counseling (new)
 - 100 Code of Ethics (formerly Division 60)
 - 110 Compliance (formerly in divisions 001 and 050)
 - 120 Criminal background checks (new)
- 833-001 amends language by removing rules about complaints to a new division
- 833-010 adds new definitions and deletes some former definitions
- 833-020 renumbers; simplifies language; moves requirements for professional counselor and marriage and family therapists licensing to divisions 030 and 040, respectively
- 833-025 deletes this division and moves graduate degree standards to division 060 and continuing education rules to a new division 080
- 833-030 moves rules from this division to other divisions; adds and amends rules about professional counselor license requirements; renumbers
- 833-040 moves rules from this division to other divisions; adds and amends rules about marriage and family therapy license requirements; renumbers
- 833-050 removes all rules from this division and moves them to other divisions; adds amended rules for registered interns; renumbers
- 833-055 Unchanged
- 833-060 removes code of ethics rules and moves them to new division 100
- 833-070 new division with fee rules from former division 40 and adds fees for criminal background checks
- 833-080 new division with amended continuing education rules from former division 25 and former division 50
- 833-090 creates new rules on distance counseling in a new division
- 833-100 creates a new division and moves Code of Ethics to this division from former division 60; adds language to implement HB 2059
- 833-110 new division on compliance includes response to complaints, confidentiality of complaints, request for hearing, contested cases, disciplinary action, and civil penalties

NOTICES OF PROPOSED RULEMAKING

• 833-120 new division specifying Board process to conduct criminal background checks of license applicants, licensees, and registered interns

Rules Coordinator: Becky Eklund
Address: 3218 Pringle Road SE, #250, Salem, OR 97302
Telephone: (503) 378-5499

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

Rule Caption: Amends Exhibit J, which lists all of the general, and some specific, conditions of supervision.

Stat. Auth.: ORS 144.050, 144.096, 144.102, 144.270, 44.275 & 181.595

Stats. Implemented: ORS 144.102 & 144.270

Proposed Amendments: 255-070-0001

Last Date for Comment: 12-22-09

Summary: The Board has jurisdiction to impose conditions of supervision for offenders on parole, post-prison supervision (PPS), or both. OAR 255-070-0001 provides that the Board may order parole conditions or PPS conditions and that supervision conditions are not limited to those shown in Exhibit J. Exhibit J is being amended to reflect the current general conditions of supervision and to list some of the special conditions of supervision that the Board orders. Exhibit J is also being amended to make formatting changes and to streamline the conditions ordered consistent with best-practices in the field.

Rules Coordinator: Michelle Mooney
Address: Board of Parole and Post-Prison Supervision, 2575 Center St. NE, Salem, OR 97301
Telephone: (503) 945-0914

.....
Board of Psychologist Examiners
Chapter 858

Rule Caption: Rule corrections and updates; fee modifications; change in renewal process; criminal background checks.

Stat. Auth.: ORS 675.010-675.150 & 181.534

Other Auth.: HB 2118

Stats. Implemented: ORS 675.030, 675.040, 675.050, 675.063, 675.065, 675.070, 675.085, 675.110 & 675.150

Proposed Adoptions: 858-010-0016, 858-010-0017, 858-010-0018, 858-010-0034, 858-010-0037, 858-010-0038, 858-010-0039, 858-010-0076, 858-040-0020, 858-040-0026

Proposed Amendments: 858-010-0001, 858-010-0005, 858-010-0007, 858-010-0010, 858-010-0015, 858-010-0020, 858-010-0025, 858-010-0030, 858-010-0036, 858-010-0041, 858-010-0050, 858-010-0055, 858-010-0060, 858-010-0065, 858-020-0015, 858-020-0025, 858-020-0035, 858-020-0045, 858-020-0055, 858-020-0065, 858-020-0085, 858-020-0205, 858-030-0005, 858-040-0015, 858-040-0025, 858-040-0035, 858-040-0036, 858-040-0055

Proposed Repeals: 858-040-0065, 858-040-0075, 858-040-0095, 858-050-0100, 858-050-0105, 858-050-0110, 858-050-0120, 858-050-0125, 858-050-0140, 858-050-0145, 858-050-0150

Last Date for Comment: 12-15-09, Close of Business

Summary: Provides for board meeting and rulemaking notice via email; clarifies application review process; adds a criminal background check requirement for new applicants and some licensees under investigation; provides that the Board may inquire into State and national databanks to determine eligibility for licensure; deletes obsolete language regarding national written exam; shortens notice required from applicants to sit for the jurisprudence exam and notice to applicants of time, date, and location of the jurisprudence exam; defines "psychological work" for the purposes of residency; requires that at least 50% of residency work experience be face-to-face client contact; requires licensees to report felony convictions, pending criminal charges or history of discipline as a requirement of renewal; establishes a semi-active licensure status and specifies the requirements; changes effective period for visitor's permits; adds requirement for mandatory health professionals reporting; provides

that failure by an licensee who is under investigation to cooperate with a board investigation constitutes unprofessional conduct; clarifies complaint investigation process; increases jurisprudence exam fee; increases biennial active license fee; increases biennial inactive license fee; establishes the biennial semi-active license fee; changes changes renewal period to biennial birth month; increases limited permit fee; increases miscellaneous service fees; clarifies definition of acceptable continuing education programs; revises continuing education reporting practices; and clarifies continuing education audit process; deletes division 50 (Psychologist Associates) and relocates those rules within division 10.

Rules Coordinator: Debra Orman McHugh
Address: Board of Psychologist Examiners, 3218 Pringle Rd. SE, Suite 130, Salem, OR 97302
Telephone: (503) 378-4154, ext. 21

.....
Board of Tax Practitioners
Chapter 800

Rule Caption: 2009 Overhaul of OAR's based on recommendations made by Rules Advisory Committee and approved by the Board.

Date:	Time:	Location:
12-22-09	10 a.m.	3218 Pringle Rd. SE, #120 Salem, OR 97302

Hearing Officer: Jane Billings
Stat. Auth.: ORS 673.605, 673.740 & 673.990
Stats. Implemented: ORS 673.605, 673.740 & 673.990
Proposed Amendments: Rules in 800-001, 800-010, 800-015, 800-020, 800-025, 800-030

Last Date for Comment: 12-22-09

Summary: 2009 overhaul of OAR's based on recommendations made by Rules Advisory Committee and approved by the Board.

Rules Coordinator: Jane Billings
Address: Board of Tax Practitioners, 3218 Pringle Rd. SE, Suite 120, Salem, OR 97302
Telephone: (503) 378-4034

.....
Bureau of Labor and Industries
Chapter 839

Rule Caption: Implementing amendments to procedures for complaints of discriminatory practice to require signature by aggrieved party.

Stat. Auth.: ORS 659A.805
Other Auth.: SB 56 (2009)
Stats. Implemented: SB 928 (2009)
Proposed Amendments: 839-003-0005, 839-003-0025, 839-003-0040, 839-003-0100, Rules in 839-003
Last Date for Comment: 12-22-09

Summary: The proposed rules would amend the rules implementing complaint procedures for civil rights violations to include newly enacted requirements that a verified written complaint is valid only if signed by the aggrieved party (SB 56).

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: Implementing statutory enactment regarding employment discrimination based on reporting of statutory or rule violations.

Stat. Auth.: ORS 659A.805
Other Auth.: HB 3162 (2009)
Stats. Implemented: HB 3162 (2009)
Proposed Amendments: 839-010-0100, Rules in 839-010
Last Date for Comment: 12-31-09

Summary: The proposed rules would amend the rules implementing the Oregon Whistleblower Law to include newly enacted amendments making discrimination and retaliation against an employee on

NOTICES OF PROPOSED RULEMAKING

the basis of good faith reporting of a state or federal statutory or rule violation an unlawful employment practice, and to clarify, edit and make housekeeping changes (HB 3162).

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: Exemption to showing license number, housekeeping, implement SB 203, sec. 8 (2009) and adopt adopt education provider bond form.

Date:	Time:	Location:
12-8-09	11 a.m.	West Salem Roth's IGA Doakes Ferry Rm. 1130 Wallace Rd. NW Salem, OR

Hearing Officer: Rob Hernandez

Stat. Auth.: ORS 670.310, 701.126, 701.235, 701.305, 701.315, 701.320, 701.330 & 701.335

Other Auth.: 2009 OL Ch. 408 (SB 203 § 8(20(d)))

Stats. Implemented: ORS 701.010, 701.026, 701.126, 701.305, 701.330 & 701.335

Proposed Amendments: 812-003-0120, 812-008-0090, 812-012-0110, 812-021-0025

Last Date for Comment: 12-8-09, 11 a.m.

Summary: Revised Date of Meeting: The rulemaking hearing originally scheduled for December 1, 2009, has been **moved to December 8, 2009**, due to a change in the Board meeting date.

- 812-003-0120 is amended to reorganize and clarify existing language and revised the exemption to exempt promotional gifts from the requirements that is contain the CCB license number.

- 812-008-0090 is amended to delete (3) because the language is no longer necessary as OAR 812-008-0078 was repealed 1/26/06.

- 812-012-0110 is amended to implement SB 203, Section 8(2)(d) that removes the requirement that written contracts must have a summary of notices. The new requirement is to "list" the notices.

- 812-021-0025 is amended to add an approved bond form for residential education providers of CORE.

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:
12-15-09	10 a.m.	Mt. Neahkahnie Rm. 1225 Ferry St. SE Salem, OR 97301

Hearing Officer: Karen Hartley

Stat. Auth.: ORS 279A.065, 279A.070 & 2003 OR Laws Ch. 794 § 335 (HB 2341)

Stats. Implemented: ORS 279 ABC, 200.065, 200.075, 279.015, 305.385, 351.086, 468A.720, 646.725, 646.730, 701.005, 701.055, 701.420, HB 2763 & HB 2867

Proposed Adoptions: 125-246-0165, 125-246-0312, 125-246-0314, 125-246-0621, 125-247-0110, 125-249-0145

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

Proposed Repeals: 125-246-0352, 125-246-0550, 125-246-0575, 125-246-0576, 125-247-0005, 125-247-0261, 125-247-0770, 125-247-0800, 125-248-0240

Last Date for Comment: 12-15-09, 5 p.m.

Summary: Since 2005, the Department of Administrative Services (DAS) has developed and amended rules (Rules) to put into prac-

tice the Public Contracting Code, ORS 279ABC (Code). The Rules apply to state agencies subject to DAS procurement authority (Agencies). In 2009, the Legislature changed the Code. Also, Agencies requested Rule changes. Now, in response to the legislative changes to the Code and requests for change from shareholders, DAS needs to adopt a few new Rules, amend select Rules, and repeal select Rules.

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 St. NE, U-90, Salem, OR 97301

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

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

Rule Caption: Remove 15-year veteran's preference limit, redefine veteran, establish processes for state injured worker reemployment.

Date:	Time:	Location:
12-15-09	9 a.m.	155 Cottage St. NE Conference Rm. B Salem, OR 97301

Hearing Officer: Mark Rasmussen

Stat. Auth.: ORS 240.145(3), 240.250 & 659A.052

Stats. Implemented: ORS 240.306, 243.305, 408.225, 408.230, 408.235, 659A.043 & 659A.046

Proposed Adoptions: 105-050-0025, 105-050-0030

Proposed Amendments: 105-040-0015

Last Date for Comment: 12-15-09, Close of Hearing

Summary: OAR 105-050-0025 & 105-050-0030: Adopt as permanent rules. These rules establish processes for executive branch state agencies (except the University System) to follow in the identification of light duty assignments and entry-level positions for injured workers. DAS is required to establish these rules pursuant to ORS 659A.052 as revised by HB 2778 and effective 7/1/09. The revised statute provides that DAS shall establish by rule a process to identify light duty and entry-level assignments for injured workers.

OAR 105-040-0015: Per HB 2510 and SB 96 of the 2009 Legislative Assembly: amend rule to allow "5-point Veterans" to use preference regardless of discharge date and redefine "Veteran" to include individuals receiving a non-service connected pension from the military.

Rules Coordinator: Yvonne Hanna

Address: 155 Cottage St. NE, U-90; Salem, OR 97301

Telephone: (503) 378-2349 ext. 325

.....
Department of Agriculture
Chapter 603

Rule Caption: Developing permanent rules for state supervision of blackberry pricing.

Date:	Time:	Location:
12-17-09	9 a.m.	Oregon Dept. of Agriculture 635 Capitol St. NE, Hearings Rm. (basement) Salem, OR

Hearing Officer: Jerry Gardner

Stat. Auth.: ORS 62.015, 62.848, 646.535 & 646.740

Other Auth.: SB 409 (2009)

Stats. Implemented:

Proposed Adoptions: 603-076-0100, 603-076-0105

Last Date for Comment: 12-31-09

Summary: The proposed rule would make permanent the temporary rule, with modifications developed through an advisory committee, public input, public hearing, and hearings officer report. The rule provides the supervisory structure for the department and the industry to convene a price negotiation process that would recommend a price (or series of prices), for approval by the director of the department,

NOTICES OF PROPOSED RULEMAKING

for blackberries to be sold by producer members of the blackberry bargaining association to processors.

Rules Coordinator: Sue Gooch

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

Telephone: (503) 986-4583

.....

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

Date:	Time:	Location:
1-5-10	10 a.m.	Dept. of Agriculture Hearings Rm. 635 Capitol St. NE Salem, OR 97301

Hearing Officer: Brent Searle

Stat. Auth.: ORS 561.738 & 561.740

Other Auth.: ORS 561.190

Stats. Implemented: ORS 561.740

Proposed Adoptions: 603-052-1236

Last Date for Comment: 1-15-10

Summary: The proposed rule would establish a system for a coordinated joint review of any federal permit applications for growing biopharmaceutical crops in Oregon. The intent is not to duplicate the federal permit review process, rather to allow the state to provide input on Oregon's specific issues and requirements. The applicant would be billed \$100/hour, up to \$10,000, for state services related to permit review and oversight of the biopharmaceutical crop production.

Rules Coordinator: Sue Gooch

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

Telephone: (503) 986-4583

.....

Rule Caption: Establishes a fee for ODA to determine the adequacy of fencing to keep livestock out.

Date:	Time:	Location:
12-22-09	1 p.m.	635 Capitol St. NE Salem, OR

Hearing Officer: Staff

Stat. Auth.: ORS 607

Stats. Implemented: ORS 607.300

Proposed Adoptions: 603-010-0056

Last Date for Comment: 12-28-09

Summary: If cattle or equines break through a fence on the open range and a determination of the fence is necessary in order to determine whether the cattle or equines are unlawfully trespassing, the State Department of Agriculture shall make the determination of the adequacy of the fence and shall consider, among other things, the customs and practices of good animal husbandry in the particular area with reference to fences. Effective January 1, 2010, the Oregon Revised Statute 607, through passing of HB 3417, gives authority to the Agency to enact rules that establishes a fee for determining the adequacy of a fence to keep open range cattle or equines out of private property. The fee for such service shall be the sum of the mileage to and from the site of the fence in questions at the state mileage charge plus \$30.00 per hour for the actual determination of adequacy at that location.

Rules Coordinator: Sue Gooch

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

Telephone: (503) 986-4583

.....

Rule Caption: Amends an ODA permit requirement and a fee and outlines requirements for permitting crocodilians.

Date:	Time:	Location:
12-17-09	1 p.m.	635 Capitol St. NE Salem, OR

Hearing Officer: Staff

Stat. Auth.: ORS 609

Stats. Implemented: ORS 609.305-609.335

Proposed Adoptions: 603-011-0706

Proposed Amendments: 603-011-0705, 603-011-0725

Last Date for Comment: 12-22-09

Summary: Effective January 1, 2010, the Oregon Revised Statute 609, through enactment of SB 39 will require the Agency to enact rules to reduce the fee for the exotic animal permitting process. The statute will further require the Agency to enact rules that describe the requirements for permitting and owning crocodilians in Oregon. These rules amend the fees for issuing an exotic animal permit for Class 1 felines, Class 1 primates and bears. These rules remove the requirement to permit wolves. These rules adopt requirements for permitting, keeping and owning crocodilians in Oregon.

Rules Coordinator: Sue Gooch

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

Telephone: (503) 986-4583

.....

Rule Caption: Adds nine weeds to weed quarantine, modifies restrictions on English ivy and butterfly bush.

Date:	Time:	Location:
12-17-09	1:30 p.m.	NWREC 15210 NE Wiley Rd. Aurora, OR 97002

Hearing Officer: Ron Pence

Stat. Auth.: ORS 561.020, 561.190, 561.510 & 570.305

Stats. Implemented: ORS 561.510

Proposed Amendments: 603-052-1200

Last Date for Comment: 12-31-09

Summary: The proposed amendment to the noxious weed quarantine (603-052-1200) would update the list of prohibited plants. Nine new weeds, common reed (*Phragmites australis*), flowering rush (*Butomus umbellatus*), Japanese dodder (*Cuscuta japonica*), taurian (*Onopordum tauricum*), yellowtuft (*Alyssum murale* & *A. corsicum*), Herb Robert (*Geranium robertianum*), shiny leaf geranium (*Geranium lucidum*), lesser celandine (*Ranunculus ficaria*), and spurge laurel (*Daphne laureola*) would be added to the list. Restrictions would be modified for English ivy (*Hedera helix/hibernica*) and butterfly bush (*Buddleia davidii/varabilis*). These changes would bring the noxious weed quarantine in line with the State Noxious Weed List maintained by the State Weed Board.

Rules Coordinator: Sue Gooch

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

Telephone: (503) 986-4583

.....

Rule Caption: Definition of rapeseed and vegetable Brassica species rewritten for clarity.

Stat. Auth.: ORS 561.190 & 570.450

Stats. Implemented: ORS 561.190, 570.405 & 570.450

Proposed Amendments: 603-052-0860, 603-052-0880

Last Date for Comment: 1-4-10

Summary: The proposed amendments to Oregon's rapeseed control area rule would clarify the definition of rapeseed to distinguish rapeseed/canola from vegetables derived from the same species. Production of vegetable varieties, including seed production, is not regulated.

The proposed amendment would not change current restrictions on growing rapeseed/canola. A redundant section requiring a written request for a special permit (5)(d) would be deleted as this requirements is already present in (5).

Rules Coordinator: Sue Gooch

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

Telephone: (503) 986-4583

.....

Rule Caption: Updates USDA administrative fees collected for certificates issued by ODA and email contact for Japanese Beetle.

NOTICES OF PROPOSED RULEMAKING

Stat. Auth.: ORS 561 & 571

Stats. Implemented: ORS 571.145

Proposed Amendments: 603-054-0024, 603-052-0127

Last Date for Comment: 12-28-09

Summary: The proposed amendment to OAR 603-054-0024 updates the USDA administrative fees collected by the ODA for issuance of federal phytosanity certificates. Beginning October 1, 2009, the USDA administrative charge will be \$6 for federal phytosanity certificates completed by ODA personnel or \$3 for federal phytosanity certificates issued through the Phytosanity Insurance and tracking System (PCIT). Beginning October 1, 2010, the USDA administrative charge for federal phytosanity certificates will be \$12 for federal phytosanity certificates completed by ODA personnel or \$6 for federal phytosanity certificates issued through PCIT. The proposed amendment to OAR 603-052-0127(f) changes the email address for the Oregon Department of Agriculture to quarantine@oda.state.or.us

Rules Coordinator: Sue Gooch

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

Telephone: (503) 986-4583

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

Rule Caption: Adopts the 2010 Oregon Manufactured Dwelling Installation Specialty Code; includes housekeeping changes to division rules.

Date:	Time:	Location:
12-16-09	10:30 a.m.	1535 Edgewater St. NW Salem, OR 97304

Hearing Officer: Albert Endres

Stat. Auth.: ORS 446 & 455

Stats. Implemented: ORS 446 & 455

Proposed Adoptions: Rules in 918-500

Proposed Amendments: Rules in 918-020, 918-098, 918-305, 918-500, 918-515, 918-525, 918-600

Proposed Repeals: Rules in 918-520

Proposed Ren. & Amendments: Rules in 918-500

Last Date for Comment: 12-18-09, 5 p.m.

Summary: The proposed rules adopt the 2010 Oregon Manufactured Dwelling Installation Specialty Code, which was developed by the Building Codes Division and is based on the Department of Housing and Urban Development (HUD) installation standard, nationally recognized standards, and the current Oregon specialty code for the installation of manufactured dwellings. The proposed rules adopt additional requirements for manufactured dwellings that are outside the scope of the installation code. Additional housekeeping changes to these administrative rules provide clarity and consistency among the division's rules. Construction and listing requirements repealed in OAR chapter 918, division 520 for heat producing appliances are no longer needed. Listing requirements are referenced in the Oregon Residential Specialty Code.

Rules Coordinator: Shauna M. Parker

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

Telephone: (503) 373-7438

Rule Caption: Establishes a certification renewal process as required by House Bill 3462 (2009).

Date:	Time:	Location:
12-16-09	9:30 a.m.	1535 Edgewater St. NW Salem, OR 97304

Hearing Officer: Staff

Stat. Auth.: ORS 446.250, 446.255, 455.720, 455.730 & 455.735

Stats. Implemented: ORS 446.250, 446.255, 455.622, 455.720, 455.730 & 455.735

Proposed Adoptions: 918-098-1028

Proposed Amendments: Rules in 918-098

Last Date for Comment: 12-18-09, 5 p.m.

Summary: The proposed rules implement parts of House Bill 3462 (2009) that direct the division to establish a certification renewal procedure for Oregon issued certifications. These proposed rules require an Oregon Inspector Certification (OIC) for all building officials, inspectors, and plan reviewers and renewal of that certification every three years. The rules lay out the application requirements and fees for obtaining or renewing an OIC. The division will issue an OIC, at no charge, to those certification holders who were not required to have the OIC when that certification was developed in 2005 because of a "grandfather" clause. The proposed rules also change the fee for obtaining Oregon Code Certifications (OCC), but do not require them to be renewed. However, if an OIC is not renewed, all OCCs associated with it become invalid. The rules provide for a five year reinstatement period and require a legislative update class as part of the continuing education requirements for an OIC.

Rules Coordinator: Shauna M. Parker

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

Telephone: (503) 373-7438

Rule Caption: Makes administrative changes to the division's rules as a result of HB 2950 (2009).

Stat. Auth.: ORS 183.335 & 455.110

Other Auth.: 2009 OL Ch. 567 (HB 2950)

Stats. Implemented: ORS 183.335, 455.110, 455.144, 480.540, & 693.125

Proposed Amendments: 918-001-0210, 918-005-0010, 918-040-0000

Last Date for Comment: 12-21-09, 5 p.m.

Summary: The proposed rules are necessary housekeeping changes to the division's rules as a result of the passage of House Bill 2950 during the 2009 legislative session. The rules update references to the division's seven statutory boards and makes changes to the division's mailing list rule, which is required by ORS 183.335(8). The rules also include some non-substantive housekeeping changes that provide clarity and consistency among the division's rules.

Rules Coordinator: Shauna M. Parker

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

Telephone: (503) 373-7438

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

Rule Caption: Implements coordination of mortgage lending licensing under the federal S.A.F.E. Act and HB 2189.

Date:	Time:	Location:
12-15-09	9:30 a.m.	Labor & Industries Bldg. 350 Winter St. NE, Conference Rm. 260 Salem, OR

Hearing Officer: Richard Y. Blackwell

Stat. Auth.: ORS 59.037, 59.850, 59.855, 59.860, 59.865, 59.880, 59.900, 59.935, 59.945, 59.971, 59.972, 59.975, 59.977 & 2009 OL Ch. 863 § 13a

Stats. Implemented: ORS 59.840, 59.845, 59.850, 59.855, 59.860, 59.865, 59.875, 59.880, 59.930, 59.935, 59.945, 59.969, 59.971, 59.972, 59.975, 59.977 & 2009 OL Ch. 863, §§ 1, 3a-6, 9-10, 12 (Enrolled HB 2189).

Proposed Adoptions: 441-850-0050, Rules in 441-850, 441-860, 441-865, 441-870-0081, Rules in 441-870, 441-875, 441-880-0021, 441-880-0022, 441-880-0200, 441-880-0205, 441-880-0210, 441-880-0300, 441-880-0310, Rules in 441-880

Proposed Amendments: 441-850-0005, 441-850-0035, Rules in 441-850, 441-860-0020, 441-860-0025, 441-860-0030, 441-860-0040, 441-860-0050, 441-860-0060, 441-860-0070, 441-860-

NOTICES OF PROPOSED RULEMAKING

0080, 441-860-0130, Rules in 441-860, 441-865-0010, 441-865-0020, 441-865-0025, 441-865-0030, 441-865-0040, 441-865-0050, 441-865-0080, 441-865-0090, Rules in 441-865, 441-870-0030, 441-870-0040, 441-870-0050, 441-870-0070, 441-870-0080, Rules in 441-870, 441-875-0020, 441-875-0030, 441-875-0040, Rules in 441-875, 441-880-0020, 441-880-0030, Rules in 441-880, 441-885-0010, Rules in 441-885

Proposed Repeals: Rules in 441-850, 441-860-0010, Rules in 441-860, 441-865, 441-870, 441-875-0010, Rules in 441-875, 441-880, 441-885

Proposed Ren. & Amends: 441-880-0050 to 441-860-0045

Last Date for Comment: 12-22-09, 5 p.m.

Summary: In 2008, the Congress passed the Housing and Economic Recovery Act (HERA). Title V of HERA – the S.A.F.E. Act – created minimum standards for states to license mortgage loan originators. To implement these standards, the Oregon legislature passed House Bill 2189. It directs the department to coordinate licensing of mortgage loan originators with the Nationwide Mortgage Licensing System and Registry (NMLSR), created by the State Regulatory Registry, and part of the minimum requirements of the federal S.A.F.E. Act. These rules implement the statutory requirements for a new license for mortgage loan originator and also make conforming requirements to the rules governing mortgage bankers and mortgage brokers. The proposed rules require mortgage loan originators to apply for and renew licenses with the NMLSR. The proposed rules also adjust the criminal background check for mortgage bankers and brokers, and update supervision requirements. These proposed rules also make many technical changes to differentiate the new mortgage loan originator license from the mortgage banker and mortgage broker licenses.

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: Implementation of Senate Bill 973 Relating to Life Settlement Requirements.

Date:	Time:	Location:
12-22-09	9:30 a.m.	350 Winter St. NE Conference Rm. F (basement) Salem, OR 97301

Hearing Officer: Jeanette Holman

Stat. Auth.: ORS 731.244, 744.331, 744.358 & 2009 OL Ch. 711 § 22 (Enrolled SB 973)

Stats. Implemented: ORS 744.319–744.358 & 2009 OL Ch. 711 §§ 2, 5, 11–19 & 22 (Enrolled SB 973)

Proposed Adoptions: 836-014-0205, 836-014-0226, 836-014-0263, 836-014-0285, 836-014-0325

Proposed Amendments: 836-014-0200, 836-014-0210, 836-014-0220, 836-014-0240, 836-014-0250, 836-014-0260, 836-014-0265, 836-014-0270, 836-014-0280, 836-014-0290, 836-014-0300, 836-014-0310, 836-014-0320

Last Date for Comment: 12-29-09

Summary: This rulemaking proposes to adopt rules to fully implement Chapter 711, Oregon Laws 2009 (Enrolled Senate Bill 973) enacted by the 2009 Legislative Assembly. The legislation established statutory requirements related to the use and marketing of life settlement agreements in Oregon and expanded regulation of these agreements beyond the use of life settlement agreements by terminally ill policyholders.

These rules include clarification of the process for applying for a broker, provider and investment agent license and setting the fee for each application and for renewal of the licenses.

Rules Coordinator: Sue Munson

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

Telephone: (503) 947-7272

.....

Rule Caption: Insurance licensing: Primarily — charges for criminal records checks and qualifications for crop insurance adjusters.

Date:	Time:	Location:
12-21-09	10 a.m.	Labor & Industries Bldg. Room F (basement) 350 Winter St. NE Salem, OR

Hearing Officer: Fred Bruyns

Stat. Auth.: ORS 181.534, 293.445, 731.244, 731.804, 744.001, 744.007 & 744.037

Stats. Implemented: ORS 181.534, 731.804, 744.001, 744.002, 744.004, 744.007, 744.058, 744.062, 744.063, 744.064, 744.072, 744.0528, 744.531, 744.0535, 744.619 & 744.621

Proposed Adoptions: 836-071-0113

Proposed Amendments: 836-009-0007, 836-071-0101, 836-071-0127, 836-071-0130, 836-071-0185

Last Date for Comment: 12-28-09

Summary: These proposed rules:

- Explain that the agency will charge a fee for the actual cost of a criminal records check, among the fees that apply to the issuance of licenses for insurance producers, adjusters and consultants. OAR 836-009-0007(4)(e);
- Provide consistent expiration time frames for producer, adjuster, and consultant licenses. OAR 836-009-0007(6);
- Clarify that the exemption to the adjuster licensing examination n ORS 744.353(2) applies only to non-resident adjuster licensing. OAR 836-071-0101(3);
- Designate crop insurance as a distinct class of insurance for the purpose of licensing crop adjusters, and that effective Feb. 1, 2011, to qualify as a crop adjuster, an applicant must pass — with an 80% minimum score — an examination given by the director. OAR 836-071-0113 & 0127;
- Require crop adjusters wishing to renew their licenses to furnish evidence of current Federal Crop Insurance Corporation certification. OAR 836-071-0130(2)(d);
- Update the name of the National Association of Securities Dealers (NASD), now the Financial Industry Regulatory Authority (FINRA). OAR 836-071-0185.

Rules Coordinator: Sue Munson

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

Telephone: (503) 947-7272

.....

Rule Caption: Treatment of reinsurance reserve credits or assets under agreements entered prior to November 9, 1995.

Stat. Auth.: ORS 731.244 & 731.508

Stats. Implemented: ORS 731.508(6)

Proposed Adoptions: 836-012-0331

Proposed Amendments: 836-012-0300, 836-012-0310

Proposed Repeals: 836-012-0331(T)

Last Date for Comment: 12-31-09

Summary: NAIC accreditation Part A Laws & Regulation standards require states to include in statute or regulation a provision that insurers reduce to zero any reserve credits or assets established with respect to existing reinsurance agreements entered into prior to the effective date of the Life and Health Reinsurance Agreements Model Regulation (OAR 836-012-0300 to 836-012-0330) which would not be recognized under the provisions of this regulation. This requirement was contained in OAR 836-012-0330, repealed September 26, 2006.

Because the NAIC continues to include this transitory provision in its accreditation requirements, Oregon needs to adopt and retain the rule until the NAIC discontinues its requirement.

Rules Coordinator: Sue Munson

NOTICES OF PROPOSED RULEMAKING

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

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

Rule Caption: Proposed changes to acetylene rules in general industry.

Date:	Time:	Location:
1-13-10	9 a.m.	Fremont Place, Bldg. I 1750 NE Natio Pkwy., Suite 112 Portland, OR 97209-2533

Hearing Officer: Sue Joye

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

Stats. Implemented: ORS 654.001–654.295

Proposed Adoptions: 437-002-0005, 437-002-0100

Proposed Amendments: 437-002-2102

Last Date for Comment: 1-20-10

Summary: Oregon OSHA proposes to revise Division 2/H, General Industry/Hazardous Materials, rules which will:

- Repeal the current Acetylene rule, 1910.102, that is based on the Compressed Gas Association (CGA) Pamphlets; G-1-1966, G1.3-1959, G1.4-1966
- Adopt new rule, OAR 437-002-2102, Acetylene, that will update references to standards developing organizations (SDO standards) making them consistent with current industry practices which will improve employee safety by clarifying employer obligations, and eliminate confusing requirements.

Oregon OSHA will also adopt the Federal OSHA revisions published in the August 11, 2009 Federal Register to 1910.6 Incorporation by reference.

Please visit our web site www.orosha.org

Click 'Rules/Compliance' 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: Active or Inactive Probation.

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

Other Auth.: 2009 OL Ch. 660 (HB 3508)

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

Proposed Adoptions: 291-206-0005 – 291-206-0030

Last Date for Comment: 1-29-10

Summary: The 2009 Legislative Assembly enacted Oregon Laws 2009, Chapter 660 (House Bill 3508). HB 3508 allows a person convicted of a felony and sentenced to probation under the rules of the Oregon Criminal justice to be eligible for a reduction in the period of active probation for compliance with the conditions of probation and the person's supervision plan. The Department is required to adopt rules to carry out these provisions.

Rules Coordinator: Janet R. Worley

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

Telephone: (503) 945-0933

.....
Rule Caption: Release Subsidies for Inmates.

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

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

Proposed Adoptions: 291-157-0021

Proposed Amendments: 291-157-0005 – 291-157-0015, 291-157-0035

Proposed Repeals: 291-157-0020, 291-157-0025, 291-157-0041, 291-157-0055

Last Date for Comment: 1-29-10

Summary: These amendments are necessary to update the rules to current practices for allocation of release subsidies to counties, and incidental funds to inmates.

Rules Coordinator: Janet R. Worley

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

Telephone: (503) 945-0933

.....
**Department of Energy
Chapter 330**

Rule Caption: Amend and adopt Business Energy Tax Credit (BET) program rules.

Date:	Time:	Location:
3-30-10	9:30 a.m.	Dept. of Energy 625 Marion St. NE Salem, OR 97301

Hearing Officer: Andrea Simmons

Stat. Auth.: ORS 469.040, 469.165, 469.185–469.225, 315.354 & 315.356

Stats. Implemented: ORS 469.185–469.225, 315.354 & 315.356

Proposed Adoptions: 330-090-0133

Proposed Amendments: 330-090-0105, 330-090-0110, 330-090-0120, 330-090-0130, 330-090-0135, 330-090-0150

Last Date for Comment: 4-6-10, 5 p.m.

Summary: These rules are designed to slow the growth of the program and reduce the program's impact on the general fund. They provide predictability, timeliness and consistency for BETC applicants. The rules eliminate the "multiple applications" practice for the same or similar projects and the cost over run allowance between pre-application and final application approval. They also establish new criteria for project eligibility and maximum project eligibility cost, data reporting requirements, new criteria for applications and performance standards and application approval/denial standards. The rules will enhance the department's ability to revoke, suspend and/or condition applications.

Rules Coordinator: Kathy Stuttaford

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

Telephone: (503) 378-4128

.....
Rule Caption: Procedure for determining price of credits transferred under the Business Energy Tax Credit Program.

Date:	Time:	Location:
12-16-09	9:30 a.m.	Dept. of Energy 625 Marion St. NE Salem, OR 97301

Hearing Officer: Joe Colello

Stat. Auth.: ORS 469.040 & 469.206

Other Auth.: 2009 OL Ch. 288 § 4 (HB 2068)

Stats. Implemented: ORS 469.206

Proposed Amendments: 330-090-0140

Last Date for Comment: 12-18-09, 5 p.m.

Summary: Revise rule to provide formula for calculating net present value of Business Energy Tax Credits for purposes of establishing prices of transferred credits under ORS 469.206 (as amended by Section 4, Chapter 288, Oregon Laws 2009 (HB 2068)). Formula for calculating new present value of tax credits incorporates adjustments for inflation and changes to market real estate rates of return. Provides that tax credit transfer prices will be recalculated quarterly according to the formula established by rule.

The rule will become effective January 1, 2010.

Rules Coordinator: Kathy Stuttaford

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

Telephone: (503) 378-4128

NOTICES OF PROPOSED RULEMAKING

Rule Caption: Procedures and Fees for Public Records Request, and Adopt Attorney General's Model Rules of Procedure.

Date: 12-16-09
Time: 2 p.m.
Location: Dept. of Energy
625 Marion St. NE
Salem, OR 97301

Hearing Officer: Kathy Stuttaford

Stat. Auth.: ORS 192.430, 192.440 & 183

Stats. Implemented: ORS 192.410-192.505 & 183

Proposed Adoptions: 330-001-0020

Proposed Amendments: 330-001-0005

Last Date for Comment: 12-18-09, 5 p.m.

Summary: These rules adopt provisions for the public to follow when requesting to inspect Oregon Department of Energy documents under the public records law, ORS 192.

The rules also adopt the latest Attorney General's Model Rules of Procedure

Rules Coordinator: Kathy Stuttaford

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

Telephone: (503) 378-4128

Department of Environmental Quality

Chapter 340

Rule Caption: Revisions to Oregon Infrastructure State Implementation Plan.

Date: 12-18-09
Time: 6:30 p.m.
Location: DEQ-HQ, EQC A, 10th Floor
811 SW Sixth Ave.
Portland, OR 97204

Hearing Officer: Carrie Capp, DEQ Air Quality Planner

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A.025

Proposed Amendments: 340-200-0020, 340-200-0025, 340-200-0040, 340-202-0060, 340-202-0090, 340-202-0130, 340-204-0010, 340-204-0030, 340-206-0010, 340-206-0030

Last Date for Comment: 12-22-09, 5 p.m.

Summary: In 2009, DEQ and EPA reviewed the elements of Oregon's infrastructure SIP. The infrastructure SIP ensures that the DEQ has the ability to implement requirements of the Clean Air Act. EPA has requested that the DEQ make the proposed rules updates as a revisions to the infrastructure SIP in relation to the new PM2.5 and ozone standards.

Revisions to the SIP include:

- Updated state standards for particulate matter, lead and ozone, to reflect recent changes to national ambient air quality standards (NAAQS).
- Oregon's assessment regarding the interstate air pollution transport of fine particulate and ozone.
- Definition of fine particulate (PM2.5), currently in Oregon rule, proposed as a revision to the SIP.
- PM2.5 non-attainment area boundary descriptions for the cities of Klamath Falls and Oakridge.
- Proposed new Significant Harm Levels for PM2.5.
- Proposed exemption from the definition of Volatile Organic Compounds (VOC) for Dimethyl Carbonate, consistent with recent federal actions.

This rulemaking is not anticipated to have an impact on the agency or others. These amendments, if adopted, will be submitted to the U.S. Environmental Protection Agency (EPA) as a revision to the State Implementation Plan, which is a requirements of the Clean Air Act.

To submit comments or request additional information, please contact:

(1) Carrie Capp at the Department of Environmental Quality, Air Quality Division, 811 SW 6th Ave., Portland, OR 97219, call toll free in Oregon 800-452-4011 or 503-229-5675, email: siprevisions

@deq.state.or.us (if you do not receive an auto response to your emailed comments, contact staff listed); or

(2) visit DEQ's public notices webpage <http://www.deq.state.or.us/news/publicnotices/PN.asp>

Rules Coordinator: Maggie Vandehey

Address: Department of Environmental Quality, 811 SW Sixth Ave., Portland, OR 97204

Telephone: (503) 229-6878

Rule Caption: Minor Amendments to the Industrial Permitting Rules adopted by LRAPA Board on October 14, 2008.

Date: 1-12-10
Time: 12:30 p.m.
Location: LRAPA
1010 Main St.
Springfield, OR 97477

Hearing Officer: Merlyn Hough, Director

Stat. Auth.: ORS 468A.135

Stats. Implemented: ORS 468A.025

Proposed Amendments: 340-200-0040

Last Date for Comment: 1-12-10, Close of Hearing

Summary: These are correction to the Industrial Streamlining Rule Change that the LRAPA Board of Directors voted to adopt at their October 14, 2008 meeting. 11 of the 18 changes are to make typographical corrections in rule citations and references to other rules citations. Two (2) changes involve adding the definitions of "Unassigned Emissions" and "Title I modifications" to Title 12 that were intended to include the original streamlining. One (1) correction aligns the opacity limitation language for crematory units in the general permit with the rules. The rest of the changes allow LRAPA to keep small sources on the lowest cost permits by removing de minimis production/throughput thresholds for several source categories and allowing more expanded criteria for sources to obtain a Simple permit under the low fee category.

Rules Coordinator: Larry McAllister

Address: Department of Environmental Quality, 811 SW Sixth Ave., Portland, OR 97204

Telephone: (503) 229-6412

Rule Caption: Adoption of Federal Air Quality Regulations to Title 44.

Date: 1-12-10
Time: 12:30 p.m.
Location: LRAPA
1010 Main St.
Springfield, OR 97477

Hearing Officer: Merlyn Hough

Stat. Auth.: ORS 468.020, 468A.310, 468A.135 & 468A.040

Stats. Implemented: ORS 468A.025

Proposed Amendments: 340-200-0040

Last Date for Comment: 1-12-10, Close of Hearing

Summary: The Lane Regional Air Protection Agency (LRAPA) is proposing to adopt standards that implement new federal air quality regulations.

This rulemaking is needed to ensure Lane County maintains delegation of the NESHAP program from EPA and to respond to court decisions and to protect public health. Adopting new and amended federal NESHAP standards will make LRAPA's rules consistent with ODEQ's and EPA's so that the Agency can implement and keep its delegation of these regulations, which benefits industry and the public. benefits to industry include quicker approval of applicability determination requests and alternative compliance demonstration requests. Benefits to the public include allowing the Agency to ensure that the required emission reductions to protect air quality are achieved in Lane County, Oregon.

If adopted, this proposal would adopt by reference several new federal NESHAPS and a new Gasoline Dispensing Facility (GDF) rule.

Rules Coordinator: Larry McAllister

NOTICES OF PROPOSED RULEMAKING

Address: Department of Environmental Quality, 811 SW Sixth Ave.,
Portland, OR 97204
Telephone: (503) 229-6412

.....
Department of Fish and Wildlife
Chapter 635

Rule Caption: Establish Average Market Value of Food Fish for Determining Damages Related to Commercial Fishing Violations.

Date:	Time:	Location:
1-8-10	8 a.m.	Dept. of Fish & Wildlife Commission Rm. 3406 Cherry Ave. NE Salem, OR 97303

Hearing Officer: Fish & Wildlife Commission

Stat. Auth.: ORS 506.119

Stats. Implemented: ORS 506.109 & 506.720

Proposed Amendments: 635-006-0232

Last Date for Comment: 1-8-10

Summary: Amend rule to establish the average market value of food fish species used to determine damages for commercial fishing violations.

Housekeeping and technical corrections may occur to ensure rule consistency.

Rules Coordinator: Therese Kucera

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

Telephone: (503) 947-6033

.....

Rule Caption: Adopt Rules Relating to Surplus Eggs and Fish in the ODFW Hatchery System.

Date:	Time:	Location:
1-8-10	8 a.m.	Dept. of Fish & Wildlife Commission Rm. 3406 Cherry Ave. NE Salem, OR 97303

Hearing Officer: Fish & Wildlife Commission

Stat. Auth.: ORS 496.138 & 506.119

Stats. Implemented: ORS 496.146, 506.124 & 508.730

Proposed Adoptions: Rules in 635-007

Proposed Amendments: Rules in 635-007

Proposed Repeals: Rules in 635-007

Last Date for Comment: 1-8-10

Summary: Adopt and/or amend rules as necessary relating to development of guidelines for the collection of fish eggs during spawning operations at Oregon Department of Fish and Wildlife (Department) hatcheries. Modifications establish additional guidelines to minimize surplus eggs and fish in the Department's production system. Rule language proposed for adoption by the Oregon Fish and Wildlife Commission will significantly reduce the number of eggs that are not specifically identified in management program plans, thereby addressing any public concerns relative to the perceived "waste" of unused trout or salmon eggs by the Department's fish hatchery programs.

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

Rules Coordinator: Therese Kucera

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

Telephone: (503) 947-6033

.....

Rule Caption: Amend rules relating to the harassment of game birds.

Date:	Time:	Location:
1-8-10	8 a.m.	3406 Cherry Ave. NE Salem, OR 97303

Hearing Officer: Fish & Wildlife Commission

Stat. Auth.: ORS 183 & 496

Stats. Implemented: ORS 183 & 496

Proposed Amendments: Rules in 635-043

Last Date for Comment: 1-8-10

Summary: Amend rules relating to running dogs at large in game bird habitat, and rules relating to harassment of non-threatened or non-endangered migratory birds.

Rules Coordinator: Therese Kucera

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

Telephone: (503) 947-6033

.....

Rule Caption: Adopt Rules Related to Removal of Feral Swine.

Date:	Time:	Location:
1-8-10	8 a.m.	3406 Cherry Ave. NE Salem, OR 97303

Hearing Officer: Fish & Wildlife Commission

Stat. Auth.: ORS 496.012, 496.138, 496.146, 498.022 & 2009 OL Ch. 605 (HB 2221)

Stats. Implemented: ORS 496.012, 496.138, 496.146, 498.022 & 2009 OL Ch. 605 (HB 2221)

Proposed Adoptions: Rules in 635-058

Last Date for Comment: 1-8-10

Summary: Adopt rules to implement portions of HB 2221, enacted by the 2009 Legislative Assembly. These rules specify how a person who owns or controls land must remove feral swine that they know is roaming on that land. The rules also authorize the Department of Fish and Wildlife and Oregon State Police to inspect land to ensure compliance with feral swine removal plans.

Rules Coordinator: Therese Kucera

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

Telephone: (503) 947-6033

.....

Rule Caption: Adopt Rules Related to Aquatic Invasive Species Prevention Program.

Date:	Time:	Location:
1-8-10	8 a.m.	3406 Cherry Ave. N Salem, OR 97303

Hearing Officer: Fish & Wildlife Commission

Stat. Auth.: ORS 496.012, 496.138, 498.002, 2009 OL Ch. 764 (HB 2220) & 2009 OL Ch. 303 (HB 2583)

Stats. Implemented: ORS 496.012, 496.138, 498.002, 2009 OL Ch. 764 (HB 2220) & 2009 OL Ch. 303 (HB 2583)

Proposed Adoptions: Rules in 635-059

Last Date for Comment: 1-8-10

Summary: Adopt rules to implement portions of HB 2220 and HB 2583, enacted by the 2009 Legislative Assembly. These amendments: define "aquatic invasive species", relate to inspection of recreational and commercial watercraft for the purposes of identifying or reporting of aquatic invasive species, and address presence of certain aquatic species on or within a boat.

Rules Coordinator: Therese Kucera

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

Telephone: (503) 947-6033

.....

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

Rule Caption: Amending rules defining who may represent persons during capacity hearings at the Oregon State Hospital.

Stat. Auth.: ORS 179.040

Other Auth.: SB 288 (Enrolled 2009)

Stats. Implemented: ORS 179.321, 183.458, 426.070, 426.385, 427.031 & 427.255

Proposed Amendments: Rules in 309-114

Last Date for Comment: 12-18-09, Close of Business

Summary: The Addictions and Mental Health (AMH) Division is amending rules in OAR 309-114 to comply with SB 288, which

NOTICES OF PROPOSED RULEMAKING

changed who may represent patients at hearings to determine capacity prior to the administration of significant procedures. The bill added "or the right to be free from potentially unusual or hazardous treatment procedures under ORS 426.385(3)" (Rights of Committed persons) to ORS 183.458.

Rules Coordinator: Richard Luthé

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

Telephone: (503) 947-1186

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

Rule Caption: Update of Criminal Records Check Rules for Department of Human Services Employees, Volunteers, and Contractors.

Date:	Time:	Location:
12-21-09	10-10:30 a.m.	Human Services Bldg. Rm. 137-B 500 Summer St. NE Salem, OR

Hearing Officer: Jennifer Bittel

Stat. Auth.: ORS 181.534, 181.537 & 409.050

Stats. Implemented: ORS 181.534, 181.537, 183.341 & 409.010

Proposed Adoptions: 407-007-0065, 407-007-0075

Proposed Amendments: 407-007-0000, 407-007-0010, 407-007-0020, 407-007-0030, 407-007-0040, 407-007-0050, 407-007-0060, 407-007-0070, 407-007-0080, 407-007-0090, 407-007-0100

Last Date for Comment: 12-23-09, 5 p.m.

Summary: These proposed rules describe the criminal records check process conducted on Department of Human Services employees, applicants, volunteers, and certain contractors. SB 157 becomes effective January 1, 2010, and these rules are being updated to reflect new statutory language regarding who is subject to criminal records checks. In addition, these rules are being updated to better align with ORS 181.534 and 181.537 and to meet Secretary of State requirements for rule writing.

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: Update of Criminal Records Check Rules for Department of Human Services Providers.

Date:	Time:	Location:
12-21-09	10:30-11 a.m.	Human Services Bldg, Rm. 137-B 500 Summer St. NE Salem, OR

Hearing Officer: Jennifer Bittel

Stat. Auth.: ORS 181.534, 181.537, 409.050, 410.020, 411.060, 411.122, 418.016, 418.640, 441.055, 443.730, 443.735 & 678.153

Stats. Implemented: ORS 181.534, 181.537, 409.010, 411.060 & 411.122

Proposed Adoptions: 407-007-0315, 407-007-0325

Proposed Amendments: 407-007-0200, 407-007-0210, 407-007-0220, 407-007-0230, 407-007-0240, 407-007-0250, 407-007-0280, 407-007-0290, 407-007-0300, 407-007-0320, 407-007-0330, 407-007-0340, 407-007-0350, 407-007-0370

Proposed Repeals: 407-007-0355

Last Date for Comment: 12-23-09, 5 p.m.

Summary: The Department of Human Services (Department) is updating the term "probationary status" to "hired on a preliminary basis" to align with statutory language. The definition of "subject individual" is modified to include language from HB 2442 (2009). The department's Criminal history Request form is being renamed the

Background Check Request form, so references in the rules are being updated. The crimes lists are being updated to include new crimes assessed to the Oregon Revised Statutes since 2007. Rules language is being clarified and changed to meet Secretary of State guidelines more closely to align the Department's two sets criminal records check rules. Additional guidelines are being provided for the appointment and responsibilities of authorized designees and contact persons. OAR 407-007-0320 is expanding into three rules: 407-007-0315, 407-007-0320 and 407-007-0325; for clarification. OAR 407-007-0355 is being repealed because it was ever implemented and direction from the Federal Bureau of Investigation indicates that it does not meet their requirements for confidentiality of national criminal records check results.

Proposed rules are available on the DHS website: <http://www.oregon.gov/DHS/admin/dwssrules/index.shtml>

For hardcopy requests, call: (403) 947-5250.

Rules Coordinator: Jennifer Bittel

Address: Department of Human Services, Administrative Services Division and Director's Office, 500 Summer St. NE, E-03, Salem, OR 97301

Telephone: (503) 947-5250

Rule Caption: Department of Human Services Roles and Responsibilities During Oregon Health Authority Operational Transition Period.

Date:	Time:	Location:
12-21-09	1:30-2:30 p.m.	Human Services Bldg. Rm. 160 500 Summer St. NE Salem, OR

Hearing Officer: Jennifer Bittel

Stat. Auth.: ORS 409.050 & 2009 OL Ch. 595 (HB 2009)

Stats. Implemented: 2009 OL Ch. 595 (HB 2009)

Proposed Adoptions: 407-043-0010

Proposed Repeals: 407-043-0010(T)

Last Date for Comment: 12-23-09, 5 p.m.

Summary: Effective June 26, 2009, 2009 Or. Laws Chapter 595 (House Bill 2009) created the Oregon Health Authority (OHA) and transferred to OHA certain duties, functions, and powers of the Department of Human Services (Department) with respect to health and health care. House Bill 2009 authorized an operational transition period beginning June 26, 2009 and ending no later than June 30, 2011. These proposed rules explain the roles and responsibilities of the Department and OHA concerning these transferred duties, functions, and powers during the operational transition period. Upon adoption, these proposed rules will repeal temporary rules currently in effect from 9/14/09 to 3/12/10.

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, Public Health Division Chapter 333

Rule Caption: Reimbursement for Cost of Services and Supplies Provided for Disposition of Unclaimed Indigent Bodies.

Date:	Time:	Location:
12-21-09	9 a.m.	800 NE Oregon St., Rm. 1B Portland, OR 97232

Hearing Officer: Jana Fussell

Stat. Auth.: ORS 97.170, 432.146 & 432.312

Other Auth.: 2009 OL Ch. 709 (SB 796 §8)

Stats. Implemented: ORS 97.170(1), (3), (4) & (6) & 432.312(1) & (2)

Proposed Amendments: 333-012-0500

NOTICES OF PROPOSED RULEMAKING

Last Date for Comment: 12-23-09, 5 p.m.

Summary: The Department of Human Services, Public Health Division is proposing to permanently amend OAR 333-012-0500 to reflect the statutory requirements of SB 796 (Oregon Laws 2009, chapter 709). This action will allow the Public Health Division to increase the maximum reimbursement cap to licensed funeral service practitioners for the cost of services provided for disposition of unclaimed indigent bodies. The maximum reimbursement cap was previously set in ORS 97.170(5). SB 796, Section 8 removed the maximum reimbursement cap from statute and directs establishment of the maximum reimbursement cap to OAR 333-012-0500. The maximum reimbursement cap is presently set at \$450 and this rule-making will increase the maximum reimbursement cap to \$650.

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

Rule Caption: Vital Records adding two fees: Commemorative Certificate of Stillbirth and electronic verification.

Date:	Time:	Location:
12-21-09	11 a.m.	PSOB 800 NE Oregon St. Suite 1B Portland, OR

Hearing Officer: Jana Fussell

Stat. Auth.: ORS 432.015, 432.121(2)(f), 432.146 & 432.266

Stats. Implemented: ORS 432.146 & 432.266

Proposed Amendments: 333-011-0106

Last Date for Comment: 12-23-09, 5 p.m.

Summary: The Department of Human Services, Public Health Division is proposing to amend OAR 333-011-0106 related to fees for vital records. The Center for Health Statistics (CHS) is creating fees for two new services. The first, Commemorative Certificate of Stillbirth, was created in 2005 and a fee is authorized in ORS 432.266. CHS is now implementing the fee and is requesting \$20 for the first copy and \$15 for each additional copy, the same as other record types. The second, electronic verification, is a new service that will be available as part of a national system which will allow CHS to offer verifications at a reduced price from the current (manual) verification service. As part of a national system, Oregon does not directly determine the fee and has asked for a range to accommodate future changes without having to suspend the service until the fees rule can be changed. The fees are determined by a consortium including SSA, AAMVA, CMS and other national and federal agencies, as well as the National Association of Public Health Statistics and Information Systems (who also administers the system). Also, CHS is inserting the word 'manual' in the current verification service to distinguish from the electronic verification service. As the services affected are for parents who have experienced a fetal death and government agencies, no impact on business is anticipated.

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

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

Rule Caption: Nursing Facilities, Annual License Fees.

Date:	Time:	Location:
12-17-09	1:30 p.m.	Human Services Bldg. 500 Summer St. NE Rm. 137CD Salem, OR 97301

Hearing Officer: Staff

Stat. Auth.: ORS 410.070 & 441.055

Other Auth.: HB 2442 (2009) & 2009 OL Ch. 837

Stats. Implemented: ORS 441.020, 441.055, 441.303, 441.615

Proposed Amendments: 411-085-0020

Last Date for Comment: 12-21-09, 5 p.m.

Summary: The Department of Human Services (DHS), Seniors and People with Disabilities Division (SPD) is proposing to amend OAR 411-085-0020 to increase the annual license fees for nursing facilities to reflect the adjustment made by House Bill 2442 (2009).

Rules Coordinator: Christina Hartman

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

Telephone: (503) 945-6398

Department of Justice Chapter 137

Rule Caption: Amends Notice of Garnishment Model Forms to Respond to Changes in Oregon Law.

Stat. Auth.: ORS 18.854(8)

Stats. Implemented: ORS 18.600-18.857

Proposed Amendments: 137-060-0110, 137-060-0120, 137-060-0130, 137-060-0150, 137-060-0210, 137-060-0220, 137-060-0230, 137-060-0250, 137-060-0310, 137-060-0320, 137-060-0330, 137-060-0350, 137-060-0410, 137-060-0420, 137-060-0430, 137-060-0450

Last Date for Comment: 12-21-09

Summary: Amends existing model garnishment forms for notices of garnishment issued by state agencies and county tax collectors.

Rules Coordinator: Carol Riches

Address: Department of Justice, 1162 Court St. NE, Salem, OR 97301

Telephone: (503) 947-4700

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

Rule Caption: Update and Streamlining of Community Right to Know Hazardous Substance Reporting Requirements.

Date:	Time:	Location:
12-15-09	1 p.m.	4760 Portland Rd. NE Salem, OR

Hearing Officer: Chris Kuenzi

Stat. Auth.: ORS 453.367

Stats. Implemented: ORS 453.307-453.378

Proposed Amendments: 837-085-0020, 837-085-0030, 837-085-0040, 837-085-0050, 837-085-0060, 837-085-0070, 837-085-0080, 837-085-0090, 837-085-0100, 837-085-0110, 837-085-0120, 837-085-0150, 837-085-0170, 837-085-0190, 837-085-0200, 837-085-0210, 837-085-0220, 837-085-0230, 837-085-0250, 837-085-0270, 837-085-0280, 837-085-0290, 837-085-0300, 837-085-0305, 837-085-0310, 837-085-0380

Last Date for Comment: 12-31-09, 5 p.m.

Summary: This proposed rulemaking consists of numerous grammatical revisions intended to eliminate duplicative language and create consistency. It clarifies that some exemptions currently provided for in rules, are still subject to federal requirements of the Emergency Planning and Community Right to Know Act. It updates the definition of Hazard Classification to the most current US Dept. of Transportation reference. The proposed rulemaking replaces the term Poison A&B with Highly Toxic Material as one of the criteria that requires reporting at a lower threshold quantity. It updates references to federal requirements to a consistent format and current reference. The proposed rulemaking simplifies the penalty calculation method and assessment criteria for noncompliance with hazardous substance reporting requirements.

Rules Coordinator: Pat Carroll

Address: 4760 Portland Rd. NE Salem, OR 97305

Telephone: (503) 934-8276

NOTICES OF PROPOSED RULEMAKING

Department of Public Safety Standards and Training Chapter 259

Rule Caption: Background Investigations for Tele/EMD, Multi-Discipline Training and Maintenance Training Reporting.

Stat. Auth.: ORS 181.640, 181.644, 181.651, 181.652, 181.653, 181.654 & 181.665

Stats. Implemented: ORS 181.640, 181.644, 181.651, 181.652, 181.653, 181.654 & 181.665

Proposed Amendments: 259-008-0015, 259-008-0060, 259-008-0064

Last Date for Comment: 12-23-09, 5 p.m.

Summary: Adopts minimum standards related to pre-employment background investigations for telecommunicators and emergency medical dispatchers.

Updates and simplifies the process for reporting maintenance training for law enforcement officers who also hold certification as Telecommunicators or Emergency Medical Dispatchers.

Amends rules related to maintenance of certification for Telecommunicators and Emergency Medical Dispatchers.

Rules Coordinator: Bonnie Narvaez

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: Issuance, Replacement or Renewal of Undercover Driver Licenses or Identification Cards to Law Enforcement Officials

Date:	Time:	Location:
12-16-09	9:30 a.m.	DMV Headquarters Conference Rm. 361 1905 Lana Ave. NE Salem, OR

Hearing Officer: Liz Woods

Stat. Auth.: ORS 184.616, 184.619, 802.010 & 2009 OL Ch. 258 § 4

Stats. Implemented: 2009 OL Ch. 258 § 4

Proposed Adoptions: 735-062-0290

Last Date for Comment: 12-21-09

Summary: Section 4, Chapter 258, Oregon Laws 2009 (Senate Bill 128) authorizes DMV to issue a fictitious driver license or identification card to a law enforcement official for use in discharging the undercover criminal investigative duties of a law enforcement agency. DMV proposes to adopt OAR 735-062-0290 to identify what constitutes a law enforcement agency for purposes of this law and the criteria for application and issuance of a fictitious license or identification card to a law enforcement official.

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

Rules Coordinator: Lauri Kunze

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

Telephone: (503) 986-3171

.....

Rule Caption: Consular corps registration plates and group registration plates.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 805.200, 805.205, 805.220 2009 OL Ch. 621 § 2 & 3

Stats. Implemented: ORS 803.420, 803.530, 803.535, 805.220, 805.240, 805.242, 805.250 & 2009 OL Ch. 621 § 2 & 3

Proposed Adoptions: 735-040-0098

Proposed Amendments: 735-040-0097, 735-046-0010, 735-046-0050

Last Date for Comment: 12-21-09

Summary: This rulemaking is needed to implement legislation enacted by the 2009 Legislative Assembly:

Section 2 of chapter 621, Oregon Laws 2009 requires DMV to issue consular corps registration plates to a resident of Oregon who has been duly appointed by a foreign country as an honorary consular officer to the United States, pursuant to the Vienna Convention on Consular Relations.

The legislation directs DMV to establish what it will accept as proof that a person is appointed as an honorary consul and is acting in that capacity. Qualified applicants are considered eligible to receive consular corps registration plates for use on their vehicles. The amendment of OAR 735-046-0010 and 735-046-0050 adds new provisions to DMV's custom plate rules to implement the requirements of section 2 chapter 621, Oregon Laws 2009. More specifically, the amendments describe what DMV will accept as proof that a person is an honorary consul. Additional amendments add procedures and requirements concerning the issuance or renewal of consular corps plates.

ORS 805.205 requires DMV to collect a surcharge amount (determined by DMV) for each non-profit group plate issued or renewed. Section 3 of chapter 621, Oregon Laws 2009, amends ORS 805.205 to require DMV to adopt by rule the surcharge amount. In setting the amount of the surcharge, DMV must consult with the non-profit group for which the plates are issued. DMV proposes to adopt OAR 735-040-0098 to set this surcharge at \$2.50 per plate for each year of the registration period upon issuance of a non-profit group plate.

DMV is inviting public comment on the proposed surcharge amount. A special mailing of this rulemaking notice, and a notice of the opportunity to comment on the proposed surcharge, was sent to non-profit groups subject to this rulemaking.

The amendment of 735-040-0097 requires a non-profit group applying for a group plate to specify the surcharge amount the group is requesting that DMV collect per plate upon issuance of that group's plates.

DMV filed temporary rules because there was not sufficient time to complete the permanent rulemaking process to coincide with Chapter 621, Oregon Laws 2009, which was declared an emergency and became effective June 26, 2009. DMV now proposes to file permanent rules to amend and adopt these rules, respectively.

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

Rules Coordinator: Lauri Kunze

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

Telephone: (503) 986-3171

.....

Rule Caption: Provisions for Conducting a Drive Test.

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

Stats. Implemented: ORS 807.070

Proposed Amendments: 735-062-0070

Last Date for Comment: 12-21-09

Summary: OAR 735-062-0070 establishes requirements regarding the drive test(s) needed to qualify for an Oregon driver license. The amendment of this rule was prompted by recognizing that some applicants for a drive test are denied a test because the proof of insurance they bring to reinstate driving privileges, a proof of a uniform financial responsibility certificate (SR-22), is not currently listed in DMV procedures as acceptable proof of insurance for purposes of a drive test. DMV proposes to amend this rule to allow an SR-22 as acceptable proof of vehicle liability insurance for purposes of a drive test. DMV also proposes to amend OAR 735-062-0070 to specify that the vehicle in which the test occurs must have required equipment in working order and must not present health or safety risks for the DMV examiner.

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

Rules Coordinator: Lauri Kunze

NOTICES OF PROPOSED RULEMAKING

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: Modifies Existing Rules for Access Management.
Stat. Auth.: ORS 184.616, 184.619, 374.310, 374.312, 374.313 & 374.345

Stats. Implemented: ORS 374.305–374.350 & 374.990
Proposed Amendments: 734-051-0020, 734-051-0040, 734-051-0070, 734-051-0080, 734-051-0115, 734-051-0135, 734-051-0165, 734-051-0175, 734-051-0285, 734-051-0355

Last Date for Comment: 12-21-09

Summary: All proposed changes clarify, reorganize, or make corrections to existing rule and are not intended to significantly change current policies or business practices.

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

Rules Coordinator: Lauri Kunze

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

.....
**Department of Transportation,
Public Transit Division
Chapter 732**

Rule Caption: Add General Fund to the Special Transportation Program and clarify program requirements.

Stat. Auth.: ORS 184.616, 184.619 & 391.810

Stats. Implemented: ORS 391.800–391.830 & 2009 OL Ch. 910 § 31(3)

Proposed Adoptions: 732-030-0005, 732-030-0010, 732-030-0015, 732-030-0020, 732-030-0025, 732-030-0030, 732-030-0035

Proposed Amendments: 732-005-0000, 732-005-0010, 732-005-0016, 732-005-0021, 732-005-0027, 732-005-0031, 732-005-0036, 732-005-0046, 732-005-0051, 732-005-0056, 732-005-0061, 732-005-0066, 732-005-0076, 732-005-0081

Last Date for Comment: 12-21-09

Summary: Section 31(3) of chapter 910 OL 2009 allocates \$10 million of general fund to the Public Transit Division and directs the division to offer funds for operating grants to communities to provide transit services for seniors and people with disabilities. These permanent rule amendments will allow the division to continue the program implemented by a temporary rule. The rules will allow the division to allocate the funds, engage an application and review process, execute and monitor agreements and distribute funds.

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

Rules Coordinator: Lauri Kunze

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

.....
**Department of Veterans' Affairs
Chapter 274**

Rule Caption: Establishes Procedures for Criminal Records Checks for Applicants, Employees, Volunteers, and Contractors.

Date:	Time:	Location:
12-15-09	1:30–3:30 p.m.	Veterans' Bldg. Auditorium 700 Summer St. NE Salem, OR

Hearing Officer: Herbert D. Riley

Stat. Auth.: ORS 181.534, 406.005 & 406.030

Other Auth.: SB 94 (2009)

Stats. Implemented: ORS 181.534, 406.005, 406.030 & SB 94 (2009)

Proposed Adoptions: 274-006-0001, 274-006-0002, 274-006-0004, 274-006-0005, 274-006-0010, 274-006-0011, 274-006-0012, 274-006-0013, 274-006-0014, 274-006-0015, 274-006-0018, 274-006-0020

Last Date for Comment: 12-15-09

Summary: The proposed rules establish procedures for the Oregon Department of Veterans' Affairs to perform criminal background checks and use the information obtained to evaluate the fitness of job applicants, employees, volunteers, vendor 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 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 service 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 the criminal records checks.

Rules Coordinator: Herbert D. Riley

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

Telephone: (503) 373-2055

.....
**Employment Department
Chapter 471**

Rule Caption: Economically Distressed Worker training program rules.

Stat. Auth.: ORS 657.610

Stats. Implemented: ORS 657.610 & Enrolled HB 3483 (2009)

Proposed Adoptions: 471-030-0220

Last Date for Comment: 3-1-10

Summary: This rule governs the administration of the Economically Distressed Worker Training program which provides Unemployment Benefits to unemployed individuals considered to be Economically Distressed (making less than 110% of minimum wage in the base year) during retraining programs.

Rules Coordinator: Janet Orton

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

Telephone: (503) 947-1679

.....
**Land Conservation and Development Department
Chapter 660**

Rule Caption: Adopt statutorily required rules implementing HB 2228 (2009 OL Ch. 636), transfer of Development Rights Pilot Program.

Date:	Time:	Location:
1-21-10	8 a.m.	635 Capitol St. Basement Hearing Rm. Salem, OR

Hearing Officer: LCDC

Stat. Auth.: ORS 197.040

Stats. Implemented: 2009 OL Ch. 636

Proposed Adoptions: 660-028-0010, 660-028-0020, 660-028-0030, 660-028-0040, 660-028-0050

Last Date for Comment: 1-19-10

Summary: House Bill 2228 (2009) established the Oregon transfer of Development Rights Pilot Program, to be implemented by the Department of Land Conservation and Development (DLCD) working with local governments, the Oregon Department of Forestry, the Oregon Department of Agriculture and other state agencies. Under this pilot program, the Land Conservation and development Commission (LCDC) may select up to three local government initiated

NOTICES OF PROPOSED RULEMAKING

“pilot projects” that would provide for the transfer of development rights (TDRs) — from forest land to land in another location that is either (1) inside an urban growth boundary (UGB); (2) in an “exception area” adjacent to a UGB; or (3) in an unincorporated community designates in the county plan as either a “rural community” or an “urban unincorporated community.”

HB 2228 requires LCDC to adopt rules to implement the pilot program that “establish a process for selecting pilot projects from among potential projects nominated by local governments.” The selection process must require local governments to nominate potential projects by submitting a concept plan for each proposed pilot project, including proposed amendments to the comprehensive plan and land use regulations necessary to implement the pilot project. The proposed rules may provide other requirements and criteria under which LCDC will select up to three qualifying pilot projects.

Rules Coordinator: Casaria Tuttle

Address: Land Conservation and Development Department, 635 Capitol St. NE, Suite 250, Salem, OR 97301

Telephone: (503) 373-0050, ext. 322

.....

Rule Caption: Amend Rules to implements HB 3225 (2009) and affects review under Measure 49 (2007) of about 400 new Measure 49 claims.

Date:	Time:	Location:
1-21-10	8 a.m.	DLCD 635 Capitol St. Salem, OR 97301

Hearing Officer: DLCDC Commission

Stat. Auth.: ORS 197.040

Stats. Implemented: ORS 195.300–195.336, 197.015, 197.040, 197.065, 197.353, 2007 OL Ch. 424 (2007 Ballot measure 49) & HB 3225 (2009)

Proposed Amendments: 660-041-0000, 660-041-0020, 660-041-0080

Last Date for Comment: 1-19-10, Close of Business

Summary: The proposed rules would be codified in division 041, under Oregon Administrative Rules (OAR) Chapter 660, and would facilitate additional review under HB 3225 and Measure 49 (M49) for about 400 Measure 37 (M37) claims. Division 041 was adopted in 2004 in order to implement 2004 Ballot Measure 37. HB 3225 enables certain categories of landowners with otherwise ineligible M37 claims to make M49 elections and revises certain criteria that were the cause of denial for additional categories of claimants. That bill to be implemented by the proposed rules also requires affected claimants to pay a \$175 fee to help defray costs of further processing their claims. The claims affected by the proposed rules will be completed during the timeframe between July 1, 2010 and (no later than) December 31, 2010.

Rules Coordinator: Casaria Tuttle

Address: Land Conservation and Development Department, 635 Capitol St. NE, Suite 250, Salem, OR 97301

Telephone: (503) 373-0050, ext. 322

.....

Office for Oregon Health Policy and Research Chapter 409

Rule Caption: Establishment of the Oregon Healthcare Workforce Database.

Date:	Time:	Location:
12-16-09	9 a.m.	1225 Ferry St. SE Mt. Neahkanie Rm. (1st Flr.) Salem, OR

Hearing Officer: Zarie Haverkate

Stat. Auth.: ORS 409.050 & 2009 OL Ch. 595 (HB 2009 § 1174–1178)

Stats. Implemented: OL Ch. 595 (HB 2009 § 1174–1178)

Proposed Adoptions: 409-026-0100, 409-026-0110, 409-026-0120, 409-026-0130, 409-026-0140

Last Date for Comment: 12-18-09, 5 p.m.

Summary: The Department of Human Services, Office for Oregon Health Policy and Research, is proposing to adopt administrative rules to govern the healthcare workforce data mandates of HB 2009, passed during the 2009 legislative session. The Office for Oregon Health Policy and Research will administer the Oregon Healthcare Workforce Database.

Rules Coordinator: Zarie Haverkate

Address: 1225 Ferry Street SE, 1st Floor, Salem, OR 97301

Telephone: (503) 373-1574

.....

Rule Caption: Community-based Health Care Improvement Program.

Date:	Time:	Location:
12-16-09	10 .m.	1225 Ferry St. SE Mt. Neahkanie Rm. (1st Flr.) Salem, OR

Hearing Officer: Zarie Haverkate

Stat. Auth.: ORS 409.050 & 2009 OL Ch. 470 (SB 862)

Stats. Implemented: 2009 OL Ch. 470 (SB 862)

Proposed Adoptions: 409-040-0100, 409-040-0105, 409-040-0110, 403-040-0115

Last Date for Comment: 12-18-09, 5 p.m.

Summary: The Department of Human Services, Office for Oregon Health Policy and Research, is proposing to adopt administrative rules to govern the operation of the Community-based Health Care Improvement Program pursuant to Senate Bill 862, passed during the 2009 legislative session. The Office for Oregon Health Policy and Research will administer the Community-based Health Care Improvement Program.

Rules Coordinator: Zarie Haverkate

Address: 1225 Ferry Street SE, 1st Floor, Salem, OR 97301

Telephone: (503) 373-1574

.....

Oregon Business Development Department Chapter 123

Rule Caption: These rules have been revised for compliance with statute and reviewed for clarity.

Stat. Auth.: ORS 285A.075

Stats. Implemented: ORS 285A.075

Proposed Amendments: 123-080-0000, 123-080-0030, 123-080-0040

Last Date for Comment: 12-22-09

Summary: The 2009 Legislative session through House Bill 2152 has re-named the Oregon Economic and Community Development Department to the Oregon Business Development Department and created the Infrastructure Finance Authority, a separate entity within the department. In addition these rules have been reviewed for clarity.

Rules Coordinator: Mindee Sublette

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

Telephone: (503) 986-0036

.....

Rule Caption: These rules have been revised for compliance with statute and reviewed for clarity.

Stat. Auth.: ORS 285A.075

Stats. Implemented: ORS 285A.200

Proposed Amendments: 123-087-0010, 123-087-0030

Proposed Repeals: 123-087-0040

Last Date for Comment: 12-22-09

Summary: These rules have been revised for clarity. Some definitions have been removed and names of agencies have been updated. The section on reporting private sector support has been repealed.

Rules Coordinator: Mindee Sublette

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

Telephone: (503) 986-0036

NOTICES OF PROPOSED RULEMAKING

Rule Caption: These rules cover the Strategic Reserve Fund and have been revised for clarity.

Stat. Auth.: ORS 285A.075

Stats. Implemented: ORS 285B.266

Proposed Amendments: 123-090-0000, 123-090-0010, 123-090-0020, 123-090-0030, 123-090-0040, 123-090-0060

Last Date for Comment: 12-22-09

Summary: These rules have been reviewed for clarity and content has been revised.

Rules Coordinator: Mindee Sublette

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

Telephone: (503) 986-0036

Oregon Criminal Justice Commission
Chapter 213

Rule Caption: Amends Oregon sentencing Guidelines in light of 2009 legislative actions.

Stat. Auth.: ORS 137.667

Stats. Implemented: ORS 137.667, SB 728 § 1 (2009), HB 2476 § 1 & 2 (2009) & HB 3271 § 1, 2 & 5 (2009)

Proposed Adoptions: 213-018-0058

Proposed Amendments: 213-003-0001, 213-017-0004, 213-017-0005, 213-017-0006

Proposed Repeals: 213-003-0001(T)

Last Date for Comment: 12-31-09

Summary: Under ORS 137.667(2), the Criminal Justice Commission (CJC) may adopt changes to the Sentencing Guidelines. However, the rule changes must be approved by the legislature before they go into effect. The first two rule changes below were adopted as temporary rules, and submitted for legislative approval. The effective date of the temporary rules was January 1, 2010, to correlate with the effective date of the possible legislative approval. In HB 2665 (2009), the legislature approved the two changes below, and the rules must now be amended to incorporate those changes.

The first rule change amends the definition of "person felony" in OAR 213-003-0001 to include both Felony Animal Abuse I (ORS 167.320(4)) and Aggravated Animal Abuse I (ORS 167.322). The rule change repeals the temporary rule submitted for legislative approval, and amends the current rule to implement the legislative-approved changes.

The second rule change adds a definition of "straight jail" to OAR 213-003-0001. The definition clarifies that when a sentencing court imposes a "straight jail" sentence, such a sentence is not followed by a term of supervision. The rule change repeals the temporary rule submitted for legislative approval, and amends the current rule to implement the legislatively approved changes.

Also, CJC previously adopted temporary rules changing the classification of Felony Animal Abuse I (ORS 167.320(4)) from a Crime Category 3 to a Crime Category 6 on the Crime Seriousness Scale, and changing the classification of Aggravated Animal Abuse I (ORS 167.322) from a Crime Category 3 to a Crime Category 8 on the Crime Seriousness Scale. Those rules required legislative approval before becoming effective. The temporary rules had an effective date of January 1, 2010, to parallel the effective date of the possible legislative approval. The temporary rule deleting the references to Felony Animal Abuse I and Aggravated Animal Abuse I from Crime Category 3 (OAR 213-017-0009) is now being repealed, because the legislature did not approve those changes. This rule change means that the Crime Category 3 rule currently in effect will remain in effect, with no changes.

Additionally, CJC is required under ORS 137.667 to review all legislation creating new crimes or modifying existing crimes, and to adopt by rule necessary changes to the crime seriousness scale. CJC also may classify offenses as person felonies or person misdemeanors for purposes of the rules it is required to adopt. The rule changes below are required to comply with that legislative directive. The rule changes accomplish the following:

Classify the offense of Harassment, when committed as a Class A Misdemeanor, as a person misdemeanor, in response to HB 3271 § 1 (2009).

Classify the offense of Aggravated Harassment as a Crime Category 6 on the Crime Seriousness Scale, and classify that offense as a person felony, in response to HB 3271 § 2 (2009).

Classify the offense of Aggravated Driving While Suspended or Revoked as a Crime Category 7 on the Crime Seriousness Scale as required by HB 3271 § 5 (2009), and classify that offense as a person felony, in response to HB 3271 § 5 (2009).

Classify the offense of manufacturing or delivering a controlled substance in Schedule IV and thereby causing death to any person as a person felony, in response to SB 728 § 1 (2009).

Classify the offense of Sexual Abuse II as a Crime Category 8 on the Crime Seriousness Scale when the victim is incapable of consent due to being under 18 years of age, the offender is 21 years old or older, and the offender was the victim's coach at any time prior to the commission of the offense, as required by HB 2476 § 1. Also classify the offense of Sexual Abuse II as a person felony when victim is incapable of consent due to being under 18 years of age, the offender is 21 years old or older, and the offender was the victim's coach at any time prior to the commission of the offense, in response to HB 2476 § 1, 2 (2009).

Rules Coordinator: Craig Prins

Address: Oregon Criminal Justice Commission, 885 Summer St. NE, Salem, OR 97301

Telephone: (503) 378-4830

Oregon Department of Education
Chapter 581

Rule Caption: Modifies rule relating to digital, electronic and web-based instructional materials.

Date:	Time:	Location:
1-6-10	1 p.m.	255 Capitol St. NE, Rm. 251A Salem, OR

Hearing Officer: Cindy Hunt

Stat. Auth.: ORS 337.035

Stats. Implemented: ORS 337.035

Proposed Amendments: 581-011-0087

Last Date for Comment: 1-6-10, 5 p.m.

Summary: ORS 337.090 directs the state board to enter into written contracts with each publisher that is approved by the board. The statute also requires that the board as part of the contracting process require publishers to have a good and sufficient bond or an irrevocable letter of credit. In the event of a breach of contract, the board may rescind the contract and bring the appropriate action or suit to enforce the bond or letter of credit. One result of an action or suit is monetary damages for the benefit of the Common School Fund.

The prior rule referred to the board assessing penalties when a publisher violates a contract by selling instructional materials at a higher price to school districts than agreed to in the contract. These "penalties" are not civil penalties instead they are monetary damages ("penalties") allowed under a contract with the publisher. The legislature directed the state board to bring appropriate action or suit to enforce the bond or letter of credit. One of these possible actions or suit is to collect monetary damages allowed in the contract from the publisher for the benefit of the Common School Fund.

The proposed rule amendment removes the term "penalties" from the rules and instead refers to the broader language used in the statute of "appropriate action or suit" which we believe may include the collection of monetary damages from the bond or letter of credit. This change clarifies that the state board is not assessing civil penalties while still allowing the state board to enforce the contracts as required by the statute.

Rules Coordinator: Diane Roth

Address: Oregon Department of Education, 255 Capitol St. NE, Salem, OR 97310

Telephone: (503) 947-5791

NOTICES OF PROPOSED RULEMAKING

Rule Caption: Modifies rule relating to renewal of registration by private schools.

Date: 1-6-10
Time: 1 p.m.
Location: 255 Capitol St. NE, Rm. 251A
Salem, OR 97310

Hearing Officer: Cindy Hunt

Stat. Auth.: ORS 345.535

Stats. Implemented: ORS 345.515 & 345.525

Proposed Amendments: 581-045-0500

Last Date for Comment: 1-6-10, 5 p.m.

Summary: The rule amendment clarifies that the act of renewing is when the Department approves the renewal. The rule draft requires private schools to submit a registration renewal prior to July 1 to be considered for renewal on or before October 15. This change will allow the department time to review the renewal applications and complete the approval process prior to October 15.

Rules Coordinator: Diane Roth

Address: Oregon Department of Education, 255 Capitol St. NE, Salem, OR 97310

Telephone: (503) 947-5791

.....
Oregon Health Authority
Chapter 943

Rule Caption: Operational Transition Period Rules and Responsibilities for Oregon Health Authority and Agencies.

Date: 12-21-09
Time: 1:30–2:30 p.m.
Location: Human Services Bldg.
Rm. 160
500 Summer St. NE
Salem, OR 97301

Hearing Officer: Kym Gasper

Stat. Auth.: ORS 183.341 & 2009 OL Ch. 595 (HB 2009)

Stats. Implemented: ORS 183.341 & 2009 OL Ch. 595 (HB 2009)

Proposed Amendments: 943-001-0000, 943-001-0010, 943-001-0015

Proposed Repeals: 943-001-0000(T), 943-001-0010(T), 943-001-0015(T)

Last Date for Comment: 12-23-09, 5 p.m.

Summary: Effective June 26, 2009, 2009 Or. Laws Chapter 595 (2009 House Bill) created the Oregon Health Authority and transferred to OHA, certain duties, functions, and powers of the Department of Administrative Services related to the Public Employee's Benefit Board, the Department of Consumer and Business Services related to the Oregon Medical Insurance Pool Board, the Office of Private Health Partnerships, and the Department of Human Services with respect to health and health care. House Bill 2009 authorized an operational transition period beginning June 26, 2009 and ending no later than June 30, 2011. These proposed rules explain the roles and responsibilities of OHA and the agencies and programs transferred to OHA during the operational transitional period. Upon adoption, these proposed rules will repeal temporary rules currently in effect from 9/14/09 to 3/1/10.

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: Kym Gasper

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

Telephone: (503) 945-6302

.....
Oregon Health Licensing Agency
Chapter 331

Rule Caption: Align with agency rules, remove grandfathering provisions and integrate practice standards and guideline requirements.

Date: 1-8-10
Time: 9 a.m.
Location: 700 Summer St. NE, Suite 320
Salem, OR

Hearing Officer: Bert Krages

Stat. Auth.: ORS 676.605, 676.606, 676.615, 675.400 7 675.410

Other Auth.: ORS 675.360

Stats. Implemented: ORS 676.360, 676.605, 676.606, 676.615, 675.400, 676.410

Proposed Adoptions: 331-840-0070

Proposed Amendments: 331-800-0010, 331-800-0010, 331-800-0020, 331-810-0040

Proposed Repeals: 331-810-0035

Last Date for Comment: 12-28-09

Summary: The proposed rules continue to synchronize with current agency provisions and requires that all certified and associate sex offender therapists adhere to the same practice standards and guidelines when evaluating, treating, and managing sex offenders.

- Division 800: amends the definition for affidavit of licensure to streamline and align with procedures under the current agency model. Remove fee or certification under grandfathering provision, which expire on March 15, 2009.

- Division 810: amends language regarding affidavit of licensure to align with procedures under the current agency model and allow flexibility for receipt of information based on agency review. Repeal grandfathering language which expired on March 15, 2009.

- Division 840: requires that all certified clinical and associate sex offender therapists adhere to standardized practice standards and guidelines for the evaluation, treatment, and management of adult male sex offenders, juvenile sex offenders and adult sexual offenders with intellectual and other developmental disabilities. Practice standards and guidelines for adult male sex offenders can be purchased at: <http://www.atsa.com/form.html>. Practice standards and guidelines for juvenile sex offenders and sexual offenders with intellectual or developmental disabilities can be reviewed at: <http://www.oregon.gov/OHLA/SOTB/index.shtml>

Rules Coordinator: Samantha Patnode

Address: Oregon Health Licensing Agency, 700 Summer St. NE, Salem, OR 97301-1287

Telephone: (503) 373-1917

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

Rule Caption: Amendments streamline the application approval process.

Date: 12-21-09
Time: 2 p.m.
Location: 725 Summer St. NE, Suite B
Salem, OR 97301-1266

Hearing Officer: Loren Shultz

Stat. Auth.: ORS 458.705–458.740

Stats. Implemented: ORS 458.705–458.740

Proposed Amendments: 813-140-0096

Last Date for Comment: 12-22-09, 5 p.m.

Summary: 813-140-0096 Amends the rule to allow the Director of Oregon Housing and Community Services to select projects for financing under the program.

Rules Coordinator: Sandy McDonnell

Address: 725 Summer Street NE, Suite B, Salem OR 97301-1266

Telephone: (503) 986-2012

.....
Rule Caption: Adds a definition for lower income household and clarifies the reporting requirements for the IDA Program.

Date: 12-21-09
Time: 2 p.m.
Location: 725 Summer St. NE, Suite B
Salem, OR 97301-1266

Hearing Officer: Loren Shultz

Stat. Auth.: ORS 456.555, 456.625 & 458.700

Stats. Implemented: ORS 315.271 & 458.670–458.700

Proposed Amendments: 813-300-0010, 813-300-0100

Last Date for Comment: 12-22-09, 5 p.m.

Summary: 813-300-0010 Adds a definition of low income household.

813-300-0100 Amends language to clarify and remove redundant reporting requirements for the program.

NOTICES OF PROPOSED RULEMAKING

Rules Coordinator: Sandy McDonnell
Address: Oregon Housing and Community Services Department, 725 Summer St. NE, Suite B, Salem, OR 97301
Telephone: (503) 986-2012

Rule Caption: Requires landlords of manufactured dwelling park to register in writing with department; sets out continuing education requirements.

Date:	Time:	Location:
12-21-09	2 p.m.	725 Summer St. NE, Rm. 124B Salem, OR 97301-1266

Hearing Officer: Theresa Wingard
Stat. Auth.: 2005 OL Ch. 619 § 2,3 & 4 & 2009 OL Ch. 816
Stats. Implemented: 2009 OL Ch. 816
Proposed Adoptions: 813-007-0005, 813-007-0010, 813-007-0015, 813-007-0020, 813-007-0025, 813-007-0030, 813-007-0035, 813-007-0040, 813-007-0045, 813-007-0050, 813-007-0055, 813-007-0060, 813-007-0065, 813-007-0070
Last Date for Comment: 12-31-09, 5 p.m.

Summary: The rules establish the requirement and a process for landlords or owners of manufactured dwelling parks to register annually in writing with Oregon Housing and Community Services Department. An annual charge of \$25 will be required for each manufactured dwelling park owned or managed by a manufactured park landlord.

Six hours of continuing education shall be required to a person in each manufactured dwelling park who has authority to manage the premises of the park every two years. Approved continuing education classes will be offered at least once every six months. The department shall designate nonprofit trade associations approved to provide the required training and provide training manuals. Establishes the civil penalties that may be assessed by the department for manufactured dwelling park landlords or owners not in compliance with Oregon Laws 2005 Chapter 619 (2)(3) or Oregon Laws 2009 Chapter 816

Rules Coordinator: Sandy McDonnell
Address: Oregon Housing and Community Services Department, 725 Summer St. NE, Suite B, Salem, OR 97301
Telephone: (503) 986-2012

Oregon Medical Board
Chapter 847

Rule Caption: Correct license type to Active-Telemonitoring.
Stat. Auth.: ORS 677.265
Stats. Implemented: ORS 677.265
Proposed Amendments: 847-008-0023
Last Date for Comment: 12-28-09

Summary: The proposed rule amendment corrects the license type to Active-Telemonitoring.

Rules Coordinator: Malar Ratnathicam
Address: Oregon Medical Board, 1500 SW 1st Ave., Suite 620, Portland, OR 97201
Telephone: (971) 673-2713

Rule Caption: Amend reporting rule per HB 2059 (2009).
Stat. Auth.: ORS 677.265 & HB 2059 (2009)
Stats. Implemented: ORS 677.190, 677.265 & HB 2059 (2009)
Proposed Amendments: 847-010-0073
Last Date for Comment: 12-28-09

Summary: The proposed rule amendments are in response to House Bill 2059 (2009). Amendments require report to Board by licensee of any arrest for a felony crime or any conviction for a misdemeanor or felony and report to other health care licensing boards if licensee believes another state licensed health care professional has engaged in prohibited or unprofessional conduct and is not otherwise protected by state or federal laws relating to confidentiality or protection of health care information prohibiting disclosure.

Rules Coordinator: Malar Ratnathicam

Address: Oregon Medical Board, 1500 SW 1st Ave., Suite 620, Portland, OR 97201
Telephone: (971) 673-2713

Rule Caption: Expedited licensure by endorsement per HB 2435 (2009).

Stat. Auth.: ORS 677.265 & HB 2435 (2009)
Stats. Implemented: ORS 677.265 & HB 2435 (2009)
Proposed Adoptions: Rules in 847-026, 847-026-0000, 847-026-0005, 847-026-0010, 847-026-0015, 847-026-0020
Last Date for Comment: 12-28-09

Summary: The proposed rules are in response to House Bill 2435 (2009) and outline the requirements for expedited licensure by endorsement.

Rules Coordinator: Malar Ratnathicam
Address: Oregon Medical Board, 1500 SW 1st Ave., Suite 620, Portland, OR 97201
Telephone: (971) 673-2713

Rule Caption: Allow EMT-I and EMT-P to administer seasonal and pandemic influenza vaccinations.

Stat. Auth.: ORS 682.245
Stats. Implemented: ORS 682.245
Proposed Amendments: 847-035-0030
Last Date for Comment: 12-28-09

Summary: The proposed rule amendment adds language to the EMT-I and EMT-P scopes of practice to distribute medications and to provide seasonal and pandemic influenza vaccinations to the general public as directed by the Oregon State Public Health Officer and / or the CDC Advisory Committee until June 30, 2010.

Rules Coordinator: Malar Ratnathicam
Address: Oregon Medical Board, 1500 SW 1st Ave., Suite 620, Portland, OR 97201
Telephone: (971) 673-2713

Oregon Military Department,
Office of Emergency Management
Chapter 104

Rule Caption: Rule revisions for E9-1-1 Emergency Telephone Systems Program.

Date:	Time:	Location:
1-21-10	10 a.m.	Anderson Readiness Center 3225 State St., Rm. 114 Salem, OR 97301

Hearing Officer: Shannon Marheine
Stat. Auth.: ORS 401.730(1)(a)
Stats. Implemented: ORS 401.710-401.790
Proposed Amendments: 104-080-0000, 104-080-0010, 104-080-0020, 104-080-0021, 104-080-0022, 104-080-0024, 104-080-0025, 104-080-0026, 104-080-0027, 104-080-0030, 104-080-0040, 104-080-0050, 104-080-0060, 104-080-0070

Last Date for Comment: 1-21-10
Summary: 104-080-0000, Purpose; 104-080-0010, Definitions; 104-080-0020, Planning Considerations. 9-1-1 Automatic Telephone Number Identification: 104-050-0021, Purpose; 104-080-0022, Definitions; 104-050-0023, Use of 9-1-1 ATNI Information;

104-080-0024, Use of Non-Published or Non-Listed ATNI Information; 104-080-0025, Official Reports; 104-080-0026, DMS; 104-080-0027, Reverse Query Without 9-1-1 Activation; 104-080-0028, Procedures for Obtaining ATNI Information Without 9-1-1 Activation; 104-080-0030, Administrative Considerations; 104-080-0040, Operations; 104-080-0050, Technical; 104-080-0060, Funding Considerations; and 104-080-0070, Variance.

Rules Coordinator: Cherie Zastoupil
Address: Oregon Military Department, Office of Emergency Management, PO Box 14370, Salem, OR 97309-5062
Telephone: (503) 378-2911, ext. 22221

NOTICES OF PROPOSED RULEMAKING

Oregon State Lottery Chapter 177

Rule Caption: Amends rules to clarify when prize claim period ends when the Lottery is closed.

Date: 12-21-09 **Time:** 11–11:30 a.m. **Location:** Oregon Lottery
500 Airport Rd. SE
Salem, OR

Hearing Officer: Larry Trott

Stat. Auth.: ORS 461, 174.125

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

Stats. Implemented: ORS 461.130, 461.210, 461.215 & 461.250

Proposed Amendments: 177-050-0027, 177-050-0100, 177-070-0025, 177-200-0020

Last Date for Comment: 12-21-09, 11:30 a.m.

Summary: The Oregon State Lottery has initiated permanent rule-making to amend the above referenced administrative rules. The amendments clarify the last day to claim a prize in the event the final date of the prize claim period falls on a day when the Oregon Lottery headquarters is closed to the general public.

Rules Coordinator: Mark W. Hohlt

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

Telephone: (503) 540-1417

Oregon State Treasury Chapter 170

Rule Caption: Amend Oregon School Bond Guaranty rules to accommodate Qualified School Construction Bonds.

Stat. Auth.: ORS 286A.005(6)

Other Auth.: ORS 286A.014(4)

Stats. Implemented:

Proposed Amendments: 170-061-0014, 170-063-0000

Last Date for Comment: 12-22-09

Summary: The amendments are due to a new Federal program called Qualified School Construction Bonds (QSCBs). QSCBs are a type of tax credit bond authorized by the Federal government through the American Recovery and Reinvestment Act (ARRA) of 2009. Bonds sold using the QSCB program provide federal tax credits for bond holders in lieu of interest, which in turn can significantly reduce a district's cost of borrowing for school construction projects.

The State of Oregon offers a program that may reduce the cost of borrowing for qualified districts through the Oregon School Bond Guaranty (OSBG) program. This program guarantees repayment of both principal and interest on school district bonds, which have qualified for the program, allowing their bonds to be sold using the State's current credit rating of AA/Aa2. This credit rating may translate into lower borrowing costs for a large portion of school districts in the state.

The OSBG fee of the sum of 3 basis points (.0003 or .03%) times the debt service to maturity of the bonds will be maintained for processing and approving OSBG requests, other than QSCB tax credit bonds ("qualified bonds"). The OSBG fee for "qualified bonds" will be raised to 4.5 basis points (.00045 or .045%) times the original debt service to maturity of the qualified bonds. This additional fee compensates the State for the additional administrative effort and increased amount that the State would pay under the guarantee if the tax credit were eliminated for qualified bonds, and the interest rate converts to a taxable interest rate. The higher fee is offset by the potential interest rate savings of qualified bonds.

Rules Coordinator: Sally Wood

Address: Oregon State Treasury, 350 Winter St. NE, Suite 100, Salem, OR 97301

Telephone: (503) 378-4990

Oregon University System Chapter 580

Rule Caption: To establish 2010 Summer Session tuition and fee rates, including room and board.

Date: 12-8-09 **Time:** 10–11 a.m. **Location:** Rm. B214
Kerr Admin. Bldg.
Oregon State University
Corvallis, OR

12-10-09 10–11 a.m. Rm. B214
Kerr Admin. Bldg.
Oregon State University
Corvallis, OR

12-18-09 10–11 a.m. Rm. 246C, Susan Campbell Hall
University of Oregon
Eugene, OR

Hearing Officer: Shonna Butler, Marcia Stuart

Stat. Auth.: ORS 351.070

Stats. Implemented:

Proposed Amendments: 580-040-0035

Last Date for Comment: 12-22-09

Summary: To establish tuition and fees for Summer Session 2010, including room and board rates.

Rules Coordinator: Marcia M. Stuart

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

Telephone: (541) 346-5749

Oregon University System, Southern Oregon University Chapter 573

Rule Caption: Repeal Southern Oregon University's Procedures for Allocation of Incidental Fees.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & OAR 580-010-0090

Proposed Repeals: 573-041-0005, 573-041-0010, 573-041-0020, 573-041-0025, 573-041-0027, 573-041-0030, 573-041-0035, 573-041-0036, 573-041-0037, 573-041-0040, 573-041-0045, 573-041-0050, 573-041-0055, 573-041-0060, 573-041-0065, 573-041-0085, 573-041-0090, 573-041-0095, 573-041-0096, 573-041-0100

Last Date for Comment: 1-5-10

Summary: Repeals guidelines for allocation of incidental fees from OARs. Guidelines will be housed within SOU's student government and will remain compliant with OAR 580-010-0090.

Rules Coordinator: Treasa Sprague

Address: Oregon University System, Southern Oregon University, 1250 Siskiyou Blvd., Ashland, OR 97540

Telephone: (541) 552-6319

Public Utility Commission Chapter 860

Rule Caption: In the Matter of a Rulemaking to Adopt Rules Related to Solar Photovoltaic Energy Systems.

Date: 1-6-10 **Time:** 9:30 a.m. **Location:** Public Utility Comm.
Main Hearing Rm. — 1st Flr.
550 Capitol St. NE
Salem, OR 97301

Hearing Officer: Patrick Power

Stat. Auth.: ORS 183, 756 & 767

Stats. Implemented: 2009 OL Ch. 748

Proposed Adoptions: Rules in 860-084

Last Date for Comment: 1-22-10, Close of Business

Summary: The 2009 Oregon Legislature enacted House Bill 3039, primarily, to establish, for each electric company in Oregon, solar photovoltaic generating capacity standards and solar photovoltaic incentive rate pilot programs. The proposed rules will implement and enforce the solar photovoltaic generating capacity standards and volumetric incentive rate pilot programs. The proposed rules will also

NOTICES OF PROPOSED RULEMAKING

ensure that when implementing the capacity standards and incentive rate pilot programs, the electric companies operate safe and reliable electric systems and provide service at just and reasonable rates. Proposed rules will include, but are not limited to, rules that determine the solar photovoltaic capacity standard for each electric company, determine each electric company's allocated share of the capacity limit for solar photovoltaic incentive rate pilot programs, specify the eligibility requirements for solar photovoltaic energy systems, determine the interconnection rules for solar photovoltaic energy systems, specify the contract term and method of payment of volumetric incentive rates, and specify electric company use of renewable energy certificates from solar photovoltaic energy systems to comply with Oregon's renewable portfolio standards.

The Commission encourages participants to file written comments as early as practicable in the proceeding so that other participants have the opportunity to consider and respond to the comments before the deadline. Please reference Docket No. AR 538 on comments and file them by email to the Commission's Filing Center at PUC.FilingCenter@state.or.us and also send a signed hard copy to the Filing Center at PO Box 2148, Salem, Oregon 97301. For more information about the Commission's Filing Center, please see <http://apps.puc.state.or.us/edockets/center.htm>

Participants wishing to monitor the hearing by telephone (listen only) must contact Diane Davis at diane.davis@state.or.us or (503) 378-4372 by close of business December 31, 2010, to request a dial-in number. To present oral comment at the hearing, participants must attend in person.

Rules Coordinator: Diane Davis

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

Telephone: (503) 378-4372

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

Rule Caption: These rules set notary fees, notary administrative services fees, and provides for refund of fees.

Stat. Auth.: ORS 56.140, 79.525, 80.115, 177.130, 194.020, 194.164, 194.335 & 293.445

Stats. Implemented: ORS 56.140, 177.130, 192.440, 194.020, 194.052 & 194.164

Proposed Adoptions: 160-005-0020

Proposed Amendments: 160-100-0400, 160-005-0010, 160-100-0040

Last Date for Comment: 12-21-09

Summary: These rules set fees can change, administrative fees for notary public services, and provides for the refund of fees paid in excess of the amount due to the Corporation Division.

Rules Coordinator: Karen Hutchinson

Address: Secretary of State, Corporation Division, 255 Capitol St. NE, Suite 151, Salem, OR 97310

Telephone: (503) 986-2364

.....
Rule Caption: UCC Fees not refundable when filing is rejected.

Stat. Auth.: ORS 79.526

Stats. Implemented: ORS 79.525

Proposed Amendments: 160-040-0104

Last Date for Comment: 12-21-09

Summary: Rule 160-040-0104 is amended to clarify a rejected UCC filing is in accordance with 79.516. Therefore, the processing fee is nonrefundable.

Rules Coordinator: Karen Hutchinson

Address: Secretary of State, Corporation Division, 255 Capitol St. NE, Suite 151, Salem, OR 97310

Telephone: (503) 986-2364

Rule Caption: These rules update acceptable UCC forms.

Stat. Auth.: ORS 79.526

Stats. Implemented: ORS 79.515, 79.521 & 79.518

Proposed Adoptions: 160-040-0507

Proposed Amendments: 160-040-0103, 160-040-0311

Last Date for Comment: 12-21-09

Summary: New rule 160-040-0507 identifies UCC renewal report notice content and format. Amended rule 160-040-0103 changes the date UCC forms are acceptable through. Amended rule 160-040-0311 changes the name of the UCC correction correction statement of claim.

Rules Coordinator: Karen Hutchinson

Address: Secretary of State, Corporation Division, 255 Capitol St. NE, Suite 151, Salem, OR 97310

Telephone: (503) 986-2364

.....
Rule Caption: This rule clarifies U.S. Passport Cards as satisfactory evidence to identify a person.

Stat. Auth.: ORS 194.335

Stats. Implemented: ORS 194.515

Proposed Adoptions: 160-100-0700

Last Date for Comment: 12-21-09

Summary: New rule 160-100-0700 clarifies a US Passport Card is considered the same as a US Passport for purposes of 194.515, and is satisfactory evidence to identify a person.

Rules Coordinator: Karen Hutchinson

Address: Secretary of State, Corporation Division, 255 Capitol St. NE, Suite 151, Salem, OR 97310

Telephone: (503) 986-2364

.....
Rule Caption: These rules cover trade and service mark applications, classes, and renewals.

Stat. Auth.: ORS 56.022, 647.015 & 647.024

Stats. Implemented: ORS 56.022, 647.015, 647.024 & 647.055

Proposed Adoptions: 160-010-0210, 160-010-0220, 160-010-0230

Proposed Amendments: 160-010-0200

Last Date for Comment: 12-21-09

Summary: These rules state content required for trade and service mark applications and clarifies when a new trade or service mark application is required to be filed. It also establishes classes of goods and services.

Rules Coordinator: Karen Hutchinson

Address: Secretary of State, Corporation Division, 255 Capitol St. NE, Suite 151, Salem, OR 97310

Telephone: (503) 986-2364

.....
Rule Caption: This rule addresses when a notary public may protest commercial paper.

Stat. Auth.: ORS 194.335

Stats. Implemented: ORS 194.166, 194.980 & 194.070

Proposed Amendments: 160-100-0610

Last Date for Comment: 12-21-09

Summary: Amended rule 160-100-0610 makes protesting commercial paper when a notary doesn't meet the qualification of 194.070(1) official misconduct.

Rules Coordinator: Karen Hutchinson

Address: Secretary of State, Corporation Division, 255 Capitol St. NE, Suite 151, Salem, OR 97310

Telephone: (503) 986-2364

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

Rule Caption: Amendment of Procedural Rules for Contested Cases.

NOTICES OF PROPOSED RULEMAKING

Stat. Auth.: ORS 183, 183.090, 183.335, 183.360, 183.413, 183.470, 246.150, 260.232 & 260.995

Stats. Implemented: ORS 183.341, 183.450, 183.470, 260.232, 260.995 & 2009 OL Ch. 866

Proposed Amendments: 165-001-0015, 165-001-0025, 165-001-0035, 165-001-0040, 165-001-0045, 165-001-0050, 165-001-0055, 165-001-0080

Proposed Repeals: 165-001-0065

Last Date for Comment: 12-28-09

Summary: These rules are proposed for amendment to update the procedures for conducting contested case hearing and to incorporate a new requirement passed by the 2009 Legislative Assembly that requires the Secretary of State to use the Office of Administrative Hearing for contested case hearings. OAR 165-001-0065 is proposed for repeal because the Office of Administrative Hearings will be conducting the hearings and have separate requirements for what constitutes unacceptable conduct.

Rules Coordinator: Brenda Bayes

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

Telephone: (503) 986-1518

Rule Caption: Amendment Provides for Free Distribution of Manuals, Revises Fee Calculation.

Stat. Auth.: ORS 192.440 & 246.150

Stats. Implemented: ORS 192.440 & 247.945

Proposed Amendments: 165-002-0010, 165-002-0020

Last Date for Comment: 12-28-09

Summary: OAR 165-002-0010 sets forth the schedule and fees for providing copies of public records. This rule is proposed for amendment to add copies of any manuals produced and adopted by the Secretary of State, Elections Division to the list of public records provided by the division free of charge.

OAR 165-002-0020 sets forth the schedule and fees for providing statewide and less than statewide voter lists. This rule is proposed for amendment to allow for rounding of the total amount due for providing a less than statewide voter list to the nearest nickel.

Rules Coordinator: Brenda Bayes

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

Telephone: (503) 986-1518

Rule Caption: Revises Who May Obtain a Residence Address Disclosure Exemption from a County Elections Official.

Stat. Auth.: ORS 246.150 & 247.969

Stats. Implemented: ORS 192.501, 247.965 & 2009 OL Ch. 769

Proposed Amendments: 165-005-0130

Last Date for Comment: 12-28-09

Summary: This rule is being revised to limit the individuals who may seek a residence address disclosure exemption from the county elections official to public safety officers as defined in ORS 181.610, as provided in section 1 Chapter 769 Oregon Laws 2009.

Rules Coordinator: Brenda Bayes

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

Telephone: (503) 986-1518

Rule Caption: Adds Forms to be Used by 17 Year Old Elector to Request Ballots.

Stat. Auth.: ORS 246.150, 254.465 & 254.470

Other Auth.: Help America Vote Act P.L. 107-252

Stats. Implemented: ORS 247, 253.030 & 254

Proposed Amendments: 165-007-0035

Last Date for Comment: 12-28-09

Summary: This proposed rule amendment designates form SEL 111A, the Absentee Ballot Request Form, as the form to be used by an elector who is 17 years old who will be away during an election,

may submit to a county elections official to request an absentee ballot.

Rules Coordinator: Brenda Bayes

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

Telephone: (503) 986-1518

Rule Caption: Hand Counts of Ballots at General Elections.

Stat. Auth.: ORS 246.150

Stats. Implemented: ORS 254.529 & 2009 OL Ch. 511

Proposed Amendments: 165-007-0290

Last Date for Comment: 12-28-09

Summary: This rule describes the process by which county elections officials conduct hand counts of ballots counted by county vote tally systems at each general election. The amendments incorporate changes made by the 2009 Legislative Assembly. The changes include allowing notification to county elections officials of the election contests to be hand counted not later than the 3rd business day after the general election, and requiring county elections officials to begin the hand counts not later than the 21st day after the general election.

Rules Coordinator: Brenda Bayes

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

Telephone: (503) 986-1518

Rule Caption: Adoption of County Security Plan Components.

Stat. Auth.: ORS 246.150

Stats. Implemented: ORS 254.074 & 2009 OL Ch. 592 (HB 3451)

Proposed Adoptions: 165-007-0310

Last Date for Comment: 12-28-09

Summary: Chapter 592, Oregon Laws 2009 (HB 3451) allows county clerk to begin scanning ballots not sooner than the 7th day before the election in accordance with security plan approved by the Secretary of State. This proposed rule sets forth the components required to be present in a county security plan and requires written approval from the Elections Division approving the county security plan in order for the county elections official to scan ballots 7 days before the election.

Rules Coordinator: Brenda Bayes

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

Telephone: (503) 986-1518

Rule Caption: Adopts the 2010 State Candidate's Manuals, County Candidate's Manual and Forms.

Stat. Auth.: ORS 246.120, 246.150 & 249.009

Stats. Implemented: ORS 246.120, 246.150 & 249.009

Proposed Amendments: 165-010-0005

Last Date for Comment: 12-28-09

Summary: This proposed rule amendment designates the *2010 State Candidate's Manual: Major Political Party*; *2010 State Candidate's Manual: Nonpartisan*; *2010 State Candidate's Manual: Minor Political Party*; *2010 State Candidate's Manual: Assembly of Electors*; *2010 State Candidate's Manual: Individual Electors*; and the *2010 County Candidate's Manual* and associated forms as the procedures and forms used by candidates filing and running for elected office. In addition this rule designates the *2010 State Candidate's Manual: Minor Political Party* to be used for the formation of a Minor Party.

To request a copy of the draft *2010 State Candidate's Manual: Major Political Party*; *2010 State Candidate's Manual: Nonpartisan*; *2010 State Candidate's Manual: Minor Political Party*; *2010 State Candidate's Manual: Assembly of Electors*; *2010 State Candidate's Manual: Individual Electors*; or the *2010 County Candidate's Manual* please contact Summer Davis, Compliance Specialist, phone 503-986-1518; fax 503-373-7414; or e-mail summer.s.davis@state.or.us

NOTICES OF PROPOSED RULEMAKING

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

Rule Caption: Repeal of Prohibition Against Participating in More than One Nominating Process for Partisan Public Office.

Stat. Auth.: ORS 246.150

Stats. Implemented: ORS 254.069

Proposed Repeals: 165-010-0120

Last Date for Comment: 12-28-09

Summary: This rule is proposed for repeal because the 2009 Legislative Assembly repealed ORS 254.069 which provided that an elector may only participate in one nominating process for each partisan office to be filled at the general election.

Rules Coordinator: Brenda Bayes

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

Telephone: (503) 986-1518

Rule Caption: Adoption of the 2010 Campaign Finance Manual.

Stat. Auth.: ORS 246.120, 246.150, 260.156 & 260.200

Stats. Implemented: ORS 260.005, 260.007, 260.035, 260.037, 260.038, 260.039, 260.041, 260.042, 260.043, 260.044, 260.045, 260.046, 260.049, 260.054, 260.055, 260.056, 260.057, 260.076, 260.078, 260.083, 260.085, 260.102, 260.112, 260.118, 260.156 & 260.232

Proposed Amendments: 165-012-0005

Last Date for Comment: 12-28-09

Summary: This proposed rule amendment designates the *2010 Campaign Finance Manual* and associated forms as the procedures and forms used for compliance with campaign finance regulations.

To request a copy of the draft *2010 Campaign Finance Manual* please contact Summer Davis, Compliance Specialist, phone 503-986-1518; fax 503-373-7414; or e-mail summer.s.davis@state.or.us

Rules Coordinator: Brenda Bayes

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

Telephone: (503) 986-1518

Rule Caption: Amends Rule Governing Valuation of Polls for Campaign Finance Reporting Purposes.

Stat. Auth.: ORS 246.150 & 260.156

Stats. Implemented: ORS 260.083 & 2009 OL Ch. 818

Proposed Amendments: 165-012-0050

Last Date for Comment: 12-28-09

Summary: This rule establishes procedures for committees to report the contribution of poll results, the allocation of polling expenses, the valuation of poll results, and the reporting of in-kind contributions of poll results. The amendments update language to conform to definitions revised by the 2009 Legislative Assembly.

Rules Coordinator: Brenda Bayes

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

Telephone: (503) 986-1518

Rule Caption: Amendment of Procedure for Administrative Discontinuation of a Political Committee.

Stat. Auth.: ORS 246.150 & 260.046

Stats. Implemented: ORS 260.046

Proposed Amendments: 165-012-0240

Last Date for Comment: 12-28-09

Summary: This proposed rule amendment provides a requirement for the committee to inform the Elections Division of the reasons why the committee does not meet the criteria to be administratively discontinued within 20 days of receipt of certified notice. Additionally conforms language and reference to current standards.

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

Rule Caption: Amendment to Penalty Matrix for Other Campaign Finance Violations.

Stat. Auth.: ORS 246.150 & 260.200

Stats. Implemented: ORS 260.200, 260.215, 260.232 & 260.995

Proposed Amendments: 165-013-0010

Last Date for Comment: 12-28-09

Summary: This rule amendment is proposed to incorporate into the Penalty Matrix for Campaign Finance Civil Penalty Election Law Violations updates made to Oregon election law by the 2009 Legislative Assembly. Chapter 818, Oregon Laws 2009 updated the process for the Elections Division to conduct perform a spot check review for campaign finance transactions. This rule updates reference to petition committees from chief petitioner committees and requirements for filing campaign account information. Adds to the penalty matrix a penalty enforced on all committee types against conversion of campaign funds to any person's personal use.

Rules Coordinator: Brenda Bayes

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

Telephone: (503) 986-1518

Rule Caption: Update of the Penalty Matrix for Non-Campaign Finance Civil Penalty Election Law Violations.

Stat. Auth.: ORS 246.150

Stats. Implemented: ORS 260.995 & 2009 OL Ch. 533 & 720

Proposed Amendments: 165-013-0020

Last Date for Comment: 12-28-09

Summary: This rule describes the penalty matrix and mitigating circumstances for non-campaign finance election law violations. The amendments incorporate the changes made by the 2009 Legislative Assembly.

Rules Coordinator: Brenda Bayes

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

Telephone: (503) 986-1518

Rule Caption: Adopting the Publication Restrictions on Political Campaigning by Public Employees.

Stat. Auth.: ORS 246.150

Stats. Implemented: ORS 260.432

Proposed Adoptions: 165-013-0030

Last Date for Comment: 12-28-09

Summary: This rule adopts the *2010 Restrictions on Political Campaigning by Public Employees*. The Elections Division uses this publication as a resource when investigating potential ORS 260.432 violations. This publication interprets ORS 260.432 and informs the public of permissible and impermissible activities by public employees.

Rules Coordinator: Brenda Bayes

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

Telephone: (503) 986-1518

Rule Caption: Adopts the 2010 State and County Initiative, Referendum, and Recall Manuals and Referral Manual.

Stat. Auth.: ORS 264.120, 246.150 & 250.015

Stats. Implemented: ORS 246.120, 246.150, 250.015 & 2009 OL Ch. 533

Proposed Amendments: 165-014-0005

Last Date for Comment: 12-28-09

Summary: This proposed rule amendment designates the *2010 State Initiative and Referendum Manual*; *2010 Recall Manual*; and the

NOTICES OF PROPOSED RULEMAKING

2010 County Initiative and Referendum Manual and associated forms as the procedures and forms to be used for the initiative, referendum and recall processes. In addition this proposed rule amendment designates the 2010 County, City and District Referral Manual to be used for the local referral process.

To request a copy of the draft 2010 State Initiative and Referendum Manual; 2010 Recall Manual; 2010 County Initiative and Referendum Manual, or the 2010 County, City and District Referral Manual please contact Summer Davis, Compliance Specialist, phone 503-986-1518; fax 503-373-7414; or e-mail summer.s.davis@state.or.us

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

.....

Rule Caption: 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: 12-28-09

Summary: This rule is proposed for amendment to incorporate recent changes made by the 2009 Legislative Assembly requiring chief petitioners to maintain accounts on prospective petitions. Additionally this rule amendment requires chief petitioners who submit copies of signatures sheets in accordance with ORS 260.262(1)(e) complete an SEL 320 each time accounts are submitted. The amendment changes the date accounts are due are no later than the deadline specified in the notice. The rule amendment sets forth a procedure for a chief petitioner of a suspended petition to submit notarized written testimony contesting the suspension and detailing why the accounts submitted are complete. Provides that any signatures gathered during a suspension will not be accepted for verification.

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

.....

Rule Caption: Amending Paid Circulator Training and Registration.

Stat. Auth.: ORS 246.150

Stats. Implemented: ORS 250.048 & 2009 OL Ch. 533

Proposed Amendments: 165-014-0280

Last Date for Comment: 12-28-09

Summary: This rule designates the web based 2010 Circulator Training and associated forms as the curriculum and forms to be used by any person who will be paid to gather signatures on a state initiative, referendum, recall or prospective petition to satisfy the training component of the Secretary of State's circulator registration process. Additionally this rule is proposed for amendment to add language specifically prohibiting any person from attempting to register as a paid circulator who, in the five-year period prior to the date of application, has been convicted in any state for a criminal offense involving fraud, forgery or identification theft, has had a civil penalty imposed under ORS 260.995 for a violation of ORS 260.048 or 260.262, or has had a civil or criminal penalty imposed for violation of a statute subject to a criminal penalty under ORS 260.993, as provided for by the 2009 Legislative Assembly.

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

.....

Rule Caption: Adopts the 2010 City Elections Manual and the 2010 District Elections Manual.

Stat. Auth.: ORS 246.120 & 246.150

Stats. Implemented: ORS 246.120, 246.150 & 2009 OL Ch. 533

Proposed Amendments: 165-020-0005

Last Date for Comment: 12-28-09

Summary: This proposed rule amendment designates the 2010 City Elections Manual and the 2010 District Elections Manual and associated forms as the procedures and forms used for in city and district elections processes.

To request a copy of the draft 2010 City Elections Manual or the 2010 District Elections Manual please contact Summer Davis, Compliance Specialist, phone 503-986-1518; fax 503-373-7414; or e-mail summer.s.davis@state.or.us

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

.....

Rule Caption: Notice of Election Board Members for Special District.

Stat. Auth.: ORS 246.120 & 246.150

Stats. Implemented: ORS 255.075

Proposed Amendments: 165-020-0020

Last Date for Comment: 12-28-09

Summary: This rule is proposed for amendment to allow county election officials to provide a similar form that contains at a minimum the same information as the SEL 815 to district elections authorities.

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

.....

Rule Caption: Amending the Billing Formula for Local Elections.

Stat. Auth.: ORS 246.150 & 255.305

Stats. Implemented: ORS 246.179, 246.250, 251.365, 254.046 & 255.305

Proposed Amendments: 165-020-0050, 165-020-0060

Last Date for Comment: 12-28-09

Summary: These proposed amendments remove reference to the Election Equipment Lease/Maintenance Worksheet Annual or Unit Cost Method (SEL 950B) as this form is no longer necessary. These amendments also adopt a new form the SEL 955, Voters' Pamphlet Cost worksheet as the form used for computing the voters' pamphlet cost allocated to each district.

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

.....

Teacher Standards and Practices Commission Chapter 584

Rule Caption: Consider rules regarding Alternative Assessment, Transitional Counselors, Restricted transitional Administrators, Reinstatement of licenses and Fingerprinting.

Date:	Time:	Location:
12-21-09	1-3 p.m.	TSPC Office 465 Commercial St. NE Salem, OR 97301

Hearing Officer: Victoria Chamberlain

Stat. Auth.: ORS 181 & 342

Stats. Implemented: ORS 342.120-342.430 & 342.985

Proposed Amendments: 584-050-0015, 584-050-0100, 584-052-0030, 584-070-0111, 584-080-0153

Proposed Repeals: 584-090-0050

Last Date for Comment: 2-11-10, 5 p.m.

Summary: (1) 584-050-0015: *Reinstatement of Suspended, Revoked or Surrendered License or Registration Generally Removes* reference to recent educational experience.

NOTICES OF PROPOSED RULEMAKING

(2) 584-050-0100: *Fingerprinting of Subject Individuals* Inserts three crimes, (5) (qq-ss), inadvertently left off the rules that are listed in ORS 342.143.

(3) 584-052-0030: *Eligibility for Alternative Assessment* Gives notice that merely getting a test waived does not guarantee eligibility for licensure.

(4) 584-070-0111: *Transitional School Counselor License* Makes degree requirements consistent with other licensure. Clarifies requirement to submit the completed “Sample Questions” in the Protecting Student and Civil Rights in the Education Environment study guide. The applicant must submit a passing score on the commission-approved Civil Rights test prior to further licensure.

(5) 584-080-0153: *Restricted Transitional Administrator License* Clarifies requirement to submit the completed “Sample Questions” in the Protecting Student and Civil Rights in the Education Environment study guide. The applicant must submit a passing score on the commission-approved Civil Rights test prior to further licensure.

(6) 584-090-0050: *CPD Requirements for Renewal of Licensure* – *REPEAL*. Eliminates obsolete provision of CPD rule.

Rules Coordinator: Victoria Chamberlain

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

Telephone: (503) 378-6813

ADMINISTRATIVE RULES

Appraiser Certification and Licensure Board Chapter 161

Rule Caption: Permanent adoption of rules creating new definition, adopting biennial budget and amending pre-requisite licensing requirements.

Adm. Order No.: ACLB 4-2009

Filed with Sec. of State: 10-27-2009

Certified to be Effective: 10-27-09

Notice Publication Date: 9-1-2009

Rules Amended: 161-002-0000, 161-006-0025, 161-010-0035, 161-010-0045

Subject: Permanently amends Oregon Administrative Rule 61, division 002, rule 0000 regarding definitions; division 6, rule 0025 regarding the Board's 2009–2011 biennium budget; division 10, rule 0035 regarding prerequisite education and experience required for state certified general appraisers; and division 10, rule 0045 regarding prerequisite education and experience requirements for state certified residential appraisers.

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

161-002-0000

Definitions

As used in OAR 161-001-0005 to 161-050-0050, the following terms (whether capitalized or not) shall have the following meanings:

(1) “**Accredited College or University**” means a college or university that is accredited by the Commission on Colleges, a regional or national accreditation association, or by an accrediting agency that is recognized by the U.S. Secretary of Education.

(2) “**Administrator**” means the administrator of the Board appointed by the Board.

(3) “**Affiliate**” means a business organization sharing with a financial institution or insurance company some aspect of common ownership and control.

(4) “**Appraisal**” or “**Real Estate Appraisal**” means “appraisal” as defined in USPAP.

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

(6) “**Appraisal Report**” means “report” as defined in USPAP.

(7) “**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.

(8) “**Appraisal Subcommittee**” or “**ASC**” means the Appraisal Subcommittee of the Federal Financial Institutions Examination Council (FFIEC) established pursuant to the Federal Act.

(9) “**Board**” or “**ACLB**” means the Appraiser Certification and Licensure Board established under ORS Chapter 674.

(10) “**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.

(11) “**Classroom hour**” as used in reference to qualifying and continuing education means 50 minutes out of each 60 minute segment.

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

(13) “**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.

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

(15) “**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 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.

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

(17) “**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.

(18) “**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.

(19) “**Good Standing**” means the status of a person whose license, certificate or registration is not currently suspended or been revoked.

(20) “**Issuance**” means the act of communicating the opinion of value either in writing or orally.

(21) “**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.

(22) “**Licensee**” means any person who holds an active or inactive Oregon appraiser license, certified residential appraiser certificate, or certified general appraiser certificate.

(23) “**Mortgage banker**” has the meaning defined in ORS 59.840.

(24) “**Non-residential**” appraising means to render a value on real property other than one-to-four family residential properties.

(25) “**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.

(26) “**Preparation**” means compiling data, including reviewing and adopting such compiled data as one's own.

(27) “**Prerequisite education**” means the initial qualifying educational requirements to become licensed or certified with the Board.

(28) “**Professional real estate activity**” has the meaning defined in ORS 696.010.

(29) “**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.

(30) “**Real estate appraisal activity**” has the meaning defined in ORS 674.100.

(31) “**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.

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

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

(34) “**State Licensed Appraiser**” or “**SLA**” means an individual who has been licensed as a state licensed appraiser by the Board.

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

ADMINISTRATIVE RULES

(36) “**Supervising Appraiser**” means a licensee who is directly supervising appraiser assistants pursuant to OAR 161-025-0025.

(37) “**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.

(38) “**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.

(39) “**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.

(40) “**Workfile**” means “workfile” as defined in USPAP.

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

Stat. Auth.: ORS 674.305 & 674.310

Stats. Implemented: ORS 674

Hist.: ACLB 2-1991(Temp), f. & cert. ef. 7-1-91; ACLB 7-1991, f. & cert. ef. 12-23-91; ACLB 1-1993(Temp), f. & cert. ef. 3-3-93; ACLB 1-1994, f. & cert. ef. 2-1-94, Renumbered from 161-010-0000; ACLB 4-1994, f. & cert. ef. 7-27-94; ACLB 4-1994, f. & cert. ef. 7-27-94; ACLB 2-1996, f. & cert. ef. 2-13-96; ACLB 1-1997(Temp), f. 10-13-97, cert. ef. 1-1-98; ACLB 1-1998, f. 6-24-98, cert. ef. 7-1-98; ACLB 1-1999, f. 1-28-99, cert. ef. 3-31-99; ACLB 1-2000, f. & cert. ef. 2-29-00; ACLB 1-2001(Temp), f. & cert. ef. 1-26-01 thru 7-25-01; ACLB 2-2001, f. 4-11-01, cert. ef. 4-12-01; ACLB 3-2001(Temp), f. & cert. ef. 7-12-01 thru 1-8-02; ACLB 1-2002, f. & cert. ef. 2-26-02; ACLB 2-2002, f. & cert. ef. 5-30-02; ACLB 2-2003, f. & cert. ef. 1-27-03; ACLB 1-2004, f. & cert. ef. 2-3-04; ACLB 2-2004, f. 5-25-04, cert. ef. 6-1-04; ACLB 1-2005, f. & cert. ef. 1-12-04; ACLB 4-2005, f. & cert. ef. 11-2-05; ACLB 1-2006(Temp), f. 6-29-06, cert. ef. 7-1-06 thru 12-28-06; ACLB 2-2006, f. & cert. ef. 7-26-06; ACLB 5-2007(Temp), f. 11-1-07, cert. ef. 1-1-08 thru 6-27-08; ACLB 1-2008, f. & cert. ef. 5-13-08; ACLB 3-2008, f. & cert. ef. 8-13-08; ACLB 2-2009(Temp), f. 1-28-09, cert. ef. 1-30-09 thru 7-28-09; Administrative correction 8-21-09; ACLB 4-2009, f. & cert. ef. 10-27-09

161-006-0025

Budget

The Board hereby adopts by reference the Board’s 2009–2011 Biennium Budget of \$1,465,421 covering the period from July 1, 2009 through June 30, 2011. The Board will amend budgeted accounts as necessary within the approved budget of \$1,465,421 for the effective operation of the Board. The Board will not exceed the approved 2009–2011 Biennium Budget without amending this rule, notifying holders of licenses, and holding a public hearing thereon as required by ORS Chapter 182.462(1)(2). Copies of the budget are available from the Board’s office.

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

Stats. Implemented: ORS 674

Hist.: ACLB 4-2001(Temp), f. & cert. ef. 9-12-01 thru 3-1-02; ACLB 1-2002, f. & cert. ef. 2-26-02; ACLB 1-2003(Temp), f. & cert. ef. 1-14-03 thru 7-11-03; ACLB 3-2003, f. & cert. ef. 5-1-03; ACLB 4-2003(Temp), f. 6-25-03, cert. ef. 7-1-03 thru 12-28-03; ACLB 5-2003, f. & cert. ef. 11-10-03; ACLB 2-2005(Temp), f. 6-16-05, cert. ef. 7-1-05 thru 12-28-05; ACLB 4-2005, f. & cert. ef. 11-2-05; ACLB 2-2007(Temp), f. 6-6-07, cert. ef. 7-1-07 thru 11-30-07; BOC 1-2007, f. 10-31-07, cert. ef. 11-1-07; ACLB 3-2009(Temp), f. 5-15-09, cert. ef. 7-1-09 thru 11-30-09; ACLB 4-2009, f. & cert. ef. 10-27-09

161-010-0035

Prerequisite Experience and Education Requirements for State Certified General Appraisers

As a prerequisite to taking the examination for certification as a state certified general appraiser, an applicant shall present evidence satisfactory to the Administrator that the applicant has:

(1) At least 3,000 cumulative hours of acceptable appraisal experience, including at least 1,500 hours of appraisal experience in non-residential appraising. “Cumulative” is defined as meaning that experience may be acquired over any time period of at least thirty (30) months.

(2) Successfully completed not less than 300 class hours of acceptable appraisal courses as set forth in OAR 161-020-0110(2)(d). Included within that requirement, each applicant shall have successfully completed the 15-hour Appraisal Foundation’s National USPAP Course, or its equivalent, within four (4) years preceding the date of application and have successfully passed an examination thereon.

(3) A Bachelors degree or higher from an accredited college or university, unless the requirements of paragraph (4) below are satisfied.

(4) In lieu of the Bachelors degree, an applicant for state certified general appraiser shall successfully pass all of the following collegiate level subject matter courses from an accredited college, junior college, community college or university:

(a) English Composition;

(b) Micro Economics;

(c) Macro Economics;

(d) Finance;

(e) Algebra, Geometry, or higher mathematics;

(f) Statistics;

(g) Computer Science;

(h) Business or Real Estate Law; and

(i) Two elective courses in accounting, geography, agricultural economics, business management, or real estate.

(5) Total hours of equivalent college courses in lieu of a Bachelors degree: 30 semester credit hours or its equivalent for the state certified general appraiser. If an accredited college or university accepts the College-Level Examination Program (CLEP) examination(s) and issues a transcript for the exam, showing its approval, it will be considered as credit for the college course.

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

Stat. Auth.: ORS 674.305 & 674.310

Stats. Implemented: ORS 674

Hist.: ACLB 2-1991(Temp), f. & cert. ef. 7-1-91; ACLB 7-1991, f. & cert. ef. 12-23-91; ACLB 7-1991, f. & cert. ef. 12-23-91; ACLB 1-1994, f. & cert. ef. 2-1-94, Renumbered from 161-010-0030 & 161-010-0040; ACLB 1-1997(Temp), f. 10-13-97, cert. ef. 1-1-98; ACLB 1-1998, f. 6-24-98, cert. ef. 7-1-98; ACLB 1-2002, f. & cert. ef. 2-26-02; ACLB 3-2003, f. & cert. ef. 5-1-03; ACLB 1-2008, f. & cert. ef. 5-13-08; ACLB 3-2008, f. & cert. ef. 8-13-08; ACLB 2-2009(Temp), f. 1-28-09, cert. ef. 1-30-09 thru 7-28-09; Administrative correction 8-21-09; ACLB 4-2009, f. & cert. ef. 10-27-09

161-010-0045

Prerequisite Experience and Education Requirements for State Certified Residential Appraisers

As a prerequisite to taking the examination for certification as a state certified residential appraiser, an applicant shall present evidence satisfactory to the Administrator that the applicant has:

(1) At least 2,500 cumulative hours of acceptable appraisal experience. “Cumulative” is defined as meaning that experience may be acquired over any time period of at least twenty-four (24) months.

(2) Successfully completed not less than 200 class hours of acceptable appraisal courses as set forth in OAR 161-020-0110(2)(c). Included within that requirement, each applicant shall have successfully completed the 15-hour Appraisal Foundation’s National USPAP Course, or its equivalent, within four (4) years preceding the date of application and have successfully passed an examination thereon.

(3) An Associate degree or higher from an accredited college or university, unless the requirements of paragraph (4) below are satisfied.

(4) In lieu of the Associate degree, an applicant for state certified residential appraiser shall successfully pass all of the following collegiate level subject matter courses from an accredited college, junior college, community college or university:

(a) English Composition;

(b) Principles of Economics (Micro or Macro);

(c) Finance;

(d) Algebra, Geometry, or higher mathematics;

(e) Statistics;

(f) Computer Science; and

(g) Business or Real Estate Law.

(5) Total hours of equivalent college courses in lieu of an Associate degree: 21 semester credit hours or its equivalent for the state certified residential appraiser. If an accredited college or university accepts the College-Level Examination Program (CLEP) examination(s) and issues a transcript for the exam, showing its approval, it will be considered as credit for the college course.

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

Stat. Auth.: ORS 674.305 & 674.310

Stats. Implemented: ORS 674

Hist.: ACLB 1-1994, f. & cert. ef. 2-1-94; ACLB 1-1997(Temp), f. 10-13-97, cert. ef. 1-1-98; ACLB 1-1998, f. 6-24-98, cert. ef. 7-1-98; ACLB 1-2002, f. & cert. ef. 2-26-02; ACLB 3-2003, f. & cert. ef. 5-1-03; ACLB 3-2005, f. & cert. ef. 7-22-05; ACLB 1-2008, f. & cert. ef. 5-13-08; ACLB 3-2008, f. & cert. ef. 8-13-08; ACLB 2-2009(Temp), f. 1-28-09, cert. ef. 1-30-09 thru 7-28-09; Administrative correction 8-21-09; ACLB 4-2009, f. & cert. ef. 10-27-09

ADMINISTRATIVE RULES

Board of Architect Examiners Chapter 806

Rule Caption: Representatives for Firm Renewals.

Adm. Order No.: BAE 5-2009

Filed with Sec. of State: 11-5-2009

Certified to be Effective: 11-5-09

Notice Publication Date: 8-1-2009

Rules Amended: 806-010-0080

Subject: This rule is amended to assure that the person completing the architectural firm renewal application on behalf of the firm is an officer or voting member of the firm or has ownership interest in the firm.

Rules Coordinator: Carol Moeller—(503) 763-0662, ext. 23

806-010-0080

Architectural Firms

(1) As used in this rule and OAR 806-010-0105 (Schedule of Actual Fees), architectural firm is defined as any firm that provides architectural services in the state of Oregon including:

(a) Corporations (refer to OAR 806-010-0110 for specific rules relating to corporate or assumed business names);

(b) Partnerships;

(c) Limited liability companies;

(d) Individuals practicing under an assumed business name (refer to OAR 806-010-0110 for specific rules relating to corporate or assumed business names).

(2) Prior to practicing architecture in this state, an architectural firm must apply for and obtain registration with the Board.

(3) An architectural firm must be identified as being engaged in the practice of architecture. If the firm name uses the plural form of "architect," the firm must have more than one architect registered in any NCARB recognized jurisdiction associated with the firm as a principal, partner, or employee.

(4) An architectural firm name may contain numbers, as long as the firm name is not misleading to the public (i.e., "Three Oregon Architects" must have three architects registered in Oregon).

(5) Additional requirements for registration are as follows:

(a) **Corporations:** At least 2/3 of the Board of Directors must be architects or engineers registered in any NCARB recognized jurisdiction. At least 1/3 of the Board of Directors must be registered as architects in any NCARB recognized jurisdiction. At least one director of the corporation must be an Oregon registered architect and make architectural decisions and sign/stamp all plans on Oregon architectural projects. If a corporation was in continuous existence since September 29, 1991, and at least 51% of the corporation is owned by an Oregon registered architect or engineer, the corporation is exempt from typical ownership requirements, but must still meet all other firm name requirements.

(b) **Partnerships:** At least 2/3 of the partners must be architects or engineers registered in any NCARB recognized jurisdiction and represent at least 2/3 ownership interest in the partnership. At least 1/3 of the partners must be registered as architects in any NCARB recognized jurisdiction. At least one partner must be an Oregon registered architect and make architectural decisions and sign/stamp all plans on Oregon architectural projects.

(c) **Limited Liability Companies (LLC):** At least 2/3 of the members of an LLC must be architects or engineers registered in any NCARB recognized jurisdiction and represent at least 2/3 ownership interest in the LLC. At least 1/3 of the members must be registered as architects in any NCARB recognized jurisdiction. At least one member of the LLC must be an Oregon registered architect and make architectural decisions and sign/stamp all plans on Oregon architectural projects.

(6) Application for registration of an architectural firm, whose existence required registration with the state in which it was formed, must include a certificate of existence, not more than 60 days old, from the Secretary of State of the state in which the architectural firm was formed.

(7) Upon receipt of an application with the supporting documentation and proof of compliance with the firm registration and name requirements and upon receipt of the registration fee, the Board will issue a certificate of registration which will remain in effect until January 31st of the year following the date initial certification is granted (See Schedule of Actual Fees, OAR 806-010-0105(5)).

(8) On or before January 31st of each year, an architectural firm shall submit an application for annual renewal accompanied by the renewal fee (See Schedule of Actual Fees, OAR 806-010-0105). The renewal application must list:

(a) The names and addresses of all directors, members, or partners in the firm.

(b) Whether the directors, members, or partners are registered or licensed architects or engineers; and

(c) The jurisdictions in which the directors, members, or partners are registered or licensed.

(d) The signature of the firm representative taking responsibility for the information contained in the firm renewal application and attachments. The firm representative must be an officer or voting member of the firm, or have ownership interest in the firm.

(9) An architectural firm may renew firm registration not later than 30 days after the renewal deadline without penalty, upon submission of the renewal application and payment of the renewal fee.

(a) An architectural firm may renew firm registration between 31 and 60 days after the renewal deadline, upon submission of the renewal application, payment of the renewal fee, plus a penalty equal to the amount of the renewal fee.

(b) On the 61st day following the renewal deadline, the architectural firm who fails to pay the renewal fee plus the penalty will forfeit the firm registration and must not practice architecture under the firm name.

Stat. Auth.: ORS 671.125

Stats. Implemented: ORS 671.041

Hist.: AE 11, f. 2-15-74, ef. 3-11-74; AE 16(Temp), f. & ef. 5-17-77; AE 17, f. & ef. 9-22-77; AE 2-1978, f. & ef. 2-6-78; AE 1-1979, f. 5-31-79, ef. 6-1-79; AE 1-1987, f. & ef. 3-30-87; AE 1-1996, f. 1-23-96, cert. ef. 2-1-96; AE 2-1997, f. & cert. ef. 9-24-97; BAE 2-1998, f. & cert. ef. 6-22-98; BAE 3-2000, f. & cert. ef. 7-24-00; BAE 4-2001, f. & cert. ef. 10-4-01; BAE 1-2002, f. & cert. ef. 4-30-02; BAE 3-2003, f. & cert. ef. 4-11-03; BAE 5-2004, f. & cert. ef. 5-5-04; BAE 5-2005, f. 8-29-05, cert. ef. 8-30-05; BAE 5-2009, f. & cert. ef. 11-5-09

Rule Caption: Use of the AIA Designation.

Adm. Order No.: BAE 6-2009

Filed with Sec. of State: 11-13-2009

Certified to be Effective: 11-13-09

Notice Publication Date: 8-1-2009

Rules Amended: 806-010-0140

Subject: This rule is amended for better clarity, continues to allow use of the AIA designation by registered architects who are members of AIA, and elaborates that such a designation is also allowed by registered firms that are members of AIA.

Rules Coordinator: Carol Moeller—(503) 763-0662, ext. 23

806-010-0140

Use of the "AIA" Acronym

In accordance with ORS 671.020(1) & (6), 671.030(1), and 671.220(5), the "AIA" acronym may be used to signify professional membership in the American Institute of Architects following the name of a person or entity, providing the person or entity using "AIA" is a member in good standing of the American Institute of Architects and is licensed or registered and in good standing in a jurisdiction recognized by the Board. No person or entity using the "AIA" designation may use it in a manner that misrepresents whether the person is licensed or the entity is registered by the Board to practice architecture in Oregon.

Stat. Auth.: ORS 671.125

Stats. Implemented: ORS 671.020 & 671.030

Hist.: AE 1-1995, f. 10-31-95, cert. ef. 12-1-95; AE 2-1997, f. & cert. ef. 9-24-97; BAE 6-2009, f. & cert. ef. 11-13-09

Board of Examiners for Engineering and Land Surveying Chapter 820

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

Adm. Order No.: BEELS 2-2009

Filed with Sec. of State: 11-13-2009

Certified to be Effective: 11-13-09

Notice Publication Date: 10-1-2009

Rules Adopted: 820-010-0480

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

Subject: OAR 820-010-0010 – Definitions – Housekeeping revisions.

ADMINISTRATIVE RULES

OAR 820-010-0204 – Applications for Registration as Professional Engineers (PE) Based on Examination by Another Jurisdiction or by NCEES (1st Registration) – Clarifies the examinations accepted and recognized by the Board.

OAR 820-010-0206 – Applications for Registration as a Professional Land Surveyors (PLS) Based on Examination by Another Jurisdiction or by NCEES (1st Registration) – Clarifies the examinations accepted and recognized by the Board.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Rules Coordinator: Mari Lopez—(503) 362-2666, ext. 26

820-010-0010

Definitions

The following definitions and guides have been adopted by the Board to assist registrants and the general public in their interpretation of specific portions of ORS 672.002 to 672.325.

(1) “Board” means the Oregon State Board of Examiners for Engineering and Land Surveying provided by ORS 672.240.

(2) “Practice of engineering” refers to ORS 672.005 and 672.007.

(3) “Technician work” means the time spent on work where the personal responsibility and technical knowledge required are small; that is, where the individual performance of a task, set and supervised by others, is all that is required. It shall also include all time spent in work before an applicant is 18 years old “Technician work” does not include engineering work as described in section (4), land surveying work as described in section (7) or photogrammetric work as described in section (10). Engineering “technician work” includes, but is not limited to, work as an inspector, a laboratory assistant, a design assistant, a survey technician, or a draftsman. Land Surveying “technician work” includes, but is not limited to, work as a survey technician, a draftsman, an instrument plotter, or computation work under close supervision and not requiring the exercise of judgment in survey or map design, or decisions on boundary location. Photogrammetric mapping “technician work” includes but is not limited to, work as a photogrammetric mapping technician to perform technical photogrammetric or remote sensing tasks to extract spatial data from photographic imagery, digital imagery or other remotely-sensed data under close supervision and not requiring the exercise of judgment in project design or decisions related to authoritative photogrammetric measurements.

(4) “Engineering work” is work performed after a person is 18 years old and involves work of a higher grade and responsibility than that defined as “technician work.” Credit for engineering work will only be given for time worked such that persons performing work for more than one entity during a given period of time will not receive multiple credit for dates worked. Time spent in engineering teaching subsequent to graduation shall be listed as “engineering work.” Work performed in conjunction with a course of study provided by a community college, college, university, or any other educational program, for which tuition or similar payment is made, credit is earned, or as a requirement of the program, will not be considered “engineering work.”

(5) “Responsible charge,” as used in ORS 672.002(9), means to have supervision and control over engineering work as defined in 672.005(1), land surveying work, and photogrammetric mapping, as evidenced by performing substantially the following:

(a) Establishing the manner or method by which services are rendered;

(b) Establishing quality controls for the services rendered;

(c) Communicating with clients;

(d) Reviewing designs, calculations, plans, surveys or maps;

(e) Supplying deficiencies found in or correcting errors contained in designs, calculations, plans, surveys or maps;

(f) Making changes to documents, including but not limited to, designs, plans, plats, surveys or maps; and

(g) With respect to land surveying, reviewing field evidence and making final decisions concerning the placement of survey monuments and surveyed lines.

(6) “Supervision and control,” as used in ORS 672.002(10), means establishing the nature of, directing and guiding the preparation of, and approving the work product and accepting responsibility for the work product, as evidenced by performing the following:

(a) Spending time directly supervising the work to assure that the person working under the licensee is familiar with the significant details of the work;

(b) Providing oversight, inspection, observation and direction regarding the work being performed;

(c) Providing adequate training for persons rendering services and working on projects under the licensee;

(d) Maintaining readily accessible contact with the person providing services or performing work by direct proximity or by frequent communication about the services provided or the work performed. Communications between the licensee and persons under the licensee’s supervision and control include face-to-face communications, electronic mail, and telephone communications and similar, other communications that are immediate and responsive; and

(e) Applying the licensee’s seal and signature to a document.

(7) “Practice of land surveying” refers to ORS 672.005(2) and 672.007.

ADMINISTRATIVE RULES

(8) "Land surveying work" is work performed after a person is 18 years old and involves work of a higher grade and responsibility than that defined as "technician work". Engineering work, not related to the practice of land surveying, is not land surveying work. Credit for land surveying work will only be given for time worked such that persons performing work for more than one entity during a given period of time will not receive multiple credit for dates worked. Work performed in conjunction with a course of study provided by a community college, college, university, or any other educational program, for which tuition or similar payment is made, credit is earned, or as a requirement of the program, will not be considered "land surveying work."

(9) "Practice of photogrammetric mapping" or "practice of photogrammetry" refers to ORS 672.002(7).

(10) "Photogrammetric work" is work performed after a person is 18 years old and involves work of a higher grade and responsibility than that defined as "technician work." Credit for photogrammetric work will only be given for time worked such that persons performing work for more than one entity during a given period of time will not receive multiple credit for dates worked. Time spent teaching photogrammetric mapping after graduation is "photogrammetric work." Work performed in conjunction with a course of study provided by a community college, college, university, or any other educational program, for which tuition or similar payment is made, credit is earned, or as a requirement of the program, will not be considered "photogrammetric work."

(11) Professional Development Hour (PDH) – A contact hour (nominal) of instruction or presentation. The common denominator for other units of credit.

(12) Continuing Education Unit (CEU) – Unit of credit customarily used for continuing education courses. One continuing education unit equals 10 hours of class in an approved continuing education course.

(13) College/Unit Semester/Quarter Hour – Credit for course work in an approved program or other related college course approved in accordance with article (e) of this section.

(14) Course/Activity – Any qualifying course or activity with a clear purpose and objective which will maintain, improve or expand the skills and knowledge relevant to the licensee's field of practice.

(15) Multiple Registrant means a person who is registered as both a land surveyor and an engineer or is registered as an engineer in two or more disciplines.

(16) "Digital signature" means a type of electronic signature, as allowed by the ORS 84.001 to 84.061, that transforms a message through the use of an algorithm or series of algorithms that provide a key pair, private and public, for signer verification, document security and authentication.

(17) The words "branch" and "discipline" are synonymous as used in OAR chapter 820 divisions 10 and 40.

(18) Acronyms:

(a) ABET – Accreditation Board for Engineering and Technology, Inc.;

(b) ACCE – American Council for Construction Education;

(c) ASAC – Applied Science Accreditation Commission of ABET;

(d) EAC – Engineering Accreditation Commission of ABET;

(e) EI – Engineering Intern;

(f) FE – Fundamentals of Engineering;

(g) FLS – Fundamentals of Land Surveying;

(h) LSI – Land Surveying Intern;

(i) NCEES – National Council of Examiners for Engineering and Surveying;

(j) TAC – Technology Accreditation Commission of ABET.

(k) PE – Professional Engineer;

(l) PLS – Professional Land Surveyor;

(m) RPP – Registered Professional Photogrammetrist;

(n) CWRE – Certified Water Right Examiner.

Stat. Auth.: ORS 670.310 & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: EE 13, f. 3-29-72, ef. 4-15-72; EE 16, f. 3-5-74, ef. 3-25-74; EE 17, f. 4-22-74, ef. 5-11-74; EE 20, f. & ef. 12-15-77; EE 1-1987, f. & ef. 1-5-87; EE 1-1992, f. & cert. ef. 2-3-92; EE 1-1995, f. 8-15-95, cert. ef. 9-1-95; BEELS 1-1998, f. & cert. ef. 2-10-98; BEELS 1-2000, f. & cert. ef. 1-14-00; BEELS 4-2000, f. & cert. ef. 8-4-00; BEELS 5-2000, f. & cert. ef. 10-19-00; BEELS 1-2001, f. & cert. ef. 5-22-01; BEELS 1-2002, f. & cert. ef. 3-13-02; BEELS 1-2004, f. & cert. ef. 1-26-04; BEELS 2-2004, f. & cert. ef. 7-14-04; BEELS 1-2005, f. & cert. ef. 3-16-05; BEELS 6-2005, f. & cert. ef. 12-13-05; BEELS 2-2006, f. & cert. ef. 11-21-06; BEELS 2-2007, f. & cert. ef. 4-5-07; BEELS 5-2007, f. & cert. ef. 9-20-07; BEELS 2-2008, f. & cert. ef. 7-9-08; BEELS 3-2008, f. & cert. ef. 11-14-08; BEELS 2-2009, f. & cert. ef. 11-13-09

820-010-0204

Applications for Registration as Professional Engineers (PE) Based on Examination by Another Jurisdiction or by NCEES (1st Registration)

(1) Applicants who are not registered in another jurisdiction but who meet all the requirements for registration in Oregon may be considered for registration if the application is submitted within two years following passing the practical examination as a professional engineer in another jurisdiction or by NCEES. This includes, for example, applicants who have passed the FE and PE examinations in another jurisdiction or by NCEES, but who are not registered in a jurisdiction. This rule does not apply to applicants who are not currently registered due to expired, delinquent, or otherwise invalid certificates of registration.

(2) Application must include:

(a) Experience Details form including active practice in engineering;

(b) Five references that meet the requirements of the OAR 820-010-0255, three of whom hold registration in a NCEES jurisdiction;

(A) Qualifying experience accrued by the applicant must be accompanied by a reference that supervised the work product as meeting the definition of engineering as defined in the OAR 820-010-0010.

(B) References must be submitted on the Board approved Reference Details form.

(C) The Board may, for good cause upon written application, reduce the number of references required.

(c) Official transcripts or evaluation of degree credentials for those degrees not from an ABET accredited program.

(d) Official verification of successful completion of the NCEES Fundamentals of Engineering examination and the NCEES Principles and Practice of Engineering examination.

(3) Before receiving a certificate of registration to practice professional engineering in Oregon, each applicant must pass a take-home examination on the laws and rules in Oregon.

(4) Application must be accompanied by the \$375.00 fee.

Stat. Auth.: ORS 670.310, 672.095, & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: BEELS 2-2006, f. & cert. ef. 11-21-06; BEELS 3-2008, f. & cert. ef. 11-14-08; BEELS 2-2009, f. & cert. ef. 11-13-09

820-010-0206

Applications for Registration as a Professional Land Surveyors (PLS) Based on Examination by Another Jurisdiction or by NCEES (1st Registration)

(1) Applicants who are not registered in another jurisdiction but who meet all the requirements for registration in Oregon may be considered for registration if the application is submitted within two years following passing the practical examination as a professional land surveyor in another jurisdiction or by NCEES. This includes, for example, applicants who have passed the FLS and PLS examinations in another jurisdiction or by NCEES, but who are not registered in a jurisdiction. This rule does not apply to applicants who are not currently registered due to expired, delinquent, or otherwise invalid certificates of registration.

(2) Application must include:

(a) Experience Details form including active practice in land surveying;

(b) Five references that meet the requirements of the OAR 820-010-0255, three of whom hold registration in a NCEES jurisdiction;

(A) Qualifying experience accrued by the applicant must be accompanied by a reference that supervised the work product as meeting the definition of land surveying as defined in the OAR 820-010-0010.

(B) References must be submitted on the Board approved Reference Details form.

(C) The Board may, for good cause upon written application, reduce the number of references required.

(c) Official transcripts or evaluation of degree credentials for those degrees not from an ABET accredited program.

(d) Official verification of successful completion of the NCEES Fundamentals of Land Surveying examination and the NCEES Principles and Practice of Land Surveying examination.

(3) Before receiving a certificate of registration to practice professional land surveying in Oregon, each applicant must successfully pass a state specific examination covering Oregon law relating to land surveying.

(4) Before receiving a certificate of registration to practice professional land surveying in Oregon, each applicant must pass a take-home examination on the laws and rules in Oregon.

(5) Application must be accompanied by the \$375.00 fee.

Stat. Auth.: ORS 670.310, 672.095, 672.157, & 672.255

Stats. Implemented: ORS 672.002 - 672.325

ADMINISTRATIVE RULES

Hist.: BEELS 2-2006, f. & cert. ef. 11-21-06; BEELS 3-2008, f. & cert. ef. 11-14-08; BEELS 2-2009, f. & cert. ef. 11-13-09

820-010-0208

Applications for Registration as a Professional Photogrammetrists Based on Examination by Another Jurisdiction or by NCEES (1st Registration)

(1) Applicants who are not registered in another jurisdiction but who meet all the requirements for registration in Oregon may be considered for registration if the application is submitted within two years following passing the examination as a photogrammetrist in another jurisdiction or by NCEES. This rule does not apply to applicants who are not currently registered due to expired, delinquent, or otherwise invalid certificates of registration.

(2) Application must include:

(a) Experience Details form including active practice in photogrammetric mapping;

(b) Five references that meet the requirements of the OAR 820-010-0255, three of whom hold registration in a NCEES jurisdiction;

(A) Qualifying experience accrued by the applicant must be accompanied by a reference that supervised the work product as meeting the definition of photogrammetric mapping as defined in the OAR 820-010-0010.

(B) References must be submitted on the Board approved Reference Details form.

(C) The Board may, for good cause upon written application, reduce the number of references required.

(c) Official transcripts or evaluation of degree credentials for those degrees not from an ABET accredited program.

(d) Official verification of successful completion of the NCEES Fundamentals of Land Surveying examination and a professional photogrammetry examination recognized by the Board.

(3) Before receiving a certificate of registration to practice professional photogrammetric mapping in Oregon, each applicant must pass a take-home examination on the laws and rules in Oregon.

(4) Application must be accompanied by the \$375.00 fee.

Stat. Auth.: ORS 670.310, 672.095, 672.157, & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: BEELS 2-2006, f. & cert. ef. 11-21-06; BEELS 3-2008, f. & cert. ef. 11-14-08; BEELS 2-2009, f. & cert. ef. 11-13-09

820-010-0215

Form of Applications

(1) Applications for registration as professional engineers, professional land surveyors, professional photogrammetrists and for enrollment as an EI, an LSI, or an application for certification as a water right examiner will be made on printed forms issued by the Board in accordance with Board instructions.

(2) All applications must be accompanied by the appropriate fee.

(3) The following must be submitted to the Board in a single package by the application deadline in OAR 820-010-0442:

(a) Application;

(b) Experience Details form;

(c) Reference Details forms;

(d) Request for Reasonable Accommodations to Oregon Specific Examinations; and

(e) Explanation of any work performed in conjunction with any educational program as defined in OAR 820-010-0010.

(4) Applications for registration as professional engineers, professional land surveyors, or professional photogrammetrists must be accompanied by a completed take-home examination on the laws and rules in Oregon.

(5) The following documents may be submitted by the issuer to the Board office and received no later than March 1 for the Spring examination administration or no later than September 1 for the Fall examination administration:

(a) Official verification of examinations and/or substantially equivalent examinations successfully passed;

(b) Official verification of current registration by another jurisdiction;

(c) Official transcripts or course-by-course evaluations; or

(d) NCEES Records.

(6) Applicants who do not comply with this rule will be considered failing to complete the application process and subject to OAR 820-010-0300.

Stat. Auth.: ORS 670.310, 672.095, 672.157, & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: EE 13, f. 3-29-72, ef. 4-15-72; EE 20, f. & ef. 12-15-77; EE 1-1983, f. 2-28-83, ef. 3-1-83; EE 2-1986, f. 3-26-86, ef. 3-31-86; EE 4-1987, f. & ef. 12-1-87; EE 1-1992, f. & cert. ef. 2-3-92; EE 1-1995, f. 8-15-95, cert. ef. 9-1-95; EE 1-1995, f. 8-15-95, cert. ef. 9-1-95;

Renumbered from 820-010-0220; BEELS 6-2005, f. & cert. ef. 12-13-05; BEELS 5-2007, f. & cert. ef. 9-20-07; BEELS 3-2008, f. & cert. ef. 11-14-08; BEELS 4-2008, f. & cert. ef. 12-12-08; BEELS 2-2009, f. & cert. ef. 11-13-09

820-010-0225

Educational Qualifications to Take the Fundamentals of Engineering (FE) Examination for Enrollment as an Engineering Intern (EI)

Applicants for admission to examination for enrollment as an EI will be required to submit the following evidence to show eligibility to take the FE examination:

(1) Official transcripts that document the degree and date awarded, demonstrating completion of an engineering curriculum satisfactory to the Board, as described in (3) below.

(2) If taking the examination prior to graduation, a statement signed by an official from the school, university or college that all work necessary to obtain a degree in a curriculum satisfactory to the Board has been or will be completed within four months following the examination as provided in ORS 670.010. An official transcript that documents the degree and date awarded, verifying completion must be received within 6 months of taking the examination, to allow enrollment as an EI. Scores will not be released until the official transcript that documents the degree and date awarded, is received.

(3) For entrance to the FE examination, a curriculum satisfactory to the Board shall include:

(a) Graduation from an EAC of ABET accredited engineering program;

(b) Graduation from a TAC of ABET baccalaureate engineering program;

(c) Graduation from an ACCE accredited four-year baccalaureate construction engineering management program;

(d) Graduation from a graduate degree program in engineering at a college or university that has an EAC of ABET accredited undergraduate degree program in the same field as the graduate degree program, combined with completion of 21 semester/32 quarter hours of engineering related technical course work. The courses shall include at least six of the following nine subjects: Differential Equations, Physics, Statistics, Statics, Dynamics, Thermodynamics, Fluid Mechanics, Electrical Fundamentals and Strength of Materials.

(e) Graduation from TAC of ABET accredited two-year Engineering Technology program or graduation from a two-year Associate of Applied Science program in Engineering Technology that includes the following:

(A) A total of at least 64 semester/96 quarter hours;

(B) At least 32 semester/48 quarter hours in technical courses. (Skills and knowledge of appropriate methods, procedures and techniques; experience in carrying out established engineering procedures);

(C) At least 16 semester/24 quarter hours in math and science, including:

(i) 4 semester/6 quarter hours in basic science (physics, chemistry, earth and life sciences);

(ii) 8 semester/12 quarter hours in mathematics (not including courses below the level of college algebra or courses in computer programming);

(D) At least 9 semester/13 quarter hours in social science, humanities and communications; and

(E) In addition to the educational requirements set forth in paragraph (e) of subsection (3), graduates from two-year programs shall complete two or more years of engineering work before qualifying to take the FE examination for enrollment as an EI. In the alternative, graduates from two-year programs may complete additional course work consisting of 21 semester/32 quarter hours in Differential Equations, Physics, Statistics, Statics, Dynamics, Thermodynamics, Fluid Mechanics, Electrical Fundamentals and Strength of Materials.

(f) Completion of a curriculum that the Board finds has adequately prepared the application for enrollment as an EI.

Stat. Auth.: ORS 670.310 & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: EE 13, f. 3-29-72, ef. 4-15-72; EE 16, f. 3-5-74, ef. 3-25-74; EE 20, f. & ef. 12-15-77; EE 1-1986, f. 2-4-86, ef. 2-15-86; EE 1-1992, f. & cert. ef. 2-3-92; EE 1-1995, f. 8-15-95, cert. ef. 9-1-95; EE 2-1996, f. & cert. ef. 10-3-96; BEELS 1-1998, f. & cert. ef. 2-10-98; BEELS 1-1999, f. 5-27-99, cert. ef. 7-1-99; BEELS 1-2001, f. & cert. ef. 5-22-01; BEELS 1-2004, f. & cert. ef. 1-26-04; BEELS 2-2006, f. & cert. ef. 11-21-06; BEELS 2-2008, f. & cert. ef. 7-9-08; BEELS 2-2009, f. & cert. ef. 11-13-09

ADMINISTRATIVE RULES

820-010-0226

Educational Qualifications to Take the Fundamentals of Land Surveying (FLS) Examination for Enrollment as a Land Surveying Intern (LSI)

Applicants for admission to examination for enrollment as an LSI will be required to submit the following evidence to show eligibility to take the FLS examination:

(1) Official transcripts that document the degree and date awarded, demonstrating completion of a land surveying curriculum satisfactory to the Board, as described in (3) below.

(2) If taking the examination prior to graduation, a statement signed by an official from the school, university or college that all work necessary to obtain a degree in a curriculum satisfactory to the Board has been or will be completed within four months following the examination as provided in ORS 670.010. An official transcript that documents the degree and date awarded, verifying completion must be received within 6 months of taking the examination, to allow enrollment as an LSI. Scores will not be released until the official transcript that documents the degree and date awarded, is received.

(3) For entrance to the FLS Examination, a curriculum satisfactory to the Board shall include:

(a) Graduation from an EAC of ABET accredited four-year baccalaureate land surveying program;

(b) Graduation from an ASAC of ABET accredited four-year baccalaureate land surveying program;

(c) Graduation from a TAC of ABET accredited four-year baccalaureate land surveying program;

(d) Graduation from an EAC of ABET accredited four-year baccalaureate engineering program with 11 semester/16 quarter hours of surveying instruction and surveying law.

(e) Graduation from a TAC of ABET accredited four-year baccalaureate engineering program with 11 semester/16 quarter hours of surveying instruction and surveying law.

(f) Graduation from an ACCE accredited four-year baccalaureate engineering program with 11 semester/16 quarter hours of surveying instruction and surveying law.

(g) Graduation from a graduate degree program in land surveying at a college or university that has an ABET accredited undergraduate degree program in the same field, combined with completion of 11 semester/16 quarter hours of surveying instruction.

(h) Graduation from an ASAC of ABET accredited two-year Surveying Technology program, a TAC of ABET accredited two-year Surveying Technology program, or a two-year Association of Applied Science program in Surveying Technology or Engineering Technology that includes the following:

(A) A total of at least 64 semester/96 quarter hours;

(B) At least 32 semester/48 quarter hours in technical courses, of which a minimum of 11 semester/16 quarter hours shall be in surveying instruction;

(C) At least 16 semester/24 quarter hours in subjects such as math, science, basic electricity, hydraulics, road design, construction management and estimating engineering economics with college level algebra, trigonometry and statistics;

(D) At least 9 semester/13 quarter hours in social science, humanities and communications; and

(E) In addition to the educational requirements set forth in paragraph (h) of subsection (3), graduates from two-year education programs shall complete two or more years of active practice in land surveying work before qualifying to take the FLS examination for enrollment as an LSI.

(i) Completion of a curriculum that the Board finds adequately prepared the applicant for enrollment as an LSI.

Stat. Auth.: ORS 670.310 & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: BEELS 2-2006, f. & cert. ef. 11-21-06; BEELS 2-2008, f. & cert. ef. 7-9-08; BEELS 2-2009, f. & cert. ef. 11-13-09

820-010-0227

Educational and Experience Qualifications to Take the Fundamentals of Engineering (FE) Examination for Enrollment as an Engineering Intern (EI) and Applications Based on Non-Accredited Degrees

(1) An applicant that does not qualify pursuant to OAR 820-010-0225 may apply for admission to the FE examination based on a combination of education and experience in the practice of engineering. Applicants will be allowed to submit as qualifying work experience that work experience obtained based on employment up to the date of the FE examination.

(2) Degrees from educational institutions not identified in OAR 820-010-0225 may be considered as qualifying if they are evaluated by NCEES Credentials Evaluations, and the Board determines that the degree or course work is substantially equivalent to the educational degrees or courses required for degrees for those institutions listed in 820-010-0225. The cost for such evaluation will be borne by the applicant.

(3) Course work from institutions that are identified in OAR 820-010-0225 may be considered as qualifying if the coursework involves engineering principles or was obtained by the applicant while enrolled in an engineering program.

(4) Where an applicant applies for admission to the FE examination on the basis of sections (1) through (3) of this rule, the applicant must also demonstrate that the applicant's years of education when combined with the applicant's years of engineering work total at least 8 years. Work experience in excess of that needed to satisfy this requirement may be included by applicant in a subsequent application to apply for admission to the PE examination.

(5) The Board may give credit for qualifying course work in proportion to the amount of course work completed relative to the degree towards which the course work would apply. For example, completion of one year of a two-year Engineering Technology program may be considered equivalent to one year of education, requiring 7 years of engineering work experience, in accordance with section (4). Qualifying course work includes classes in engineering ethics, fundamentals and design.

(6) An applicant may qualify for admission to the FE examination on the basis of 8 years of engineering work without any qualifying degree or course work.

(7) Applicants for admission to the fundamentals of engineering examination on the basis of experience or combined education and experience will be required to provide a minimum of three references with knowledge of engineering technician work gained as defined in the OAR 820-010-0010.

(a) At least one of the three references must be registered in a NCEES jurisdiction.

(b) Qualifying experience accrued by the applicant must be accompanied by a reference that supervised the work product as meeting the definition of engineering technician work as defined in the OAR 820-010-0010.

(c) References must be submitted on the Board approved Reference Details form. The Reference Details form must be received by the Board office in a sealed envelope.

(d) The Board may, for good cause upon written application, reduce the number of references required.

(8) Application must be accompanied by the \$35.00 fee.

Stat. Auth.: ORS 670.310, 672.095, & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: BEELS 2-2006, f. & cert. ef. 11-21-06; BEELS 5-2007, f. & cert. ef. 9-20-07; BEELS 3-2008, f. & cert. ef. 11-14-08; BEELS 2-2009, f. & cert. ef. 11-13-09

820-010-0228

Combined Educational and Experience Qualifications to Take the Fundamentals of Land Surveying (FLS) Examination for Enrollment as a Land Surveying Intern (LSI) and Applications Based on Non-accredited Degrees

(1) An applicant that does not qualify pursuant to OAR 820-010-0226 may apply for admission to the FLS examination based on a combination of education and experience in the practice of land surveying. Applicants will be allowed to submit as qualifying work experience that work experience obtained based on employment up to the date of the FLS examination.

(2) Degrees from educational institutions not identified in OAR 820-010-0226 may be considered as qualifying if they are evaluated by NCEES Credentials Evaluations, and the Board determines that the degree or course work is substantially equivalent to the educational degrees or courses required for degrees for those institutions listed in 820-010-0226. The cost for such evaluation will be borne by the applicant.

(3) Course work from institutions that are identified in OAR 820-010-0226 may be considered as qualifying if the coursework involves land surveying principles or was obtained by the applicant while enrolled in a land surveying program.

(4) Where an applicant applies for admission to the FLS examination on the basis of sections (1) through (3) of this rule, the applicant must also demonstrate that the applicant's years of education when combined with the applicant's years of land surveying work total at least 8 years. Work experience in excess of that needed to satisfy this requirement may be included by applicant in a subsequent application to apply for admission to the PLS examination.

ADMINISTRATIVE RULES

(5) The Board may give credit for qualifying course work in proportion to the amount of course work completed relative to the degree towards which the course work would apply. For example, completion of one year of a two-year Surveying Technology program may be considered equivalent to one year of education, requiring 7 years of surveying work experience, in accordance with section (4). Qualifying course work includes classes in land surveying ethics, fundamentals and application.

(6) An applicant may qualify for admission to the FLS examination on the basis of 8 years of land surveying work without any qualifying degree or course work.

(7) Applicants for admission to the fundamentals of land surveying examination on the basis of experience or combined education and experience will be required to provide a minimum of three references with knowledge of land surveying technician or photogrammetric mapping technician work gained as defined in the OAR 820-010-0010.

(a) At least one of the three references must be registered in a NCEES jurisdiction.

(b) Qualifying experience accrued by the applicant must be accompanied by a reference that supervised the work as meeting the definition of land surveying technician or photogrammetric mapping technician work as defined in the OAR 820-010-0010.

(c) References must be submitted on the Board approved Reference Details form. The Reference Details form must be received by the Board office in a sealed envelope.

(d) The Board may, for good cause upon written application, reduce the number of references required.

(8) Application must be accompanied by the \$35.00 fee.

Stat. Auth.: ORS 670.310, 672.095, & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: BEELS 2-2006, f. & cert. ef. 11-21-06; BEELS 5-2007, f. & cert. ef. 9-20-07; BEELS 3-2008, f. & cert. ef. 11-14-08; BEELS 2-2009, f. & cert. ef. 11-13-09

820-010-0230

Information to be Furnished by Professional Engineer Applicants

(1) Applicants for admission to examination for registration as professional engineers will be required to submit evidence to show qualification of eligibility consisting of current enrollment as an EI meeting the requirements of the State of Oregon at the time of enrollment and the following practice experience:

(a) Applicants qualified under OAR 820-010-0225(3)(a), (3)(d), (3)(f), or 820-010-0227 shall complete four or more years of active practice in engineering work in addition to the requirements for admission to examination for enrollment as an EI. Applicants will be allowed to submit as qualifying work experience that work experience obtained based on employment up to the date of the PE examination.

(b) Applicants qualified under OAR 820-010-0225(3)(b), (3)(c) or (3)(e) shall complete six or more years of active practice in engineering work in addition to the requirements for admission to examination for enrollment as an EI. The six years of active practice year requirement may be reduced to four years provided that the applicant completes at least 21 semester/32 quarter hours in a curriculum including: Differential Equations, Physics, Statistics, Statics, Dynamics, Thermodynamics, Fluid Mechanics, Electrical Fundamentals and Strength of Materials.

(2) Active practice in engineering work shall be practice in the applicant's area of competence, in responsible charge performed under the direction and supervision of a licensed engineer.

(3) Graduation from a post-baccalaureate degree program in engineering at a college or university that has an EAC of ABET accredited undergraduate degree program in a similar discipline as the post-baccalaureate degree program may be substituted for one year of the four years of active practice required by this rule so long as the degree was not the basis for admission to the fundamental examination under OAR 820-010-0225(3)(d).

Stat. Auth.: ORS 670.310 & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: EE 13, f. 3-29-72, ef. 4-15-72; EE 20, f. & ef. 12-15-77; EE 1-1995, f. 8-15-95, cert. ef. 9-1-95; BEELS 1-1998, f. & cert. ef. 2-10-98; BEELS 1-2001, f. & cert. ef. 5-22-01; BEELS 1-2002, f. & cert. ef. 3-13-02; BEELS 6-2005, f. & cert. ef. 12-13-05; BEELS 2-2006, f. & cert. ef. 11-21-06; BEELS 2-2007, f. & cert. ef. 4-5-07; BEELS 5-2007, f. & cert. ef. 9-20-07; BEELS 2-2009, f. & cert. ef. 11-13-09

820-010-0300

Refunds and Charges

(1) Application fees and reapplication fees are non-refundable.

(2) Refunds of application fees and reapplication fees will not be made to individuals who fail to complete the application process, to qualify for, withdraw from, or do not appear for, the examination.

(3) Comity application fees will not be refunded, but may be applied toward examination fee if requested by the applicant and the application has not been denied.

(4) Rescore fees are non-refundable.

(5) If the Board receives payment of any fees by check and the check is deposited and returned to the Board, the payor of the fees will be assessed a charge of \$20 in addition to the required payment of the fees.

Stat. Auth.: ORS 670.310 & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: EE 13, f. 3-29-72, ef. 4-15-72; EE 20, f. & ef. 12-15-77; EE 2-1985, f. 12-4-85, ef. 12-16-85; BEELS 2-2004, f. & cert. ef. 7-14-04; BEELS 2-2006, f. & cert. ef. 11-21-06; BEELS 1-2008, f. & cert. ef. 3-12-08; BEELS 2-2009, f. & cert. ef. 11-13-09

820-010-0305

Fees

(1) The Board has determined an outside testing provider will administer examinations on behalf of the Board. In addition to state fees, all approved applicants are charged for the test administration fee in addition to any book or scoring fees or any other examination-related fees. The applicant must pay all these costs in advance to the Board and the outside testing provider. The amount for each specific application is compiled in section (2) of this rule. Where applicable, the initial activation and certificate fee must be included. The total amount for each specific application is compiled in a fee schedule published separately. The amount to be submitted will be equal to a total of items (a) through (c) in this section. Actual dollar amounts for application, initial activation, renewal and certificate are listed in sections (2) and (3) of these rules:

(a) Fee for application.

(b) Fee for initial activation equal to one year renewal (one time fee applies to PE, PLS, RPP, and CWRE only; not applicable to reexamination).

(c) Fee for issuance of first certificate (one time fee applies to PE, PLS, RPP, and CWRE only).

(2) Fees for examination application:

(a) Initial fundamentals of engineering examination application – \$35.

(b) Initial fundamentals of land surveying examination application – \$35.

(c) Initial professional engineering (PE) examination application – \$100.

(d) Initial professional geotechnical examination application – \$375.

(e) Initial professional structural engineering examination application – \$575.

(f) Initial professional land surveying examination application – \$140.

(g) Initial professional photogrammetric mapping examination application – \$120.

(h) Certified Water Right Examiner test application – \$50.

(i) Fundamentals of engineering examination re-application – \$25.

(j) Fundamentals of land surveying examination re-application – \$25.

(k) Professional engineering (PE) examination re-application – \$90.

(l) Professional geotechnical examination re-application – \$365.

(m) Professional structural engineering examination re-application – \$565.

(n) National portion of professional structural engineering examination re-application – \$85.

(o) Oregon requirement of professional structural engineering examination re-application – \$480.

(p) Professional land surveying (PLS) examination re-application – \$130.

(q) Oregon law portion of PLS examination re-application – \$55.

(r) National portion of PLS examination re-application – \$75.

(s) Professional photogrammetric examination re-application – \$110.

(t) Certified Water Rights Examiner test re-application – \$40.

(u) Proctor Request – \$100.

(3) Fees for certification, registration, and renewal:

(a) Professional wall certificate – \$35.

(b) Application for registration as a professional engineer – \$250.

(c) Application for registration as a professional land surveyor – \$250.

(d) Application for registration as a registered professional photogrammetrist – \$250.

(e) Temporary permit issued under ORS 672.109 and 672.127 – \$100.

(f) Re-issuance of lost or mutilated pocket card – \$10.

(g) Issuance of certificate without examination based on experience as provided under ORS 672.255 – \$250.

(h) Re-score of an Oregon specific examination – \$50.

ADMINISTRATIVE RULES

- (i) Annual renewal of a professional engineering certificate – \$90.
- (j) Annual renewal of a professional land surveyor certificate – \$90.
- (k) Annual renewal of a registered professional photogrammetrist certificate – \$90.

- (l) Annual renewal of inactive registration – \$45.
- (m) Delinquency renewal fee – \$80 for any part of each two-year renewal period during delinquency.
- (n) Fee for reinstatement for inactive or retired registrant or certificate holder – \$225.

- (o) Annual renewal of water right examiner certificate – \$20.

- (p) Verification of exam/licensure – \$15.

Stat. Auth.: ORS 670.310, 672.153, 672.155, & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: EE 2-1980, f. & ef. 5-14-80; EE 4-1981, f. & ef. 12-14-81; EE 2-1984(Temp), f. & ef. 5-7-84; EE 2-1984(Temp), f. & ef. 5-7-84; EE 4-1984, f. & ef. 12-11-84; EE 2-1987, f. & ef. 7-2-87; EE 3-1987, f. & ef. 8-25-87; EE 2-1989, f. 1-3-89, cert. ef. 1-15-89; EE 1-1990(Temp), f. & cert. ef. 5-21-90; EE 1-1991(Temp), f. 8-14-91, cert. ef. 9-1-91; EE 2-1991, f. & cert. ef. 9-23-91; EE 1-1992, f. & cert. ef. 2-3-92; EE 2-1992, f. & cert. ef. 2-4-92; EE 4-1992, f. & cert. ef. 7-22-92; EE 2-1993(Temp), f. & cert. ef. 2-22-93; EE 3-1993, f. & cert. ef. 6-3-93; EE 2-1994, f. & cert. ef. 7-22-94; EE 1-1995, f. 8-15-95, cert. ef. 9-1-95; EE 2-1997, f. & cert. ef. 8-6-97; BEELS 3-1998, f. & cert. ef. 5-11-98; BEELS 1-1999, f. 5-27-99, cert. ef. 7-1-99; BEELS 1-2000, f. & cert. ef. 1-14-00; BEELS 3-2000, f. 3-17-00, cert. ef. 3-20-00; BEELS 3-2001, f. & cert. ef. 11-26-01; BEELS 3-2002, f. & cert. ef. 11-13-02; BEELS 4-2002, f. & cert. ef. 12-3-02; BEELS 6-2005, f. & cert. ef. 12-13-05; BEELS 2-2006, f. & cert. ef. 11-21-06; BEELS 5-2007, f. & cert. ef. 9-20-07; BEELS 1-2008, f. & cert. ef. 3-12-08; BEELS 2-2009, f. & cert. ef. 11-13-09

820-010-0415

Nature of the Examination for Professional Engineer (PE)

- (1) An applicant to qualify for registration must obtain a passing grade for:

- (a) A written examination in engineering fundamentals for qualification as an EI as covered in OAR 820-010-0420, unless exempted from this examination under OAR 820-010-0455. Such examination may be taken at any scheduled examination period but must be passed in order to be admitted to the branch examination as covered in subsection (1)(b) of this rule; and

- (b) A written examination in a professional branch of engineering, other than structural engineering, covering practical engineering problems in branches listed in OAR 820-010-0450.

- (2) The uniform, national examinations are written and scored by the NCEES and administered by NCEES Exam Administration Services. Acoustical examinations are written, scored and administered by the Board. Forest examinations are written and scored by the Washington State Board of Registration for Professional Engineers and Land Surveyors (Washington Board) and the Oregon Board pursuant to a Memorandum of Understanding entered into between the Washington Board and the Oregon Board. The Oregon Board administers the forest examination in Oregon.

- (3) Before receiving a certificate of registration to practice professional engineering in Oregon, each applicant must pass a take-home examination on the laws and rules in Oregon.

Stat. Auth.: ORS 670.310 & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: EE 13, f. 3-29-72, ef. 4-15-72; EE 16, f. 3-5-74, ef. 3-25-74; EE 20, f. & ef. 12-15-77; EE 2, f. 12-4-85, ef. 12-16-85; EE 1-1992, f. & cert. ef. 2-3-92; EE 1-1995, f. 8-15-95, cert. ef. 9-1-95; BEELS 5-2007, f. & cert. ef. 9-20-07; BEELS 1-2008, f. & cert. ef. 3-12-08; BEELS 2-2009, f. & cert. ef. 11-13-09

820-010-0425

Nature of Examination for Professional Land Surveyor (PLS)

- (1) An applicant to qualify for registration must obtain a passing grade for:

- (a) A written examination in land surveying fundamentals as covered in OAR 820-010-0430 unless exempted for this examination under OAR 820-010-0455. Such examination may be taken at any scheduled period but must be passed in order to be admitted to the examination in subsection (1)(b) of this rule;

- (b) A written examination in practical land surveying problems; and

- (c) A four-hour Oregon specific examination covering the U. S. Public Land Survey system, Oregon laws relating to land surveying, and other matters.

- (2) The uniform, national examinations referenced in sections (1)(a) and (1)(b) are written and scored by the NCEES and administered by NCEES Exam Administration Services. The four-hour Oregon specific examination is written, scored and administered by the Board.

- (3) Before receiving a certificate of registration to practice professional land surveying in Oregon, each applicant must pass a take-home examination on the laws and rules in Oregon.

Stat. Auth.: ORS 670.310 & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: EE 13, f. 3-29-72, ef. 4-15-72; EE 16, f. 3-5-74, ef. 3-25-74; EE 20, f. & ef. 12-15-77; EE 2, f. 12-4-85, ef. 12-16-85; EE 1-1992, f. & cert. ef. 2-3-92; EE 1-1995, f. 8-15-95, cert. ef. 9-1-95; BEELS 5-2007, f. & cert. ef. 9-20-07; BEELS 1-2008, f. & cert. ef. 3-12-08; BEELS 2-2009, f. & cert. ef. 11-13-09

820-010-0427

Nature of Examination for Registered Professional Photogrammetrist (RPP)

- (1) An applicant to qualify for registration must obtain a passing grade for:

- (a) A written examination in land surveying fundamentals as covered in OAR 820-010-0430. Such examination may be taken at any scheduled period but must be passed in order to be admitted to the examination as covered in subsection (1)(b) of this rule;

- (b) A written examination in practical photogrammetric mapping problems.

- (2) The land surveying fundamentals examination is written and scored by NCEES and administered by NCEES Exam Administration Services. The practical photogrammetric mapping problems examination is written, scored and administered by the Board.

- (3) At the discretion of the Board, any applicant may be requested to appear for an oral interview before the Board or any member thereof. Such interview is to be for the purpose of reviewing the applicant's educational background, experience record, or examination, or to review examples of the applicant's work, or to assist the Board in determining that the applicant fully meets the required qualifications.

- (4) Before receiving a certificate of registration to practice professional photogrammetric mapping in Oregon, each applicant must pass a take-home examination on the laws and rules in Oregon.

Stat. Auth.: ORS 670.310 & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: BEELS 6-2005, f. & cert. ef. 12-13-05; BEELS 5-2007, f. & cert. ef. 9-20-07; BEELS 1-2008, f. & cert. ef. 3-12-08; BEELS 2-2009, f. & cert. ef. 11-13-09

820-010-0465

Application for Readmission to Examination

- (1) Applicants for registration as a PE, PLS, or RPP, and for EI and LSI enrollment who did not achieve a passing grade in their first and second written examinations will, before re-admittance to a subsequent examination, be required to submit valid evidence of further preparation on their part. Such evidence must include proof of one or more of the following;

- (a) Courses of study undertaken;

- (b) Special training; or

- (c) Additional experiences gained since their last examination.

- (2) In all cases, submitted proof must be satisfactory to the Board.

- (3) Reapplication and fees will not be accepted prior to the release of the results from the preceding examination.

Stat. Auth.: ORS 670.310 & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: EE 13, f. 3-29-72, ef. 4-15-72; EE 20, f. & ef. 12-15-77; EE 1-1995, f. 8-15-95, cert. ef. 9-1-95; BEELS 6-2005, f. & cert. ef. 12-13-05; BEELS 2-2008, f. & cert. ef. 7-9-08; BEELS 2-2009, f. & cert. ef. 11-13-09

820-010-0470

Review of Examinations

- (1) With respect to the acoustical, forest, and four-hour Oregon Specific land surveying examinations administered by the board, an applicant may submit a written request to review the applicant's own examination results. The board will allow an examination review where the applicant failed the examination and the applicant achieved a score within five points of the cutoff score. With respect to such reviews,

- (a) An applicant may examine the test booklet, solution pamphlet and answer key.

- (b) An acoustical, forest, or Oregon Land Survey 4-hour Law applicant may review the examination on only one occasion. The board will prescribe a time and place for the review. Applicants must notify the board at least five days before the scheduled date that they review their examinations. Applicants who fail to review their examination at the prescribed time and place will not be allowed to reschedule a review of the examination.

- (c) All examination reviews will be conducted in the presence of a person designated by the board.

- (d) Except as allowed by the board for persons requiring disability assistance, no person may accompany the applicant during the examination review.

- (e) The applicant will not take any materials into nor remove any materials from the location where the examination review is conducted.

- (f) The applicant may prepare and submit a written request for rescoring the applicant's examination, provided that the applicant's score other-

ADMINISTRATIVE RULES

wise satisfies the requirements of this section, while at the location where the examination review is conducted.

(2) The board may rescore an essay response for a qualified applicant if the applicant demonstrates, in writing, sufficient technical justification that their solution deserves reconsideration. The board's rescoring determination is final and not subject to further review. An applicant requesting the board to rescoring an examination must submit, with the written request, the fee provided for in subsection 4.

(3) Fee for rescoring requests of examinations. Acoustical, forest, or Oregon Land Survey 4-hour Law examination – \$50/ per item to be rescored. Fee is payable to the Oregon State Board of Examiners for Engineering and Land Surveying (OSBEELS).

(4) As the Washington Board does not facilitate examination reviews and appeals, Washington Structural III examination reviews are not permitted.

(5) As the California Board does not facilitate examination reviews and appeals, California Geotechnical examination reviews are not permitted.

(6) Photogrammetry examination reviews are not permitted.

Stat. Auth.: ORS 670.310 & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: EE 3-1986, f. & cf. 7-21-86; EE 1-1989, f. & cert. ef. 1-3-89; EE 1-1992, f. & cert. ef. 2-3-92; BEELS 1-1998, f. & cert. ef. 2-10-98; BEELS 3-2002, f. & cert. ef. 11-13-02; BEELS 5-2007, f. & cert. ef. 9-20-07; BEELS 3-2008, f. & cert. ef. 11-14-08; BEELS 2-2009, f. & cert. ef. 11-13-09

820-010-0480

NCEES Examinations

(1) As NCEES does not facilitate examination reviews and appeals, NCEES examination reviews are not permitted.

(2) Examinees are subject to the NCEES Examination Administration Policies. The Board will consider recommendations from NCEES, including the invalidation of examination results and further investigations, for any breach of examination security and examination subversion.

Stat. Auth.: ORS 670.310 & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: BEELS 2-2009, f. & cert. ef. 11-13-09

820-010-0505

Biennial Renewal of Registration or Certification

(1) Registration as a professional engineer, professional land surveyor, or professional photogrammetrist with the Board is on a biennial renewal schedule. As a condition of registration renewal, registrants must comply with the continuing professional development requirements in OAR 820-010-0635. Certification of completing the required professional development requirements and fee must be postmarked or hand delivered by 5:00 p.m. on the day of the expiration date of the registration. The biennial fee to renew a registration is described below:

(a) Professional Engineer – \$180.00;

(b) Professional Land Surveyor – \$180.00;

(c) Professional Photogrammetrist – \$180.00;

(2) Certification as a certified water right examiner is on a biennial renewal schedule. The fee must be postmarked or hand delivered by 5:00 p.m. on the day of the expiration date of the certification. The biennial fee to renew a certification as a water right examiner is \$40.00

(3) A delinquent fee of \$80.00 will be assessed on the first day following the expiration date of each registration or certification, for each biennial renewal period in which payment or certification of completing the required continuing professional development hours is not submitted.

(4) Registrations or certificates in the delinquent or retired status for a period of 5 years or more may not be renewed. Delinquent or retired registrants or certificate holders must re-apply and re-take any applicable examination to obtain their certificate of registration or other certificate after a period of 5 years.

Stat. Auth.: ORS 670.310, 672.160, 672.170, & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: BEELS 3-2008, f. & cert. ef. 11-14-08; BEELS 2-2009, f. & cert. ef. 11-13-09

820-010-0510

Registrants or Certificate Holders Qualified to Practice

Active registrants or certificate holders authorized to engage in the professional practice of engineering, land surveying, [or] photogrammetric mapping, or the professional activities of a certified water right examiner as defined in ORS Chapter 537 and OAR Chapter 690 and who are current with regards to payment of application and biennial renewal fees and continuing Professional Development Hour (PDH) requirements, if applicable, may practice in their respective professions. These registrants maintain an "active status."

Stat. Auth.: ORS 672.255(1)(g).

Stats. Implemented: ORS 672.020(1), 672.025(1), 672.028(1), 672.045(1)

Hist.: BEELS 5-2007, f. & cert. ef. 9-20-07; BEELS 2-2009, f. & cert. ef. 11-13-09

820-010-0520

Registrants or Certificate Holders Not Qualified to Practice

Registrants or certificate holders who are delinquent, retired, inactive, suspended or revoked by the Board, are not authorized to engage in the professional practice of engineering, land surveying, photogrammetric mapping, or the professional activities of a certified water right examiner as defined in ORS Chapter 537 and OAR Chapter 690. Except as provided in section (2), registrants or certificate holders who are delinquent, retired, inactive, suspended or revoked may not hold out as professional engineers, professional land surveyors, professional photogrammetrists, or certified water right examiners.

(1) Delinquent registrants or certificate holders. Registrants or certificate holders become delinquent because they fail, within a period of five years from the renewal date, to renew their certificate of registration or to pay their renewal fees or satisfy the required PDH units. A delinquent registrant or certificate holder may return to active status:

(a) Upon application to the Board;

(b) By paying the delinquent renewal fee required by OAR 820-010-0305(3);

(c) By paying the biennial renewal fee required by OAR 820-010-0505; and

(d) If applicable, by satisfying and submitting proof of completion on a form approved by the Board of all delinquent PDH units, at a rate of 15 PDH units per year delinquent, to a maximum of 30 PDH units as stated in OAR 820-010-0635.

(2) Retired registrants or certificate holders. Registrants or certificate holders may retire once they notify the Board that they are not providing engineering, land surveying, photogrammetric mapping services, or professional activities of a certified water right examiner to the public and they request retired status. Registrants or certificate holders who are retired may not use their name. However, retired registrants may sign documents, listing after their name the designation "PE (Retired)," "SE (Retired)," "PLS (Retired)," "Photogrammetrist (Retired)," or "CWRE (Retired)," as appropriate. A retired registrant or certificate holder may, within a period of 5 years from retirement, return to active status:

(a) Upon application to the Board,;

(b) Successfully pass a take-home examination on the laws and rules in Oregon;

(c) By paying the reinstatement fee required by OAR 820-010-0305(3);

(d) By paying the biennial renewal fee required by OAR 820-010-0505; and

(e) If applicable, by satisfying and submitting proof of completion on a form approved by the Board of 15 PDH units per year for each year (or part of a year) retired, to a maximum of 30 PDH units as stated in OAR 820-010-0635.

(3) Inactive registrants or certificate holders. Registrants or certificate holders may place their license or certification on inactive status if the registrant or certificate holder has suffered a debilitating mental or physical illness, injury or disease that prevents the registrant or certificate holder from engaging in the professional practice.

Registrants or certificate holders must request to be placed on inactive status. Registrants or certificate holders making such requests must provide documentation prepared by a licensed physician that the registrant or certificate holder suffers from a specific, named debilitating mental or physical illness, injury or disease that prevents the registrant from engaging in the professional practice, and an estimate of the period of time during when the illness, injury or disease will last or whether it is of an unlimited duration. An inactive registrant or certificate holder may return to active status:

(a) Upon application to the Board;

(b) Successfully pass a take-home examination on the laws and rules in Oregon;

(c) By paying the reinstatement fee required by OAR 820-010-0305(3);

(d) By paying the biennial renewal fee required by OAR 820-010-0505; and

(e) If applicable, by satisfying and submitting proof of completion on a form approved by the Board of 15 PDH units per year for each year (or part of a year) inactive, to a maximum of 30 PDH units as stated in OAR 820-010-0635.

Stat. Auth.: ORS 672.255(1)(g)

Stats. Implemented: ORS 672.170(4), 672.180 & 672.255(1)(g)

Hist.: BEELS 5-2007, f. & cert. ef. 9-20-07; BEELS 2-2008, f. & cert. ef. 7-9-08; BEELS 2-2009, f. & cert. ef. 11-13-09

ADMINISTRATIVE RULES

820-010-0605

Address Changes; Service of Notice; and Name Changes

(1) It is the registrant's responsibility to inform the Board in writing, within 30-days, of any address change, including any change of an e-mail address. Notice by registered or certified mail to the registrant's last address on file with the Board shall constitute service.

(2) It is the registrant's responsibility to inform the Board in writing, within 30-days, of any name change. Documentation showing current legal name must be submitted.

Stat. Auth.: ORS 670.310 & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: EE 2-1980, f. & ef. 5-14-80; EE 1-1992, f. & cert. ef. 2-3-92; BEELS 1-1998, f. & cert. ef. 2-10-98; BEELS 2-2006, f. & cert. ef. 11-21-06; BEELS 1-2008, f. & cert. ef. 3-12-08; BEELS 2-2009, f. & cert. ef. 11-13-09

820-010-0620

Official Seal

(1) Seals, as referenced by ORS 672.020(2) and 672.025(2), must contain the printed name of the registrant, the date of registration, the number of the registrant's certificate of registration, and the registrant's professional title. The registrant's printed name on the seal will be exactly the same as the name printed on registrant's certificate of registration.

(2) The size, design and content of the seal will be an exact replica, in style, of the examples shown in Exhibit 1 (Official Seals) for the profession or branch of the profession in which the registrant is licensed. (A tolerance of 1/4" is permitted as to the size of the seal). The expiration or renewal date may be made part of the seal. If the expiration or renewal date is not made part of the seal, it must be handwritten, in permanent ink, after the word "Expires" or "Renews." Reduced or enlarged seals are not permitted on final documents. In addition to these requirements, registrants will use the following seals:

(a) Professional engineers holding a structural engineering certificate will use the seal with the designation "Structural" above the words "Registered Professional Engineer," as shown in Exhibit 1-b. Other registered professional engineers will use the seal shown in **Exhibit 1-a**;

(b) Registered professional traffic engineer, who may practice only traffic engineering will use the seal shown in **Exhibit 1-f**;

(c) Registered professional land surveyors will use the seal shown in **Exhibit 1-c**;

(d) Registered professional photogrammetrists will use the seal shown in **Exhibit 1-d**;

(e) Registered water rights examiners will use the seal shown in **Exhibit 1-e**.

(3) The seal may be applied to a document by rubber stamp or it may be computer-generated onto the document.

(4) The registrant will sign through the middle of the seal or in the place on the seal as indicated for signature, in handwriting, and in permanent ink.

(5) A digital signature, as an option to a handwritten signature in permanent ink is acceptable for final documents.

(a) The digital signature must be:

(A) Unique to the registrant using it; and

(B) Capable of verification; and

(C) Under the sole control of the registrant using it; and

(D) Linked to a document in such a manner that the digital signature is invalidated if any data in the document is changed.

(b) Documents signed using a digital signature will bear the phrase "digital signature" in place of the handwritten signature.

(6) Only individuals registered as professional engineers, professional traffic engineers, professional land surveyors, professional photogrammetrists, or certified water rights examiners may use a seal with a shape, form or wording similar to those shown in **Exhibit 1**. Using such a seal without registration constitutes falsely representing that the person is authorized to practice the profession.

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

Stat. Auth.: ORS 670.310 & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: EE 13, f. 3-29-72, ef. 4-15-72; EE 16, f. 3-5-74, ef. 3-25-74; EE 20, f. & ef. 12-15-77; EE 2-1986, f. 3-26-86, ef. 3-31-86; EE 4-1987, f. & ef. 12-1-87; EE 1-1992, f. & cert. ef. 2-3-92; EE 1-1995, f. 8-15-95, cert. ef. 9-1-95; BEELS 1-1998, f. & cert. ef. 2-10-98; BEELS 1-2000, f. & cert. ef. 1-14-00; BEELS 3-2006(Temp), f. & cert. ef. 12-5-06 thru 6-3-07; Administrative Correction, 6-16-07; BEELS 4-2007, f. & cert. ef. 8-15-07; BEELS 2-2008, f. & cert. ef. 7-9-08; BEELS 2-2009, f. & cert. ef. 11-13-09

Board of Naturopathic Examiners Chapter 850

Rule Caption: Incrementally increases CE through 2013; reduces restrictions on number of hours and areas of study.

Adm. Order No.: BNE 6-2009

Filed with Sec. of State: 11-2-2009

Certified to be Effective: 1-1-10

Notice Publication Date: 9-1-2009

Rules Amended: 850-030-0195, 850-035-0230, 850-040-0210

Subject: Incrementally increases CE hours from 25 annually to 50 CE hours annually in 2013. Removes many restrictions on the number of hours obtained in one subject area and sources by which hours may be obtained. Requires 3 hours of ethics CE annually and 10 hours of pharmacy CE annually starting with the 2010 renewal cycle.

Rules Coordinator: Anne Walsh—(971) 673-0193

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 annual 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 annual 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. 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 annual renewal fee according to OAR 850-030-0090 and 850-030-0035; and

(c) Complete Board approved CE as required under OAR 850-040-0210 for an active license each year and submit a signed affidavit furnished by the Board confirming this.

(5) At least 10 of the required CE hours must be in the pharmacology of legend drugs.

(6) 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.

(7) 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.

(8) 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 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 annual 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 (5) 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.

(9) The license of any licensee who fails to submit a completed renewal application by December 31 shall lapse, effective at midnight, December 31.

(10) 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.

(11) Each year the Board will audit a number of license renewals. These licensees will be asked to provide their CE documents to verify the

ADMINISTRATIVE RULES

signed affidavit. Licensee must provide CE records and verifications that will document compliance with the renewal requirements.

(12) 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 the required hours of approved continuing education during the past 12 months for an active license, with 10 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(6).

(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.

(13) 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.

(14) 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; BNE 4-2009, f. & cert. ef. 10-6-09; BNE 5-2009(Temp), f. & cert. ef. 10-13-09 thru 12-31-09; BNE 6-2009, f. 11-2-09, cert. ef. 1-1-10

850-035-0230

Requirements for Certification to Practice Natural Childbirth

A naturopathic physician maintaining an active license in Oregon, who wishes to practice natural childbirth must apply to and receive from the board a certificate of special competency in natural childbirth. To receive and maintain a certificate, the licensee must fulfill the following requirements:

(1) Complete at least 200 hours of course work at an approved naturopathic college or hospital in obstetrics and furnish a signed log showing evidence that (a) and (b) and (c) of this subsection have been completed under the direct supervision of a licensed practitioner with specialty training in obstetrics and/or natural childbirth:

(a) Licensee must have taken part in the care of 50 cases each in prenatal and postnatal care; one case may qualify for both areas of care; and

(b) Licensee must have observed and assisted in the intrapartum care and delivery of 50 natural childbirths in a hospital or alternative birth setting. A minimum of 26 of these births must be under the supervision of a naturopathic doctor. No more than 10 of the 50 births may be under the supervision of a medical doctor. No more than 10 of the births may be observation only. A labor and delivery that starts under the care of a naturopathic doctor and includes hospitalization shall count as a birth; and

(c) Licensee must hold a current neonatal resuscitation certificate.

(2) Licensee must pass a specialty exam in obstetrics given by or approved by the Board, after first completing the 200 hours of coursework as required above, and participating in the care of at least 15 cases each in prenatal, intrapartum, and postnatal care; one case may qualify for all these areas of care.

(3) An application for a certificate of special competency in natural childbirth must be submitted, with appropriate fees, after meeting the requirements in 850-035-0230, within three years of passing the specialty examination.

(4) Licensee holding a natural childbirth certification must annually, including initial year of certification, submit 15 hours of Board approved continuing education in obstetrics, which may be used to satisfy ORS 685.102. Licensee must submit proof of current certification in neonatal resuscitation annually.

(5) Licensing action by the Board under ORS 685.100 shall be deemed to have an equal effect upon a certificate of special competency issued the practitioner, unless specifically provided otherwise in the Board action. When the subject of a disciplinary proceeding under 685.100 relates specifically to the practice of natural childbirth by a licensee who possesses a certificate of special competency, the license action may in lieu of

effecting the entire scope of the licensee's practice, suspend, revoke, or curtail only the practitioner's authority under a certificate of special competency.

Stat. Auth.: ORS 183 & 685

Stats. Implemented: ORS 685.100, 685.102, 685.135 & 685.160

Hist.: NE 3-1985(Temp), f. & ef. 9-23-85; NE 1-1986, f. & ef. 4-10-86; NE 1-1996, f. & cert. ef. 10-18-96; NE 2-1997(Temp), f. 12-1-97, cert. ef. 12-2-97 thru 5-31-98; administrative correction 8-9-99; BNE 1-2001, f. & cert. ef. 2-7-0; Renumbered from 850-010-0230, BNE 8-2005, f. & cert. ef. 10-27-05; BNE 1-2009, f. & cert. ef. 4-30-09; BNE 4-2009, f. & cert. ef. 10-6-09; BNE 5-2009(Temp), f. & cert. ef. 10-13-09 thru 12-31-09; BNE 6-2009, f. 11-2-09, cert. ef. 1-1-10

850-040-0210

Continuing Education

(1) Continuing education (CE) is required as part of the naturopathic physician's license renewal per OAR 850-030-0195. The purpose of CE is to offer education that promotes competency and skills necessary to assure the citizens of Oregon the highest standard of naturopathic medical care.

(2) CE required for an active license is as follows:

(a) For the annual renewal period beginning on January 1, 2010, at least 35 hours of CE, with at least 10 of these hours in pharmacology.

(b) For the annual renewal period beginning on January 1, 2011, at least 40 hours of CE, with at least 10 of these hours in pharmacology.

(c) For the annual renewal period beginning on January 1, 2012, at least 45 hours of CE, with at least 10 of these hours in pharmacology.

(d) Effective January 1, 2013, at least 50 hours of CE every year, with at least 10 of these hours in pharmacology.

(3) Each licensee holding an inactive license must obtain at least 10 hours of CE every year.

(4) A natural childbirth certificate requires 15 hours in obstetrics each year per OAR 850-035-0230, which may be included as part of the annual CE requirement.

(5) New licensees are not required to obtain CE in the initial year of licensure.

(6) Effective January 1, 2010, licensees with an active license must obtain at least two hours of medical ethics education every year, which may be included as part of the annual CE requirement.

(7) Each Licensee must obtain the one-time mandatory pain management education as required by ORS 409.500 through 409.570, within 24 months of initial license renewal.

(8) CE obtained in December not used in the year the hours were obtained, may be used in the following year for CE credit.

(9) CE credit will be rounded to the nearest quarter hour.

(10) Licensees holding an active license must obtain at least 10 hours of Board approved CE annually in pharmacology. These hours may be part of the CE required for renewal. The following are examples of previously approved pharmacy programs:

(a) Substances listed in OAR 850-060-0225 and their application in patient care;

(b) Biopharmacology;

(c) Non-formulary substances or drugs relevant to patient care;

(d) Drug-drug, drug-herb, drug-nutrient interactions or contraindications;

(e) Research of formulary substances and drugs in conjunction with naturopathic medical care.

(11) Any licensee using intramuscular (IM) or subcutaneous (SC) or intravenous (IV) therapeutic injection of vitamins or minerals, or preventive injections (IM, SC, or IV) must have qualifying education per OAR 850-060-0212.

(12) To be considered for approval, programs of continuing education for licensees must:

(a) Be presented by naturopathic physicians, other physicians or other professionally acknowledged health care educators with expertise in the subject matter;

(b) Foster the competency and skills of the naturopathic physician;

(c) Consist of education covering review, new, experimental, research or specialty subjects relevant to the practice of naturopathic medicine;

(d) Exclude the selling or promotion of proprietary products or practice building;

(e) Not misrepresent or mislead the end result/skill to be gained by the education or training offered.

(13) Licensees may receive credit for the qualifying education. Licensees are encouraged to request pre-approval for any program not clearly meeting the criteria in this rule. Continuing education may be approved based on the following criteria:

(a) Continuing Medical Education (CME) provided by recognized professional health care licensing agencies, hospitals, or institutions; pro-

ADMINISTRATIVE RULES

grams accredited by the Accreditation Council for Continuing Medical Education (ACCME); the American Council on Pharmaceutical Education (ACPE); or programs approved by the Board. A verification of attendance for all CE courses or activities showing hours claimed or proof of completion must be signed by the program provider;

(b) Video or audio taped CE courses or seminars: Verification of video or audio taped credit for previously Board approved presentations must include an original outline of the presentation as well as the name and date of the presentation and the date of review, length of taped course or seminar and sponsor information;

(c) Literature Review: credit for literature review is determined by the length of the article(s) and the complexity of the topic(s). Articles must be from peer-reviewed publications. Verification must include concise information including an original outline of the literature reviewed;

(d) Internet education: Internet education is accepted for credit in accordance with the standards of the ACCME or ACPE including verification of completion;

(e) Authoring: Credit may be given for being an author of an article related to naturopathic medicine in a professional publication or book. Credit is determined by the length of the article and the complexity of its content. Credit for such activities will be credited in the year the project is completed. Verification must include a copy of the article or book;

(f) CPR: CPR courses in the year taken, with proof of current certification;

(g) Preceptorship: Preceptorship credit must be offered by qualifying persons per (12)(a) of this rule. Verification of preceptor hours must include the date and place, an outline of the information studied, and a signed acknowledgement from the preceptor;

(h) Protocol Writing: Credit may be given for participation in a formal protocol writing process associated with an accredited health care institution or government health care agency. Verification must include a written record of hours of development and research, the names and addresses of the institutions involved, the name of supervisors and their signatures verifying qualified hours;

(i) Research: Credit may be given for participation in research related to the advancement of naturopathic medicine and should be directed by a Board recognized educational or medical institution or organization, or self-directed. Verification must include the type of research being conducted, purpose and summary of research, dates of participation and disclosure of any fiduciary relationships;

(j) Teaching/ Presentation: Credit may be given for actual presentation hours for an initial course or initial seminar offering and up to three hours for preparation for each hour of the presentation, when subject is specific to professional level health education;

(k) Graduate Level Education: Credit may be given for participation in an accredited graduate level health related program relevant to the practice of naturopathic medicine;

(l) Participation in the Naturopathic Physicians Licensing Examinations (NPLEX) committee for the development and writing of the NPLEX examinations;

(m) Activities specific to patient charting and record keeping;

(n) Other courses or activities specifically authorized by the Board.

(14) Exception to the CE requirements in OAR 850-040-0210 is allowed for:

(a) A full-time residency, which is CNME or Board approved, requiring at least 6 months of participation in the calendar year;

(b) A fellowship with a Board recognized professional organization, requiring at least six months of active participation in the calendar year.

(15) Credit will not be given for hours received for:

(a) Teaching, except as permitted in OAR 850-040-0210(13)(j);

(b) Community service seminars and activities;

(c) Self-growth/self-help activities;

(d) Practice building activities;

(e) Medical/insurance billing presentations;

(f) Nonprofessional level health related programs presented by a lay person;

(g) Nonprofessional level health related programs presented to the lay public;

(h) Proprietary programs, which promote exclusive services and/or products;

(i) Information not within or directly related to the scope of practice of naturopathic medicine.

Stat. Auth.: ORS 685.125

Stats. Implemented: ORS 685.102

Hist.: NE 6, f. 6-1-73, ef. 6-15-73; NE 5-1980, f. & ef. 9-11-80; NE 2-1984, f. & ef. 2-28-84; NE 1-1986, f. & ef. 4-10-86; NE 1-1992, f. & cert. ef. 1-15-92; NE 2-1993, f. & cert. ef. 9-23-93; 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 2-1998, f. 7-31-98, cert. ef. 8-3-98; BNE 6-2000, f. & cert. ef. 12-6-00; BNE 7-2002, f. & cert. ef. 12-10-02; BNE 4-2004, f. & cert. ef. 6-10-04; Renumbered from 850-010-0210, BNE 8-2005, f. & cert. ef. 10-27-05; BNE 3-2006, f. & cert. ef. 10-13-06; BNE 4-2009, f. & cert. ef. 10-6-09; BNE 5-2009(Temp), f. & cert. ef. 10-13-09 thru 12-31-09; BNE 6-2009, f. 11-2-09, cert. ef. 1-1-10

Bureau of Labor and Industries Chapter 839

Rule Caption: Amends the prevailing rates of wage for the period beginning July 1, 2009.

Adm. Order No.: BLI 24-2009

Filed with Sec. of State: 11-12-2009

Certified to be Effective: 11-12-09

Notice Publication Date:

Rules Amended: 839-025-0700

Subject: The amended rule amends the prevailing rates of wage as determined by the Commissioner of the Bureau of Labor and Industries for the period beginning July 1, 2009.

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

839-025-0700

Prevailing Wage Rate Determination/Amendments to Determination

(1) Pursuant to ORS 279C.815, the Commissioner of the Bureau of Labor and Industries has determined that the wage rates stated in publications of the Bureau of Labor and Industries entitled *Prevailing Wage Rates on Public Works Contracts in Oregon and Prevailing Wage Rates for Public Works Contracts in Oregon subject to BOTH the state PWR and federal Davis-Bacon Act* dated July 1, 2009, are the prevailing rates of wage for workers upon public works in each trade or occupation in the locality where work is performed for the period beginning July 1, 2009, and the effective dates of the applicable special wage determination and rates amendments:

(a) Amendments/Corrections to July 1, 2009 PWR Rates for Public Works Contracts in Oregon subject to BOTH State PWR Law and federal Davis-Bacon Act (reflecting changes to Davis-Bacon rates effective June 26, 2009).

(b) Amendments/Corrections to July 1, 2009 PWR Rates for Public Works Contracts in Oregon subject to BOTH State PWR Law and federal Davis-Bacon Act (reflecting changes to Davis-Bacon rates effective July 3, 2009).

(c) Amendments/Corrections to July 1, 2009 PWR Rates for Public Works Contracts in Oregon subject to BOTH State PWR Law and federal Davis-Bacon Act (reflecting changes to Davis-Bacon rates effective July 10, 2009).

(d) Amendments/Corrections to July 1, 2009 PWR Rates for Public Works Contracts in Oregon subject to BOTH State PWR Law and federal Davis-Bacon Act (reflecting changes to Davis-Bacon rates effective July 17, 2009).

(e) Amendments/Corrections to July 1, 2009 PWR Rates for Public Works Contracts in Oregon subject to BOTH State PWR Law and federal Davis-Bacon Act (reflecting changes to Davis-Bacon rates effective July 24, 2009).

(f) Amendments/Corrections to July 1, 2009 PWR Rates for Public Works Contracts in Oregon subject to BOTH State PWR Law and federal Davis-Bacon Act (reflecting changes to Davis-Bacon rates effective August 14, 2009).

(g) Amendments/Corrections to July 1, 2009 PWR Rates for Public Works Contracts in Oregon subject to BOTH State PWR Law and federal Davis-Bacon Act (reflecting changes to Davis-Bacon rates effective September 11, 2009).

(h) Amendments/Corrections to July 1, 2009 PWR Rates for Public Works Contracts in Oregon subject to BOTH State PWR Law and federal Davis-Bacon Act (reflecting changes to Davis-Bacon rates effective September 18, 2009).

(i) Amendment to Oregon Determination 2009-02 (effective October 1, 2009).

(j) Amendments/Corrections to July 1, 2009 PWR Rates for Public Works Contracts in Oregon subject to BOTH State PWR Law and federal Davis-Bacon Act (reflecting changes to Davis-Bacon rates effective October 1, 2009).

(k) Amendments/Corrections to July 1, 2009 PWR Rates for Public Works Contracts in Oregon subject to BOTH State PWR Law and federal Davis-Bacon Act (reflecting changes to Davis-Bacon rates effective October 2, 2009).

(l) Amendments/Corrections to July 1, 2009 PWR Rates for Public Works Contracts in Oregon subject to BOTH State PWR Law and federal

ADMINISTRATIVE RULES

Davis-Bacon Act (reflecting changes to Davis-Bacon rates effective November 6, 2009).

(2) Copies of *Prevailing Wage Rates on Public Works Contracts in Oregon and Prevailing Wage Rates for Public Works Contracts in Oregon subject to BOTH the state PWR and federal Davis-Bacon Act* dated July 1, 2009, are available from any office of the Wage and Hour Division of the Bureau of Labor and Industries. The offices are located in Eugene, Medford, Portland and Salem and are listed in the blue pages of the phone book. Copies are also available on the bureau's webpage at www.oregon.gov/boli 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; BLI 4-1-01; BLI 5-2001, f. 6-21-01, cert. ef. 7-1-01; BLI 8-2001, f. & cert. ef. 7-20-01; BLI 14-2001, f. 9-26-01, cert. ef. 10-1-01; BLI 16-2001, f. 12-28-01, cert. ef. 1-1-02; BLI 2-2002, f. 1-16-02, cert. ef. 1-18-02; BLI 8-2002, f. 3-25-02, cert. ef. 4-1-02; BLI 12-2002, f. 6-19-02 cert. ef. 7-1-02; BLI 16-2002, f. 12-24-02 cert. ef. 1-1-03; BLI 1-2003, f. 1-29-03, cert. ef. 2-14-03; BLI 3-2003, f. & cert. ef. 4-1-03; BLI 4-2003, f. 6-26-03, cert. ef. 7-1-03; BLI 5-2003, f. 9-17-03, cert. ef. 10-1-03; BLI 9-2003, f. 12-31-03, cert. ef. 1-5-04; BLI 1-2004, f. 4-9-04, cert. ef. 4-15-04; BLI 6-2004, f. 6-25-04, cert. ef. 7-1-04; BLI 11-2004, f. & cert. ef. 10-1-04; BLI 17-2004, f. 12-10-04 cert. ef. 12-13-04; BLI 18-2004, f. 12-20-04, cert. ef. 1-1-05; Renumbered from 839-016-0700, BLI 7-2005, f. 2-25-05, cert. ef. 3-1-05; BLI 8-2005, f. 3-29-05, cert. ef. 4-1-05; BLI 18-2005, f. 9-19-05, cert. ef. 9-20-05; BLI 19-2005, f. 9-23-05, cert. ef. 10-1-05; BLI 26-2005, f. 12-23-05, cert. ef. 1-1-06; BLI 1-2006, f. 1-24-06, cert. ef. 1-25-06; BLI 2-2006, f. & cert. ef. 2-9-06; BLI 4-2006, f. 2-23-06, cert. ef. 2-24-06; BLI 14-2006, f. 3-30-06, cert. ef. 4-1-06; BLI 20-2006, f. & cert. ef. 6-16-06; BLI 21-2006, f. 6-16-06 cert. ef. 7-1-06; BLI 23-2006, f. 6-27-06 cert. ef. 6-29-06; BLI 25-2006, f. & cert. ef. 7-11-06; BLI 26-2006, f. & cert. ef. 7-13-06; BLI 28-2006, f. 7-21-06, cert. ef. 7-24-06; BLI 29-2006, f. 8-8-06, cert. ef. 8-9-06; BLI 32-2006, f. & cert. ef. 9-13-06; BLI 33-2006, f. 9-28-06, cert. ef. 10-1-06; BLI 36-2006, f. & cert. ef. 10-4-06; BLI 37-2006, f. & cert. ef. 10-19-06; BLI 40-2006, f. 11-17-06, cert. ef. 11-20-06; BLI 43-2006, f. 12-7-06, cert. ef. 12-8-06; BLI 45-2006, f. 12-26-06, cert. ef. 1-1-07; BLI 5-2007, f. 1-30-07, cert. ef. 1-31-07; BLI 6-2007, f. & cert. ef. 3-5-07; BLI 7-2007, f. 3-28-07, cert. ef. 3-30-07; BLI 8-2007, f. 3-29-07, cert. ef. 4-1-07; BLI 9-2007, f. & cert. ef. 4-2-07; BLI 10-2007, f. & cert. ef. 4-30-07; BLI 12-2007, f. & cert. ef. 5-31-07; BLI 13-2007, f. 6-8-07, cert. ef. 6-11-07; BLI 14-2007, f. 6-27-07, cert. ef. 6-28-07; BLI 15-2007, f. & cert. ef. 6-28-07; BLI 16-2007, f. 6-29-07, cert. ef. 7-1-07; BLI 18-2007, f. 7-10-07, cert. ef. 7-12-07; BLI 21-2007, f. 8-3-07, cert. ef. 8-8-07; BLI 22-2007, cert. ef. 8-30-07; BLI 23-2007, f. 8-31-07, cert. ef. 9-4-07; BLI 24-2007, f. 9-11-07, cert. ef. 9-12-07; BLI 25-2007, f. 9-19-07, cert. ef. 9-20-07; BLI 26-2007, f. 9-25-07 cert. ef. 9-26-07; BLI 27-2007, f. 9-25-07 cert. ef. 10-1-07; BLI 28-2007, f. 9-26-07 cert. ef. 10-1-07; BLI 31-2007, f. 11-20-07, cert. ef. 11-23-07; BLI 34-2007, f. 12-27-07, cert. ef. 1-1-08; BLI 1-2008, f. & cert. ef. 1-4-08; BLI 2-2008, f. & cert. ef. 1-11-08; BLI 3-2008, f. & cert. ef. 2-21-08; BLI 6-2008, f. & cert. ef. 3-13-08; BLI 8-2008, f. 3-31-08, cert. ef. 4-1-08; BLI 9-2008, f. & cert. ef. 4-14-08; BLI 11-2008, f. & cert. ef. 4-24-08; BLI 12-2008, f. & cert. ef. 4-30-08; BLI 16-2008, f. & cert. ef. 6-11-08; BLI 17-2008, f. & cert. ef. 6-18-08; BLI 19-2008, f. & cert. ef. 6-26-08; BLI 20-2008, f. & cert. ef. 7-1-08; BLI 23-2008, f. & cert. ef. 7-10-08; BLI 26-2008, f. & cert. ef. 7-30-08; BLI 28-2008, f. & cert. ef. 9-3-08; BLI 30-2008, f. & cert. ef. 9-25-08; BLI 31-2008, f. 9-29-08, cert. ef. 10-1-08; BLI 32-2008, f. & cert. ef. 10-8-08; BLI 36-2008, f. & cert. ef. 10-29-08; BLI 41-2008, f. & cert. ef. 11-12-08; BLI 42-2008, f. & cert. ef. 12-1-08; BLI 44-2008, f. & cert. ef. 12-29-08; BLI 45-2008, f. 12-31-08, cert. ef. 1-1-09; BLI 1-2009, f. & cert. ef. 1-6-09; BLI 2-2009, f. & cert. ef. 1-12-09; BLI 4-2009, f. & cert. ef. 2-11-09; BLI 6-2009, f. & cert. ef. 3-17-09; BLI 7-2009, f. & cert. ef. 3-24-09; BLI 8-2009, f. 3-31-09, cert. ef. 4-1-09; BLI 10-2009, f. 6-9-09, cert. ef. 6-10-09; BLI 11-2009, f. 6-29-09, cert. ef. 6-30-09; BLI 12-2009, f. 6-29-09, cert. ef. 7-1-09; BLI 13-2009, f. & cert. ef. 7-1-09; BLI 14-2009, f. & cert. ef. 7-10-09; BLI 15-2009, f. & cert. ef. 7-16-09; BLI 16-2009, f. & cert. ef. 7-22-09; BLI 17-2009, f. & cert. ef. 7-29-09; BLI 19-2009, f. & cert. ef. 8-18-09; BLI 20-2009, f. & cert. ef. 9-14-09; BLI 21-2009, f. & cert. ef. 9-21-09; BLI 22-2009, f. 9-30-09, cert. ef. 10-1-09; BLI 23-2009, f. & cert. ef. 10-8-09; BLI 24-2009, f. & cert. ef. 11-12-09

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

Rule Caption: Establishes processes for agencies to identify light duty assignments and entry-level positions for injured workers.

Adm. Order No.: HRSD 2-2009(Temp)

Filed with Sec. of State: 11-2-2009

Certified to be Effective: 11-2-09 thru 2-28-10

Notice Publication Date:

Rules Adopted: 105-050-0025, 105-050-0030

Subject: These rules establish processes for all executive branch state agencies (except for the Oregon University System) to follow in the identification of light duty assignments and entry-level positions for injured workers. DAS is required to establish these rules pursuant to ORS 6559A.052 as revised by HB 2778 and effective 7/1/09. The

revised statute provides that DAS shall establish by rule a process to identify light duty and entry-level assignments for injured workers.

Rules Coordinator: Yvonne Hanna—(503) 378-2349, ext. 325

105-050-0025

Injured Worker Preference for Light Duty Assignments Under ORS 659A.052

Applicability: All Executive Branch Agencies except the Oregon University System pursuant to ORS 351.087.

(1) Definitions:

(a) Agency-at-injury: The state agency that employed the injured worker when the compensable injury occurred.

(b) Attending Physician: The physician primarily responsible for the injured worker's care related to the compensable condition in the workers' compensation claim.

(c) Independent and semi-independent agencies: State executive branch agencies not subject to all of ORS 240.

(d) Light duty assignment: A transitional assignment of an injured worker while the worker is recovering from job-related injuries or illnesses to duties within the worker's capacities and restrictions specified in writing by the worker's attending physician.

(2) If feasible, agencies-at-injury will make light duty assignments for injured workers after an attending physician authorizes a worker to return to work with temporary restrictions that preclude the worker from performing some or all of the worker's regular job duties.

(3) To identify light duty assignments, agencies-at-injury:

(a) Where feasible, temporarily modify a worker's regular job duties by removing or modifying those duties that conflict with physical restrictions specified by an injured worker's attending physician.

(b) If it is not feasible to remove or modify the worker's regular job duties to be consistent with the worker's restrictions, the agency-at-injury considers other work the agency may temporarily assign to the injured worker.

(c) If no light duty assignments are available within the agency-at-injury, the agency-at-injury may contact the Human Resource Services Division or other executive branch agencies for assistance in locating light duty assignments.

(d) Agencies-at-injury monitor, adjust, or terminate temporary light duty assignments as appropriate.

(e) An injured worker temporarily assigned light duty work in another agency remains an employee of the agency-at-injury.

(f) In addition to this rule, agencies that are subject to ORS 240 follow State Human Resource Policy 50.020.05, Early Return to Work of Injured Workers.

Stat. Auth.: ORS 240.145, 240.250 & 659A.052

Stats. Implemented: ORS 240.306, 659A.043, 659A.046 & 659A.052

Hist.: HRSD 1-2009(Temp), f. 6-25-09, cert. ef. 7-1-09 thru 12-27-09; HRSD 2-2009(Temp), f. & cert. ef. 11-2-09 thru 2-28-10

105-050-0030

Injured Worker Preference for Entry-Level Positions Under ORS 659A.052

Applicability: All Executive Branch Agencies except the Oregon University System pursuant to ORS 351.087.

(1) Definitions:

(a) Agency-at-injury: The state agency that employed the injured worker when the compensable injury occurred.

(b) Attending Physician: The physician primarily responsible for the injured worker's care related to the compensable condition in the workers' compensation claim.

(c) Independent and semi-independent agencies: State executive branch agencies not subject to all of ORS 240.

(d) Entry-level position: All limited competitive and non-competitive appointment classifications listed in OAR 105-040-0060; all classifications defined as entry in their title; single-level classifications and the first level of a classification series.

(2) Injured workers who make a timely demand for reemployment to available, suitable employment in accordance with Oregon Administrative Rule 839-006-0135 may also request consideration for permanent appointment to entry-level positions.

(a) The injured worker, seeking such reemployment, submits a written request to the agency-at-injury noting the specific entry-level positions to which he or she seeks appointment along with an updated employment application form.

(b) An agency-at-injury, subject to ORS 240, after receiving an eligible injured worker's request for permanent reemployment in a suitable or

ADMINISTRATIVE RULES

entry-level position, places the injured worker on the injured worker list for suitable and entry-level positions in accordance with State Human Resource Policy 50.020.03 Reinstatement and Reemployment of Injured Workers, or an applicable collective bargaining agreement.

(c) The Human Resource Services Division provides relevant information to semi-independent and independent state agencies regarding the injured workers who are eligible for reemployment to available, suitable, and entry-level positions.

(d) Independent and semi-independent state agencies give priority consideration according to subsection (2)(f) of this rule, to injured workers from other executive branch agencies who make a timely demand for reemployment.

(e) The Human Resource Services Division places workers injured in an independent or semi-independent agency on the injured worker list for appropriate classifications following receipt of notice from an independent or semi-independent agency of the injured worker's timely demand for reemployment to suitable and entry-level positions.

(f) All executive branch agencies, when filling vacancies, subject to the restrictions of an applicable collective bargaining agreement, offer entry-level and suitable positions to injured workers who meet the minimum and special qualifications of the position and can perform the duties within permanent restrictions.

Stat. Auth.: ORS 240.145, 240.250 & 659A.052

Stats. Implemented: ORS 240.306, 659A.043, 659A.046 & 659A.052

Hist.: HRSD 1-2009(Temp), f. 6-25-09, cert. ef. 7-1-09 thru 12-27-09; HRSD 2-2009(Temp), f. & cert. ef. 11-2-09 thru 2-28-10

.....

Department of Administrative Services, Oregon Educators Benefit Board Chapter 111

Rule Caption: Amended to include the timeframe in which OEGB members have to request a hearing.

Adm. Order No.: OEGB 18-2009(Temp)

Filed with Sec. of State: 10-26-2009

Certified to be Effective: 10-26-09 thru 4-23-10

Notice Publication Date:

Rules Amended: 111-080-0030

Subject: OAR 111-080-0030 is being amended to include the timeframe in which OEGB members have the right to request a hearing following the completion of the OEGB appeal and administrative review process.

Rules Coordinator: April Kelly—(503) 378-6588

111-080-0030

Appeals and Administrative Reviews

(1) OEGB eligible employees may request a review to determine if an educational entity's eligibility decision is based on OAR 111-010-0015, or an educational entity's enrollment decision is based on OAR 111-040-0001 through 0050.

(2) OEGB members have the right to request a review of benefit and claim issues that are not resolved following the completion of the carrier appeal process.

(3) OEGB members have the right to request a hearing by the Office of Administrative Hearings (OAH) following completion of the OEGB appeal and administrative review process. The request for a hearing must be received by OEGB in writing by close of business within 30 calendar days from the receipt date of the certified letter notifying the member of OEGB's decision.

Stat. Auth.: ORS 243.860 - 243.886

Stats. Implemented: ORS 243.864(a)

Hist.: OEGB 17-2008(Temp), f. & cert. ef. 10-16-08 thru 4-13-09; OEGB 7-2009, f. 3-24-09, cert. ef. 4-1-09; OEGB 18-2009(Temp), f. & cert. ef. 10-26-09 thru 4-23-10

.....

Department of Community Colleges and Workforce Development Chapter 589

Rule Caption: Distribution of the Small School Base Portion of the Community College Support Fund.

Adm. Order No.: DCCWD 5-2009

Filed with Sec. of State: 10-28-2009

Certified to be Effective: 10-28-09

Notice Publication Date: 9-1-2009

Rules Amended: 589-002-0100

Subject: Authority for the distribution of the Community College Support Fund (CCSF) is granted by OAR 589-002-0100. This rule amendment changes the distribution of the CCSF by increasing Small School Base payments per FTE.

The purpose of the Small Schools Base payment is to compensate for the higher cost of providing access to a quality education at Oregon's smaller community colleges. The Base payment is calculated by multiplying a set rate by the number of Weighted Reimbursable FTE as defined by rule. This rule amendment increases the rate per FTE from \$600 to \$720 per FTE and from \$300 to \$360.

The State Board of Education approved adoption of this rule amendment at its meeting on October 23, 2009.

Rules Coordinator: Linda Hutchins—(503) 947-2456

589-002-0100

Distribution of Community College Support Fund

(1) Purpose Statement:

(a) It is in the state's interest to support a strong local community college system that meets local, regional and state economic and workforce development needs. Short- and long-term interests include the consideration of such things as comparable District funding capability, maintaining small districts as a means of educational access and stable, predictable funding. Oregon's Community College distribution formula is designed to provide a financial foundation to support undergraduate and lower-division education, professional technical education, remedial education, local response to workforce training and other educational services necessary at the local and state level.

(b) The State Board through the authority vested in it by ORS 341.626, uses this rule to state clearly and concisely what the statewide interests are for Oregon community colleges and students through the adoption of a policy-driven distribution formula. The overarching policy levers, chosen by the State Board, have been structured to support access and quality and to do so with equity for Oregon students.

(c) The State Board, the Department, and the seventeen Oregon Community Colleges plan to pursue equalization of resources regardless of funding levels. This goal is reflected in the following principles:

(A) An expectation that equalization will be achieved in six years.

(B) Significant additional funds in a biennium compared to the previous biennium will benefit every college. The State Board will determine what level is significant on a biennial basis.

(C) Historic share of total public resources will be based on the immediate previous year for every year, with the exception of 2005-06. For 2005-06, historic share of public resources will be based on the average of 2003-04 and 2004-05.

(D) Buffered FTE will be used in the formula. The buffering is accomplished by using a three-year weighted average as defined in section (8)(b).

(E) If significant additional resources are available compared to the previous biennium, equalization can go faster. The State Board will determine what level is significant on a biennial basis.

(F) The resource level available compared to the previous biennium may impact the pace of progress toward equalization.

(2) For purposes of this rule, the following definitions apply:

(a) "Total Public Resources." The Community College Support Fund formula considers 100% of the next year's imposed property tax revenue and the General Fund appropriation from the legislature.

(b) "Property tax revenues" is defined as the amount determined by the Department of Revenue to be imposed on local property following the application of limits imposed by sections 11(b)(1) through 11(b)(3), Article XI, of the Oregon Constitution, and those limits imposed by legislation implementing Ballot Measure 50. This amount becomes the basis for operation of the funding formula without regard to uncollectible taxes, or taxes collected from previous years. Taxes levied or imposed by a community college district to provide a public library system established prior to January 1, 1995 shall be excluded from the definition of property taxes in this rule. Property tax revenues raised through voter approval of any local option or capital construction levy are not to be included as a resource to be distributed through the funding formula.

(c) "Community College Support Fund" is defined as those funds received through the State's General Fund appropriation and distributed to the community colleges for the purpose of funding educational programs.

(d) "Full-Time Equivalent (FTE) Enrollment" is defined as 510 clock hours for all coursework and for all terms including a fall 12-week term.

ADMINISTRATIVE RULES

For an 11 week fall term, the following calculation will be used; 11/12 of 510 hours or 467.5 hours.

(e) "Total Weighted Reimbursable FTE" is defined as the sum of 40% of first year prior to current FTE, 30% of second year prior to current FTE, and 30% of third year prior to current FTE.

(f) "Historic Share of Public Resources" is defined as the percent of statewide non-base total public resources allocated to each Oregon community college in the prior period. With the exception of 2005–06, historic share of public resources is calculated by dividing each college's total public resources from the prior year, exclusive of the base, by Total Weighted Reimbursable FTE from the prior year. For 2005–06, historic share of public resources is calculated by dividing each college's average total public resources from the 2003–04 and 2004–05 fiscal years, exclusive of the base, by the amount of frozen reimbursable FTE used in both the 2003–04 and 2004-05 fiscal years.

(g) "Equalization" is defined as equal public resource support per Weighted Reimbursable FTE, regardless of institution, and exclusive of the base. Equalization is measured by dividing Total Public Resources, exclusive of the base, by Weighted Reimbursable FTE.

(3) The Community College Support Fund shall be distributed in equal payments as follows:

(a) For the first year of the biennium, August 15, October 15, January 15, and April 15;

(b) For the second year of the biennium, August 15, October 15, and January 15;

(c) The final payment of each biennium is deferred until July 15 of the following biennium as directed by Senate Bill 1022 of the Third Special Session of the 71st Oregon Legislative Assembly.

(d) Should any of the dates set forth above occur on a weekend, payment shall be made on the next business day.

(e) All payments made before actual property taxes imposed by each district are certified by the Oregon Department of Revenue shall be based on the Department's best estimate of quarterly entitlement using property tax revenue projections. Payments shall be recalculated each year as actual property tax revenues become available from the Oregon Department of Revenue and any adjustments will be made in the final payment(s) of the fiscal year.

(4)(a) Districts shall be required to submit enrollment reports in the format specified by the Commissioner, including numbers of clock hours realized for all coursework, in a term-end enrollment report by the Friday of the sixth week following the close of each term. If reports are outstanding at the time of the quarterly payments, payment to the district(s) not reporting may be delayed at the discretion of the Commissioner.

(b) All payments made before actual Full-Time Equivalent enrollment data are available shall be based on the Department's best estimate of quarterly entitlement using enrollment data from previous years. Payments shall be recalculated each year as actual Full-Time Equivalent enrollment data become available and any adjustments will be made in the fiscal year.

(5) Reimbursement from the Community College Support Fund shall be made for professional technical, lower division collegiate, developmental education and other courses approved by the State Board in accordance with OAR 589-006-0100 through 589-006-0400. State reimbursement is not available for hobby and recreation courses as defined in 589-006-0400.

(6) Residents of the state of Oregon and the states of Idaho, Washington, Nevada, and California shall be counted as part of each Community College's Total Reimbursable FTE base but only for those students who take part in coursework offered within Oregon's boundaries.

(7) State funding for community college district operations is appropriated by the legislature on a biennial basis to the Community College Support Fund. For each biennium the amount of state funds available for distribution through the funding formula shall be calculated based on the following:

(a) Funds to support corrections programs shall be subtracted from the amount allocated to the Community College Support Fund before the formula is calculated. The amount available for corrections shall be equal to the funding amount in the preceding biennium, except as adjusted to reflect the same percentage increase or decrease realized in the overall Community College Support Fund appropriation. Funding for individual corrections programs will be determined in consultation with the Department of Corrections.

(b) Funds to support contracted out-of-district (COD) programs shall be subtracted from the amount allocated to the Community College Support Fund before the formula is calculated. The amount available for COD's shall be equal to the number of reimbursable COD FTE from the prior year multiplied by the statewide average amount of Non-Base Community

College Support Funds per weighted FTE for the prior year. Community colleges providing contracted out-of-district services will receive an allocation equal to the college's number of reimbursable COD FTE from the prior year multiplied by the statewide average amount of Non-Base Community College Support Funds per weighted FTE for the prior year.

(c) The State Board may establish a Strategic Fund.

(A) There are two basic categories for these funds. Incentivized statewide initiatives and activities and requests from individual Districts for assistance in meeting new requirements and expectations stemming from legislative change.

(B) The Commissioner will use a committee of stakeholders and Department staff to determine overall priorities for funding that consider the State Board work plan and initiatives.

(C) Strategic Funds provided to incentivize statewide activities or assist Community Colleges in meeting legislative expectations are provided only for the biennium in which funding is approved. Strategic Funds allocated for either purpose will not be considered in the distribution of funds through the formula described in Section 8 for the current biennium or future biennia.

(D) Any unused monies remaining in the current biennium's Strategic Fund will be allocated through the formula described in Section 8 at the end of the biennium.

(E) The Commissioner will review, rank, and approve proposals to incentivize statewide activities. After each proposal is approved, the Commissioner will provide the State Board with a report detailing the purpose of the activity, the amount of Strategic Fund monies approved, and the proposal's merit as assessed under the following parameters:

(i) Purpose of the proposal.

(ii) How does the activity support the initiatives and work plans of the Department and the State Board.

(iii) Does the activity relate to the Department's Key Performance Measures or other program-specific measures?

(iv) Is the funding one time (for this biennium) or will additional funding be needed in the future?

(v) If future funding is needed, how will those resources be obtained? Is the activity sustainable?

(vi) What is the activity's impact on the State three years from now? Five years from now?

(vii) What change is anticipated?

(viii) How will progress be measured?

(F) The Department will bring all requests for assistance in meeting new requirements or expectations stemming from legislative change to the State Board for discussion and consideration.

(G) The Department will assess the requests for assistance in meeting new requirements or expectations of the Legislature based on the following parameters:

(i) Purpose of the proposal.

(ii) How will the funds be used? To sustain or increase enrollment (not supplanting existing funds)?

(iii) Is the funding one time (for this biennium) or will additional funding be needed in the future?

(iv) If future funding is needed, how will those resources be obtained? Is the activity sustainable?

(v) What is the proposal's impact on the Community College three years from now? Five years from now?

(vi) How will progress be measured?

(H) The Department will provide a recommendation and reasoning to the State Board on whether the request merits funding.

(d) Funds to support targeted investments such as distributed learning shall be subtracted from the amount allocated to the Community College Support Fund before the formula is calculated. The amount available for these investments shall be equal to the funding amount in the preceding biennium, except as adjusted to reflect the same percentage increase or decrease realized in the overall Community College Support Fund appropriation.

(e) Funds remaining in the Community College Support Fund shall be divided equally between the two years of the biennium, and will be distributed in equal payments as described in Section 3 and through a distribution formula as described in Section 8.

(8) Distribution of funds to Community College Districts from the Community College Support Fund shall be accomplished through a formula, based on the following factors:

(a) Base Payment. Each community college district shall receive a base payment of \$720 for each Weighted Reimbursable FTE up to 1,100 and \$360 per FTE for unrealized enrollments between actual Weighted

ADMINISTRATIVE RULES

Reimbursable FTE and 1,100 FTE. The base payment may be adjusted by the State Board each biennium. The base payment for each District will be adjusted according to the size of the District. District size for purposes of this adjustment will be determined each year by the FTE set forth in section (8)(b) of this rule. The base payment adjustments shall be:

- (A) 0–750 FTE 1.3513;
- (B) 751–1,250 FTE 1.2784;
- (C) 1,251–1,750 FTE 1.2062;
- (D) 1,751–2,250 FTE 1.1347;
- (E) 2,251–2,750 FTE 1.0641;
- (F) 2,751–3,250 FTE 1.0108;
- (G) 3,251–3,750 FTE 1.0081;
- (H) 3,751–4,250 FTE 1.0054;
- (I) 4,251–4,999 FTE 1.0027;
- (J) 5,000 or more FTE 1.000.

(b) Student-Centered Funding: The formula is designed to progress toward a distribution of funds based on Weighted Reimbursable FTE students. The equalized amount per Weighted Reimbursable FTE is determined by dividing total public resources — excluding base payments, contracted out-of-district payments, and any other payments directed by the State Board or the Legislature — by Total Weighted Reimbursable FTE. The Department shall make the calculation based on submission of FTE reports by the districts and in accordance with established FTE principles.

(A) A three-year weighted average of Total Reported Reimbursable FTE by the Community Colleges will be used.

(B) For 2005–06 through 2007–08: FTE will be “thawed” from its current level one year at a time, beginning in 2005–06 when actual 2003–04 FTE is included in the formula. Beginning in 2007–08, the weighted average of FTE will consider only actual FTE. The “frozen” 96,027 total reimbursable FTE statewide was set by the State Board in 2002–03.

(i) The calculation for 2005–2006 Total Reimbursable FTE is 2003–04 actual enrollments (weighted at 40%); 2002–03 enrollments set at 96,027 (weighted at 30%); 2001–02 enrollments set at 96,027 (weighted at 30%).

(ii) The calculation for 2006–07 Total Reimbursable FTE is 2004–05 actual enrollments (weighted at 40%); 2003–04 actual enrollments (weighted at 30%); 2002–03 enrollments set at 96,027 (weighted at 30%).

(iii) The calculation for 2007–08 Total Weighted Reimbursable FTE is 2006–07 actual enrollments (weighted at 40%); 2005–06 actual enrollments (weighted at 30%); 2004–05 actual enrollments (weighted at 30%).

(C) All future calculations will use a three-year weighted average with first year prior to current actual enrollment weighted at 40%, second year prior to current actual enrollment weighted at 30% and third year prior to current actual enrollment weighted at 30%.

(c) Equalization. The State Board of Education expects to achieve Equalization in funding for all community college students in six years.

(A) Progress to Equalization is defined as: On an individual Community College level, progress toward Equalization will close the gap between non-base total public resource support per Weighted Reimbursable FTE and fully equalized non-base total public resource support per Weighted Reimbursable FTE by some fraction per year.

(B) The proposed model calculates how far each Community College’s non-base allocation is from full equity every year, then moves incrementally toward Equalization each year. Each Community College makes the same percentage movement to Equalization each year unless the harm limit (described in section (8)(d)) is invoked. Community Colleges at or near equity do not move much in real dollars under the equity adjustment. Community Colleges further from equity move more in real dollars under the equity adjustment.

(C) In early years, the focus is on stability as Community Colleges adjust to Equalization. A smaller proportion of funds is distributed through Equalization and a larger proportion is distributed based on historic share of public resources. As the timeframe progresses, this proportion reverses, and in later years more funds are distributed through Equalization.

(d) Harm Limit. The harm limit is designed to prevent individual Community Colleges from losing more than a certain percent of non-base total public resources from one year to the next due to Equalization. The harm limit does not limit losses in total public resources due to changes in FTE enrollment, changes in the General Fund appropriation, or changes in public resources. The harm limit is determined by combining the percent change in state appropriation funds from one year to the next with an adjustment percent determined by the State Board each year. In determining the adjustment, and therefore the total harm limit that results from combining the adjustment with the percent change in resources, the Board should consider the following issues:

(A) The total harm limit must not unnecessarily impede progress toward Equalization in the expected six-year period.

(B) The total harm limit should be adequate to ameliorate unreasonable negative effects of Equalization.

(e) Distribution of Significant Additional State Resources. In a biennium when significant additional state resources are available compared to the state appropriation in the previous biennium, in each year of the biennium:

(A) Fifty percent of additional state resources will be allocated through the Equalization methodology.

(B) The remaining fifty percent of additional state resources will be allocated based on the Community College’s historic share of public resources.

(C) The State Board will determine on a biennial basis what level of additional resources is considered significant.

(D) The State Board retains the authority to alter the percent of significant additional state resources allocated according to equity and historic share of public resources for each biennium, beginning in 2007–09.

(9) State general fund and local property taxes for territories annexed or formed effective June 1, 1996, or later shall not be included in the funding formula for the first three years of service. Additionally, the FTE generated in newly annexed territories shall not impact the funding formula during the first three years of service. Beginning in the fourth year, funding will be distributed through the formula as outlined in this rule.

Stat. Auth.: ORS 326.051, 341.015, 341.022, 341.317, 341.440, 341.525, 341.528, 341.626 & 341.665

Stats. Implemented: ORS 341.015, 341.022, 341.317, 341.440, 341.525, 341.528, 341.626 & 341.665

Hist.: 1EB 9-1979, f. & ef. 6-11-79; EB 12-1991, f. & cert. ef. 7-19-91; Renumbered from 581-043-0260; ODE 27-2000, f. & cert. ef. 10-30-00; DCCWD 1-2001, f. & cert. ef. 3-21-01, Renumbered from 581-041-0200; DCCWD 2-2001, f. & cert. ef. 5-7-01; DCCWD 3-2002, f. & cert. ef. 6-5-02; DCCWD 7-2002(Temp), f. & cert. ef. 12-16-02 thru 6-5-03; DCCWD 3-2003, f. & cert. ef. 5-14-03; DCCWD 1-2004, f. & cert. ef. 7-1-04; DCCWD 1-2005, f. & cert. ef. 7-13-05; DCCWD 2-2006(Temp), f. & cert. ef. 6-15-06 thru 11-30-06; DCCWD 6-2006, f. 10-3-06, cert. ef. 10-4-06; DCCWD 8-2006, f. 12-13-06, cert. ef. 12-15-06; DCCWD 2-2007, f. & cert. ef. 7-6-07; DCCWD 4-2007, f. & cert. ef. 10-1-07; DCCWD 3-2009(Temp), f. & cert. ef. 8-5-09 thru 1-31-10; DCCWD 5-2009, f. & cert. ef. 10-28-09

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

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

Adm. Order No.: FCS 10-2009

Filed with Sec. of State: 10-30-2009

Certified to be Effective: 11-1-09

Notice Publication Date: 10-1-2009

Rules Adopted: 441-135-0020

Subject: These rules set forth standards to protect consumers from misleading and fraudulent marketing practices with respect to the use of special designations and certifications in connection with the offer, sale or purchase of securities, or the provision of advice as to the value or advisability of investing in, purchasing or selling securities, directly or indirectly, or through a publication or writing, or by issuing or disseminating analyses or reports relating to securities.

Rules Coordinator: Shelley Greiner—(503) 947-7484

441-135-0020

Use of Certification or Professional Designation

(1) A person may not use a certification or designation that falsely indicates or implies that the person has special certification or training, in connection with the offer, sale or purchase of securities, or the provision of advice as to the value of or the advisability of investing in, purchasing, or selling securities, directly or indirectly, or through a publication or writing, or by issuing or disseminating analyses or reports relating to securities. Prohibited use of a certification or designation includes, but is not limited to, the following activities:

(a) Use of a certification or professional designation by a person who has not actually earned or is otherwise ineligible to use the certification or designation.

(b) Use of a nonexistent or self-conferred certification or professional designation.

(c) Use of a certification or professional designation that indicates or implies a level of occupational qualifications obtained through education, training or experience that the person using the certification or professional designation does not have.

ADMINISTRATIVE RULES

(d) Use of a certification that falsely states or implies specialized knowledge of the financial needs of a particular segment of the population, or class of investors, that the person using the certification or professional designation does not have. Examples of a particular segment of the population, or class of investors, include but are not limited to senior citizens, elderly or retired persons.

(e) Use of a certification or professional designation that was obtained from a designating or certifying organization that:

(A) Is primarily engaged in the business of instruction in sales or marketing, or both;

(B) Does not have reasonable standards or procedures for assuring the competency of its designees or certificants;

(C) Does not have reasonable standards or procedures for monitoring and disciplining its designees or certificants for improper or unethical conduct;

(D) Does not have reasonable continuing education requirements for its designees to maintain the designation or certificate; or

(E) Has not been certified or accredited by one of the following organizations, or has been certified or accredited by one of the following organizations but the designation or credential issued from the organization primarily applies to sales or marketing, or both:

(i) The American National Standards Institute;

(ii) The National Commission for Certifying Agencies; or

(iii) An organization that is on the United States Department of Education's list entitled "Accrediting Agencies Recognized for Title IV Purposes".

(2) The Director recognizes a rebuttable presumption that a designating or certifying organization is not disqualified solely for purposes of section (1)(e) of this rule when the designation or credential does not primarily apply to sales or marketing or both, and when the organization is accredited by:

(a) The American National Standards Institute;

(b) The National Commission for Certifying Agencies; or

(c) An organization that is on the United States Department of Education's list entitled "Accrediting Agencies Recognized for Title IV Purposes".

(3) The Director will consider at least the following factors in determining whether a combination of words, or an acronym standing for a combination of words, constitutes a certification or professional designation that could falsely indicate or imply that a person has special certification or training in advising or servicing a particular segment of the population or class of investor:

(a) The use of one or more words indicating specialized knowledge of the needs of a particular segment of the population or class of investors, including but not limited to "senior," "elder," "retired," or "retirement," combined with one or more words such as "certified," "registered," "chartered," "adviser," "specialist," "consultant," "planner," or like words, in the name of the certification or professional designation; and

(b) The manner in which the words in subsection (a) of this section are combined.

(4) This rule does not apply to use of any of the following designations, titles, degrees, or certifications used by a person unless the facts and circumstances associated with the use of the designation, title, degree or certification indicate that the use suggests or implies a greater degree of certification or training than the person possesses or that the designation, title, degree or certification otherwise misleads consumers:

(a) A job title within an organization that is licensed, registered or authorized by a state or federal financial services regulatory agency, when that job title:

(A) Indicates seniority or standing within the organization; or

(B) Specifies an individual's area of specialization within the organization.

(b) A degree, certificate, or designation evidencing completion of an academic program at an institution of higher education that has been accredited by an organization that is on the United States Department of Education's list entitled "Accrediting Agencies Recognized for Title IV Purposes."

(5) Violation of section (1) of this rule is an act, practice, or course of business which operates or would operate as a fraud or deceit upon any person, for the purposes of ORS 59.135(3) and OAR 441-205-0020(1).

(6) The prohibitions in this rule and the remedies available to the Director do not limit the Director's authority to enforce existing provisions of law and apply existing remedies.

Stat. Auth.: ORS 59.285 & 59.235

Stats. Implemented: ORS 59.235, 59.135 & 59.205

Hist.: FCS 10-2009, F. 10-30-09, cert. eff. 11-1-09

Department of Consumer and Business Services, Insurance Division Chapter 836

Rule Caption: Adopting Permanent Rules Governing Federal Subsidy for State Program for Continuation of Health Benefit Plans.

Adm. Order No.: ID 8-2009

Filed with Sec. of State: 10-23-2009

Certified to be Effective: 10-23-09

Notice Publication Date: 9-1-2009

Rules Adopted: 836-053-0850, 836-053-0855, 836-053-0860, 836-053-0865

Rules Repealed: 836-053-0850(T), 836-053-0855(T), 836-053-0860(T), 836-053-0865(T)

Subject: Oregonians who lose their jobs have two options to continue coverage under their group health plan. If their former employer has 20 or more workers, they are eligible under the Consolidated Omnibus Budget Reconciliation Act (COBRA). If their former employer has fewer than 20 workers, they are eligible under Oregon's state continuation law. The federal economic stimulus package extends a 65-percent subsidy for up to nine months of coverage. Recognizing the need for changes to state law to allow Oregonians to obtain the full advantage of the federal subsidy, the Oregon Legislative Assembly enacted House Bill 2433, which extends the period of eligibility for state continuation coverage from six months to nine months and allows the Director of the Department of Consumer and Business Services to adopt rules as necessary to allow Oregonians to take full advantage of the benefits provided by the federal law. On April 28, 2009, the Director adopted temporary rules OAR 836-053-0850T, 836-053-0855T, 836-053-0860T, 836-053-0865T (the temporary rules) that enacted the following provisions to implement House Bill 2433:

- Extend the period of continuation coverage for assistance eligible individuals (AEIs) to provide coverage periods of no less than nine months.

- Allow an independent election of coverage for all qualified beneficiaries.

- Create a second election opportunity for state continuation coverage for AEIs who experienced a qualifying event on or after 09/01/08 and before April 28, 2009 and either did not elect or whose continuation coverage ended for any reason. (e.g., lapse due to non-payment, expiration of 6-month coverage period.)

- Establish notice requirements for insurers.

- Specify that enrollees who take advantage of the second election opportunity are provided a period of continuous coverage for purposes of calculating creditable coverage.

Adoption of these rules will enable Oregonians who are covered by the state's continuation of health benefit program ("mini COBRA") to receive the same level of benefits and have the same access to benefits under the state program as Oregonians who are eligible to receive benefits under the federal Consolidated Omnibus Budget Reconciliation Act (COBRA) program and under the American Recovery and Reinvestment Act of 2009. These rules are intended to carry out the intent of HB 2433 in making the state program consistent with federal law to the maximum extent possible.

Because the temporary rules expire on October 24, 2009, these permanent rules will repeal the temporary rules and enact permanent rules that continue the above outlined provisions to implement chapter 73, Oregon Law 2009 (Enrolled House Bill 2433).

Rules Coordinator: Sue Munson—(503) 947-7272

836-053-0850

Purpose; Authority; Applicability; and Enforcement

(1) OAR 836-053-0850 to 836-053-0885 are permanent rules that repeal and replace temporary rules OAR 836-053-0850T to 836-053-0885T and are adopted under the authority of ORS 731.244 and chapter 73, Oregon Laws 2009 (Enrolled House Bill 2433) for the purpose of implementing continuation of benefits provisions in accordance with chapter 73, Oregon Laws 2009 (Enrolled House Bill 2433) and for the purpose of max-

ADMINISTRATIVE RULES

imizing the benefit certificate holders in Oregon may receive under the American Recovery and Reinvestment Act of 2009 (P.L. 111-5).

(2) OAR 836-053-0850 to 836-053-0885 apply to insurers issuing continuation coverage as required under ORS 743.610.

Stat. Auth.: ORS 731.244, 743.610, Ch. 73, OL 2009 HB 2433
Stats. Implemented: ORS 743.610, Ch. 73, OL 2009 HB 2433
Hist.: ID 2-2009(Temp), f. & cert. ef. 4-28-09 thru 10-24-09; ID 8-2009, f. & cert. ef. 10-23-09

836-053-0855

Definitions

As used in OAR 836-053-0850 to 836-053-0885:

(1) "Certificate holder" means any covered employee or qualified beneficiary who:

- (a) Is eligible for continuation coverage;
- (b) Elects continuation coverage;
- (c) Is subject to a qualifying event; and
- (d) Is considered an assistance eligible individual under the American Recovery and Reinvestment Act of 2009 (P.L. 111-5).

(2) "Covered employee" means a certificate holder who has been insured continuously under a policy or similar predecessor policy during the three-month period ending on the date of the termination of employment or membership.

(3)(a) "Qualified beneficiary" means a covered employee under a group health plan or any other individual who, on the day before the qualifying event for that employee, is a beneficiary under that plan as the spouse of the covered employee or as the dependent child of the employee, including a child born or placed for adoption after the qualifying event or during the period the covered employee is eligible for continuation coverage.

- (b) An individual is not a qualified beneficiary if:
 - (A) The individual is eligible for Federal Medicare coverage.
 - (B) The individual is eligible for any other group health plan. This limitation does not apply to coverage consisting only of:

(i) Dental, vision, counseling, or referral services;

(ii) Coverage under a health flexible spending arrangement as defined in section 106(c)(2) of the Internal Revenue Code of 1986; or

(iii) Treatment that is furnished in an on-site medical facility maintained by an employer.

(C) An individual is not a qualified beneficiary only for purposes of receiving a premium subsidy if the individual is a domestic partner.

(4) "Qualifying event" means involuntary termination of employment and loss of group health insurance coverage during the period beginning September 1, 2008 and ending December 31, 2009.

Stat. Auth.: ORS 731.244, 743.610, Ch. 73 OL 2009 HB 2433
Stats. Implemented: ORS 743.610, Ch. 73 OL 2009 HB 2433
Hist.: ID 2-2009(Temp), f. & cert. ef. 4-28-09 thru 10-24-09; ID 8-2009, f. & cert. ef. 10-23-09

836-053-0860

Notification

(1) An insurer subject to the requirements of ORS 743.610 and chapter 73, Oregon Laws 2009 (Enrolled House Bill 2433) shall provide a notice explaining continuation of benefits directly to individuals losing group coverage, for any reason other than group replacement of coverage, within 10 days following the date of any administrative action taken by an insurer to initiate or document the loss of coverage.

(2) The insurer providing the notice required under section (1) of this rule shall include in the notice at least the following information:

- (a) Contact information for the employee to reach the insurer;
- (b) Forms and instructions about how to complete and return the forms and to whom (i.e., going through employer or direct to insurer);
- (c) A clear statement explaining availability of premium subsidy;
- (d) Premium information or directions for determining the premium amount for each qualified beneficiary and instructions for submitting the premium;
- (e) A clear statement about who is eligible to continue coverage;
- (f) Information about how to enroll in different coverage if allowed by the employer;
- (g) Instructions about the employee's responsibility to notify the insurer if the employee becomes ineligible for the subsidy; and
- (h) Instructions about how to appeal denials for treatment as a certificate holder.

Stat. Auth.: ORS 731.244, 743.610, Ch. 73 OL 2009 HB 2433
Stats. Implemented: ORS 743.610, Ch. 73 OL 2009 HB 2433
Hist.: ID 2-2009(Temp), f. & cert. ef. 4-28-09 thru 10-24-09; ID 8-2009, f. & cert. ef. 10-23-09

836-053-0865

Provisions Relating to Premium Subsidy for State Continuation Coverage

(1) In order to maximize the benefit to Oregonians under the federal American Recovery and Reinvestment Act of 2009 (P.L. 111-5), certain qualified beneficiaries are eligible for:

- (a) Premium subsidy for continuation of coverage;
- (b) An opportunity to elect continuation of coverage that is in addition to the period allowed under ORS 743.610(5);
- (c) Continuation of coverage for a period of time that exceeds the period allowed under ORS 743.610(7)(a); and
- (d) An option to enroll in different coverage if the employer permits certificate holders to elect enrollment in different coverage.

(2) After receiving the attestation from an employer stating that the employee meets the requirements of a certificate holder and the date of the qualifying event, an insurer is required to accept timely payment of the certificate holder's 35 percent share of the total premium as full payment of the premium and process claims as though 100 percent of the total premium due has been paid.

(3) (a) The following certificate holders qualify for a second opportunity to elect continuation of coverage if the group health plan remains in effect:

(A) Certificate holders who did not elect to continue coverage during the period allowed under ORS 743.610(5) prior to April 28, 2009; and

(B) Certificate holders who elected continuation coverage during the period allowed under ORS 743.610(5) but whose continuation coverage ended for any reason prior to April 28, 2009;

(b) Within 31 calendar days after the insurer provides the notice required under OAR 836-053-0860(1), certificate holders who received the notice under paragraph (a) of this subsection must return the following items according to instructions provided by the insurer:

(A) Completed forms for electing state continuation coverage and requesting treatment as a certificate holder;

(B) The individual's tax identification number;

(C) Form for Switching State Continuation Coverage Benefit Options, if offered; and

(D) The initial premium if required.

(c) Certificate holders who became eligible on or after September 1, 2008 and prior to April 28, 2009 are eligible to continue coverage while the group health plan remains in effect, and upon timely payment of their portion of the premium, for the longer of:

(A) Nine months of continuation coverage beginning with the coverage month first following the qualifying event; or

(B) Until November 30, 2009.

(d) The effective date for continuation coverage issued in response to a second election of coverage will be the later of the first day of the coverage month on or after February 17, 2009 or the first day of the coverage month first following the qualifying event.

(4)(a) Within 31 calendar days after the insurer provides the notice required under OAR 836-053-0860(1), certificate holders who become eligible on or after April 28, 2009 must return the following items according to any instructions provided by the insurer:

(A) Forms for electing state continuation coverage and requesting treatment as a certificate holder;

(B) The individual's tax identification number;

(C) The form for switching state continuation coverage benefit options, if offered; and

(D) The initial premium, if required.

(b) A certificate holder who becomes eligible on or after April 28, 2009 is eligible to continue coverage for a period of nine months beginning with the coverage month first following the qualifying event. However, the premium subsidy available to the individual shall not exceed any period of limitation specified in the American Recovery and Reinvestment Act of 2009 (P.L. 111-5)

(5) A certificate holder may elect to enroll in different coverage as described in subsection (1) (d) of this rule if:

(a) The employer permits certificate holders to enroll in different coverage;

(b) The premium for the different coverage does not exceed the premium for coverage in which the certificate holder was enrolled at the time of the qualifying event;

(c) The different coverage in which the individual elects to enroll is coverage that is also offered to the active employees of the employer at the time the individual makes the election; and

(d) The different coverage is not:

ADMINISTRATIVE RULES

(A) Coverage that provides only dental, vision, counseling or referral services, or a combination of such services;

(B) A flexible spending arrangement as defined in section 106(c) (2) of the Internal Revenue Code of 1986; or

(C) Coverage that provides coverage for services or treatments furnished in an on-site medical facility maintained by the employer and that consists primarily of first-aid services, prevention and wellness care or similar care, or a combination of such care.

(6) The period of time beginning on the date of the qualifying event and ending with the effective date of continuation coverage shall be disregarded for purposes of determining periods of creditable coverage under ORS 743.754, 743.737, and 743.766.

(7) A premium subsidy is not available to a certificate holder who becomes eligible for coverage under any other group health plan or Medicare. An individual paying a reduced premium for continuation coverage as described in this section must promptly notify the insurer if they become eligible for other group health plan coverage or Medicare.

(8) Certificate holders who elected continuation on or after September 1, 2008 and prior to April 28, 2009, are eligible to continue coverage while the group health plan remains in effect, and upon timely payment of their portion of the premium, for the longer of:

(a) A period of nine months beginning with the coverage month first following the qualifying event; or

(b) Until November 30, 2009.

Stat. Auth.: ORS 731.244, 743.610, Ch. 73 OL 2009 HB 2433

Stats. Implemented: ORS 743.610, Ch. 73 OL 2009 HB 2433

Hist.: ID 2-2009(Temp), f. & cert. ef. 4-28-09 thru 10-24-09; ID 8-2009, f. & cert. ef. 10-23-09

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

Adm. Order No.: ID 9-2009

Filed with Sec. of State: 10-30-2009

Certified to be Effective: 11-1-09

Notice Publication Date: 10-1-2009

Rules Adopted: 836-080-0160

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

Rules Coordinator: Sue Munson—(503) 947-7272

836-080-0160

Use of Special Certifications and Professional Designations by Insurance Producers

(1) A person may not use a certification or designation that falsely indicates or implies that the person has special certification or training, in connection with the offer, sale or purchase of insurance or providing advice as to the value of or the advisability of purchasing insurance. The prohibition in this section applies to the use of such a certification or designation directly or indirectly, through a publication or writing, or by issuing or disseminating information relating to insurance. The prohibited use of a certification or designation includes but is not limited to the following activities:

(a) Use of a certification or professional designation by a person who has not actually earned or is otherwise ineligible to use the certification or designation.

(b) Use of a nonexistent or self-conferred certification or professional designation.

(c) Use of a certification or professional designation that indicates or implies a level of occupational qualifications obtained through education, training or experience that the person using the certification or professional designation does not have.

(d) Use of a certification or professional designation that falsely states or implies specialized knowledge of the insurance needs of a particular segment of the population or class of persons that the person using the certification or professional designation does not have. Examples of a particular segment of the population, or class of investors, include but are not limited to senior citizens, elderly or retired persons.

(e) Use of a certification or professional designation that was obtained from a designating or certifying organization that:

(A) Is primarily engaged in the business of instruction in sales or marketing, or both;

(B) Does not have reasonable standards or procedures for assuring the competency of its designees or certificants;

(C) Does not have reasonable standards or procedures for monitoring and disciplining its designees or certificants for improper or unethical conduct;

(D) Does not have reasonable continuing education requirements for its designees to maintain the designation or certificate; or

(E) Has not been certified or accredited by one of the following organizations or has been certified or accredited by one of the following organizations but the designation or credential issued from the organization primarily applies to sales or marketing, or both:

(i) The American National Standards Institute;

(ii) The National Commission for Certifying Agencies; or

(iii) An organization that is on the United States Department of Education's list entitled "Accrediting Agencies Recognized for Title IV Purposes."

(2) The Director recognizes a rebuttable presumption that a designating or certifying organization is not disqualified solely for purposes of section (1)(e) of this rule when the designation or credential does not primarily apply to sales or marketing or both, and when the organization is accredited by:

(a) The American National Standards Institute;

(b) The National Commission for Certifying Agencies; or

(c) An organization that is on the United States Department of Education's list entitled "Accrediting Agencies Recognized for Title IV Purposes."

(3) The Director shall consider at least the following factors in determining whether a combination of words or an acronym standing for a combination of words constitutes a certification or professional designation that could falsely indicate or imply that a person has special certification or training in advising or servicing a particular segment of the population or class of insurance consumers:

(a) The use of one or more words indicating specialized knowledge of a particular type of product or of the needs of a particular segment of the population including but not limited to "senior," "elder," "retired," or "retirement," or class of persons, combined with one or more words such as "certified," "registered," "chartered," "adviser," "specialist," "consultant," "planner," or like words, in the name of the certification or professional designation; and

(b) The manner in which the words in subsection (a) of this section are combined.

(4) This rule does not apply to use of any of the following designations, titles, degrees or certifications by a person unless the facts and circumstances associated with the use of the designation, title, degree or certification indicate that the use suggests or implies a greater degree of certification or training than the person possesses or that the designation, title, degree or certification otherwise misleads consumers:

(a) A job title within an organization that is licensed, registered or authorized by a state or federal financial services regulatory agency, when that job title:

(A) Indicates seniority or standing within the organization; or

(B) Specifies an individual's area of specialization within the organization;

(b) A degree, certificate or designation evidencing completion of an academic program at an institution of higher education that has been accredited by an organization that is on the United States Department of Education's list entitled "Accrediting Agencies Recognized for Title IV Purposes;" or

(c) A certification or designation conferred by the Insurance Institute of America and the American Institute for Chartered Property and Casualty Underwriters.

(5) Violation of section (1) of this rule is an unfair trade practice for the purpose of ORS 746.240.

(6) The prohibitions in this rule and the remedies available to the Director do not limit the Director's authority to enforce existing provisions of law or to apply existing remedies.

Stat. Auth.: ORS 731.244

Stats. Implemented: ORS 744.074, 744.605, 746.110 & 746.240

Hist.: ID 9-2009, f. 10-30-09, cert. ef. 11-1-09

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

Adm. Order No.: ID 10-2009

Filed with Sec. of State: 11-13-2009

Certified to be Effective: 11-13-09

ADMINISTRATIVE RULES

Notice Publication Date: 10-1-2009

Rules Amended: 836-042-0085, 836-042-0220

Rules Repealed: 836-042-0030

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

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

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

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

Rules Coordinator: Sue Munson—(503) 947-7272

836-042-0085

Statistical Data Maintenance and Reporting Requirements

An insurer that issues a policy for worker's compensation insurance including a large deductible provision must:

(1) Maintain policy premium data distinguishing credit or modification premium for large deductible provisions;

(2) Report policy unit statistical data with losses valued on a gross basis prior to deductible provisions; and

(3) Separately report financial experience data to a licensed rating organization including premium prior to credits or modifications for large deductible provisions and loss valued on a gross basis prior to deductible provisions.

Stat. Auth.: ORS 731.244

Stats. Implemented: ORS 737, 737.310 & 741.001 - 742.007

Hist.: ID 4-1995, f. 7-21-95, cert. ef. 10-1-95; ID 5-2005, f. & cert. ef. 4-7-05; ID 10-2009, f. & cert. ef. 11-13-09

836-042-0220

Filing Requirements and Procedural Rules

(1) Before issuing any policies to group members that are to be rated by the combined experience of the group:

(a) The insurer must file the following with the Director for each group:

(A) The name and nature of the organization to which employers in the group belong;

(B) A copy of documentation forming the organization;

(C) The number of employers in the organization;

(D) The number of covered workers employed by employers that have signed consent-to-group-rating forms;

(E) An explanation of how the grouping of employers is likely to improve accident prevention and claims handling and reduce expenses;

(F) A specific description of how the combined experience of the group will be used for rating group members; and

(G) The initial group anniversary rating date; and

(b) The insurer must maintain a listing of employers in the organization that have signed consent-to-group-rating forms and make the listing available to the Director upon request.

(2) If the combined experience of a group of employers is used for experience rating, the following standards govern a group established under this rule:

(a) The supplemental modification factor shall be calculated 90 days in advance of the group anniversary rating date using the experience of employers that participated in the group during the experience rating base period. The experience to be combined is the experience of the individual employers for the policy year or years that they participated in the group plan. The employers participating in the group during the base period that also are participating at the time of the supplemental rating calculation must be at least 50 percent of the current participants.

(b) A group must meet at least one of the following conditions at the time of the supplemental rating calculation:

(A) Total annual standard premium prior to the supplemental modification of \$250,000 or greater; or

(B) At least 50 participating employers.

(c) The insurer of an organization or another insurer may request approval from the Director under section (1) of this rule to form a new group that will be experience-rated if the organization is composed of a group of employers that satisfies all requirements of ORS 737.316, if the employers are participants in an existing group that is experience-rated based on the combined experience of participants in the existing group and if the employers have signed consent to group rating forms for the formation of a new group. Formation of a group under this subsection is subject to the requirements of subsection (e) of this section.

(d) An insurer may request approval from the Director under section (1) of this rule to form a new group that will be experience-rated if the organization to which the members of the new group belong is composed of a group of employers that satisfies all requirements of ORS 737.316, if the organization has been in existence for one or more years, if more than 50 percent of the members have been members of the organization for one or more years, and if the employers have signed forms giving consent to group rating for the formation of a new group. Formation of a group under this subsection is subject to the requirements of subsection (e) of this section.

(e) The requirements for formation of a new group as provided in subsection (c) or (d) of this section include the following:

(A) The group experience rating supplemental modification factors shall be calculated as follows:

(i) The supplemental modification factor that applies on the new group's initial anniversary rating date shall use all the experience during the experience rating base period of each employer who has signed a consent to group rating form for the formation of the new group.

(ii) The supplemental modification factor that applies on the new group's second anniversary rating date shall use all the experience during the experience rating base period of each employer who has signed a consent to group rating form for the formation of the new group and each employer who began participating in the group effective prior to the time of the second supplemental modification factor calculation.

(iii) The supplemental modification factors that apply on the new group's third and fourth anniversary rating dates shall use all the experience during the experience rating base period of the employers participating in the group at the time of the supplemental modification factor calculation and the experience for the policy years during the experience rating base period that each employer participated in the new group for those employers who previously participated in the group but are not participants at the time of the calculation.

(B) The supplemental modification factor shall be calculated 90 days in advance of the group anniversary rating date, and for the second and subsequent supplemental rating calculations the employers participating in the group during the base period which also are participating at the time of the supplemental rating calculation must be at least 50 percent of the current participants.

(C) Notwithstanding paragraphs (A) and (B) of this subsection, for a new group formed in accordance with subsection (c) or (d) of this section, the supplemental modification factors effective on the new group's initial anniversary rating date and on the new group's second anniversary rating date shall not be less than the simple average of the current supplemental modification factors for all approved experience rating groups as verified by the licensed rating organization during the previous four calendar quarters.

(f) From one group rating anniversary to the next, a supplemental experience modification factor for a group shall not increase by more than the greater of 0.01 or 50 percent of the difference between the factor and 1.00, or decrease by more than the greater of 0.05 or 50 percent of the difference between the factor and 1.00. This limitation does not apply if the supplemental modification factor calculated for a group before this limitation is 1.00 or greater for three consecutive group rating anniversaries or if supplemental experience rating factors are not applied to a group for a period of one or more years.

(3) If the combined experience of a group of employers is used for premium discounting, the discount must be determined from the actual premium of all participating employers.

(4) The effective date of a proposal by an insurer to combine the experience of a group of employers shall be the date specified in the filing required under section (1) of this rule, but not sooner than 30 days after the filing is received by the Director. The Director may approve an earlier effective date, upon written request by the insurer, but the date shall not precede the date the filing was received. If, within the 30-day period, the Director finds the proposal does not meet the standards and requirements of ORS Chapter 737, the Director shall notify the insurer that the proposal has

ADMINISTRATIVE RULES

been disapproved, stating the basis for such action, and the proposal shall not become effective. If, following the 30-day period, the Director finds the grouping proposal does not satisfy the requirements and standards of ORS Chapter 737, the Director may proceed according to 737.336(2), 737.215, and 737.045 to disapprove the group rating.

(5) Forty-five days before each group anniversary rating date after the initial effective date:

(a) The insurer must file with the Director for review according to the preceding paragraph the following information for each grouping of employers:

(A) The number of employers in the organization;

(B) The number of covered workers employed by employers participating in the group; and

(C) A specific description of how the combined experience of the group will be used for rating group members; and

(b) The insurer must maintain a listing of employers participating in the group and make the list available to the Director upon request.

Stat. Auth.: ORS 731.244 & 737.316

Stats. Implemented: ORS 737.316

Hist.: IC 2-1984, f. 1-18-84, ef. 2-1-84; ID 15-1990(Temp), f. & cert. ef. 7-3-90; ID 3-1991, f. & cert. ef. 4-18-91; ID 18-1992(Temp), f. 12-21-92, cert. ef. 1-2-93; Suspend by ID 2-1993(Temp), f. & cert. ef. 4-1-93; ID 10-1993, f. 10-1-93, cert. ef. 10-2-93; ID 3-1999, f. & cert. ef. 3-25-99; ID 10-2009, f. & cert. ef. 11-13-09

Department of Corrections Chapter 291

Rule Caption: Inmate Visitation: Eligibility of Inmates Convicted of Sexual Crime Involving a Minor Child.

Adm. Order No.: DOC 17-2009

Filed with Sec. of State: 10-20-2009

Certified to be Effective: 10-20-09

Notice Publication Date: 8-1-2009

Rules Amended: 291-127-0210, 291-127-0220

Subject: These rule modifications are necessary to clarify eligibility of inmates with a conviction of a sexual crime involving a minor for visiting within DOC institutions. OAR 291-127-0110 has been modified to expand the definition of immediate family to include niece and nephew. OAR 291-127-0120 has been modified to clarify that an inmate who has a documented history of sex abuse with a member of his/her immediate family is ineligible to visit with any minor child, including their own biological child.

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

291-127-0210

Definitions

(1) Accompanied Visit: A type of visitation authorized by the Department of Corrections in its correctional facilities in which an inmate is permitted to visit with a minor child who remains in the company of an approved adult visitor with the written consent of the custodial parent or guardian.

(2) Basic Visiting: A type of visitation authorized by the Department of Corrections in its correctional facilities in which an inmate and an approved visitor are permitted to see and talk with each other on a scheduled basis for a reasonable period of time with no physical contact. Basic visiting may be authorized by the Department to take place in person, or through the use of videoconferencing technology.

(3) Caregiver: The person primarily responsible for caring for an inmate's minor child(ren).

(4) Co-Defendant: A person who has been convicted of a crime in which the inmate had some involvement in the same criminal incident(s) which gave rise to the conviction, or who is currently the subject of a criminal prosecution for the same criminal incident(s) involving the inmate.

(5) Conspiracy: An agreement between an inmate and one or more persons to engage in, cause, or conceal a rule violation or criminal activity.

(6) Contraband: Any article or thing which an inmate is prohibited by statute, rule or order from obtaining, possessing, or which the inmate is not specifically authorized to obtain or possess or which the inmate alters without authorization.

(7) Contractor: Any person working or providing services in a Department of Corrections facility under a contractual arrangement to provide services to the Department, or 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.

(8) Department of Corrections Facility: Any institution, facility or staff office, including the grounds, operated by the Department of Corrections.

(9) Disrespect: Where a visitor directs hostile, sexual, abusive, or threatening language or gestures, verbal or written, towards or about another person.

(10) Disturbance: Conduct or activity which unnecessarily interferes with visitation operations, or which advocates, encourages, promotes or otherwise creates or poses a threat to the safety, security, health and good order of the facility, or the safety and security of inmates, staff, visitors, contractors or the community. A visitor commits a disturbance if he/she advocates, creates, engages in, maintains or promotes an annoying condition or disorder characterized by unruly, noisy, violent conduct which disrupts the orderly administration of the visiting process.

(11) Domestic Partner: An individual joined in a domestic partnership.

(12) Domestic Partnership: A civil contract entered into in person between two individuals of the same sex who are at least 18 years of age, who are otherwise capable and at least one of whom is a resident of Oregon, which has been filed with the County Clerk and entered in the domestic partnership registry.

(13) Employee: Any person employed full-time, part-time or on temporary appointment by the Department of Corrections.

(14) Excessive Contact: Prolonged or frequent contact between a visitor and an inmate which exceeds the brief embrace and kiss upon meeting and leaving, hand-holding, or holding of children specifically allowed. Excessive is not casual contact, but rather a pattern of contact beyond rule limits.

(15) Holiday: A day recognized and announced annually as a holiday. If the actual and generally recognized holiday differs from the day recognized by the Department of Administrative Services, the holiday recognized for purposes of this rule is the date indicated on the calendar.

(16) Immediate Family Member: Spouse, domestic partner, parent, sibling, child, aunt, uncle, niece, nephew, grandchildren and grandparents, including foster, in-law, and step relationships. Immediate family also includes the caregiver of the inmate's minor child(ren).

(17) Inappropriate Relationship: A personal relationship between an inmate or offender and any employee, contractor, or volunteer of the Department of Corrections that developed during the course of employment/contract work/volunteering or as a result of same.

(18) Inmate: Any person under the supervision of Department of Corrections who is not on parole, post prison supervision, or probation status.

(19) Intake Status: That period of time following delivery of an inmate to the custody of the Department of Corrections in which the Department conducts its intake processing of the inmate including, but not limited to, the conduct of medical and mental health assessments, custody classification, and identification of programming needs and assignments.

(20) Privileged Visiting: A type of visitation authorized by the Department of Corrections in its correctional facilities in which an inmate and an approved visitor are permitted to see and talk with each other on a scheduled basis for a reasonable period of time with limited physical contact, consisting of a brief embrace and kiss upon meeting and leaving, hand holding, and holding of children.

(21) Reasonable Suspicion: An apparent state of objective facts and rational inferences drawn there from which would permit a reasonable and experienced correctional staff person to conclude that an individual or set of circumstances poses a threat to the safety, security, health and good order of the facility, and/or the safety and security of inmates, staff, visitors, contractors or the community, including, but not limited to, committing a crime or rule violation or conspiring or attempting the same.

(22) Search: A close inspection, including touching in an impartial manner, of a person, vehicle, possessions, or other property, or buildings or premises. For purposes of entering a correctional institution, searches often require the removal and separate inspection of shoes, belts, jackets, and other accessories during processing. Types of searches include the following:

(a) Consent: Inspection of a person or their property conducted with prior permission of the person being searched, or of a person who owns or has in his/her possession that property which is searched.

(b) Frisk: To search a person for something by running the hands over the clothed person, through the hair, inspecting pockets and cuffs, and other items in his/her possession.

(c) Skin: A search procedure wherein the person being searched removes all of his/her clothing and is visually examined and clothing

ADMINISTRATIVE RULES

removed is carefully inspected before return and redressing, for the purpose of detecting contraband.

(23) **Sexual Activity:** Sexual contact including, but not limited to sexual intercourse, kissing, fondling, and/or manipulation of the genitalia, buttocks, and breasts of another person, or of oneself, in a manner which produces or is intended to produce sexual stimulation or gratification.

(24) **Sex Crime Involving a Minor Child:** Any conviction (including juvenile adjudications) of a sexual crime committed, attempted or conspired in which a minor child was involved, victimized, or the intended victim.

(25) **Special Visiting:** Those visits listed below:

(a) A type of visitation authorized by the Department of Corrections in its correctional facilities in which an inmate is permitted to visit with a person who is not on the inmate's approved visiting list;

(b) An extra visit by an inmate and a person who is on the inmate's approved visiting list that is permitted beyond the limits on the number of visits established by these rules and the facility; and

(c) A visit that is permitted at an hour or place at which visits are not normally permitted.

(26) **Spouse:** A person who is legally married to an inmate.

(27) **Termination of Visiting:** The end of visiting privileges for the day by order of the visiting area staff or other authorized staff.

(28) **Victim:** A person who was subjected to direct physical or psychological harm or injury as a result of the criminal conduct of the inmate, past or present, as identified in records or in information available to the Department of Corrections.

(29) **Video Visiting:** A type of visiting authorized by the Department of Corrections in which an inmate and an approved visitor are permitted to see and talk with each other on a scheduled basis through the use of videoconferencing technology. Video visitation may be used for basic visiting or as a supplement to on-site contact visiting.

(30) **Volunteer:** An approved person(s) who donates time, knowledge, skills and effort to enhance the mission, activities and programs of the Department (includes practicums and interns). Volunteers serve at the pleasure of the Department and are not considered employees. Volunteers are subject to the provisions of the Department of Corrections rule on Volunteers and Students Interns (OAR 291-015).

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

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

Hist.: DOC 10-2000, f. & cert. ef. 4-25-00; DOC 3-2005, f. 3-11-05, cert. ef. 3-14-05; DOC 8-2008(Temp), f. & cert. ef. 4-1-08 thru 9-28-08; DOC 24-2008, f. & cert. ef. 9-26-08; DOC 17-2009, f. & cert. ef. 10-20-09

291-127-0220

Inmate Eligibility

(1) All inmates, except those inmates in intake status or as specifically provided in these rules, are eligible to apply for visits while confined in a Department of Corrections facility.

(2) **Inmates Convicted of Sexual Crimes Involving Minor Children:**

(a) Inmates who have a current or prior conviction for a sexual crime involving a minor child are ineligible to visit with any minor child, other than their own biological child. Inmates who have a current or prior conviction for a sexual crime involving their biological, step or foster child, or who have a documented history of sex abuse with a member of their immediate family are ineligible to visit with any minor child, including their own biological child.

(A) The inmate shall provide or have provided verification that the child is his/her biological child; e.g., birth certificate.

(B) An adopted child is considered a biological child.

(b) An inmate who is ineligible to visit with a minor child under the provisions of this rule may request reconsideration to apply for such visits by writing to the Chief of Inmate Services. The Chief of Inmate Services or designee may authorize such visits if he/she determines these visits will achieve a legitimate correctional objective, in furtherance of the Department's mission.

(A) The written request must include an evaluation which assesses the inmate's risk to minor children. The evaluation shall be conducted by a specialized sex offender evaluator approved by the Department. This evaluation must include a specific issue polygraph performed by a licensed polygrapher approved by the Department.

(B) The Department shall develop a list of suitable evaluators and polygraphers, which will be available to inmates. Cost of the evaluation is the responsibility of the inmate.

(C) The Chief of Inmate Services or designee may request assistance from community corrections resources in making the determination to grant or deny the request.

(D) If an exception is granted, it shall be applied consistently to all Department facilities. The Chief of Inmate Services' decision shall be final and not subject to further review.

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

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

Hist.: DOC 10-2000, f. & cert. ef. 4-25-00; DOC 3-2005, f. 3-11-05, cert. ef. 3-14-05; DOC 24-2008, f. & cert. ef. 9-26-08; DOC 17-2009, f. & cert. ef. 10-20-09

Rule Caption: Supplemental Funds to Counties for treatment of Drug-Affected Persons.

Adm. Order No.: DOC 18-2009

Filed with Sec. of State: 10-23-2009

Certified to be Effective: 10-23-09

Notice Publication Date: 9-1-2009

Rules Adopted: 291-031-0220, 291-031-0230, 291-031-0240, 291-031-0250, 291-031-0260

Subject: Adoption of these rules is necessary to implement OR Laws Ch. 14 (AB 1087) and Or Laws 2008 Ch. 35 (HB 3638), which require the Department to establish rules to administer a grant program to make supplemental funding available to counties for treatment of drug-affected persons.

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

291-031-0220

Supplemental Funds for Drug-Addicted Persons

(1) Supplemental funds made available by the legislature for drug-addicted persons shall be distributed by the Department of Corrections to counties. A statewide approach to intervention will be defined, guided by evidence-based practices which are best designed to reduce crime and drug addiction. The approach will include a balance of treatment, supervision, and immediate sanctions.

(2) The Department of Corrections shall make grants to counties to provide supplemental funding for:

(a) The operation of jails;

(b) Treatment services for drug-addicted persons charged with a crime listed in ORS 137.717, convicted of a crime listed in ORS 137.717, or for those who have been convicted of predicate crimes related to ORS 137.717 and who have been placed on community supervision, and scoring as high or medium risk to re-offend on the Oregon Case Management System risk tool, or other validated risk tool approved by the Department; and

(c) Intensive supervision including incarceration for violating the conditions of that supervision for drug-addicted persons charged with a crime listed in ORS 137.717, convicted of a crime listed in ORS 137.717, or for those who have been convicted of predicate crimes related to ORS 137.717 and who have been placed on community supervision, and scoring as high or medium risk to re-offend on the Oregon Case Management System risk tool, or other validated risk tool approved by the Department.

(3) A drug-addicted person means a person who has lost the ability to control the use of drugs or alcohol, or who uses drugs or alcohol in a way that impairs the health or safety of the person or the community, or where the social or economic function of the person is substantially disrupted.

(4) The Department shall define the standards for performance of programs which shall be included in an intergovernmental agreement.

Stat. Auth.: ORS 179.040, 423.020, 423.030, 423.075, OL 2008 Ch. 14, OL 2008 Ch. 35

Stats. Implemented: ORS 179.040, 423.020, 423.030, 423.075, OL 2008 Ch. 14, OL 2008 Ch. 35

Hist.: DOC 18-2009, f. & cert. ef. 10-23-09

291-031-0230

Distribution of Supplemental Funds

(1) Supplemental funds will be made available to counties based on a formula that matches the county's percentage share of community corrections grant-in-aid funds. Every county will be eligible for a minimum grant of \$50,000. Counties must submit an application for these funds, as described in OAR 291-031-0240.

(2) The Director, after consulting with the Community Corrections Commission (Commission), shall review the applications and determine the funds to be allocated to each county.

(3) Unallocated funds will be made available as enhancement funding through a competitive process based on scored program proposals.

(4) Prior to July of each odd-numbered year, the Department of Corrections shall compute each county's percentage share of the coming biennial supplemental funds.

ADMINISTRATIVE RULES

(5) An intergovernmental agreement between the county(s) and the Department must be signed by the Director or designee prior to any state supplemental funds being expended.

(6) No modifications to an approved plan shall be placed into effect without prior written notification of the Director or designee.

Stat. Auth: ORS 179.040, 423.020, 423.030, 423.075, OL 2008 Ch. 14, OL 2008 Ch. 35
Stats. Implemented: ORS 179.040, 423.020, 423.030, 423.075, OL 2008 Ch. 14, OL 2008 Ch. 35
Hist.: DOC 18-2009, f. & cert. ef. 10-23-09

291-031-0240

Application Process

(1) Applications for supplemental funding shall be submitted to the Director or designee. Each application shall be submitted in a format and order as established by the Department of Corrections.

(2) Applications may be submitted by a county or a group of counties.

(3) The plan shall be reviewed and approved by the local public safety coordinating council or councils prior to being submitted to the Department of Corrections.

(4) The application will include a plan for the use of the supplemental funding, including:

- (a) Offender population to be served;
- (b) Capacity of the program;
- (c) A description of the program;
- (d) Goals/outcomes/purposes of the program or approach;
- (e) How risk assessment will be used, including the risk assessment tool;

(f) Research supporting the approach, if any;

(g) If the approach has been in operation for at least a year, the outcomes of the approach and any program evaluation data;

(h) If the approach has been in operation for at least a year, how participants rate on the community corrections performance measures (recidivism, successful completion of supervision, employment, benefit from treatment, payment of restitution or community service work); and

(i) A budget showing how state funds and any other funds will be used to operate the program. A county may apply for up to 100% of the funds identified in Subsection (1) of this rule.

Stat. Auth: ORS 179.040, 423.020, 423.030, 423.075, OL 2008 Ch. 14, OL 2008 Ch. 35
Stats. Implemented: ORS 179.040, 423.020, 423.030, 423.075, OL 2008 Ch. 14, OL 2008 Ch. 35
Hist.: DOC 18-2009, f. & cert. ef. 10-23-09

291-031-0250

Application Approval Process

(1) The Community Corrections Commission shall review the applications and make recommendations to the Director or designee.

(2) The criteria upon which the advisory board shall base their review will include:

(a) Ability of the proposed approach to reduce crime and drug addiction;

(b) Extent to which the approach is guided by evidence-based practice or research;

(c) Whether the approach is comprehensive, involving a mix of supervision, services, and sanctions; and

(d) Whether the approach is collaborative, engaging local criminal justice system agencies and local service providers working together.

(3) The Commission shall not recommend approval of a plan that does not address the intended populations, has a low probability of being effective in reducing crime and drug addiction, or is not guided by evidence-based practice. If the plan is not recommended for approval, the Commission will provide recommendations to the jurisdiction submitting the application as to how to improve the plan.

(4) A county may submit a modified plan if the original application is not recommended by the Commission or approved by the Director.

Stat. Auth: ORS 179.040, 423.020, 423.030, 423.075, OL 2008 Ch. 14, OL 2008 Ch. 35
Stats. Implemented: ORS 179.040, 423.020, 423.030, 423.075, OL 2008 Ch. 14, OL 2008 Ch. 35
Hist.: DOC 18-2009, f. & cert. ef. 10-23-09

291-031-0260

Financial Records

(1) The Department shall prepare and distribute to the counties written instructions regarding fiscal reporting requirements. Each county shall adhere to the department's budget, allocation, and fiscal reporting requirements.

(2) Within 120 days following the end of the state's biennial budget period, each county shall submit a closing financial report for the bienni-

um. Any state general funds not expended within the biennial period will be identified. A budget update will be submitted to the Department of Corrections showing how those funds will be expended for community corrections purposes in the next biennium.

Stat. Auth: ORS 179.040, 423.020, 423.030, 423.075, OL 2008 Ch. 14, OL 2008 Ch. 35
Stats. Implemented: ORS 179.040, 423.020, 423.030, 423.075, OL 2008 Ch. 14, OL 2008 Ch. 35
Hist.: DOC 18-2009, f. & cert. ef. 10-23-09

Rule Caption: Inmate Cost of Care Reimbursement.

Adm. Order No.: DOC 19-2009

Filed with Sec. of State: 11-10-2009

Certified to be Effective: 11-11-09

Notice Publication Date: 6-1-2009

Rules Amended: 291-203-0020, 291-203-0040, 291-203-0050

Subject: ORS 179.640 provides that rules adopted by the Department for determining the ability of inmates to pay reimbursement for their cost of care while incarcerated in an ODOC institution must include a requirement that the Department consider, in addition to other relevant factors, the inmate's personal estate, the inmate's need to funds for personal support after release, and the availability of third-party benefits, such as, but not limited to, Medicare or private insurance. These rule amendments are necessary to conform the Department's cost of care reimbursement rules to this statutory requirement.

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

291-203-0020

Definitions

(1) **Assets:** The total value of an inmate's (subject to the provisions of ORS 179.640(5)) equity in real and personal property of whatever kind or nature. Assets include, but are not limited to, the inmate's stocks, bonds, cash, accounts receivable, moneys due, or any other interests, whether they are self-managed, or held by the individual's authorized representative, or by any other individual or entity on behalf of the inmate. Assets held in trust are subject to laws generally applicable to trusts.

(2) **Authorized Representative:** An individual or entity appointed under authority of ORS Chapter 125, as guardian or conservator of an inmate, who has the ability to control the inmate's finances, and any other individual or entity holding funds or receiving benefits or income on behalf of the inmate.

(3) **Cash Assets/Liquid Reserves:** Cash and cash equivalents, accounts receivable, temporary investments such as CDs or Treasury Bills, money market accounts, and bonds that can be cashed at any time.

(3) **Charges:** The amount the Department has determined that the inmate is required to pay toward the cost of care.

(5) **Cost of Care:** All services including medical care, room, board, administrative costs and other costs not otherwise excluded by law.

(6) **Custody of the Department:** The court ordered sentence of an inmate to the Department of Corrections to imprison in a Department operated correctional facility or contracted housing through a county, other state, or other jurisdiction.

(7) **Dependents:** The individuals for whom an inmate has a legal duty to support.

(8) **Distraint Warrant:** A warrant or document issued by the Department directed to the sheriff of any county of the state commanding the sheriff to levy upon and sell the real and personal property which is subject to satisfaction of the recoupment lien.

(9) **Fair Market Value:** The cash price a capable and diligent individual could obtain in a reasonable amount of time for an asset.

(10) **Income:** All funds received by an inmate, or for an inmate by an authorized representative from any source, whether earned or unearned, after making applicable deductions for state and federal income taxes. Income includes benefits from life insurance, income protection insurance, or any other form of award to the inmate except as prohibited by ORS 179.620(5)(a).

(11) **Inmate:** Any person under the supervision of the Department of Corrections who is not on parole, probation, or post-prison supervision status.

(12) **Personal Estate:** All assets including cash, liquid reserves, stocks, bonds, accounts receivable, moneys due, or any other interests, whether they are self-managed, or held by the individual's authorized representative. Personal estate also includes benefits from income protection insurance, governmental retirement or disability insurance, such as Social

ADMINISTRATIVE RULES

Security, Veterans, state, federal, and railroad retirement benefits and benefits from life insurance or any other form of award except as prohibited in ORS 179.610(5)(a) and (5)(b).

(13) Primary Automobile: The automobile, if the person has more than one, which the person would choose to keep if required to sell all but one. If the person has only one, it is the primary personal automobile.

(14) Primary Person Residence: The home the inmate owns, or is purchasing, and in which the inmate lived prior to entering the custody of the Department, or in which the inmate will live after leaving the custody of the Department.

(15) Recoupment Liens: A charge or security or encumbrance upon real or personal property that can be used to satisfy the amount due for the inmate's cost of care.

(16) Support for Dependents: The cash necessary to meet the reasonable needs of the dependents, less the amount the dependent receives from any other source. Support for dependents excludes administratively or judicially ordered child and/or spousal support.

Stat. Auth.: ORS 179.040, 179.610 - 179.770, 423.020, 423.030 & 423.075
Stats. Implemented: ORS 179.040, 179.610 - 179.770, 423.020, 423.030, 423.075
Hist.: DOC 2-2003(Temp), f. & cert. ef. 2-7-03 thru 8-6-03; DOC 11-2003, f. & cert. ef. 8-6-03; DOC 13-2004, f. & cert. ef. 10-21-04; DOC 5-2009(Temp), f. & cert. ef. 5-15-09 thru 11-11-09; DOC 19-2009, f. 11-10-09 cert. ef. 11-11-09

291-203-0040

Ability to Pay Order

(1) An inmate and the personal estate of an inmate, or a decedent's estate, is liable for the full cost of care as established in ORS 179.701. The Department may collect charges in advance for inmates with determinate sentences.

(2) The Department shall make a determination of the inmate's ability to pay which is set forth in the Ability to Pay Order. The two types of Ability to Pay Orders are: determination of charges and a modification of charges. Each order shall be given one of these titles to identify the type of determination it sets forth, based on the factors and criteria described in the following sections.

(3) The inmate's ability to pay will be investigated and an Ability to Pay Order may be issued when the Department is aware of an inmate or the inmate's representative with cash assets or liquid reserves in excess of the current biennial cost of care or \$55,000 whichever is greater. This Ability to Pay threshold is applicable only to the determination of who will be reviewed for an Ability to Pay Order. (ORS 179.640(1)(b)).

(4) The determination of the ability to pay may be assessed at intake or any time during the inmate's sentence, based on notification by sources the Department considers reliable. These sources include, but are not limited to, the District Attorney's Office, the Social Security and Veterans Administration, Oregon Department of Revenue, State of Oregon agencies, or any other sources the Department deems credible.

(5) When determining an inmate's ability to pay, in addition to other relevant factors, the Department will consider the inmate's personal estate, the inmate's need for funds for personal support after release, and the availability of third-party benefits such as, but not limited to, Medicare or private insurance.

Stat. Auth.: ORS 179.040, 179.610 - 179.770, 423.020, 423.030 & 423.075
Stats. Implemented: ORS 179.040, 179.610 - 179.770, 423.020, 423.030, 423.075
Hist.: DOC 11-2003, f. & cert. ef. 8-6-03; DOC 5-2009(Temp), f. & cert. ef. 5-15-09 thru 11-11-09; DOC 19-2009, f. 11-10-09 cert. ef. 11-11-09

291-203-0050

Determination of Charges

(1) The amount determined by the Department to be the inmate's charges shall not exceed the full cost of care for the dates covered by the Ability to Pay Order, less payments and/or credits from any other sources the Department has received, or reasonably anticipates receiving.

(2) Charges will be assessed using the inmate's equity in all assets whether the asset is controlled by the person, or by the person's authorized representative.

(a) Any asset may be liquidated in a lump sum to pay charges assessed the inmate in the Ability to Pay Order.

(b) Equity in each asset will be determined from the fair market value of the asset less any bona fide encumbrance against the asset.

(c) When assets are used as the basis for ongoing charges, the Department will estimate the length of time the assets are expected to last. During the final 60 days of that time period, the Department will review the inmate's financial circumstances for modifying the inmate's charges.

(3) Charges will be assessed using the total amount of all income received either by the inmate or for the inmate by the inmate's authorized representative.

(4) Charges may be assessed using the inmate's equity in a primary personal residence only if:

(a) The inmate is sentenced to death or to life without possibility of parole; and

(b) None of the following individuals reside in the residence:

(A) The inmate's spouse.

(B) The inmate's child or children under age 21, or blind or disabled children over 21.

(C) The inmate's sibling or siblings who own an interest in the residence, and who lived in the residence for at least one year immediately prior to the inmate becoming the custody of the Department.

(D) The inmate's parents or emancipated children who are unable to work to maintain themselves as declared in ORS 109.010.

(5) Charges may be assessed using the inmate's equity in an automobile only if it is not the inmate's primary personal automobile.

(6) Deductions: The Department may allow a deduction from the inmate's assets and income for the following:

(a) Legal Obligations: Legal obligations, other than administratively or judicially ordered child or spousal support, as determined by the Department.

(A) Funds set aside as legal obligations may not be accumulated by, or on behalf of the inmate, or used for purposes other than that for which it was approved.

(B) The inmate must have demonstrated an intent to pay the obligation. The Department may request verification of actual payments.

(C) Any deduction allowed for the financial support of dependents must be used to provide current support. It may not be accumulated by, or on behalf of the inmate, and it may not be used for other purposes.

(b) Personal Support Following Release: Based on a showing of need, the Department may allow a deduction for the inmate's transitional support following his/her release from an ODOC institution for reasonable expenses to live in the community for six months, including rent, utilities, food, public transportation, supervision fees, and miscellaneous expenses.

(c) Personal Support While in Custody of the Department:

(A) Based on a showing of need, the Department may allow a deduction for an inmate's miscellaneous personal expenses while in the custody of the Department that are not provided by the Department and are available for purchase from the institution commissary. These include, but are not limited to, expenses for personal grooming and hygiene items; books, newspapers, or other publications; or snacks or refreshments.

(B) When a deduction is made by the Department for this purpose, the Department shall establish an allowance to reflect a reasonable monthly spending limit for the inmate for purchase from the institution commissary, consistent with the Department's rule on Trust Accounts (Inmate), OAR 291-158.

Stat. Auth.: ORS 179.040, 179.610 - 179.770, 423.020, 423.030 & 423.075
Stats. Implemented: ORS 179.040, 179.610 - 179.770, 423.020, 423.030, 423.075
Hist.: DOC 11-2003, f. & cert. ef. 8-6-03; DOC 5-2009(Temp), f. & cert. ef. 5-15-09 thru 11-11-09; DOC 19-2009, f. 11-10-09 cert. ef. 11-11-09

Rule Caption: Release Subsidies for Inmates.

Adm. Order No.: DOC 20-2009(Temp)

Filed with Sec. of State: 11-13-2009

Certified to be Effective: 11-13-09 thru 5-12-10

Notice Publication Date:

Rules Adopted: 291-157-0021

Rules Amended: 291-157-0005, 291-157-0010, 291-157-0015, 291-157-0035

Rules Suspended: 291-157-0020, 291-157-0025, 291-157-0041, 291-157-0055

Subject: These Temporary amendments are necessary to update the rules to current practices for allocation of release subsidies to counties, and incidental funds to inmates.

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

291-157-0005

Authority, Purpose and Policy

(1) Authority: The authority for this rule is granted to the Director of the Department of Corrections in accordance with ORS 179.040, 423.020, 423.030, and 423.075.

(2) Purpose: To assure inmates have access to basic financial support for release.

(3) Policy: It is the policy of the Department of Corrections to establish a program to provide releasing inmates with financial assistance to

ADMINISTRATIVE RULES

meet minimum release program needs, in accordance with the requirements set by ORS 421.125(2)(b), and within funds appropriated for this purpose.

Stat. Auth.: ORS 179.040, 421.125, 423.020, 423.030 & 423.075
Stats. Implemented: ORS 179.040, 421.125, 423.020, 423.030 & 423.075
Hist.: CD 17-1979(Temp), f. & ef. 8-30-79; CD 21-1979, f. & ef. 11-29-79; CD 14-1981(Temp), f. & ef. 5-20-81; CD 32-1981, f. & ef. 6-30-81; CD 20-1983, f. & ef. 5-2-83; CD 42-1983(Temp), f. & ef. 10-14-83; CD 5-1984, f. & ef. 4-9-84; CD 5-1985(Temp), f. & ef. 6-17-85; CD 62-1985, f. & ef. 8-16-85; CD 19-1986(Temp), f. 6-30-86, ef. 8-15-86; CD 28-1986, f. & ef. 8-20-86; CD 20-1988, f. & cert. ef. 11-18-88; CD 14-1994, f. 7-19-94, cert. ef. 8-1-94; DOC 20-2009(Temp), f. & cert. ef. 11-13-09 thru 5-12-10

291-157-0010

Definitions

(1) Inmate: Any person under the supervision of the Department of Corrections who is not on parole, post-prison supervision or probation status.

(2) Release Subsidy: Financial assistance allocated to a releasee by the county for the purpose of purchasing essential goods or services related to release needs.

(3) Release Counselor: A person employed by the Department of Corrections charged with release planning for inmates.

(4) Incidental Funds: Funds not to exceed \$25 allocated to a releasee by the Department of Corrections for immediate financial assistance upon release.

(5) Releasee: Any inmate that is being released to or has been released to the community on parole, post-prison supervision, or discharge status.

(6) Trust Account Funds: Those monies deposited to an inmate's trust account which may be used by the inmate to purchase authorized items or services during his/her incarceration or be assessed by the functional unit to pay any indebtedness incurred while under supervision of the Department of Corrections.

Stat. Auth.: ORS 179.040, 421.125, 423.020, 423.030 & 423.075
Stats. Implemented: ORS 179.040, 421.125, 423.020, 423.030 & 423.075
Hist.: CD 17-1979(Temp), f. & ef. 8-30-79; CD 21-1979, f. & ef. 11-29-79; CD 14-1981(Temp), f. & ef. 5-20-81; CD 32-1981, f. & ef. 6-30-81; CD 20-1983, f. & ef. 5-2-83; CD 42-1983(Temp), f. & ef. 10-14-83; CD 5-1984, f. & ef. 4-9-84; CD 5-1985(Temp), f. & ef. 6-17-85; CD 62-1985, f. & ef. 8-16-85; CD 19-1986(Temp), f. 6-30-86, ef. 8-15-86; CD 28-1986, f. & ef. 8-20-86; CD 20-1988, f. & cert. ef. 11-18-88; CD 14-1994, f. 7-19-94, cert. ef. 8-1-94; DOC 7-1998, f. 3-26-98, cert. ef. 4-1-98; DOC 20-2009(Temp), f. & cert. ef. 11-13-09 thru 5-12-10

291-157-0015

Procedures

(1) Notice to Inmates: Each inmate is responsible for saving money for release purposes. All monies received in the trust account during his/her incarceration will be tallied and the total figure may be the basis for approval or denial of release subsidies in accordance with ORS 421.125.

(2) Administration: The Assistant Director for Transitional Services or designee is responsible for the administration of the release subsidy program. However, eligibility for release subsidies and coordination of payments for releasees shall be determined by the local county director of community corrections.

(3) Twenty percent of the total allocation of subsidy monies will be retained by the Transition and Release administrator for institution release purposes and may be used towards incidental funds.

(4) The balance of allocated subsidy monies will be distributed to all counties via the community corrections work load formula. Counties will receive subsidy funds through the quarterly allotment process.

Stat. Auth.: ORS 179.040, 421.125, 423.020, 423.030 & 423.075
Stats. Implemented: ORS 179.040, 421.125, 423.020, 423.030 & 423.075
Hist.: CD 17-1979(Temp), f. & ef. 8-30-79; CD 21-1979, f. & ef. 11-29-79; CD 14-1981(Temp), f. & ef. 5-20-81; CD 32-1981, f. & ef. 6-30-81; CD 20-1983, f. & ef. 5-2-83; CD 42-1983(Temp), f. & ef. 10-14-83; CD 5-1984, f. & ef. 4-9-84; CD 5-1985(Temp), f. & ef. 6-17-85; CD 62-1985, f. & ef. 8-16-85; CD 19-1986(Temp), f. 6-30-86, ef. 8-15-86; CD 28-1986, f. & ef. 8-20-86; CD 20-1988, f. & cert. ef. 11-18-88; CD 14-1994, f. 7-19-94, cert. ef. 8-1-94; DOC 7-1998, f. 3-26-98, cert. ef. 4-1-98; DOC 20-2009(Temp), f. & cert. ef. 11-13-09 thru 5-12-10

291-157-0020

Application for Subsidy

(1) An inmate/releasee applying for subsidy will contact his/her counselor and request assistance to complete a release subsidies application.

(2) The inmate's counselor will:

(a) Interview the inmate/releasee to determine specific needs, the amount of the request, and the identity of persons who have an interest in the inmate/releasee who could possibly assist;

(b) Review the inmate's/releasee's file to identify any agency or persons who have previously had an interest in the inmate or any resources that have previously been available to the inmate/releasee;

(c) Attempt to utilize any identified resources prior to further processing to the subsidy application;

(d) Prepare and forward the appropriate release subsidies application and authorization forms through the designated supervisory chain for approval and processing by the Department of Corrections business office (CD Forms 537 and 537A).

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

Stat. Auth.: ORS 179.040, 423.020, 423.030 & 423.075
Stats. Implemented: ORS 179.040, 421.125, 423.020, 423.030 & 423.075
Hist.: CD 20-1983, f. & ef. 5-2-83; CD 42-1983(Temp), f. & ef. 10-14-83; CD 5-1984, f. & ef. 4-9-84; CD 5-1985(Temp), f. & ef. 6-17-85; CD 62-1985, f. & ef. 8-16-85; CD 19-1986(Temp), f. 6-30-86, ef. 8-15-86; CD 28-1986, f. & ef. 8-20-86; CD 20-1988, f. & cert. ef. 11-18-88; CD 14-1994, f. 7-19-94, cert. ef. 8-1-94; DOC 7-1998, f. 3-26-98, cert. ef. 4-1-98; Suspended by DOC 20-2009(Temp), f. & cert. ef. 11-13-09 thru 5-12-10

291-157-0021

Distribution and Processing of Incidental Funds

(1) The inmate's release counselor will:

(a) Interview the releasee to determine specific needs.

(b) Review the inmate's trust account history and inmate support system in the community.

(c) Determine if the releasee is in need of incidental funds based on the information gathered.

(2) If it is determined that the releasee is in need of incidental funds, the release counselor will notify Central Trust.

(3) Upon receipt of notification from a release counselor that incidental funds are needed, Central Trust will issue funds to the inmate via a check or by placing the funds on the inmate's Offender Debit Card.

Stat. Auth.: ORS 179.040, 421.125, 423.020, 423.030 & 423.075
Stats. Implemented: ORS 179.040, 421.125, 423.020, 423.030 & 423.075
Hist.: DOC 20-2009(Temp), f. & cert. ef. 11-13-09 thru 5-12-10

291-157-0025

Approval

(1) Final approval of an applicant's eligibility for subsidy and the amount authorized for each inmate/releasee rests with the manager of release subsidies.

(2) Eligible Expenditures:

(a) Provision of housing (i.e., hotel/apartment rental, public or private community corrections residential centers);

(b) Programs necessary to comply with conditions of release;

(c) Transportation for travel to a supervision office, to a residence in the community, employment search, treatment program participation;

(d) Food, medical and incidental expenses.

(3) Denial: If a subsidy request is denied, the requesting counselor will notify the inmate/releasee.

(4) Termination: Subsidy funds given to an inmate or releasee may be terminated for one or more of the following reasons:

(a) Failure to conform to the reasonable expectation of a residence provider for proper behavior while in or near a residence and/or causing damage to a residence provided through the subsidy program;

(b) Failure to follow release program conditions, especially those regarding the seeking of employment and participation in treatment programs;

(c) Failure to use subsidy money for the use(s) intended;

(d) Purposeful misrepresentation of financial status or evidence of other sources of income (fraud);

(e) Unauthorized absence for a continued period of time from a subsidized residence;

(f) Other new sources of income or assistance are discovered and/or provided; or

(g) Return to secure custody for violations of release conditions, or other reasons. In such cases, a hearings officer may recommend reinstatement of subsidy if continuation of the release is also recommended as a disposition of the violation.

Stat. Auth.: ORS 179.040, 423.020, 423.030 & 423.075
Stats. Implemented: ORS 179.040, 421.125, 423.020, 423.030 & 423.075
Hist.: CD 20-1983, f. & ef. 5-2-83; CD 42-1983(Temp), f. & ef. 10-14-83; CD 5-1984, f. & ef. 4-9-84; CD 5-1985(Temp), f. & ef. 6-17-85; CD 62-1985, f. & ef. 8-16-85; CD 19-1986(Temp), f. 6-30-86, ef. 8-15-86; CD 28-1986, f. & ef. 8-20-86; CD 20-1988, f. & cert. ef. 11-18-88; CD 14-1994, f. 7-19-94, cert. ef. 8-1-94; DOC 7-1998, f. 3-26-98, cert. ef. 4-1-98; Suspended by DOC 20-2009(Temp), f. & cert. ef. 11-13-09 thru 5-12-10

291-157-0035

Appeal Process

Appeal Rights: An inmate or releasee may appeal decisions in the application of this rule by using the process outlined in the Department of Corrections rule on Grievance Review System (Inmate) (OAR 291-109).

Stat. Auth.: ORS 179.040, 421.125, 423.020, 423.030 & 423.075
Stats. Implemented: ORS 179.040, 421.125, 423.020, 423.030 & 423.075
Hist.: CD 20-1983, f. & ef. 5-2-83; CD 5-1985(Temp), f. & ef. 6-17-85; CD 62-1985, f. & ef. 8-16-85; CD 19-1986(Temp), f. 6-30-86, ef. 8-15-86; CD 28-1986, f. & ef. 8-20-86; CD

ADMINISTRATIVE RULES

20-1988, f. & cert. ef. 11-18-88; CD 14-1994, f. 7-19-94, cert. ef. 8-1-94; DOC 7-1998, f. 3-26-98, cert. ef. 4-1-98; DOC 20-2009(Temp), f. & cert. ef. 11-13-09 thru 5-12-10

291-157-0041

Processing of Subsidy Payments for Institution

Processing: If an initial subsidy request is approved, it will be forwarded to the Department of Corrections Fiscal Services staff, who will:

(1) Upon receipt of release subsidies forms, issue the appropriate document (i.e. check, warrant, purchase order) in accordance with Department of Corrections procedure.

(2) Maintain appropriate documentation of transactions.

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

Stats. Implemented: ORS 179.040, 421.125, 423.020, 423.030 & 423.075

Hist.: CD 19-1986(Temp), f. 6-30-86, ef. 8-15-86; CD 28-1986, f. & ef. 8-20-86; CD 20-1988, f. & cert. ef. 11-18-88; CD 14-1994, f. 7-19-94, cert. ef. 8-1-94; DOC 7-1998, f. 3-26-98, cert. ef. 4-1-98; Suspended by DOC 20-2009(Temp), f. & cert. ef. 11-13-09 thru 5-12-10

291-157-0055

Subsidy Provider Requirements

(1) In order to avoid any conflict of interest, subsidy providers (owners as well as landlords) must not have any known business affiliation with any Department of Corrections employee. In addition, an owner/landlord/manager cannot be under active supervision of the Department of Corrections. Any such individuals not under supervision currently, but having an extensive criminal background, must receive prior approval from a local county director or Community Corrections.

(2) Subsidy funds may not be used to place a releasee into a housing facility owned or managed by a relative. In case of extreme hardship, prior approval is required from the local county director or Community Corrections functional unit manager.

(3) Part of the initial approval process for subsidy housing must insure that the number of placements per location are in accordance with reasonable standards for living/health requirements.

(4) All subsidy providers must be provided with a statement of rights and responsibilities concerning placement of subsidy releasees.

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

Stats. Implemented: ORS 179.040, 421.125, 423.020, 423.030 & 423.075

Hist.: CD 20-1988, f. & cert. ef. 11-18-88; CD 14-1994, f. 7-19-94, cert. ef. 8-1-94; Suspended by DOC 20-2009(Temp), f. & cert. ef. 11-13-09 thru 5-12-10

.....
Department of Energy
Chapter 330

Rule Caption: Amend and adopt Business Energy Tax Credit (BETC) program rules.

Adm. Order No.: DOE 2-2009(Temp)

Filed with Sec. of State: 11-3-2009

Certified to be Effective: 11-3-09 thru 5-1-10

Notice Publication Date:

Rules Adopted: 330-090-0133

Rules Amended: 330-090-0105, 330-090-0110, 330-090-0120, 330-090-0130, 330-090-0135, 330-090-0140, 330-090-0150

Subject: These rules ensure applicants are obeying state laws and deliver on commitments made to the State of Oregon. The rules are designed to slow the growth of the program and reduce General Fund impact. They will also improve predictability, timeliness and consistency. The rule changes will accomplish the following:

Elimination of the "multiple application" practice for the same or similar projects.

Elimination of the cost over run allowance between pre-application and final application approval.

Establish new criteria for project eligibility and maximum project eligibility cost.

Establish new criteria for performance standards and application approval/denial standards.

Enhance the ability to revoke, suspend and/or condition applications.

Establish data reporting requirements.

Rules Coordinator: Kathy Stuttaford—(503) 378-4128

330-090-0105

What a BETC Is

(1) A Business Energy Tax Credit (BETC) for up to 35 percent of the eligible cost of qualifying facilities may be offset against owed Oregon income and corporation excise taxes. Qualifying renewable energy resource

equipment manufacturing facilities and renewable energy resource facilities including high efficiency combined heat and power facilities, completed on or after January 1, 2007 are eligible for a tax credit equal to 50 percent of eligible costs. Qualifying homebuilder installed renewable energy facilities completed on or after January 1, 2007 are eligible for a tax credit of up to \$9,000 and qualifying high performance homes completed on or after January 1, 2007 are eligible for a tax credit of up to \$12,000. An Oregon business or non-profit entity qualifying for the tax credit may transfer the credit through the Pass-through Option in return for a cash payment.

(2) The Oregon Department of Energy (ODOE) must approve the credit before it can be claimed. The credit is an incentive for Oregonians to invest in qualifying facilities. Oregon Administrative Rules Chapter 330, Division 90 applies to all Business Energy Tax Credit applications for facilities eligible for a 35 percent tax credit received by ODOE on or after December 1, 2007. These rules also apply to applications for: qualifying renewable energy resource facilities, including high efficiency combined heat and power facilities; qualifying homebuilder installed renewable energy facilities and high performance homes facilities received by ODOE on or after January 1, 2007. These rules apply to renewable energy resource equipment manufacturing facilities approved for preliminary certification on or after January 1, 2008, and to tax years beginning on or after January 1, 2008. These rules are effective November 3, 2009.

(3) These rules will be applied to all pending applications and new applications received on or before November 3, 2009 for which no final determination has been made. The Department may also apply these rules to applications currently being reviewed by the Department where a final determination is pending or has been made, when the Department finds that its failure to apply the new criteria set forth in these rules may hamper the Department's efforts to reduce the costs of the BETC program.

Stat. Auth.: ORS 469.040 & 469.165

Stats. Implemented: ORS 469.185 - 469.225

Hist.: DOE 7-1985, f. 12-31-85, ef. 1-1-86; DOE 3-1989, f. 12-28-89, cert. ef. 1-1-90; DOE 2-1993, f. & cert. ef. 1-28-93; DOE 5-1993, f. & cert. ef. 12-14-93; DOE 2-1995, f. 12-12-95, cert. ef. 12-15-95; DOE 3-1996, f. & cert. ef. 11-27-96; DOE 2-1997, f. 12-15-97, cert. ef. 1-1-98; DOE 2-1999, f. 12-22-99, cert. ef. 1-1-00; DOE 1-2001, f. 10-5-01, cert. ef. 10-8-01; DOE 2-2004, f. & cert. ef. 1-21-04; DOE 3-2004, f. & cert. ef. 7-1-04; DOE 1-2005, f. 12-30-05, cert. ef. 1-1-06; DOE 2-2006, f. 9-29-06, cert. ef. 10-1-06; DOE 3-2007, f. 11-30-07, cert. ef. 12-1-07; DOE 3-2008, f. & cert. ef. 3-21-08; DOE 4-2008, f. 6-19-08, cert. ef. 6-20-08; DOE 2-2009(Temp), f. & cert. ef. 11-3-09 thru 5-1-10

330-090-0110

Definitions

For the purposes of Oregon Administrative Rules, Chapter 330, Division 90, the following definitions apply unless the context requires otherwise:

(1) "Alternative Fuel": A motor vehicle fuel, other than petroleum gasoline or diesel, certified by the U.S. Environmental Protection Agency for roadway use that results in equivalent or lower exhaust emissions or higher energy efficiency when used. Alternative fuels include electricity, biofuels, hydrogen, hythane, methane, methanol, natural gas, liquefied natural gas, liquefied petroleum gas (propane), renewable diesel and other fuels the Director allows. Blends of these alternative fuels with conventional fuels will only be considered an alternative fuel under these rules when the concentration of the alternative fuel is 20 percent of the entire volume of the blended fuel or greater. Hydrated fuels must have a water content of 10 percent of the entire volume of the blended fuel or greater to be considered eligible as an alternative fuel under these rules.

(2) "Alternative Fuel Fueling Station": A renewable energy resource facility necessary to refuel alternative fuel vehicle fleets. This will include the facilities for mixing, storing, compressing, charging, and dispensing alternative fuels, and any other necessary and reasonable equipment. It can be a facility for either public or private use.

(3) "Alternative Fuel Vehicle (AFV)" is a vehicle designed to operate on an alternative fuel and includes vehicles direct from the factory or vehicles modified to allow the use of alternative fuels. AFV does not include vehicles owned or leased by the State of Oregon acquired to comply with federal requirements for fleet acquisition of alternative fueled vehicles or vehicles leased by an investor-owned utility (IOU) to others. For purposes of qualifying for a BETC, gasoline-hybrid AFVs purchased on or after January 1, 2010 must also be designed for electrical plug-ins.

(4) "Applicant": An applicant means:

(a) A person who applies for a preliminary certification of a Business Energy Tax Credit under this section includes:

(A) Individuals, corporations, associations, firms, partnerships, limited liability companies and joint stock companies.

(B) Any cooperative, non-profit corporation, or federal, state or local governments including school districts, water districts, or any other special districts. These entities are qualified applicants when they have a qualified

ADMINISTRATIVE RULES

pass-through partner, or commit to select such a partner prior to final certification.

(C) A contractor installing an alternative fueled vehicle fueling station in a dwelling.

(b) A person who applies for a final certification of a Business Energy Tax Credit under this section must be the facility owner.

(c) The tax credit certificate will be issued to a facility owner or a qualified pass-through partner, but the tax credit may only be claimed pursuant to ORS 315.354.

(d) An applicant for preliminary certification or final certification or a tax credit recipient may not include any business or non-profit corporation or cooperative that restricts membership, sales or service on the basis of race, color, creed, religion, national origin, sexual preference or gender.

(5) "Biofuels": A motor vehicle or thermal combustion fuel other than petroleum gasoline or diesel which includes ethanol or is an ethanol blend at concentrations of 11 percent of the entire volume of the blended fuel or greater or biodiesel or is a biodiesel blend at concentrations of 20 percent of the entire volume of the blended fuel or greater, including:

(a) Biodiesel which is a fuel comprised of mono-alkyl esters of long chain fatty acids derived from vegetable oils or animal fats, designated B100, and meeting the requirements of American Standards and Testing Measurement (ASTM) D 6751 in effect on December 1, 2007 and is registered with the US EPA as a fuel and a fuel additive under Section 211(b) of the Clean Air Act, and

(b) Biodiesel Blends is biodiesel fuel meeting the requirements of ASTM D 6751 in effect on December 1, 2007, blended with petroleum-based diesel fuel, designated BXX, where XX represents the volume percentage of biodiesel fuel in the blend, and

(c) Ethanol (CH₃CH₂OH) is an alcohol fuel also known as ethyl alcohol, grain alcohol, and EtOH made from starch crops or from cellulose biomass materials, such as grass, wood, crop residues, or used cellulose materials where component sugars are fermented into ethanol meeting the requirements of ASTM designation D 4806-01a; "Standard Specification for Denatured Fuel Ethanol for Blending with Gasolines for Use as Automotive Spark-Ignition Engine Fuel" in effect on December 1, 2007, and

(d) Ethanol Blends which is ethanol fuel meeting the requirements of ASTM D 4806, "Standard Specification for Denatured Fuel Ethanol for Blending with Gasolines for Use as Automotive Spark-Ignition Engine Fuel" in effect on December 1, 2007, blended with petroleum-based gasoline fuel, designated EXX, where XX represents the volume percentage of ethanol fuel in the blend, and

(e) "E85," a motor vehicle fuel that is a blend of agriculturally derived denatured ethanol and gasoline or natural gasoline that typically contains 85 percent ethanol by volume, but at a minimum must contain 75 percent ethanol by volume. For the purposes of this chapter, the energy content of E85 is considered to be eighty-two thousand BTUs per gallon. E85 produced for use as a motor fuel shall comply with ASTM specification D 5798-99 in effect on December 1, 2007.

(6) "Biomass": An organic matter such as agricultural crops and residue, wood and wood waste, animal waste, aquatic plants and organic components of municipal and industrial wastes comprised of uncontaminated carbohydrates and other cellulose material, and organic by products from wood pulping and other biologically derived materials including organic fibers that are available on a renewable or naturally recurring basis.

(7) "Building Code": Applicable state and local building codes in effect the date ODOE receives the application for preliminary certification.

(8) "Building Automation Controls Facility": Energy facilities that control energy consuming equipment in a building are eligible when energy saving features exceed standard practice (defined in BETC Technical Requirements) and applicable code requirements. Eligible cost does not include costs associated with operations, maintenance, or repair as described in section 17(b)(D) of this rule.

(9) "Business Energy Tax Credits Technical Requirements (BETC Technical Requirements)": A manual produced by and available from ODOE describing specific technical requirements that must be met to comply with these rules, based on the version of the manual in effect the date the application for preliminary certification is received by ODOE.

(10) "Car Sharing Facility": A facility in which drivers pay to become members in order to have joint access to a fleet of cars from a common parking area on an hourly basis. It does not include operations conducted by a car rental agency.

(11) "Commercial New Construction Facility": An energy facility which includes a new structure or one of the following:

(a) An addition to an existing structure, which provides additional square footage;

(b) An alteration to an existing structure, which changes the functional use of the entire structure;

(c) An alteration to an existing structure occurring within six months of a change in the facility's ownership; or

(d) A major renovation to 50 percent or more of the square footage of an existing structure in which three or more building systems are changed. Systems include but are not limited to: envelope, space conditioning, lighting, water heating and process.

(12) "Commissioning": The process to assure that Heating Ventilating and Air Conditioning (HVAC) systems (and associated hydronic systems), lighting system controls and automatic temperature control systems have been completely and properly installed and put into service in accordance with their design intent as defined by the contract documents. The process of commissioning also includes the systematic testing, verification, documentation, training of operations personnel and preparation of operations and maintenance documentation.

(13) "Commercial Process": An energy facility that is an energy-using system (e.g., lighting, HVAC, or water heating). Such a system can be studied and judged on its own.

(14) "Commuter Parking Space" means a facility that is a parking space that is:

(a) Located in an area where parking spaces are regularly available for lease by the day or month to the public.

(b) Leased by the employer for an employee's use:

(A) Separate from the lease for the business premises.

(B) As an integral part of the lease for the business premises if the employer has the right to sublease the parking space to a commuter.

(c) Owned by the employer.

(d) Not located in a lot used primarily for business customers.

(e) Not provided to an employee for parking a vehicle the employee regularly uses to perform the employee's job duties.

(15) "Completed Facility": A facility for which all costs have been paid or committed by a binding contract or agreement and that is installed and operating or which the Director decides the applicant has made all reasonable efforts to operate, including making changes suggested by ODOE.

(16) "Cooperative Agreement Organization": ODOE may enter into cooperative agreements with qualified public purpose, governmental, or other organizations to assist in the development and qualification of BETC applications, with the scope of the agreement defined by ODOE based on the qualifications of the organization and subject to conditions specified in the agreement.

(17) "Cost": The actual capital costs and expenses needed to acquire, erect, design, build, modify, or install a facility that is eligible to receive a BETC. Costs that are incurred to bring a facility up to building code standards or otherwise repair the building in order to install the facility are not eligible. Costs financed with federal funds, subject to specific restrictions, terms and conditions, other than costs financed by grants excluded by ORS 315.356(1), may be eligible expenses, including but not limited to costs incurred by federal agencies directly for capital, operating, or other expenses. For transportation facilities, the following cost criteria apply in addition to the specific criteria in subsection (68) of this rule.

(a) Cost can include payments for:

(A) Fees to finance, design or engineer the facility, including but not limited to debt fees and equity fees;

(B) Title searches, escrow fees, government fees, excluding fees required by OAR 330-090-0150(3), and shipping;

(C) All materials and supplies needed for the erection, construction, installation or acquisition of the proposed facility; and

(D) Work performed by employees or independent contractors of the applicant based on the following conditions:

(i) Employees or contractors must be certified, accredited, licensed, or otherwise qualified to do the work;

(ii) The work must be associated with the erection, construction, installation or acquisition of the proposed facility or in the case of a research development and demonstration facility, the work shall be directly related to the facility design, monitoring, assessment, evaluation and reporting related to the product or technology. Project management and other similar costs may only account for up to 15 percent of the total eligible costs; and

(iii) Costs for employee's or contractor's work on the energy facility must be detailed and documented as to specific tasks, hours worked, and compensation costs.

ADMINISTRATIVE RULES

(E) Costs for legal counsel that is directly related to the development of a qualifying facility (non-litigation related) or directly linked to the research, development or demonstration facility (excluding patents, copyrights, etc.); and

(F) Facilities or equipment required for vehicles to provide transportation services to serve riders (such as a wheelchair lift system) under the American with Disabilities Act.

(b) Cost may not include:

(A) Interest and warranty charges;

(B) Litigation or other operational-related legal fees and court costs;

(C) Patent searches, application and filing payments;

(D) Costs to maintain, operate, or repair a facility;

(E) Administrative costs to apply for grants, loans or a tax credits for a facility including, but not limited to, the Business Energy Tax Credit review charge, costs associated with the creation and development of the CPA verification letter and costs associated with securing a pass-through partner for the facility;

(F) Routine operational or maintenance costs associated with the facility, other than a transportation facility, including services, supplies and labor;

(G) Expenses related to training, education or other related expenses;

(H) Expenses that are directly or indirectly offset with federal grants or fee waivers. Previously certified costs will be reduced by the amount of any federal grant received in connection with the facility, pursuant to ORS 315.356.

(I) Other costs the Director excludes.

(c) If a facility is built under a lease, lease-option or lease-purchase contract, the lessee's cost to acquire the facility is the value paid for the facility. If that amount is not known, the cost is the sum of:

(A) Tax credits passed through by the lessor to the lessee;

(B) The amount paid when the facility is transferred; and

(C) The lease payments not including taxes, insurance, interest, and operating costs.

(D) Payments to be made in the future must be discounted to present value.

(d) If a facility serves more than one purpose, cost includes only items needed to save energy and/or use renewable energy resources. This includes new or replacement equipment that costs more because of its energy saving features. ODOE may do inspections to verify eligible costs.

(e) Incremental cost is the cost above a reasonable minimum expected to construct a similar facility without energy efficient features.

(A) In commercial new construction, it is the difference between building to code and building to meet or exceed the standards for substantial energy savings.

(B) In other facilities, it is the difference between prevailing practices for that business or industry and a more energy efficient method.

(f) Eligible facility costs are limited by the following:

(A) Facilities must have a one to 15-year simple payback period unless specified below. If the simple payback period exceeds those limits, eligible costs will be prorated down to the highest amount that would result in a qualifying payback; and

(B) Facilities must have a simple payback of more than one year and less than the service life of the facility.

(C) Rental dwelling weatherization facilities are limited to a 30-year simple payback.

(D) Solar photovoltaic eligible facility costs will be limited on a dollar-per-watt basis as described in the BETC Technical Requirements. The Oregon Department of Energy will set maximum eligible cost for solar facilities periodically. The precertified eligible costs will be effective for 36 months for facilities owned by the public and 12 months for all other facilities from the date the facility is precertified, after which time the eligible costs will be recalculated based on the maximum eligible cost in effect at that time.

(E) For solar thermal systems, the maximum eligible cost shall be limited on a capacity basis as described in the BETC Technical Requirements. The Oregon Department of Energy will set maximum eligible cost for solar facilities periodically. The precertified eligible costs will be effective for 12 months from the date the facility is precertified, after which time the eligible costs will be recalculated based on the maximum eligible cost in effect at that time.

(F) Sustainable building practices facilities, recycling market development, high performance homes, homebuilder installed renewable energy facilities and transportation facilities are exempt from simple payback requirements.

(g) Costs for space conditioning or individual metering a facility(s) are limited to incremental costs, except when existing equipment is within its Service Life when costs will be the total eligible facility costs. Incremental costs are limited to 40 percent of the cost to install a replacement space or hot water heating system in rental dwellings, except as defined in (j) below.

(h) Eligible costs for transportation facilities include, but are not limited to, telework, commuter pool vehicles, bicycles, Transportation Management Association fees, incentive programs, transit passes, car sharing, vanpool, individualized behavior change program, Research, Development and Demonstration (RD&D), purchasing or otherwise obtaining alternative fuel vehicles that are designed to transport five or more passengers, transportation services and transportation services for K-12 students. Except for RD&D facilities, bicycle purchases, and commuter pool vehicles with special equipment, the maximum eligible cost for transportation facilities is the result of the cost-per-vehicle mile calculated by a formula adopted by the Oregon Department of Energy multiplied by the estimated vehicle miles reduced (VMR) by the facility.

(i) Costs for premium efficient appliances as defined in this rule are limited to incremental costs. Incremental costs shall be reduced by federal grants received for the appliance. When incremental cost values are not available the incremental cost will be deemed a portion of the facility cost based on similar facilities, but not exceeding 40 percent of the purchase cost.

(j) In implementing the utility pass-through in OAR 330-090-0140(2), utilities may set a minimum eligible cost to participate. The following requirements apply:

(A) The utility must submit exact specifications of the limit to and receive approval by ODOE prior to implementation of the limit.

(B) The utility must provide notification to the customer that there is no minimum when applying directly to ODOE, however, payments in OAR 330-090-0150(3) do apply.

(k) Sustainable building practices facilities are exempt from the previous requirements of this definition, as the eligible cost for these facilities is calculated using the table in the Business Energy Tax Credit Technical Requirements for sustainable building practices facilities OAR 330-090-0135.

(l) The sum of any rebates or cash payments under ORS 469.631 to 469.645, 469.649 to 469.659, 469.673 to 469.683, or 757.612(5)(a), or from a public purpose organization or federal grants or credits and the business energy tax credit may not exceed eligible project costs.

(18) "Cost-per-Vehicle Mile": The total cost of one vehicle mile driven by a single occupant. The components of calculating the total cost include, but are not limited to, vehicle operation cost, fuel cost, travel time, congestion and pollution. The calculation formula for the total costs is available on the Web site of the Oregon Department of Energy.

(19) "Director": The Director of the Oregon Department of Energy or designees.

(20) "Energy Department": The Department of Energy of the State of Oregon (ODOE).

(21) "Energy Facility": is defined in ORS 469.185(5).

(22) "Facility": is defined in ORS 469.185(6) and also includes a Research, Development & Demonstration (RD&D) facility that complies with these rules and any applicable BETC Technical Requirements. A facility must be located within the geographical confines of Oregon. The dollar value of the first year energy savings must be less than the cost of such facility, except as allowed for a Research Development & Demonstration facility, transportation or recycling market development or recycling facility.

(a) An energy conservation measure (ECM), is a facility if it results in substantial savings in the amount of purchased energy used at a site by a business or other eligible entity. Energy conservation measures include equipment installed for the purpose of reducing energy use.

(b) Costs for a facility needed to obtain substantial energy savings for a new commercial, institutional, or industrial building. Savings will be compared to energy used by a building, unit, or industrial process that does not have the proposed conservation. But, such buildings must comply with the Building Code and have the same use, size, space heat fuel, and orientation as the applicant's building, unit, or industrial process.

(c) A space conditioning system(s) is a facility if it provides substantial energy savings and complies with the BETC Technical Requirements, including reporting whether any replaced mercury-switch thermostats will be or have been recycled and, if so, how. Space conditioning systems installed in an existing dwelling unit must not involve changing the fuel source. An incremental upgrade, as defined in OAR 330-090-0110(17)(e),

ADMINISTRATIVE RULES

of a fuel switching facility will be allowed if the upgrade complies with these rules.

(d) A new electric motor that complies with the BETC Technical Requirements.

(e) For buildings to be owned, leased, or otherwise operated and maintained by the state, including the State System of Higher Education, to qualify for the credit it must comply with the requirements of the State Energy-Efficient Design Program (SEED) as defined in OAR chapter 330, division 130 and associated guidelines, in addition to meeting requirements of these rules.

(f) A facility does not include:

(A) A residential structure or dwelling that is being used for a residence and a business, except for residential structures that are used exclusively as rental properties or that qualify as a licensed homebuilder installed renewable energy facility or high performance home facility.

(B) Swimming pools and hot tubs used to store heat.

(C) Wood stoves.

(D) Space conditioning systems and back-up heating systems, including systems that do not meet code or minimum standards listed in the BETC Technical Requirements.

(E) Devices and substances whose use is common in the applicant's business, except hog fuel boilers that replace fossil fuel boilers.

(F) Pollution control facilities and alternate energy devices for which a tax credit or ad valorem tax relief is granted under ORS 307.405, 316.097 or 316.116.

(G) Devices or materials which are standard practice.

(H) Recycling automotive air conditioning chlorofluorocarbons (CFC).

(I) Conservation in rental dwellings, for applicants listed in ORS 469.205(1)(c)(A) and (B), which were issued an occupancy permit on or after January 1, 1996.

(J) Other items the Director finds are not allowed under ORS 469.185 to 469.225, 317.104, and 316.140 to 316.142.

(23) "Facility Eligible Square Footage": For the purpose of calculating the tax credit amount for a Sustainable Building Practices Facility, facility eligible square footage includes all temperature-conditioned floor areas, and the one level of parking structures or parking structure elements of the facility. It does not include exterior square footage beneath overhangs, awnings, canopies; walkways or unconditioned plaza areas beneath conditioned portions of the building.

(24) "Facility Operator": The person or people to whom the applicant gives authority to manage a facility. Such person or people will be the applicant's agent for all reasons related to the facility once its development begins.

(25) "Facility Owner": An applicant who purchases and owns a qualified facility.

(26) "Facility Start Prior to Erection, Construction, Installation or Acquisition": The earliest date on or after the date of the application that meets one of the following criteria:

(a) A non-refundable deposit will be placed on the facility equipment;

(b) A purchase order will be placed for the equipment;

(c) A contract for the design of the facility will be executed;

(d) A document that obligates the applicant to proceed with a facility will be executed; or

(e) Any other type of financial commitment towards the erection, construction, installation or acquisition of the facility.

(27) "Final Certification": Final certificate issued after completion of an approved BETC facility.

(28) "Geothermal Energy": Natural heat in any form below the earth's surface. It also means minerals in solution, or other products of naturally heated substances below the earth's surface. It includes:

(a) Products of geothermal processes, such as steam, hot water, and hot brines; or

(b) Steam and gases, hot water and brine caused by injecting substances into the earth; or

(c) Heat or other related energy in the earth; or

(d) By-products of (a) through (c).

(29) "Ground Source Heat Pump": means a heating, ventilating and air-conditioning system, also known as a ground water heat pump, earth-coupled heat pump, geothermal heat pump or ground loop alternative energy device that utilizes a subsurface closed loop heat exchanger to extract or reject heat to the earth. A ground source heat pump is eligible for a 35 percent Business Energy Tax Credit.

(30) "High Efficiency Combined Heat and Power": is defined in ORS 469.185(7).

(31) "High Performance Home": Is defined in ORS 469.185(8).

(32) "Homebuilder Installed Renewable Energy Facility" is defined in ORS 469.185(9). For purposes of this section, renewable energy resource facilities may include:

(a) Photovoltaic — The credit amount is based on \$3 per watt of installed capacity.

(b) Solar Domestic Water Heating — The credit amount is equal to \$0.60 per kWh saved as determined by the ODOE solar domestic water heating yield table.

(c) Active Solar Space Heating — The credit amount is equal to \$0.60 per kWh saved based on a calculation procedure approved by ODOE staff.

(d) Passive Solar — The credit amount is equal to \$600 per home plus \$0.60 per square foot of heated floor space.

(e) Other — Other renewable energy resource facilities (e.g. wind turbines, fuel cells) will be evaluated on a case-by-case basis and the credit amount will be equal to \$2.00 per kWh saved.

(33) "Hybrid Electric Vehicle": An energy facility that is a vehicle which draws propulsion energy from onboard sources of stored energy which include both an internal combustion engine and a rechargeable energy storage system. The charging system for the energy storage system must have an operating voltage of 100 Volts or higher. In addition to a hybrid drive train, a Hybrid Electric Vehicle (HEV) must also have a regenerative braking system. A list of vehicles known to meet these qualifications will be listed in the BETC Technical Requirements.

(34) "Individualized Travel Behavior Change Program": A facility that is a program approved by the Oregon Department of Energy that reduces vehicle miles traveled through one-on-one contact with participants in a specific geographical area or in a targeted group.

(35) "Industrial Process Energy Facility": An energy facility that provides a direct improvement to a manufacturing process in a facility conducting activities categorized in two-digit 1987 Standard Industrial Classification (SIC) codes 01 through 49 or the corollary 2002 North American Industry Classification System (NAICS) codes including 11 through 31 and 48-49 regardless of ownership, and:

(a) An energy facility that provides substantial energy savings from conservation, or;

(b) A renewable energy resource facility that provides substantial energy savings through the use of renewable resources; or

(c) A renewable energy resource facility that provides substantial energy savings by recovering waste heat from cogeneration systems; or

(d) A renewable energy resource facility that prepares or conditions alternative fuels for distribution or dispensing; or

(e) An energy facility that increases industrial process efficiency through recycling market development; or

(f) An energy facility that provides emergency replacement inventory of electric motors as defined in OAR 330-090-0110(23)(d); but

(g) Does not include space conditioning for human comfort or general illumination.

(36) "Lease Contract": A contract between a lessor and a lessee of a facility.

(a) In a lease-purchase contract the lessee owns the facility at the end of the lease and is eligible for the BETC.

(b) In a lease or lease-option contract the lessor owns the facility through the life of the contract and is eligible for the BETC.

(37) "Lighting Facility": Means an energy facility that will reduce the affected lighting energy use by at least 25 percent and complies with BETC Technical Requirements, including reporting for non-residential structures whether any lamps replaced in the facility or that will be subsequently replaced will be recycled and, if so, how.

(38) "Low Interest Loan":

(a) For an electric utility, a loan with interest that is not more than 6.5 percent per year for those measures identified as cost effective in the utility audit. All other measures identified in the utility audit will be financed by a rate established by the OPUC. The combined interest rate will not exceed 12 percent.

(b) For all utilities, the loan principal or interest rate will be reduced by the present value of the tax credit earned under these rules. If the principal or interest is reduced to zero by applying the present value of the credit without allotting all that value, the excess will accrue to the owner who receives the loan. The loan will be repaid in a reasonable time not more than 10 years after it is issued.

(c) Some utilities may offer cash payment incentives as an option to a loan. The present value of the tax credit may be added to this incentive as provided in OAR 330-090-0140(2) of this rule.

ADMINISTRATIVE RULES

(39) "Mass Transit District": A mass transit district included in ORS 184.675(7).

(40) "Metropolitan Service District": A metropolitan service district included in ORS 184.675(7).

(41) "Necessary Feature": A feature for which its primary purpose is:

(a) Complying with the Building Code, including remodeling or new construction that includes facilities to comply with the Building Code;

(b) Complying with specific state or federal statutes or requirements for pollution control or recycling facility equipment. Recycling facilities are necessary features except as noted in OAR 330-090-0110(53); or

(c) Routine maintenance or repair, such as replacing water damaged insulation or a broken window.

(42) "Net Present Value": A cash payment equivalent to the net present value of the BETC as determined under OAR 330-090-0140(1)(b). Also referred to as the "pass-through rate."

(43) "Organization": A corporation, association, firm, partnership, limited liability company, joint stock company, cooperative, non-profit corporation, or federal, state or local government including school district, water district, or any other special district.

(44) "Pass-through Option": An option that allows a facility owner to transfer the facility's tax credit eligibility to certain persons or businesses in return for a cash payment equivalent to the net present value. A tax credit may be transferred one time only, from the facility owner to an eligible pass-through partner or partners.

(45) "Pass-through Partner": An individual, C corporation or S corporation that purchases a tax credit certificate in return for a cash payment equivalent to the net present value of the BETC.

(46) "Preliminary Certification": Preliminary certificate issued upon successful completion of the first stage in obtaining a BETC.

(47) "Premium Efficient Appliance": An energy facility that is an appliance that has been certified by ODOE to have premium energy efficiency characteristics. Residential appliances are listed in ODOE's Alternative Energy Devices Systems Directory. Commercial appliances are listed in ODOE's Premium Efficient Commercial Appliances Directory.

(48) "Public Purpose Organization": The entity administering the conservation and renewable public purpose funds described in ORS 757.612(3)(b)(A) and (B) or its agents.

(49) "Qualified Transit Pass Contract": is defined in ORS 469.185(10).

(50) "Recycling": A process to change a waste stream into a useable product or material. It does not include re-use in the same way the product or material first was used unless it changes the product or material. It does not include the combustion or incineration of a waste stream or components thereof, although these processes may be a part of an "Energy Facility" or "Waste to Energy Facility" where they include characteristics required to meet those definitions.

(51) "Recycling Facility": is defined in ORS 469.815(11)

(52) "Recycling Market Development Facility": Facilities that stimulate demand for recycled materials. It includes facilities that meet one of the following criteria:

(a) The facility uses recycled materials as feedstock to produce new products; or

(b) Equipment that allows reuse of pre or post consumer waste in the production of new products; or

(c) Recycled material equipment which yields a feedstock with new and changed characteristics for the production of new products; or

(d) Equipment that enables a higher amount of recycled material feedstock to be used in the manufacture of a product.

(53) "Renewable Diesel": A diesel fuel derived from biomass as defined in United States Energy Policy Act 2005 Section 45K (C)(3), using the process of thermal depolymerization that meets the following:

(a) Registration requirements for fuels and chemicals established by the EPA under Section 211 of the Clean Air Act (42 U.S.C. 7454) in effect on December 1, 2007, and

(b) Requirements of the ASTM D975 or D396 in effect on December 1, 2007, and

(c) Has a producer's Certificate of Analysis which certifies that the lot, batch or produced volume for sale has an organic content concentration of greater than 50 percent of the entire volume of the resultant fuel and the organic feedstock material is described.

(54) "Renewable Energy Resource": is defined in ORS 469.185(12).

(55) "Renewable Energy Resource Facility:" means an energy facility used in the processing or utilization of renewable energy resources to:

(a) Replace a substantial part or all of an existing use of electricity, petroleum or natural gas;

(b) Provide the initial use of energy where electricity, petroleum or natural gas would have been used;

(c) Generate electricity to replace an existing source of electricity or to provide a new source of electricity for sale by or use in the trade or business;

(d) Perform a process that obtains energy resources from material that would otherwise be solid waste as defined in ORS 459.005; or

(e) Manufacture or distribute alternative fuels, including but not limited to electricity, ethanol, methanol, gasohol or biodiesel.

(56) "Renewable Energy Resource Equipment Manufacturing Facility": means a facility as defined in ORS 469.185 (13) and subject to standards adopted by the Oregon Department of Energy in these rules.

(57) "Research, Development, and Demonstration Facility (RD&D)": A facility that complies with (a) through (e):

(a) A facility that is not standard practice, is likely to produce or produces products or technologies that are likely to qualify as a facility in Oregon when commercialized, and complies with one or more of the following criteria:

(A) Research facilities that include a test bench research, prototype or pilot scale construction of a theoretically proved or primary researched technology;

(B) Development facilities that include the new manufacture or initiation of the capability to produce or deliver facilities in Oregon, excluding development facilities that increase established manufacturing or production capacity in Oregon;

(C) Demonstration facilities that are likely to resolve questions on how to apply new technology or that inform the public about new or improved technology though pilot or production scale applications of technology;

(D) Innovative travel reduction facilities that reduce vehicle miles traveled. The applicant must conduct pre and post surveys that measure travel reductions and submit the results with the application for final certification. A transportation district, mass transit district, or metropolitan service district within a community of 50,000 or more people may not qualify for more than \$2 million annually in eligible costs for innovative travel reduction programs.

(E) Facilities that improve energy efficiency in a focused geographic area through the replacement of outmoded energy equipment with energy-efficient equipment.

(F) Facilities in the Director's determination are likely to achieve Oregon Department of Energy goals.

(b) A facility that demonstrates a reasonable potential to result in energy or conservation benefits in Oregon for which the value is likely to exceed the value of the tax credit, based on information filed with the application for preliminary certification.

(c) A qualifying RD&D facility that exclusively supports renewable energy resource use will be eligible for a 50 percent Business Energy Tax Credit; all other qualifying RD&D facilities will be eligible for a 35 percent tax credit.

(d) Eligible costs for a Research, Development or Demonstration facility also include costs inherent in a research, development and demonstration facility which may not result directly in saved or produced energy. Such costs may include facility design, monitoring, assessment, evaluation and reporting, including development of standards, specifications, policies and procedures facilitating technology transfer and instruments, controls, and other equipment needed to monitor, assess or evaluate the facility and the impacts of the facility.

(e) Eligible costs for a Research, Development or Demonstration facility are not subject to OAR 330-090-0110 (17)(f).

(58) "Riders": Employees, students, clients, customers, or other individuals using transportation facilities or transportation facilities for travel.

(59) "Service Life": Equipment service life is as established in the most recent edition of the American Society of Heating, Refrigeration and Air Conditioning Engineers (ASHRAE) Heating, Ventilating and Air Conditioning (HVAC) Applications Handbook as of the date the application for preliminary certification is received by ODOE or as determined by the Director for equipment not rated by ASHRAE. If the baseline facility has exceeded its service life, only an incremental facility will be considered eligible for a tax credit.

(60) "Simple Payback": The total eligible cost of a facility divided by the expected yearly energy cost savings, stated in years.

(61) "Standard Practice": Conventional equipment or material applied in a way that it may be observed as a common or necessary feature of new and existing businesses.

ADMINISTRATIVE RULES

(a) In new commercial construction it may include but is not limited to: electronic fluorescent ballasts; T-8 fluorescent lamps, compact fluorescent lamps that are not hard wired; parabolic louvered fluorescent fixtures; R-19 insulated walls in wood frame construction; variable air volume space conditioning systems; the portion of energy management controls that monitor for life safety, maintenance, or control process for purposes other than saving energy.

(b) In other energy facilities it may include but not be limited to propane powered lift trucks, electric golf carts or curbside recycling bins.

(c) Any other equipment, material, or applications of equipment or material as determined by the Director.

(62) "Substantial Energy Savings": Means that ODOE has determined that:

(a) A facility, other than a lighting retrofit or sustainable building facility and excluding Research Development & Demonstration, transportation, recycling market development, recycling facility, will save at least 10 percent of the energy used in a given facility;

(b) A lighting retrofit facility will reduce the affected lighting system energy use by at least 25 percent;

(c) The energy facility is a sustainable building practices facility as defined under "Sustainable Building Practices Facility" of this rule; or

(d) The facility measures are defined in the BETC Technical Requirements as measures that would qualify under or are measures recommended in an energy audit completed under ORS 469.631 to 469.645, 469.649 to 469.659, and 469.673 to 469.683.

(63) "Sustainable Building Practices Facility": Means a building facility as defined under "Commercial New Construction" of this rule and that:

(a) Is rated and certified LEED-NC, LEED-CS, or LEED-CI under the Leadership in Energy & Environmental Design (LEED™) Green Building Rating System managed by the U.S. Green Building Council or

(b) Is rated and certified by a program approved by the Department that provides comparable performance on environmental measures and equivalent or better energy performance as documented by whole building energy modeling, is commissioned and is verified by an independent third party.

(c) For a Sustainable Building Practices Facility to be eligible for a tax credit it must also comply with the requirements set forth in OAR 330-090-0135 and any applicable BETC Technical Requirements.

(64) "Transportation District": A transportation district included in ORS 184.675(7).

(65) "Transportation Facility": A facility that reduces energy used for traveling, including but not limited to traveling to and from work or school, work-related travel or travel to obtain medical or other services. A transportation facility must meet one or more of the following criteria:

(a) Telework defined as working from home or from an office near home instead of commuting a longer distance to the principal place of employment. It does not include home-based businesses or extension of the workday. Telework equipment must be installed to reduce employee vehicle miles traveled a minimum of 45 working days per 12 consecutive months. Eligible costs include purchase and installation of new or used equipment at the telework site. Computer, facsimile device, modem, phone, printer, software, copier, and other equipment necessary to facilitate telework as determined by the Director are eligible costs. Eligible cost for telework facilities does not include replacement cost for equipment at the principal place of business when that equipment is relocated to the telework site; fees for maintenance and operation of any equipment; office furniture and office supplies or training costs.

(b) Telework for the purpose of reducing business vehicle miles traveled must reduce employee business related travel by 25 percent.

(c) Commuter pool vehicles transporting three or more riders dedicated to reducing vehicle miles traveled. The vehicle must be used a minimum of 150 working days per 12 consecutive months. Eligible cost includes the purchase or cost of the vehicle(s). If vehicles with special equipment are being purchased, a copy of the sales quotation showing the additional cost for the equipment must be submitted. The vehicle must remain in service for five years. Where vehicles are used for business travel other than transporting riders, eligible cost shall be reduced based on the estimated percent of miles dedicated to reducing travel. Transportation districts, mass transit districts, or metropolitan service districts within communities of 50,000 or more people are not eligible if they receive other federal or state funding for the purposes of offsetting the costs.

(d) Transit passes used by an applicant's riders or in fareless zones to reduce vehicle miles traveled. Eligible cost includes the cost of the transit pass or the cost specified in the contract for providing the fareless zone.

Transportation districts, mass transit districts, or metropolitan service districts within communities of 50,000 or more people are not eligible. Eligible cost also includes the cost of equipment used as a shelter for riders waiting for transit. To be eligible, the shelter must be part of a transit pass facility.

(e) Bicycle used by an applicant's riders to reduce vehicle miles traveled a minimum of 45 work days per 12 consecutive months. Eligible costs include purchase of bicycles and equipment used to store bicycles. Accessory items such as locks, panniers, rain gear helmets, etc. are not eligible, except for bicycle lights.

(f) Fees paid by an applicant to a Transportation Management Association (TMA) or non-profit organization that provides transportation services for the purpose of reducing vehicle miles traveled by a passenger. The fee must be part of a transportation facility and cannot exceed the cost of the transportation facility. To be eligible, the applicant must provide verification of an agreement with the transportation provider for specific services that reduce vehicle miles traveled.

(g) The cost of an incentive program paid by the applicant that provides a financial incentive to a passenger for reducing vehicle miles a minimum of 45 work days per 12 consecutive months. To be eligible the applicant must provide a written incentive program plan for Energy Department approval.

(h) Car sharing is defined as a program in which drivers pay to become members in order to have joint access to a fleet of cars. Eligible cost for car sharing includes the cost of operating a car sharing program, including the fair market value of parking spaces used to store the cars available for the car sharing program, but does not include the cost of the fleet of cars. It does not include operations conducted by a car rental agency.

(i) Transportation Service is defined as a facility that provides transportation services to reduce vehicle miles driven by a single occupant vehicle. The eligible cost for a transportation service facility is the cost for providing the transportation service, but does not include the cost of the vehicle. The transportation service facility must provide service for a minimum of 150 days per 12 consecutive months. Transportation districts, mass transit districts, and metropolitan service districts in communities with 50,000 or more people are not eligible if they receive other federal or state funding for the purposes of offsetting the costs.

(j) Individualized Travel Behavior Change is defined as a facility that is a program approved by the Oregon Department of Energy that reduces vehicle miles traveled through one-on-one contact with the participants in a specific geographical area or in a targeted group. Pre and post-facility surveys must be conducted. The applicant must submit a report with the results of these surveys to measure travel reduction. Eligible costs include capital expenditures, administrative and communication costs. Facilities are subject to the VMR cost-effectiveness formula.

(k) Vanpool Program is defined as a facility that is an employer-sponsored or organization-sponsored program that provides transportation to registered members to commute on a regular basis. Eligible costs include vehicle operation costs, but do not include the cost of the vehicle. The applicant must conduct pre and post-facility surveys and submit a report with the results of these surveys to measure reduction in vehicle miles. The program must provide service for a minimum of 150 work days per 12 consecutive months. Facilities are subject to the VMR cost-effectiveness formula.

(l) Transportation Services for K-12 Students is defined as a facility that is a program that provides transportation services for K-12 students during the school year. All entities, including transportation districts, mass transit districts, or metropolitan service districts within communities of greater than 50,000 people, are eligible.

(A) The tax credit amount shall be based on the cost per student and a reasonable estimate of the actual number of students served.

(B) Eligible agencies shall develop a monthly cost per student service, based on but not limited to lost revenues, added costs, and VMR cost-effectiveness to be approved by the Department.

(C) The applicant must conduct pre and post-facility surveys and submit a report with the results of these surveys to measure reduction in vehicle miles.

(66) "Transportation Provider": is defined in ORS 469.185(16).

(67) "Transportation Services Contract": is defined in ORS 469.185(17).

(68) "Utility": Gas or electric utilities as defined below.

(a) An Investor Owned Utility (IOU) as defined in ORS 757.005, or its subsidiaries and affiliated interests as defined in ORS 757.015; or

ADMINISTRATIVE RULES

(b) A Publicly Owned Utility (POU) and people's utility district as defined in ORS 261.010, or a municipal or cooperative utility.

(69) "Vanpool Program": means a program that provides opportunities for a designated group of riders to share the usage of a vehicle to commute between different communities/neighborhoods on a regular basis.

(70) "Vehicle Miles Reduced (VMR)": Reduction in miles achieved by a facility when compared to single occupant vehicles.

(71) "Waste-to-Energy Facility": means an energy resource facility that recovers materials and energy from a waste stream under conditions listed below. The BETC program intends to encourage the responsible use of all resources including waste streams. Generally, recovery of a material will be preferred in comparison to recovery of energy. In order to respect the embedded energy of a material stream the following criteria have been established to define facilities that do not meet the definition of a recycling facility, but provide environmentally responsible recovery from a waste stream. Therefore, equipment used to recover materials and energy from a waste stream is an eligible facility when all of the following conditions are met:

(a) The value of the marketable materials and energy resources recovered from the waste stream, less the value of the external energy resources consumed in the recovery process is greater than the magnitude of the costs incurred or revenues derived in disposal of the waste stream in standard industry practice.

(b) Recovered material/end product, exclusive of fuel or lubricant, exceeds 50 percent or higher on a dry mass basis.

(c) The facility does not increase the release of toxins, fossil-derived greenhouse gas emissions, or other emissions.

(d) The facility does not divert materials from a higher value use.

(e) The facility has an acceptable energy balance as determined by the Director.

(72) "Year": Calendar year.

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

Stat. Auth.: ORS 469.040 & 469.165

Stats. Implemented: ORS 469.185 - 469.225

Hist.: DOE 7-1985, f. 12-31-85, ef. 1-1-86; DOE 3-1986, f. & ef. 8-29-86; DOE 2-1988, f. & cert. ef. 3-17-88; DOE 3-1989, f. 12-28-89, cert. ef. 1-1-90; DOE 3-1990, f. & cert. ef. 9-20-90; DOE 4-1991, f. & cert. ef. 12-31-91; DOE 2-1992(Temp), f. 12-14-92, cert. ef. 12-15-92; DOE 2-1993, f. & cert. ef. 1-28-93; DOE 5-1993, f. & cert. ef. 12-14-93; DOE 2-1995, f. 12-12-95, cert. ef. 12-15-95; DOE 3-1996, f. & cert. ef. 11-27-96; DOE 2-1997, f. 12-15-97, cert. ef. 1-1-98; DOE 4-1998, f. 12-14-98, cert. ef. 12-15-98; DOE 2-1999, f. 12-22-99, cert. ef. 1-1-00; DOE 1-2001, f. 10-5-01, cert. ef. 10-8-01; DOE 2-2004, f. & cert. ef. 1-21-04; DOE 3-2004, f. & cert. ef. 7-1-04; DOE 1-2005, f. 12-30-05, cert. ef. 1-1-06; DOE 2-2006, f. 9-29-06, cert. ef. 10-1-06; DOE 3-2006, f. 11-27-06, cert. ef. 12-1-06; DOE 3-2008, f. & cert. ef. 3-21-08; DOE 4-2008, f. 6-19-08, cert. ef. 6-20-08; DOE 2-2009(Temp), f. & cert. ef. 11-3-09 thru 5-1-10

330-090-0120

Preliminary Certificate Application Requirements for a Business Energy Tax Credit

(1) Eligible facilities

(a) The Department may issue only one BETC for each separate and distinct qualified energy facility under these rules. The following facilities, as further defined in these rules, are eligible for a Business Energy Tax Credit: An energy facility, recycling facility, rental dwelling weatherization facility, transportation facility, car sharing facility, sustainable building practices facility, alternative fuel vehicle or facilities necessary to operate alternative fuel vehicles, including but not limited to an alternative fuel vehicle refueling station, a high-efficiency combined heat and power facility, a high-performance home, a homebuilder-installed renewable energy system, a renewable energy resource equipment manufacturing facility or a research development & demonstration facility that complies with these rules and any applicable BETC technical requirements.

(2) Required information

(a) Persons requesting a Business Energy Tax Credit shall apply on the Department-approved form for a preliminary certificate. In addition to the information required in ORS 469.205, the applicant shall provide the following information:

(A) The name, address, and phone number of the applicant, owners of the facility and the developers of the project.

(B) The applicant's federal tax identification number or social security number which may be shared with the Department of Revenue to facilitate the administration of the state tax law.

(C) Proposed facility construction and operational start and finish dates.

(D) The proposed facility location within the geographical confines of Oregon or in the case of an alternate fuel vehicle demonstrated intent that the vehicle will be titled in the State of Oregon.

(E) Information demonstrating that the proposed facility will comply with or have a variance from the land use laws of the city or county where the facility will be located;

(F) Information demonstrating that the proposed facility will comply with all other local, federal, and state laws, including but not limited to the following:

(i) A water power energy facility that uses navigable waters or that sells electricity must have a permit, license or exemption from the Oregon Department of Water Resources (DWR) and the Federal Energy Regulatory Commission (FERC). Also, if the facility uses water from the Columbia River basin, it must comply with the Northwest Power Planning Council's Fish and Wildlife Program.

(ii) A geothermal energy facility must have the proper permit from the Oregon Department of Geology and Mineral Industries (DOGAMI) or a permit from DWR.

(iii) A biomass energy facility must have required permits from the Oregon Department of Environmental Quality (DEQ).

(G) A list of appropriate authorizations for all work performed including but not limited to appropriate licenses, permits, or other authorizations that are required by state or local jurisdiction for the facility.

(H) Information demonstrating the intended operation, maintenance and use of the facility, including but not limited to, where appropriate, the amount and type of jobs created or eliminated in the construction, installation and operation of the facility in Oregon, the amount of projected energy saved, generated or transmitted and a demonstrated intent that the facility will be maintained and operated for at least five years after the facility is issued a final certification under these rules.

(I) A declaration that the applicant and other direct or indirect owners of the proposed facility do not have property tax deficiencies as it relates to the location of the facility.

(J) If the application is for a Renewable Energy Resource Equipment Manufacturing Facility, information that demonstrates that the facility will be used solely to manufacture equipment, machinery or other products that will be used exclusively for renewable energy resource facilities. An applicant shall provide sufficient information relating to the specific characteristics of the equipment, machinery or other products that demonstrate how such equipment, machinery or other products will be used exclusively for renewable energy resource facilities and not for other commercial purposes.

(b) Criteria for separate and distinct facility: Information demonstrating that the application is for a separate and distinct facility from existing or proposed facilities. For the purposes of determining whether a facility is separate and distinct, a facility shall be considered one, despite the number of applications, owners or construction phases, if three or more of the following apply:

(A) The facility is located on one or more adjacent parcels of land or parcels;

(B) The facility shares supporting facilities such as operation centers, operation and maintenance facilities, service and storage facilities, other related or supporting facilities, access roads, substations except those substations owned by third party utility companies, water or discharge lines perimeter fencing, storage or parking areas; perimeter fencing, storage or parking areas;

(C) The facility has been recognized as a single facility by a federal, state, county, city or local authority including, but not limited to siting council, state or local boards or commissions;

(D) The facility has obtained or made application for siting or land use approval and other applicable permits, licenses or site certificates as a single facility or on a single application;

(E) When the facility is designed to generate energy, the construction of the facility is performed under the same contract with a general contractor licensed under ORS 701 or multiple contracts entered into within one year of each other with one or more general contractors licensed under ORS 701. If facilities will be completed in phases over time, the applicant must demonstrate that each of the phases of the facility would independently qualify as an eligible facility and that each phase of the facility are not interdependent in purpose or the manner in which they will be owned, financed, constructed, operated, or maintained or the facilities or phases of the facility will be considered as one facility for the purposes of these rules.

(F) The facility owners obtain or share one or more sources of financing, revenue, grants and other financial resources for the development, construction, operation and maintenance of the facility and associated equipment;

ADMINISTRATIVE RULES

(G) The facility owners have entered into or anticipate entering into agreements to share project expenses, personnel, capital investments including generating equipment or other resources related to the facility;

(H) The generating equipment for the facility and the related facility was purchased by the same person or persons who own or operate the facility or have taken action under any of the above factors;

(I) A facility is connected to the grid through a single connection or multiple connections when there is a shared net metering, power purchase or other applicable transmission agreement; or

(J) Other factors or considerations which demonstrate that the facility is not a separate and distinct facility based on its construction, operation, maintenance and output.

(c) Anticipated capital expenditures and other costs as defined in these rules for the erection, construction, installation or acquisition of the proposed facility, its expected operational life, and its simple payback as defined in ORS Chapter 469 and these rules.

(d) Information demonstrating anticipated substantial energy savings or a description of products that will result from the facility and how those products will result in substantial energy savings.

(e) For a proposed renewable energy resource facility, proof the resource level is adequate for a feasible facility. Such proof includes data listed in (i) through (vii). Other data may be used if the listed data can not be obtained at a reasonable cost, such as for RD&D facilities.

(A) For a solar energy facility: A sun chart and solar insolation data for the site.

(B) For a wind energy facility:

(i) The average monthly wind speed for 12 consecutive months at the proposed site. Measure wind speed at or as close as practically feasible to the hub height of a horizontal axis wind machine; or, the equator of a vertical axis wind machine; or

(ii) Measure wind speed at two heights for 12 consecutive months, the lowest one at least 10 meters above ground and estimate the wind speed at hub or equator height; or

(iii) In the event of less than one year's measurements at the proposed site, include the months of on-site measurements and supplement these data with estimated average monthly wind speeds at or near the proposed site to complete the 12 consecutive month data set. Such estimated data should be obtained from a nationally recognized firm that provides estimated wind resource data based on advanced national wind mapping technology; or

(iv) The estimated average monthly wind speed for 12 consecutive months at or near the proposed site obtained from a nationally recognized firm that provides estimated wind resource data based on advanced national wind mapping technology.

(v) In the event that estimated wind resource data are used as described under section (3) and (4) above, the project owner shall provide to ODOE not later than 14 months after the start-up date, one year of actual monthly energy production data and, if available, actual monthly average wind speed data at wind energy facility's site.

(vi) Proposed equipment must meet the following:

(I) Each proposed model of the system must demonstrate reliable operation of that model of equipment and show monthly data of average energy produced (kWh) and average wind speed for one consecutive year at a site with average annual wind speeds of at least 12 mph; or

(II) Proof that the proposed wind system model is listed on the official list of Qualified Wind Generators published by the Energy Trust of Oregon, the California Energy Commission, or the New York State Energy Research and Development Authority (NYSERDA) in effect on November 3, 2009; or

(III) The proposed manufacturer's power curve, the estimated annual energy production based on the site's wind speed data, and the manufacturer's performance guarantees (on-line availability and power curve).

(vii) The Oregon Department of Energy reserves the right to deny eligibility for any wind system for any reason including, but not limited to: poor generator performance, concerns about wind generation system design or quality of data presented, lack of manufacturing support for maintenance, warranties, etc., and insufficient experience with generation.

(C) For a geothermal energy facility (except a heat pump system): A plot of well temperature versus time at the design flow rate at steady state temperature.

(D) For a water power facility: One year of real or predicted average monthly stream flows. If flows are predicted, describe how.

(E) For a biomass energy facility: Data that show the resource is available in an amount that meets the facility's energy needs.

(F) For a waste heat recovery facility: A table showing how much waste heat is available and from what sources.

(G) For wood-fired boilers or furnaces with heat output capacities of less than 2 million British Thermal Units per Hour: Certification that they produce particle emissions equal to or less than 2.5 grams per hour for catalytic stoves and 4.5 grams per hour for noncatalytic stoves by an independent wood stove laboratory currently certified by the United States Environmental Protection Agency (US EPA).

(f) The payment required by OAR 330-090-0150(3).

(g) For proposed alternative fuel vehicle facilities: proof that the proposed vehicle or conversion equipment is on DEQ's approved list in effect on December 1, 2007, the current exhaust emissions, the expected emission reductions, the expected annual energy and/or cost savings (if any).

(h) For proposed alternative fuel vehicle facilities: the proposed number of vehicles to be converted or new vehicles purchased, the expected annual fuel savings, the type of alternative fuel used, and the expected annual amount of alternative fuel used.

(i) For proposed alternative fuel fueling station facilities: a description of proposed fueling systems, the estimated number of alternative fuel vehicles that will use the proposed station, the type of alternative fuel that will be dispensed, and the expected annual amount that will be dispensed.

(j) For proposed transportation facilities: required documentation for each category specified by OAR 330-090-0110 (68) (a through n).

(k) For a proposed waste-to-energy renewable energy resource facility that meets the definition of waste stream includes the anticipated percentage of waste stream product to be recovered and a remediation plan for anticipated emissions and byproducts.

(l) For a proposed renewable energy resource equipment manufacturing facility:

(A) The applicant shall demonstrate that they can meet ORS 469.197(4)(c) through (f) by:

(i) Describing the minimum level of direct employment that will be provided by the facility during each of the tax years in which the tax credit will be claimed and by describing the anticipated average annual direct employment during each of those years, including the number of average hourly and annual wages of employees by employment classifications by geographic location. The applicant must also describe actions it will take to achieve cultural diversity in its work force.

(ii) Demonstrating its financial ability to construct and operate the proposed facility through documentation such as independent credit ratings; credit references, including letters from banks or other financial institutions attesting to the applicant's credit worthiness; and other documentation demonstrating the applicant's financial viability.

(iii) Demonstrating that the facility will achieve long-term success by documenting the qualifications, capabilities and experience of the applicant in the construction and operation of such facilities, the long-term commercial and technical viability of the renewable energy resources manufacturing equipment and the renewable energy resource facilities for which the equipment is produced.

(iv) Certifying that allowance of the tax credit is integral to the decision to expand or locate the facility in Oregon.

(v) Before the Director will approve a final certification for a renewable energy resource equipment manufacturing facility, the Department may require the applicant to enter into a performance agreement or other similar agreement for the facility. Failure to comply with the terms of the performance agreement or other similar agreement may be the basis for denial or revocation of the final certification pursuant to OAR 330-090-0133.

(B) Any other information necessary to find that a proposed facility complies with ORS 469.185 to 469.225 and these rules.

(C) In considering such applications, the Director may consult with other state agencies.

(D) The Director must find that:

(i) The applicant has demonstrated that it has a reasonable likelihood of achieving the minimum level of employment proposed and that such employment will contribute to public benefit, based on the number of average hourly and annual wages of employees including benefits by employment classifications by geographic location, and actions to achieve cultural diversity in its workforce.

(ii) The applicant has a reasonable likelihood of being financially viable based on its credit ratings and references from banks and financial institutions attesting to its credit worthiness.

(iii) The applicant has the organizational expertise as demonstrated by qualifications and experience to construct and operate the proposed facility.

(iv) The renewable energy resource equipment and the renewable energy resource facilities for which the equipment is produced have the

ADMINISTRATIVE RULES

commercial and technical viability to have a reasonable likelihood to achieve long-term success.

(v) The facility will contribute to a diversified portfolio of renewable energy resource equipment manufacturing facilities.

(vi) The applicant has certified that allowance of the tax credit is integral to the decision to expand or locate in Oregon.

(4) Standards When Reconstructing a Facility: If a facility is reconstructed and a preliminary certification is filed for a tax credit on the reconstructed facility, the tax credit for the reconstructed facility may be reduced by the amount of the original tax credit remaining for the original facility.

(5)(a) Eligible Costs of a Renewable Energy Resource Equipment Manufacturing Facility: A BETC may be granted based on the eligible costs of a facility that is used to manufacture equipment, machinery or other products that will be used exclusively for renewable energy resource facilities.

(b) Subject to the facility cost limitations of OAR 330-090-0150 (1)(a)(C) and the provisions of OAR 330-090-0120 (5), eligible costs for a renewable energy resource equipment manufacturing facility include any land purchase costs, structures, buildings, installations, excavations, machinery, equipment or devices, or any addition, reconstruction or improvements to land or existing structures, buildings, installations, excavations, machinery, equipment or devices, necessarily acquired, constructed or installed by a person in connection with the conduct of a trade or business, that is used to manufacture the equipment, machinery or other products that will be used exclusively for renewable energy resource facilities.

(A) Eligible costs do not include any costs of any land purchase costs, structures, buildings, installations, excavations, machinery, equipment or devices, or any addition, reconstruction or improvements to land or existing structures, buildings, installations, excavations, machinery, equipment or devices that have been subject in whole or in part to the facility cost limitation of OAR 330-090-0150 (1)(a)(A) if such costs would exceed that cost limitation.

(B) Eligible costs do not include costs of a facility that is used to manufacture equipment, machinery or other products not used exclusively for renewable energy resource facilities.

(C) An application for a renewable energy resource equipment manufacturing facility must demonstrate compliance with these provisions to be accepted, including clearly describing the specific characteristics of the equipment, machinery or other products that demonstrate why such equipment, machinery or other products will be used exclusively for renewable energy resource facilities and not for other commercial purposes and therefore why the costs of such of such equipment, machinery or other products are eligible costs.

(6) If the Department determines that the applicant qualifies for a BETC, the Department may issue a preliminary certification. The preliminary certification may contain specific criteria and conditions for the facility to meet in order to obtain a final certification based on the information provided in the application for the BETC and type of facility that is described in the application. In addition, the Department may require the applicant to enter a performance agreement or other similar agreement as a condition of approval.

Stat. Auth.: ORS 469.040 & 469.165

Stats. Implemented: ORS 469.185 - 469.225

Hist.: DOE 7-1985, f. 12-31-85, ef. 1-1-86; DOE 4-1991, f. & cert. ef. 12-3-91; DOE 2-1993, f. & cert. ef. 1-28-93; DOE 5-1993, f. & cert. ef. 12-14-93; DOE 2-1995, f. 12-12-95, cert. ef. 12-15-95; DOE 3-1996, f. & cert. ef. 11-27-96; DOE 2-1997, f. 12-15-97, cert. ef. 1-1-98; DOE 4-1998, f. 12-14-98, cert. ef. 12-15-98; DOE 2-1999, f. 12-22-99, cert. ef. 1-1-00; DOE 1-2001, f. 10-5-01, cert. ef. 10-8-01; DOE 2-2004, f. & cert. ef. 1-21-04; DOE 3-2004, f. & cert. ef. 7-1-04; DOE 1-2005, f. 12-30-05, cert. ef. 1-1-06; DOE 3-2007, f. 11-30-07, cert. ef. 12-1-07; DOE 3-2008, f. & cert. ef. 3-21-08; DOE 4-2008, f. 6-19-08, cert. ef. 6-20-08; DOE 2-2009(Temp), f. & cert. ef. 11-3-09 thru 5-1-10

330-090-0130

How ODOE Processes a BETC Application

(1) General:

(a) The Director reviews a BETC application in two stages. The first stage is called preliminary certification. The second stage is called final certification. The final certification consists of the determination of eligible costs for purposes of the tax credit and the issuance of the BETC certificate.

(b) To begin the review process for each stage, or to change the facility during the review process, an applicant must submit an application on the form approved by the Department.

(c) A facility owner planning to use a Pass-through Partner will complete and file the Pass-through Option application form as provided in OAR 330-090-0130(9).

(d) The Director may impose conditions in approving a preliminary or final certification that the facility must operate in accordance with the representations made by the applicant, and is in accordance with the provi-

sions of ORS 469.185 to 469.225 and any applicable rules or standards adopted by the Director.

(2) Preapproval of Preliminary Certifications: The Director has preapproved preliminary certifications for the following facilities that ODOE has reviewed and determined to be otherwise qualified under these rules.

(a) Alternate energy devices qualifying for a tax credit under the Residential Energy Tax Credit Program, OAR 330-070-0010 through 330-070-0097, for which ODOE has determined qualified costs, energy savings, and eligible tax credits. A facility owner may file for a preliminary certification to present documentation supporting different determinations for review and approval.

(b) Pre-qualified hybrid-electric vehicles.

(c) Facilities that have qualified for a tax credit based on review of a cooperative agreement organization, subject to the terms and conditions of the agreement.

(3) Preliminary Certification Review Process: Except as provided in OAR 330-090-0130(2), a completed application for preliminary certification shall be received by ODOE on or prior to the erection, construction, installation or acquisition of a facility.

(a) Within 60 days after an application for preliminary certification is received, the Director will decide if it is complete. An application is incomplete if it does not include information needed to demonstrate substantive compliance with the provisions of ORS 469.185 to 469.225 and any applicable rules or standards adopted by the Director. The Director will provide the applicant a written notice relating to the incomplete application and the information needed to make the application complete. If no action is taken within 60 days by the applicant, the application will expire.

(b) Within 120 days after a completed application is submitted, the Director will notify the applicant of the status of the application, except as otherwise provided in subsection (5), if the applicant has not been notified otherwise that the application has been approved or denied.

(A) If it complies, the Director will approve the preliminary certification. The preliminary certification will state the amount of the tax credit approved. It may differ from the amount requested for reasons explained in the preliminary certification and based on these rules. Also, it will state any conditions that must be met before development, final certification, or some other event can occur. The Director will explain why each condition is needed to comply with these rules.

(B) If it does not comply, the Director will deny the application. No later than 60 days after the Director issues an order denying the application, the applicant may request reconsideration as provided in OAR 330-090-0133(4).

(C) An applicant can re-submit an application that is denied if features of the facility change, the applicant provides data the absence of which resulted in the denial, or other changes warrant. An application for preliminary certification can be amended or withdrawn by the applicant before the Director issues a final certification. If an application is amended, the time within which review occurs starts over. An applicant may request reconsideration of an application denial under this rule.

(4) Renewable Energy Resource Equipment Manufacturing Facility: If under the provisions of ORS 469.200(2), the Director intends to certify less than the total or no amount of eligible costs of a renewable energy resource equipment manufacturing facility, the Director will notify the applicant in writing of that intent before approving the preliminary certification. The applicant will have 30 calendar days from the date notification was issued to inform the Director in writing whether it wishes to withdraw the application or suspend further consideration of the application until a future date specified or submit additional information in support of the application. If the Director has not received notification or additional information in support of the application within that period of time, the Director may certify less than the total or no amount of eligible costs of the renewable energy resource equipment manufacturing facility. Once eligible costs are certified and a preliminary certification is issued under this section, the certified eligible costs may be revised if conditions under ORS 469.200(2) change or upon notification from the applicant or other information indicating that the scope of the project or the energy facility has changed in such a way to impact the preliminary certificate.

(5) Preliminary Certification After Start of a Facility:

(a) If a facility has been started an applicant may file a written request with the Director for approval of preliminary certification after facility start. Such a request must contain information in accord with OAR 330-090-0120 and OAR 330-090-0130(5)(c).

(b) The Director may approve preliminary certification after facility start if:

ADMINISTRATIVE RULES

(A) The request is in accord with OAR 330-090-0120;

(B) Special circumstances make application for preliminary certification before facility start up impracticable. Such circumstances include process delays beyond the applicant's control, facility funding and energy supplies or markets; and

(C) The Director receives the waiver request within 90 days of facility start date. Under extraordinary circumstances the Director may extend the waiver period provided the facility serves the aims of the program.

(D) Failing to submit an application for preliminary certification before signing contracts for the facility does not constitute special circumstances supporting a waiver.

(6) How Preliminary Certification Can be Revoked: The Director may revoke a preliminary certification for a reason listed in subsection (a) through (c) of this section

(a) A facility, other than a renewable energy resource equipment manufacturing facility, is not started before 1,095 days (3 years) after either the application for preliminary certification was received or an amendment of the preliminary certification was approved. A renewable energy equipment manufacturing facility is not started before 1,825 days (5 years) after either the application for preliminary certification was received or an amendment of the preliminary certification was approved.

(b) Permits, waivers, and licenses required by OAR 330-090-0120 are not filed with ODOE before facility development starts.

(c) The facility undergoes changes without the changes being approved under OAR 330-090-0130(7).

(7) Amendments to Preliminary Certifications: To change a facility that has a preliminary certification and amend the preliminary certification, the applicant must file a written request with the Director prior to project completion.

(a) The request must describe the change to the facility and reasons for the change. It may include changes in cost, tax credit amount, facility design, and materials. The change may also include changes in the amount of energy saved or produced, jobs created, project financing, the applicant, or other matters.

(b) Within 60 days after the applicant files the change request, the Director will decide if the facility as modified complies with these rules.

(A) If it complies, the Director may issue an amended preliminary certification which may contain new or amended criteria, conditions and requirements.

(B) If it does not comply, the Director will issue an order that denies the change and will provide written reasons for the denial. .

(8) If facility does not proceed: The applicant must inform the Director in writing if it does not proceed with the facility or proceeds without the tax credit. In that case, the Director will cancel the preliminary certification.

(9) Pass-through Option Process and Application:

(a) In addition to the application for preliminary certification, an applicant who plans to transfer the tax credit certificate to a Pass-through Partner must complete and file the Pass-through Option Application form supplied by ODOE.

(b) If the Pass-through Partner is not yet secured, the facility owner will complete that section of the application by inserting "Partner to be identified" and will submit an updated application when the Pass-through Partner is secured.

(c) The Department will not issue a final certificate to a pass-through partner until the facility owner provides evidence to ODOE that the owner has received the pass-through payment in full.

(10) Final Certification Review Process and Application: An application for final certification must be filed after the facility is completed as defined in these rules.

(a) An application for final certification must include:

(A) Evidence to demonstrate that:

(i) The facility complies with all conditions and criteria of the preliminary certification and with the provisions of ORS Chapter 469 and the rules adopted thereunder; and

(ii) The facility remains in compliance with local, state, and federal laws, including local land use laws and with any conditions imposed by the local government as a condition of land use approval.

(B) An account of the facility costs, including prorated costs.

(i) If facility costs are less than \$50,000, the account may be records of facility costs paid or incurred based on canceled checks, invoices, receipts, a binding contract or agreement, or other documentation as may be required by OAR 330-090-0110(17) unless required by the Director to supply verification from a certified public accountant, who is not otherwise employed by the facility owner or pass-through partner. If an applicant has

an outstanding binding contract or loan agreement, the applicant shall demonstrate that payments on contract or loan are not in default; or

(ii) If the facility costs are \$50,000 or more, a certified public accountant, who is not otherwise employed by the facility owner or pass-through partner, must complete a written review and summary of costs paid or incurred based on canceled checks, invoices, or receipts, a binding contract or agreement, or other documentation as may be required by OAR 330-090-0110(17). If an applicant has an outstanding binding contract or loan agreement, the certified public accountant shall include sufficient information to demonstrate that accounts directly related to the facility are not in default; or

(C) For a Sustainable Building Practices Facility, a copy of the facility U.S. Green Building Council (USGBC) Rating Certificate, USGBC Final LEED™ Review, Energy Performance Documentation, Narrative for Energy and Atmosphere Credit 1, Annual Solar Income as described in the BETC Technical Requirements and method of calculation will be accepted in lieu of facility cost receipts.

(D) Proof the facility is completed and operating.

(E) If the facility is leased, a copy of the lease.

(F) For Alternative Fuel Vehicle facilities, proof of conversion must include a copy of vehicle emission test performance results from DEQ or a conversion shop.

(G) Documentation that the applicant and facility owner or owners are current on their property taxes where the facility is located if appropriate; and

(H) Other data the Director finds are needed to assure a facility complies with these rules and conditions imposed in the preliminary certificate;

(I) The names of the person or persons who are to be issued the final certificate. If the final certificate is to be issued to a pass-through partner, the Department will not issue the certificate until the appropriate criteria, conditions and requirement of the precertification and the final certification and these rules are satisfied.

Stat. Auth.: ORS 469.040 & 469.165

Stats. Implemented: ORS 469.185 - 469.225

Hist.: DOE 7-1985, f. 12-31-85, ef. 1-1-86; DOE 3-1989, f. 12-28-89, cert. ef. 1-1-90; DOE 4-1991, f. & cert. ef. 12-31-91; DOE 2-1992(Temp), f. 12-14-92, cert. ef. 12-15-92; DOE 2-1993, f. & cert. ef. 1-28-93; DOE 5-1993, f. & cert. ef. 12-14-93; DOE 2-1995, f. 12-12-95, cert. ef. 12-15-95; DOE 3-1996, f. & cert. ef. 11-27-96; DOE 2-1997, f. 12-15-97, cert. ef. 1-1-98; DOE 4-1998, f. 12-14-98, cert. ef. 12-15-98; DOE 2-1999, f. 12-22-99, cert. ef. 1-1-00; DOE 1-2001, f. 10-5-01, cert. ef. 10-8-01; DOE 2-2004, f. & cert. ef. 1-21-04; DOE 3-2004, f. & cert. ef. 7-1-04; DOE 1-2005, f. 12-30-05, cert. ef. 1-1-06; DOE 2-2006, f. 9-29-06, cert. ef. 10-1-06; DOE 3-2007, f. 11-30-07, cert. ef. 12-1-07; DOE 3-2008, f. & cert. ef. 3-21-08; DOE 4-2008, f. 6-19-08, cert. ef. 6-20-08; DOE 2-2009(Temp), f. & cert. ef. 11-3-09 thru 5-1-10

330-090-0133

How ODOE Processes a Final Application

(1) Processing the Final Certification

(a) Within 30 days after a final certification application is filed, the Director will determine whether the application is complete. An application is incomplete if it does not include information needed to demonstrate substantive compliance with the provisions of ORS 469.185 to 469.225 and any applicable rules or standards and preliminary certification conditions adopted by the Director. If it is not complete, the applicant will be provided written explanation describing deficiencies. If it is complete, the Director will process the application. Within 60 days after a completed final certification application is filed the director will either approve or deny the final certification.

(b) If the Director approves the application, the Director will issue final certification and issue a final authorization letter, which will state the amount of eligible costs and the amount of the tax credit approved. The final certification may contain additional criteria and conditions that must be met in order to retain tax credit benefits or the tax credit may be subject to revocation. If the facility fails to meet any of the criteria, conditions or requirements established in the final certification, the facility owner must notify the Department within 30 days.

(2) Basis for Revoking Tax Credit Benefits

(a) If the Director does not approve the application, the Director will provide written notice of the action, including a statement of the findings and reasons for the denial by regular and certified mail.

(b) A final certification application that is denied can be submitted again. A final certification application can be amended or withdrawn by the applicant. If an application is submitted again or amended, the time within which final certification review occurs starts over.

(c) If the Director does not issue a final certification within 60 days after an application is filed, the application is denied pursuant to ORS 469.215(4).

(d) The Director may deny the preliminary or final certificate if:

ADMINISTRATIVE RULES

(A) The applicant does not provide information about the facility in a reasonable time after the Director requests it;

(B) The facility is significantly different than the proposed facility for which the preliminary certification was issued;

(C) Misrepresentation or failure to construct or operate the facility;

(D) The facility is unable to demonstrate that the facility is economically viable without the receipt of BETC;

(E) The applicant fails to demonstrate that the facility described in the application is separate and distinct from previous or current applications reviewed by the Department;

(F) The facility does not meet all of the conditions and requirements contained in the preliminary certificate; or

(G) The applicant is unable to demonstrate that the facility complies with all applicable provisions of ORS Chapter 469 and the rules adopted thereunder.

(e) The Director may revoke certificates as provided in ORS 469.225 and ORS 315.354(5). For the purposes of this section, "fraud or misrepresentation" means any misrepresentation made by an applicant for a preliminary or final certification, including but not limited to, misrepresentations as to the applicant's financial viability, facility construction and operation, or any other information provided as part of an application for a preliminary or final certification.

(f) After the Director issues a final certificate, an applicant must notify the director in writing of any of the following conditions:

(A) The facility has been moved;

(B) Title to the facility has been conveyed;

(C) The facility is subject or part of a bankruptcy proceeding;

(D) The facility is not operating; or

(E) The term of a leased facility has ended.

(g) Pursuant to ORS 469.225, upon receiving information that a BETC certification was obtained by fraud or misrepresentation, or that the facility has not been constructed or operated in compliance with the requirements in the certificate, the Director will revoke the certificate for the facility.

(h) A revocation of the final certification or portion of a certification due to fraud or misrepresentation results in the loss of all prior and future tax credits in connection with that facility. Except that a certificate or portion of a certificate that has been transferred to a Pass-through partner under ORS 469.206 is not considered revoked.

(i) For a facility other than a renewable energy resource equipment manufacturing facility, the revocation of a certificate due to failure to construct or operate the facility in compliance with the certificate results in the loss of any tax credits not yet claimed by the facility owner. Except that a certificate that has been transferred to a Pass-through partner under ORS 469.206 is not considered revoked.

(j) For a renewable energy resource equipment manufacturing facility, revocation of the certificate due to misrepresentation, fraud or failure to construct or operate the facility in compliance with the certificate results in the loss of all prior and future tax credits. If all or a part of the tax credit certificate has been transferred to a Pass-through partner under ORS 469.206, the certificate is not considered revoked, but the facility owner is liable for the amount of tax credits claimed or that could be claimed.

(3) Sale or Disposition of the Facility After Final Certification:

(a) Pursuant to ORS 315.354(5), upon receiving notice that the facility has been sold or otherwise transferred, the Director will revoke the final certificate, as provided in OAR 330-090-0110 (29) as of the date of the disposition of the facility, unless the BETC for the facility has already been transferred under ORS 468.206.

(b) The new owner or new or renewed lessee of a facility may apply for a final certificate. The request must comply with OAR 330-090-0130(9) and include information to allow the Director to determine the amount of tax credit not claimed by the former owner or former lessor or lessors. If the facility continues to comply with the requirements set out in these rules and any applicable conditions imposed by the Director, the Director will issue a new final certification consistent with the provisions of ORS 315.354(5).

(4) Request for Reconsideration: No later than 60 days after the Director issues an order on a preliminary certification or an amendment to a preliminary certification under OAR 330-090-0130(3) and (6), final certification under OAR 330-090-0133, or canceling or revoking a final certificate under section OAR 330-090-0133(7), the applicant or certificate holder may request reconsideration in writing.

(5) Inspections: After an application is filed or a tax credit is claimed under these rules, ODOE may inspect the facility. ODOE will schedule the inspection during normal working hours, following reasonable notice to the facility operator.

Stat. Auth.: ORS 469.040 & 469.165

Stats. Implemented: ORS 469.185 - 469.225

Hist.: DOE 2-2009(Temp), f. & cert. ef. 11-3-09 thru 5-1-10

330-090-0135

Business Energy Tax Credit Sustainable Building Facility Rules

(1) To be eligible for a tax credit, Sustainable Building Practices Facilities must achieve a minimum rating of "Silver" using the LEED-NC, LEED-CS, or LEED-CI path of the U.S. Green Building Council's rating systems, listed in the BETC Technical Requirements, in effect as of the facility registration date. Facilities receiving a "Gold" or "Platinum" rating will be awarded proportionally larger tax credits, as calculated by ODOE. Sustainable Building Practices Facilities must also comply with all applicable BETC Technical Requirements.

(2) All Sustainable Building Practices Facilities must acquire a preliminary certification from ODOE in accordance with OAR 330-090-0130(3). For these facilities, the facility owner must submit a certified copy of the Facility Registration Certificate issued by the U.S. Green Building Council, before the completion of Design Development. If an owner elects not to continue the LEED™ rating program to completion and the issuance of a rating certificate, the owner must, within 30 days, so notify ODOE in writing, and provide a statement of intent to apply for a tax credit as an energy facility, if desired. Within 60 days of the statement of such intent, the owner must submit a preliminary certification application in accordance with OAR 330-090-0130(3).

(3) ODOE may, at its discretion, convert a preliminary certification for an Energy Facility to a preliminary certification as a Sustainable Building Practices Facility, or accept a statement of intent to register as a Sustainable Building Practices Facility, provided that a certified copy of the U.S. Green Building Council facility registration certificate is provided to ODOE within 30 days of the new preliminary certification date.

Stat. Auth.: ORS 469.040 & 469.165

Stats. Implemented: ORS 469.185 - 469.225

Hist.: DOE 1-2001, f. 10-5-01, cert. ef. 10-8-01; DOE 2-2004, f. & cert. ef. 1-21-04; DOE 3-2004, f. & cert. ef. 7-1-04; DOE 3-2007, f. 11-30-07, cert. ef. 12-1-07; DOE 2-2009(Temp), f. & cert. ef. 11-3-09 thru 5-1-10

330-090-0140

Pass-through Option Facilities

(1) Accepting a Business Energy Tax Credit Certificate in Return for a Cash Payment Equivalent to Net Present Value of the Tax Credit.

(a) A Pass-through Partner may accept a Business Energy Tax Credit certificate on behalf of an applicant with a facility that is otherwise eligible for the tax credit in return for a cash payment equivalent to the net present value of the tax credit.

(b) Net Present Value: The minimum tax credit required to be passed through, known as the net present value, to an otherwise eligible applicant who purchases and owns a qualified facility. The net present value is applied to the final certified cost of the facility to determine the amount of the pass-through payment.

(A) The net present value will be determined and published at least each year and may be periodically revised by the Director.

(B) The Director may establish different net present value amounts for facilities with final certifications of more than \$20,000 and for facilities with final certifications of \$20,000 or less.

(i) 50% BETC more than \$20,000 in eligible costs – 33.5% pass-through rate

(ii) 50% BETC \$20,000 or less in eligible costs – 43.5% pass-through rate

(iii) 35% BETC more than \$20,000 in eligible costs – 25.5% pass-through rate

(iv) 35% BETC \$20,000 or less in eligible costs – 30.5 % pass-through rate

(v) Homebuilder Installed Renewable Energy Facility or High Performance Home tax credits – 87% of tax credit amount

(C) In making a determination of the pass-through amounts, the Director may consider the inflation rates, opportunity costs, and tax consequences among other factors.

(D) The net present value for the facility is the amount in effect when ODOE receives the pass-through option agreement declaring a pass-through partner, without regard to when the final certification is issued.

(2) An Investor-Owned Utility May Choose to Become a Utility Pass-Through Partner under the Provisions of this Section or Participate as a Pass-Through Partner under Other Provisions of These Rules that Would Apply to Any Other Pass-Through Partner.

(a) An investor-owned utility (IOU) that complies with this section may choose to become a Utility Pass-Through Partner.

(b) Preliminary certification standards and process:

ADMINISTRATIVE RULES

(A) The application for preliminary certification must include an estimate of the total installation cost of the qualifying measures for which the applicant expects to make payments under OAR 330-090-0140(2) for that year.

(B) Within 60 days after an application for preliminary certification of the pass-through is filed, the Director shall decide if it is complete. If it is not complete, the application will be rejected and returned to the applicant. The applicant may resubmit a complete application.

(C) Within 120 days after a completed application is filed, the Director shall notify the applicant of the status of the application, if the applicant has not been notified otherwise that the application has been approved or denied.

(D) The application for preliminary certification of the pass-through must include a supplemental work plan, which includes a copy, or reference to any proposed or required OPUC tariff and all evaluations of the program through which the pass-through will be delivered. The applicant and ODOE must mutually agree upon the work plan and program.

(c) Final certification standards and process: Final application for a pass-through tax credit must include a summary and total of each facility's owner, site address, facility description or type, number of dwelling units for multifamily facilities, total facility cost, energy savings, energy type saved and tax credit amount passed through. The applicant must retain records for each facility including all of the information required in 110-090-0130(4) of these rules.

(A) By the last working day of each month but not more than once per month, an applicant may apply to the Director for final certification. An application must contain:

(i) An itemized list of costs for each rental dwelling unit weatherized, premium efficient appliance, each alternative fuel vehicle, alternative fuel vehicle for company use, and alternative fuel fueling station, solar or other renewable resource and the total facility costs made that period for which the applicant is applying for credit.

(ii) The nominal value of credits for which the applicant applies.

(iii) The name, address, and phone number of the owner of each rental unit, alternative fuel vehicle, or alternative fuel fueling station listed in OAR 330-090-0140(2)(c)(A)(i).

(iv) Certification that each rental dwelling unit energy conservation measure (ECM) is defined in the BETC Technical Requirements as a measure that would qualify under or is a measure recommended in an energy audit completed under ORS 469.633(2).

(v) Certification that the ECMs paid for were installed and inspected in accordance with the IOU's appropriate allowed tariff(s).

(vi) Certification that the ECMs paid for were installed and inspected in accordance with the IOUs' Model Conservation Standards tariff or equivalent program as approved by ODOE.

(vii) If the facility costs are \$50,000 or more or if required by the Director, a written review and summary completed by a certified public accountant, who is not otherwise employed by the facility owner or pass-through partner, of costs paid based on canceled checks, invoices, receipts, a binding contract or agreement, or other documentation as may be required by OAR 330-090-0110(17).

(viii) If a contractor installed fueling station: the name, address, and phone number of the contractor as defined under OAR 330-090-0130(3) of this rule and the site at which the fueling station is installed.

(ix) The last final certification application filed each year must include complete evaluation(s) as defined in the applicant approved preliminary certification(s).

(B) Within 30 days after a final certification application is filed, the Director will approve or deny final certification, with reasons for the action. The Director will deny the final certification if the applicant has not complied with the requirements of this rule. No later than 60 days after the Director issues an order denying the final certification, the applicant may request reconsideration as provided in OAR 330-090-0133(4). The Director will approve final certification if:

(i) The applicant provides the owners of existing rental dwelling units listed in OAR 330-090-0140(2)(c)(A)(i) with:

(I) A low-interest loan, as defined by these rules, up to \$5,000 per dwelling unit for ECMs included in OAR 330-090-0140(2)(c)(A)(iv); or

(II) A cash payment for ECMs included in OAR 330-090-0140(2)(c)(A)(iv). The payment will be the lesser of 25 percent of the cost-effective portion of the energy conservation measures, including installation (but not including the dwelling owner's own labor), not to exceed the cost of those measures; or \$350 per rental dwelling unit, plus the present value of the tax credit accrued the IOU may claim; or,

(III) Such other payments approved by the Director to pay for ECMs in rental dwellings. This includes a payment for the present value of the tax credit that exceeds the amount of the low-interest loan. This payment will apply first to reduce the amount of the loan with the balance paid to the owner of the rental dwelling unit.

(ii) The amount of the credit is the sum of payments and loans listed in OAR 330-090-0140(2)(c)(A)(i) for ECMs that were installed and inspected.

Stat. Auth.: ORS 469.040 & 469.165

Stats. Implemented: ORS 469.185 - 469.225

Hist.: DOE 7-1985, f. 12-31-85, ef. 1-1-86; DOE 3-1989, f. 12-28-89, cert. ef. 1-1-90; DOE 3-1990, f. & cert. ef. 9-20-90; DOE 4-1991, f. & cert. ef. 12-31-91; DOE 2-1993, f. & cert. ef. 1-28-93; DOE 5-1993, f. & cert. ef. 12-14-93; DOE 2-1995, f. 12-12-95, cert. ef. 12-15-95; DOE 3-1996, f. & cert. ef. 11-27-96; DOE 2-1997, f. 12-15-97, cert. ef. 1-1-98; DOE 4-1998, f. 12-14-98, cert. ef. 12-15-98; DOE 2-1999, f. 12-22-99, cert. ef. 1-1-00; DOE 1-2001, f. 10-5-01, cert. ef. 10-8-01; DOE 2-2004, f. & cert. ef. 1-21-04; DOE 3-2004, f. & cert. ef. 7-1-04; DOE 3-2007, f. 11-30-07, cert. ef. 12-1-07; DOE 3-2008, f. & cert. ef. 3-21-08; DOE 2-2009(Temp), f. & cert. ef. 11-3-09 thru 5-1-10

330-090-0150

Budget Limits and Payments for BETC

(1) Amount of Credits Allowed for a Facility:

(a) During any calendar year, a BETC preliminary certification will not be issued for more than:

(A) \$20 million in maximum eligible facility costs for a renewable energy resource facility or high efficiency combined heat and power facility;

(B) \$10 million in maximum eligible facility costs for any other facility, not including homebuilder-installed renewable energy facility and high performance home Business Energy Tax Credits subject to subsection (b).

(C) \$40 million in maximum eligible facility costs for a renewable energy resource equipment manufacturing facility.

(b) A final certification for a Business Energy Tax Credit will not be issued for more than 50 percent of the cost not to exceed \$9,000 for a homebuilder-installed renewable energy facility or \$12,000 if the facility also constitutes a high performance home.

(2) Return of Review Charge for Returned Incomplete Applications: If under OAR 330-090-0130, ODOE does not accept and returns an incomplete application for preliminary certification, ODOE will also return the review charge submitted by the applicant.

(3) Cost of Reviews: ORS 469.217 requires applicants to pay all costs for the review of their applications. In order to meet this statutory requirement ODOE has established the following schedule for payments to accompany an application.

(a) Included with each application for preliminary certification must be a payment payable to ODOE, except for facilities qualifying under OAR 330-090-0130(2), for which a charge must be paid with the application for final certification. For all facilities except Sustainable Building Facilities, renewable energy resource equipment manufacturing facilities or facilities qualifying under OAR 330-090-0130(2), the payment will be 0.0060 multiplied by the facility eligible cost requested in the preliminary certification application, or a request to amend a preliminary certification, or \$30 whichever is greater. The maximum payment amount is \$35,000. The 0.0060 payment rate up to \$35,000 will be applied to all facilities with eligible costs of \$1 million and more that were received on or after January 1, 2007. For facilities with eligible costs of less than \$1 million, the 0.0060 payment rate up to \$35,000 will be applied to applications received on or after December 1, 2007. For renewable energy resource equipment manufacturing facility applications received on or after January 1, 2007, but before the effective date of these rules, the payment will be 0.0060 multiplied by the facility eligible costs requested in the preliminary certification application, or a request to amend the preliminary certification, not to exceed a payment amount of \$35,000. For renewable energy resource equipment manufacturing facility applications received on or after the effective date of these rules, the payment will be 0.0060 multiplied by the facility eligible cost requested in the preliminary certification application, or a request to amend a preliminary certification, not to exceed a payment amount of \$75,000. For Sustainable Building Facilities, the payment will be 0.0035 multiplied by the eligible cost calculated as required under these rules and as reported in the preliminary certification application, or a request to amend a preliminary certification. For facilities that qualify under OAR 330-090-0130(2), the payment will be 0.0035 multiplied by the eligible cost as requested in the final certification application.

(b) A refund of up to 75 percent of this payment may be granted up to 730 days (2 years) from the date the preliminary certification was approved by ODOE. Under no circumstances will an amount over 75 percent be refunded. Only refunds that are \$10 or greater will be issued.

ADMINISTRATIVE RULES

Amounts under \$10 will not be refunded. Conditions for which a refund may be granted are:

(A) Denial of an application for preliminary certification or for facilities that qualify under OAR 330-090-0130(2) of final certification; or

(B) Denial of a portion of costs requested in an application for preliminary certification or for facilities that qualify under OAR 330-090-0130(2) of final certification; or,

(C) A request to amend a preliminary certification resulting in decreased eligible costs. A refund will not be granted for any costs that are included in a pending certification.

(c) If a request to amend a preliminary certification results in facility re-certification with increased eligible cost then additional application payments will be paid for the additional cost as specified in (2)(a) of this rule.

(d) No facilities will be exempt from these requirements including applications for BETC pass-through under OAR 330-090-0140.

(e) The payment is a required part of a completed preliminary certification application per OAR 330-090-0130(4)(j), except for facilities that qualify under OAR 330-090-0130(2). Preliminary certifications will only be issued if the application is complete. In addition, the applicant may be required to pay for costs incurred in connection with the application that exceed these payments and which the Director of ODOE determines are incurred solely in connection with processing the application. The applicant will be advised of any additional costs the applicant must pay before the costs are incurred.

Stat. Auth.: ORS 469.040 & 469.165

Stats. Implemented: ORS 469.185 - 469.225

Hist.: DOE 7-1985, f. 12-31-85, ef. 1-1-86; DOE 3-1986, f. & ef. 8-29-86; DOE 3-1989, f. 12-28-89, cert. ef. 1-1-90; DOE 4-1991, f. & cert. ef. 12-31-91; DOE 2-1992(Temp), f. 12-14-92, cert. ef. 12-15-92; DOE 2-1993, f. & cert. ef. 1-28-93; DOE 5-1993, f. & cert. ef. 12-14-93; DOE 2-1995, f. 12-12-95, cert. ef. 12-15-95; DOE 3-1996, f. & cert. ef. 11-27-96; DOE 2-1997, f. 12-15-97, cert. ef. 1-1-98; DOE 4-1998, f. 12-14-98, cert. ef. 12-15-98; DOE 2-1999, f. 12-22-99, cert. ef. 1-1-00; DOE 1-2001, f. 10-5-01, cert. ef. 10-8-01; DOE 2-2004, f. & cert. ef. 1-21-04; DOE 3-2004, f. & cert. ef. 7-1-04; DOE 3-2007, f. 11-30-07, cert. ef. 12-1-07; DOE 3-2008, f. & cert. ef. 3-21-08; DOE 4-2008, f. 6-19-08, cert. ef. 6-20-08; DOE 2-2009(Temp), f. & cert. ef. 11-3-09 thru 5-1-10

Department of Environmental Quality Chapter 340

Rule Caption: Amend the Clean Water State Revolving Fund — Permanent Rules.

Adm. Order No.: DEQ 7-2009

Filed with Sec. of State: 10-28-2009

Certified to be Effective: 10-28-09

Notice Publication Date: 8-1-2009

Rules Adopted: 340-054-0098, 340-054-0100, 340-054-0102, 340-054-0104, 340-054-0106, 340-054-0108

Rules Amended: 340-054-0024, 340-054-0025, 340-054-0035

Subject: The American Recovery and Reinvestment Act of 2009 (the Act) allows the U.S. Environmental Protection Agency to allocate \$44.3 million to Oregon DEQ's Clean Water State Revolving Fund (CWSRF) to create jobs and promote economic recovery. To meet the requirements of the Act, the Environmental Quality Commission (EQC) adopted temporary amendments to DEQ's CWSRF loan program administrative rules in April 2009. By law, these temporary rules will expire in October 2009. The adoption of this permanent rulemaking ensures DEQ's program will meet the requirements of the Act.

Rules Coordinator: Larry McAllister—(503) 229-6412

340-054-0024

Design Loans and Construction Loans

The Department will administer design loans or construction loans to address point source or nonpoint source pollution. Applications may be submitted in response to the Department's annual solicitation or at anytime during the program year. The Department may require different application forms for point source projects and nonpoint source projects.

(1) General Requirements and Provisions. Applicants applying for CWSRF financing for design loans or construction loans must submit:

(a) A fully executed and complete application on a form provided by the Department;

(b) A completed Checklist of Exhibits and Requirements and associated documents;

(c) Evidence that the Applicant has the authority to undertake the project;

(d) Audited financial statements for the previous three years and the Applicant's current budget (unless waived by the Department in its discretion);

(e) All pertinent requirements listed in OAR 340-054-0035; and

(f) Any other information requested by the Department.

(2) Design Loans or Construction Loans. The Department will administer loans for activities that result in the design or construction of sewage facilities, nonpoint source control or estuary management projects. When approved by the Department, security measures intended to prevent intrusion or damage to such facilities or projects, or interruption of a facility or project's processes are eligible design or construction costs. Design loans or construction loans have the following terms and conditions:

(a) The maximum loan amount must be in accordance with OAR 340-054-0025(6);

(b) If not implementing a sponsorship option, the interest rate and corresponding loan terms for design or construction loans must be in accordance with OAR 340-054-0065(5)(f), or 340-054-0065(5)(g).

(c) The loan repayment period (as defined in the loan agreement) must begin on the outstanding principal and interest balance in accordance with OAR 340-054-0065(9); and

(d) The annual loan fee must be imposed on any unpaid balance in accordance with OAR 340-054-0065(7).

(3) Sponsorship Option for protection or restoration of water resources.

(a) A public agency (sponsoring community) may apply to the Department for a CWSRF loan to finance a sewage collection system or sewage treatment facility project combined with a water resource activity. Within this sponsorship option, the CWSRF program may fund both projects under a single CWSRF loan if the Department determines that the water resource activity meets program eligibility, funds are available, and the ranking of the sewage project allows its funding.

(b) The interest rate for the consolidated financing will be reduced whenever possible to a rate resulting in the semi-annual payment for the joint project being equal to the expected semi-annual payment with a traditional CWSRF loan for the sewage collection system or sewage treatment facility project only.

(c) A public agency that participates in this sponsorship option may either implement the water resource activity itself or may enter into a sponsorship agreement with an implementing partner who will implement the water resource activity. The sponsoring community remains responsible, however, for both the successful completion of the water resource activity and for the repayment of the CWSRF loan. The implementing partner will not be responsible for any repayment to the CWSRF program.

(d) All applicants for the sponsorship option must submit:

(A) A completed sponsorship application and project description using a form provided by the Department;

(B) Evidence that the sponsoring community and implementing partner (if an implementing partner is involved) have authority to undertake the water resource activity;

(C) An executed copy of the sponsorship agreement entered into with the implementing partner, if applicable; and

(D) Any other information requested by the Department.

(e) Financial terms of the sponsorship option will be as follows:

(A) The interest rate for the sponsorship option must be in accordance with OAR 340-054-0065(5)(h); and

(B) The requirements of OAR 340-054-0065 will be applicable to the sponsorship option except as specifically modified in this rule.

(f) The Department will determine the total amount of CWSRF funds to be allocated at the reduced interest rate through the sponsorship option in each program year.

Stat. Auth.: ORS 468.423 - 468.440

Stats. Implemented: ORS 468.429 & 468.439

Hist.: DEQ 10-2003, f. & cert. ef. 5-27-03; DEQ 1-2009(Temp), f. 4-27-09, cert. ef. 5-1-10 thru 10-27-09; DEQ 7-2009, f. & cert. ef. 10-28-09

340-054-0025

Application Process; Project Priority List; Intended Use Plan; Allocation of Funds

The Department will periodically, but not less than annually, develop and submit an Intended Use Plan (IUP) to EPA as described in section 606 of the CWA and 40 CFR § 35.3150. The IUP will describe the proposed uses of the CWSRF and will include a project priority list numerically ranking all eligible applications received. The Department will develop the IUP using the following processes in this rule.

(1) Notice: The Department will notify interested parties at least annually of the opportunity to submit applications. Interested parties

ADMINISTRATIVE RULES

include, but are not limited to, watershed councils, counties, soil and water conservation districts, special districts and all of the incorporated cities listed in the current edition of the Oregon Blue Book.

(2) Applications: For a project to be considered for the project priority list, an Applicant must submit a completed application; the application must address an imminent, actual or threatened water quality problem; and the project must be eligible for funding under OAR 340-054-0015.

(3) Timing: In addition to applications received in response to the solicitation for applications indicated in OAR 340-054-0025(1), the Department will accept applications at any time.

(4) Project Priority List Ranking:

(a) The Department will develop a project priority list by ranking all eligible proposed projects using the criteria in Table 1 of this rule. Projects will be numerically ranked based on the sum of the points awarded each proposed project. A maximum of one hundred (100) points is available for a proposed project.

(b) The Department will update the project priority list and the IUP at least every four months or upon receipt by the Department of five eligible applications, whichever timeframe is shorter. If no eligible applications are received during a four month period, the project priority list will not be updated.

TABLE 1

CWSRF Project Ranking Criteria

Category 1: Proposed Project's anticipated benefit for water quality or public health

1A — (0 or 8 points) — Project addresses water quality or public health issue within a "special status" water body

1B — (0-6 points) — Project addresses noncompliance with water quality standards, a public health issue or effluent limits related to surface waters

1C — (0-6 points) — Project addresses noncompliance with water quality standards or a public health issue related to groundwater

1D — (0-12 points) — Project ensures that a source already in compliance maintains that compliance.

1E — (0-8 points) — Project improves or sustains aquatic habitat supporting state or federally threatened or endangered species

1F — (0-12 points) — Project incorporates wastewater reuse or a water quality-related conservation process

1G — (0-7 points) — Project improves water quality by mitigating any of the following pollutants: temperature, dissolved oxygen, contaminated sediments, toxics on the EPA Priority Pollutants List, bacteria or nutrients

1H — (0-5 points) — Project supports the implementation of a Total Maximum Daily Load (TMDL) allocation or action plan for a Ground Water Management Area

1I — (0-6 points) — Project addresses a water quality or public health issue involving "Persistent Bioaccumulative Toxics" (PBT's)

Category 2: Potential water quality or public health consequences of not funding the proposed project

2A — (0-5 points) — If the proposed project is not implemented, water quality standards are likely to be exceeded or existing exceedances are likely to worsen

2B — (0-5 points) — If the proposed project is not implemented, the resulting impact is likely to cause a public health problem

2C — (0-5 points) — A unique opportunity to implement the proposed project currently exists due to timing, finances or other limitations that would not allow this project to be implemented in the future

Category 3: Other considerations

3A — (0-3 points) — Project has significant educational or outreach component

3B — (0-3 points) — Project demonstrates innovative technology which is transferable

3C — (0-3 points) — Project is a partnership with other group(s), incorporating self-help, financial or in-kind support

3D — (0-5 points) — Project incorporates monitoring, reporting or adaptive management

3E — (0 or 1 point) — Project addresses or includes risk management, safety or security measures

3F — (0-minus 5 points) — Applicant's past performance with previous Department loans or grants such as, but not limited to, failure to satisfy match requirements of a grant, failure to complete the project or failure to submit any other required deliverable in a timely manner.

(5) Draft Intended Use Plan, Public Notice and Review:

(a) The Department will update the IUP whenever changes are made to the PPL.

(b) With each update the Department will notify all applicants whose projects are included within the draft IUP of their ranking on the PPL.

(c) The Department will provide notice and an opportunity for the public to comment on proposed changes to the IUP, and will make the draft IUP available to the public.

(d) Except for revisions to the IUP resulting from applications for expedited loans, the Department will provide at least 30 days for public comments on the draft IUP. The Department will provide at least 5 days for comment on changes to the IUP resulting from new applications for expedited loans.

(e) During the comment period, any Applicant may request the Department to reevaluate a project's rank on the proposed project priority list or to make other changes to the IUP.

(f) The Department will consider all comments submitted during the comment period before finalizing the IUP.

(6) Allocation of Funds:

(a) During any Department program year (July 1 through June 30), no Borrower on the project priority list (including either loan increases or new project loans) may be allocated more than the greater of \$2.5 million or 15% of the total available funds as reported in the initial IUP for that program year. If CWSRF moneys are available after allocating this limit to each eligible Applicant, additional funds may be allocated above this limit.

(b) The Department will establish the following funding categories within the CWSRF: Expedited Loan Reserve, Small Community Reserve, Planning Reserve, and general fund. The Department will first allocate annual funds to the three reserves in accordance with the criteria in sections (6)(c)(A), (6)(c)(B) and (6)(c)(C). Funds not allocated to one of the reserves will be allocated to the CWSRF general fund.

(c) The Department will assign projects on the priority list to an appropriate reserve or to the CWSRF general fund. Requests for increases to existing loans will be awarded first. Increases will be awarded from the appropriate reserve or the general fund. Following any allocations for increases, the Department will award loans to projects within each reserve and the general fund for new projects as described in sections (6)(c)(A), (6)(c)(B), (6)(c)(C) and (6)(c)(D)

(A) Expedited Loans Reserve. A reserve of \$2 million will be established to fund expedited loans. The Director may increase the cap on this reserve. Individual urgent repair loans are limited to \$150,000. The maximum amount available for a single emergency loan is \$1.85 million. Emergency loans and urgent repair loans will be awarded in rank order. Unused funds still remaining in the expedited loan reserve on May 31 of the program year can be reallocated to the CWSRF general fund.

(B) Small Community Reserve. A maximum of 15% of the total CWSRF monies will be available in each program year for allocation to small community loans. Local community, design or construction projects eligible within this reserve will be awarded loans in rank order.

(i) Each project allocation from this reserve will be for not more than the greater of \$750,000 or 25% of the reserve, until all eligible small community requests have been allocated funds. If reserve funds still remain on March 1st of the program year, these remaining funds may be allocated to any unfunded portions of a small community loan request in the order the loan agreements were executed;

(ii) After reallocating as directed in OAR 340-054-0025(6)(c)(B)(i) above, any funds still remaining in the small community reserve can be moved to the CWSRF general fund.

(C) Planning Loan Reserve. A maximum of \$3 million of the total CWSRF will be available in each program year for allocation to planning loans. Projects will be selected from the project priority list in rank order for this reserve.

(i) Each individual allocation from the planning loan reserve will initially not exceed \$150,000. If reserve funds still remain on March 1st of the program year, these remaining funds may be reallocated to any unfunded portions of planning loan requests in the order the loan agreements were executed;

(ii) After reallocating as directed in OAR 340-054-0025(6)(c)(C)(i) above, any funds still remaining in the planning reserve can be moved to the CWSRF general fund.

(D) General Fund. All new design or construction project loans not funded from a reserve will be allocated from the general fund. Any remaining emergency or urgent repair, small community or planning projects not already allocated funds from their respective reserves, or allocated less than the total loan amount requested, may be awarded funding in rank order subject to available funds and the maximum loan amount for the program year.

(E) Loan Increases. Upon request, the Department may increase the funding for previously financed projects up to the maximum loan amount defined for each borrower in section (6)(a) of this rule. These loan increases may be offered by either providing an additional loan at the current interest rate or increasing the amount of the existing loan. Awards for loan increases will be awarded in rank order.

(7) Project Priority List Modification:

(a) The following conditions apply to projects on the project priority list.

(A) Ranked projects may remain on the project priority list for up to 36 months while pursuing funding. After 36 months, the Department will notify the Applicant in writing that the project is being removed from the list.

(B) Applicants whose projects are removed from the project priority list because they have exceeded the 36 month limit may resubmit their projects to the program for ranking and incorporation into the next update of the IUP.

ADMINISTRATIVE RULES

(C) The Department may provide one six-month extension to applicants requesting to remain on the list beyond the 36 month limit. Applicants requesting an extension must submit a progress report indicating the status of their effort in pursuing CWSRF financing and an updated time frame indicating when they expect to have completed all requirements necessary to be awarded funding.

(D) The Department may remove a project from the project priority list upon written notice to the applicant at any time the Department determines that the project does not meet eligibility requirements, the Borrower no longer requires CWSRF financing or the Applicant requests removal.

Stat. Auth.: ORS 468.423 - 468.440

Stats. Implemented: ORS 468.433 & 468.437

Hist.: DEQ 2-1989, f. & cert. ef. 3-10-89; DEQ 30-1990, f. & cert. ef. 8-1-90; DEQ 1-1993, f. & cert. ef. 1-22-93; DEQ 3-1995, f. & cert. ef. 1-23-95; DEQ 10-2003, f. & cert. ef. 5-27-03; DEQ 1-2009(Temp), f. 4-27-09, cert. ef. 5-1-09 thru 10-27-09; DEQ 7-2009, f. & cert. ef. 10-28-09

340-054-0035

Final Stage of Application Process for Design Loans or Construction Loans

The Department will administer loans for design or construction of both point source and nonpoint source projects.

(1) In addition to the loan application and items specified in OAR 340-054-0024(1), applicants applying for a CWSRF loan for a design or construction project must submit the following documents to be considered for loan approval:

(a) A planning document that the Department determines adequately documents the efficacy and appropriateness of the proposed project to remediate the identified water pollution control problem. For sewage collection systems or sewage treatment facilities, the planning document must meet the requirements of the Department's CWSRF Procedures Manual (February 1, 2008) and other planning guidance in effect at the time of submittal

(b) In accordance with OAR 340-018-0050, a Land Use Compatibility Statement (LUCS) from the appropriate planning jurisdiction demonstrating compliance with the Department of Land Conservation and Development's (DLCD) acknowledged comprehensive land use plan and statewide land use planning goals.

(c) An environmental review prepared in accordance with the requirements of the EPA approved State Environmental Review Process (SERP) described in the CWSRF Procedures Manual (February 1, 2008).

(d) Any other information requested by the Department.

(2) In addition to the requirements of section (1) of this rule, applicants for a CWSRF loan for the design or construction of sewage collection systems or sewage treatment projects must submit the following documents to be considered for loan approval:

(a) A Department approved sewer use ordinance adopted by all municipalities and service districts serviced by this project that meets the provisions of this section. The sewer use ordinances must prohibit any new connections from inflow sources into the sewage collection system; and require that no wastewater introduced into the sewage collection system contain toxics or other pollutants in amounts or concentrations that have the potential of endangering public safety or adversely affecting the project or precluding the selection of the most cost-effective alternative for the project.

(b) A demonstration that the Applicant has adopted a user charge system that meets the requirements of the User Charge System section of the CWSRF Procedures Manual (February 1, 2008).

(c) For projects serving two or more municipalities, the Applicant must submit the executed inter-municipal agreements, contracts or other legally binding instruments necessary for the financing, building and operation of the proposed sewage collection system or sewage treatment facility.

(d) In accordance with OAR chapter 340, division 052, Applicants for construction-only loans must submit Department approved plans and specifications for the project as applicable.

(e) For projects with estimated costs in excess of \$10 million, the Applicant must submit a value engineering study prepared in accordance with the requirements of the CWSRF Procedures Manual (February 1, 2008).

Stat. Auth.: ORS 468.423 - 468.440

Stats. Implemented: ORS 468.433 & 468.437

Hist.: DEQ 2-1989, f. & cert. ef. 3-10-89; DEQ 1-1993, f. & cert. ef. 1-22-93; DEQ 3-1995, f. & cert. ef. 1-23-95; Administrative correction 10-29-98; DEQ 10-2003, f. & cert. ef. 5-27-03; DEQ 2-2008, f. & cert. ef. 2-27-08; DEQ 1-2009(Temp), f. 4-27-09, cert. ef. 5-1-09 thru 10-27-09; DEQ 7-2009, f. & cert. ef. 10-28-09

340-054-0098

Definitions

The following definitions apply to OAR 340-054-0098 through OAR 340-054-0108:

(1) "Act" means the American Recovery and Reinvestment Act of 2009, Public Law 111-5, signed into law on February 17, 2009.

(2) "Principal forgiveness" means the portion of the total amount borrowed that is not required to be repaid.

Stat. Auth.: ORS 468.020 & 468.440

Stats. Implemented: ORS 468.423 - 468.440

Hist.: DEQ 1-2009(Temp), f. 4-27-09, cert. ef. 5-1-09 thru 10-27-09; DEQ 7-2009, f. & cert. ef. 10-28-09

340-054-0100

Implementation within the Clean Water State Revolving Fund Program

(1) OAR 340-054-0098 through 340-054-0108 prescribe the use of Act funds through the Clean Water State Revolving Fund (CWSRF) when such funds are available to the department.

(2) When Act funds are available to the department, these funds must be awarded to public agencies in accordance with the Act and are subject to the requirements of the Clean Water State Revolving Fund.

(3) All requirements for projects funded under the Act not specifically addressed in OAR 340-054-0098 through 340-054-0108 are subject to 340-054-0001 through 340-054-0065.

Stat. Auth.: ORS 468.020 & 468.440

Stats. Implemented: ORS 468.423 - 468.440

Hist.: DEQ 1-2009(Temp), f. 4-27-09, cert. ef. 5-1-09 thru 10-27-09; DEQ 7-2009, f. & cert. ef. 10-28-09

340-054-0102

Project Eligibility under the Act

(1) Eligibility for funding under the Act is the same as prescribed in OAR 340-054-0015(1) except planning, as defined in 340-054-0010(38), is not eligible.

(2) The acquisition of land for any purpose, or the development or purchase of an easement are not eligible under the Act.

Stat. Auth.: ORS 468.020 & 468.440

Stats. Implemented: ORS 468.423 - 468.440

Hist.: DEQ 1-2009(Temp), f. 4-27-09, cert. ef. 5-1-09 thru 10-27-09; DEQ 7-2009, f. & cert. ef. 10-28-09

340-054-0104

Use of Funds, Intended Use Plan Under the Act

(1) Funding purpose. Notwithstanding OAR 340-054-0020, funding provided under the Act may be used only for the following CWSRF purposes:

(a) To make loans, or purchase bonds;

(b) To pay CWSRF program administration costs to the extent allowed by federal law;

(c) To earn interest on fund accounts.

(2) Loan Increases. Notwithstanding OAR 340-054-0025(6)(c), loan increases using Act funding will only be made to loans funded by the Act and only to the extent consistent with OAR 340-054-0106.

(3) Existing loan agreement. A borrower with a loan agreement executed prior to October 1, 2008 is not eligible to receive funding under the Act for a project as described and funded under that existing loan agreement.

(4) Loan reserve. Notwithstanding OAR 340-054-0065(2)(c)(B), the required reserve of any individual loan cannot be funded with CWSRF loan proceeds provided from the Act.

(5) Intended Use Plan (IUP):

(a) A project must be listed in the Intended Use Plan to be eligible for funding under the Act.

(b) Notwithstanding OAR 340-054-0025(5)(d), the department must provide at least 14 days for public comments on the draft Intended Use Plan.

Stat. Auth.: ORS 468.020 & 468.440

Stats. Implemented: ORS 468.423 - 468.440

Hist.: DEQ 1-2009(Temp), f. 4-27-09, cert. ef. 5-1-09 thru 10-27-09; DEQ 7-2009, f. & cert. ef. 10-28-09

340-054-0106

Allocation of Act Funds

Notwithstanding OAR 340-054-0025(6), funds made available by the Act must be allocated as follows:

(1) Funding of applicants. Funds will be offered to an applicant on the project priority list in rank order, subject to eligibility. A project is not eligible unless all required documentation is complete and appropriate envi-

ADMINISTRATIVE RULES

ronmental review, including any required notice and opportunity for public comment, has been completed at the time the department finalizes the intended use plan.

(2) Applicant's funding limit. The department will determine the amount of funding to be provided to an applicant, but the amount of any loan may not exceed \$5 million per applicant, except as provided in section (3) of this rule.

(3) Allocation of remaining funds. If there are no applicants on the project priority list eligible for a loan under the Act, a borrower that has received partial funding under the Act may be allocated additional funding. The department may allocate the remaining funds to a borrower based on rank order not to exceed 25 percent of the remaining funds or \$2 million, whichever is greater.

(4) Green Project Reserve. The department must establish a green project reserve with 20 percent of the funding received under the Act for projects to address green infrastructure, water or energy efficiency improvements or other environmentally innovative activities. If the department determines and certifies there are insufficient eligible projects for funding under this reserve, the reserve may be allocated to other eligible projects under the Act.

(5) Funding categories. Funds available under the Act may not be used to establish an Expedited Loan reserve, a Small Community reserve or a Planning reserve.

Stat. Auth.: ORS 468.020 & 468.440
Stats. Implemented: ORS 468.423 - 468.440
Hist.: DEQ 1-2009(Temp), f. 4-27-09, cert. ef. 5-1-09 thru 10-27-09; DEQ 7-2009, f. & cert. ef. 10-28-09

340-054-0108

Financial Terms

Notwithstanding OAR 340-054-0065, the following financial terms apply to any loan funded under the Act.

(1) Interest rates. A loan may be provided at a zero percent interest rate.

(2) Principal forgiveness.

(a) A loan made to a small community as defined in OAR 340-054-0010(48) must include 75 percent principal forgiveness on the total amount borrowed.

(b) All other loans must include 50 percent principal forgiveness on the total amount borrowed.

(c) Principal forgiveness is granted upon execution of the loan agreement.

Stat. Auth.: ORS 468.020 & 468.440
Stats. Implemented: ORS 468.423 - 468.440
Hist.: DEQ 1-2009(Temp), f. 4-27-09, cert. ef. 5-1-09 thru 10-27-09; DEQ 7-2009, f. & cert. ef. 10-28-09

Department of Fish and Wildlife Chapter 635

Rule Caption: Commercial Elk River Terminal Area Chinook Salmon Fishery Closed.

Adm. Order No.: DFW 132-2009(Temp)

Filed with Sec. of State: 10-19-2009

Certified to be Effective: 10-19-09 thru 10-31-09

Notice Publication Date:

Rules Amended: 635-003-0085

Rules Suspended: 635-003-0085(T)

Subject: Amend rule to close the commercial Elk River terminal area Chinook salmon fishery effective October 19, 2009 due to attainment of the allocation of this valuable resource.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-003-0085

Extended Commercial Seasons

In addition to the open seasons prescribed in OAR 635-003-0003 there are open seasons for Chinook salmon as follows:

(1) Elk River Ocean Terminal Area — from October 15 through 11:59 p.m. Monday, October 19, 2009 in the area described in section (1)(a) of this rule:

(a) The open area is all Pacific Ocean waters shoreward of a line drawn from Cape Blanco (42°50'20" N. Lat.) thence SW to Black Rock (42°49'24" N. Lat. 124°35'00" W. Long.), thence SSW to Best Rock (42°47'24" N. Lat. 124°35'42" W. Long.), thence SE to 42°43'48" N. Lat. 124°32'08" W. Long., thence due East through Tichenor Rock (42°43'48" N. Lat. 124°30'36" W. Long.) to shore;

(b) During the season described in this section (1), it is unlawful to take Chinook salmon less than 28 inches in total length; it is unlawful to use multipoint or barbed hooks or to fish more than four spreads per line; it is unlawful to make more than one landing of Chinook per day; and it is unlawful to have in possession or to land more than 20 Chinook per day taken in this fishery. Landings are restricted to Port Orford.

(2) Tillamook Bay Ocean Terminal Area — from September 1 through the earlier of October 31 or quota of 300 Chinook in the area described in section (2)(a) of this rule:

(a) The open area is all Pacific Ocean waters inside an area between Pyramid Rock (45°29'48" N. Lat.) and Twin Rocks 45°35'54" N. Lat.) and seaward three nautical miles offshore;

(b) During the season described in this section (2), it is unlawful to take Chinook salmon less than 28 inches in total length and it is unlawful to use multipoint or barbed hooks or to fish more than four spreads per line; and it is unlawful to have in possession or to land more than 25 Chinook per calendar week (Sunday through Saturday). Landings are restricted to Garibaldi.

Stat. Auth.: ORS 496.138, 496.146, & 506.119
Stats. Implemented: ORS 506.129
Hist.: FWC 48-1984(Temp), f. & ef. 8-31-84; 57-1984(Temp), f. & ef. 9-15-84; FWC 59-1986(Temp), f. & ef. 9-19-86; FWC 106-1992(Temp), f. 10-8-92, cert. ef. 10-24-92; FWC 111-1992(Temp), f. 10-26-92, cert. ef. 10-27-92; FWC 62-1993, f. & cert. ef. 10-1-93; FWC 56-1994, f. 8-30-94, cert. ef. 9-1-94; FWC 80-1994(Temp), f. 10-25-94, cert. ef. 10-26-94; FWC 82-1994(Temp), f. 10-28-94, cert. ef. 10-30-94; FWC 81-1995, f. 9-29-95, cert. ef. 10-1-95; FWC 85-1995(Temp), f. & cert. ef. 10-20-95; FWC 56-1996, f. 9-27-96, cert. ef. 10-1-96; FWC 30-1997, f. & cert. ef. 5-5-97; FWC 66-1997(Temp), f. 10-24-97, cert. ef. 10-26-97; FWC 67-1997(Temp), f. 10-28-97, cert. ef. 10-29-97; DFW 34-1998, f. & cert. ef. 5-4-98; DFW 31-1999, f. & cert. ef. 5-3-99; DFW 24-2000, f. 4-28-00, cert. ef. 5-1-00; DFW 28-2001, f. & cert. ef. 5-1-01; DFW 35-2003, f. 4-30-03, cert. ef. 5-1-03; DFW 26-2006(Temp), f. 4-20-06, cert. ef. 5-1-06 thru 10-27-06; DFW 78-2006(Temp), f. 8-7-06, cert. ef. 9-1-06 thru 12-15-06; Administrative correction 12-16-06; DFW 24-2007, f. 4-16-07, cert. ef. 5-1-07; DFW 65-2008(Temp), f. 6-20-08, cert. ef. 9-1-08 thru 12-31-08; DFW 128-2008(Temp), f. 10-9-08, cert. ef. 10-12-08 thru 12-31-08; Administrative correction 1-23-09; DFW 52-2009, f. & cert. ef. 5-18-09; DFW 102-2009(Temp), f. 8-27-09, cert. ef. 9-1-09 thru 12-31-09; DFW 132-2009(Temp), f. & cert. ef. 10-19-09 thru 10-31-09

Rule Caption: Recreational Coho Bag Limit Increased Between Tongue Point and Oregon-Washington Border Above McNary Dam.

Adm. Order No.: DFW 133-2009(Temp)

Filed with Sec. of State: 10-20-2009

Certified to be Effective: 10-22-09 thru 12-31-09

Notice Publication Date:

Rules Amended: 635-023-0130

Subject: Amended rule allows retention of one additional adult coho salmon beginning October 22, 2009 and until further notice in the mainstem Columbia River recreational fishery from the Tongue Point-Rocky Point line upstream to the Oregon-Washington border above McNary Dam. All non adipose fin-clipped coho caught downstream of the Hood River Bridge must be released unharmed. Modifications are consistent with action taken October 19, 2009 by the Columbia River Compact agencies of Oregon and Washington.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-023-0130

Fall Sport Fishery

(1) The 2009 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 2009 Oregon Sport Fishing Regulations.

(2) Notwithstanding all other specifications and restrictions in the 2009 Oregon Sport Fishing Regulations:

(a) Effective August 1 through December 31, 2009, 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 bag limit for adult Chinook salmon, adipose fin-clipped coho 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 prohibited during September 1 through December 31, 2009;

(B) Effective September 1 through December 31, 2009, the daily bag limit may include up to three adipose fin-clipped adult coho salmon.

(b) Effective August 1 through December 31, 2009, 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

ADMINISTRATIVE RULES

Oregon bank upstream to the Oregon-Washington border above McNary Dam, the combined bag limit for adult salmon and adipose fin-clipped steelhead is two fish per day, except:

(A) Non adipose fin-clipped coho must be released downstream of the Hood River Bridge.

(B) Retention of Chinook is only allowed during August 1 through September 13, 2009 or until the harvest guideline is achieved, in the area bounded by a line projected from the Warrior Rock Lighthouse on the Oregon shore to Red Buoy #4 to a marker on the lower end of Bachelor Island, Washington, downstream 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.

(C) The daily bag limit may only include one adult Chinook in the area bounded by a line projected from the Warrior Rock Lighthouse on the Oregon shore to Red Buoy #4 to a marker on the lower end of Bachelor Island, Washington, upstream to Bonneville Dam.

(D) Effective Thursday October 22, 2009, one additional adult coho salmon may be retained for a total combined daily bag limit of three fish in the area described in section (2)(b) above.

[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; DFW 99-2008(Temp), f. 8-22-08, cert. ef. 8-25-08 thru 12-31-08; DFW 104-2008(Temp), f. 8-29-08, cert. ef. 8-31-08 thru 12-31-08; DFW 115-2008(Temp), f. & cert. ef. 9-18-08 thru 12-31-08; DFW 118-2008(Temp), f. 9-24-08, cert. ef. 9-25-08 thru 12-31-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 52-2009, f. & cert. ef. 5-18-09; DFW 133-2009(Temp), f. 10-20-09, cert. ef. 10-22-09 thru 12-31-09

Rule Caption: Late Fall Commercial Gill Net Fishery In the Columbia River Below Bonneville Dam Continues.

Adm. Order No.: DFW 134-2009(Temp)

Filed with Sec. of State: 10-20-2009

Certified to be Effective: 10-20-09 thru 10-31-09

Notice Publication Date:

Rules Amended: 635-042-0060

Rules Suspended: 635-042-0060(T)

Subject: Amended rule sets five new fishing periods for the ongoing late fall salmon fishery in the mainstem Columbia River for the commercial harvest, retention and sales of adult salmon and white sturgeon beginning October 20, 2009. The proposed seasons provide opportunity for the commercial gill net fleet to harvest part of their pre-season allocation. Revisions are consistent with action taken October 19, 2009 by the Columbia River Compact agencies of Oregon and Washington.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-042-0060

Late Fall Salmon Season

(1) Salmon and white sturgeon may be taken by gill nets for commercial purposes from the Columbia River during the open fishing periods and areas identified in sections (2) through (3) below. Retention of green sturgeon is prohibited.

(a) In sections (2) through (4) below: Elokomin-A, Cowlitz, Kalama-A, Lewis-A, Sandy and Washougal rivers sanctuaries are in effect.

(b) In sections (2) through (4) below: Salmon and white sturgeon may be sold through Friday, October 23, 2009. Salmon only may be sold during the October 25-26 Zone 4-5 fishery. A maximum of six white sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) of the open fishing periods and the weekly aggregate white sturgeon limit applies to the Columbia River mainstem only. The Columbia River Select Areas are currently closed to the retention of white sturgeon.

(c) In sections (2) through (4) below: 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 0.375-inches or greater.

(2) Season 1:

(a) 7:00 p.m. Tuesday, October 20 to 7:00 a.m. Wednesday, October 21, 2009 (12 hours) in Zones 4-5;

(b) 7:00 p.m. Thursday, October 22 to 7:00 a.m. Friday, October 23, 2009 (12 hours) in Zones 4-5; and

(c) 7:00 p.m. Sunday, October 25 to 7:00 a.m. Monday, October 26, 2009 (12 hours) in Zones 4-5.

(d) Gear is restricted to gill nets with a 8-inch minimum and 9.75-inch maximum mesh size.

(3) Season 2:

(a) 7:00 a.m. to 7:00 p.m. Wednesday, October 21, 2009 (12 hours) in Zones 1-3.

(b) Gear is restricted to 6-inch maximum mesh size; un-slackened floater gillnet restriction.

(4) Season 3:

(a) 7:00 a.m. to 7:00 p.m. Thursday, October 22, 2009 (12 hours) in Zones 1-5.

(b) Gear is restricted to 9-inch minimum and 9.75-inch maximum mesh size restriction.

Stat. Auth.: ORS 496.118 & 506.119

Stats. Implemented: ORS 506.109, 506.129 & 507.030

Hist.: FWC 40-1979, f. & ef. 9-10-79; FWC 45-1979(Temp), f. & ef. 9-21-79; FWC 52-1979(Temp), f. & ef. 11-2-79; FWC 48-1980(Temp), f. & ef. 9-19-80; FWC 51-1980(Temp), f. & ef. 9-22-80; FWC 55-1980(Temp), f. & ef. 9-26-80; FWC 56-1980(Temp), f. & ef. 9-29-80; FWC 58-1980(Temp), f. & ef. 10-17-80; FWC 37-1981(Temp), f. & ef. 9-24-81; FWC 38-1981(Temp), f. & ef. 9-29-81; FWC 69-1982(Temp), f. & ef. 9-30-82; FWC 72-1982(Temp), f. & ef. 10-20-82; FWC 56-1983(Temp), f. & ef. 10-5-83; FWC 54-1984(Temp), f. & ef. 9-10-84; FWC 59-1984(Temp), f. & ef. 9-18-84; FWC 66-1984 (Temp), f. & ef. 9-26-84; FWC 68-1984(Temp), f. & ef. 10-2-84; FWC 58-1985(Temp), f. & ef. 9-13-85; FWC 62-1985 (Temp), f. & ef. 9-24-85; FWC 66-1985(Temp), f. & ef. 10-11-85; FWC 54-1986(Temp), f. & ef. 9-5-86; FWC 64-1986 (Temp), f. & ef. 10-3-86; FWC 67-1986(Temp), f. & ef. 10-17-86; FWC 74-1987(Temp), f. & ef. 9-4-87; FWC 75-1987 (Temp), f. & ef. 9-11-87; FWC 80-1987(Temp), f. & ef. 9-18-87; FWC 87-1987(Temp), f. & ef. 10-9-87; FWC 91-1987(Temp), f. & ef. 10-16-87; FWC 85-1988(Temp), f. & cert. ef. 9-9-88; FWC 93-1988(Temp), f. & cert. ef. 9-16-88; FWC 99-1988(Temp), f. & cert. ef. 10-7-88; FWC 100-1988(Temp), f. 10-21-88, cert. ef. 10-24-88; FWC 94-1989(Temp), f. 9-15-89, cert. ef. 9-17-89; FWC 97-1989(Temp), f. & cert. ef. 9-21-89; FWC 109-1989(Temp), f. & cert. ef. 10-6-89; FWC 113-1989 (Temp), f. & cert. ef. 11-9-89; FWC 100-1990(Temp), f. & cert. ef. 9-18-90; FWC 101-1990(Temp), f. & cert. ef. 9-19-90; FWC 102-1990(Temp), f. & cert. ef. 9-20-90; FWC 114-1990, f. & cert. ef. 10-8-90; FWC 105-1991, f. & cert. ef. 9-20-91; FWC 118-1991, f. & cert. ef. 10-4-91; FWC 122-1991(Temp), f. & cert. ef. 10-18-91; FWC 129-1991(Temp), f. 11-1-91, cert. ef. 11-3-91; FWC 97-1992(Temp), f. & cert. ef. 9-22-92; FWC 100-1992(Temp), f. 9-25-92, cert. ef. 9-27-92; FWC 107-1992(Temp), f. & cert. ef. 10-9-92; FWC 109-1992(Temp), f. 10-19-92, cert. ef. 10-20-92; FWC 110-1992(Temp), f. & cert. ef. 10-22-92; FWC 80-1995(Temp), f. 9-27-95, cert. ef. 10-9-95; FWC 46-1996, f. & cert. ef. 8-23-96; FWC 58-1996(Temp), f. 9-27-96, cert. ef. 9-30-96; FWC 60-1996(Temp), f. & cert. ef. 10-7-96; FWC 62(Temp), f. 10-18-96, cert. ef. 10-21-96; FWC 61-1997(Temp), f. 9-23-97, cert. ef. 9-24-97; FWC 62-1997(Temp), f. & cert. ef. 10-6-97; FWC 64-1997(Temp), f. & cert. ef. 10-14-97; FWC 65-1997(Temp), f. & cert. ef. 10-20-97; FWC 68-1997(Temp), f. & cert. ef. 11-3-97; DFW 79-1999(Temp), f. 10-8-99, cert. ef. 10-11-99 thru 12-31-99; DFW 83-1999(Temp), f. 10-26-99, cert. ef. 10-27-99 thru 12-31-99; DFW 87-1999(Temp), f. & cert. ef. 11-4-99 thru 11-5-99; Administrative correction 11-17-99; DFW 62-2000(Temp), f. 9-15-00, cert. ef. 9-19-00 thru 12-31-00; DFW 68-2000(Temp), f. 10-6-00, cert. ef. 10-9-00 thru 12-31-00; DFW 71-2000(Temp), f. 10-20-00, cert. ef. 10-23-00 thru 12-31-00; DFW 74-2000(Temp), f. 10-27-00, cert. ef. 10-30-00 thru 12-31-00; Administrative correction 6-20-01; DFW 89-2001 (Temp), 9-14-01 thru 12-31-01; DFW 92-2001 (Temp), f. & cert. ef. 9-19-01 thru 12-31-01; DFW 93-2001 (Temp), f. 9-21-01, cert. ef. 9-24-01 thru 12-31-01; DFW 98-2001 (Temp), f. 10-8-01, cert. ef. 12-31-01; DFW 106-2001 (Temp), f. & cert. ef. 10-26-01 thru 12-31-01; DFW 104-2002 (Temp), f. & cert. ef. 9-19-02 thru 12-31-02; DFW 106-2002 (Temp), f. & cert. ef. 9-24-02 thru 12-31-02; DFW 109-2002 (Temp), f. & cert. ef. 9-27-02 thru 12-31-02; DFW 112-2002 (Temp), f. 10-10-02, cert. ef. 10-14-02 thru 12-31-02; DFW 122-2002 (Temp), f. 10-24-02, cert. ef. 10-28-02 thru 12-31-02; DFW 92-2003 (Temp), f. 9-12-03, cert. ef. 9-15-03 thru 12-31-03; DFW 95-2003 (Temp), f. & cert. ef. 9-17-03 thru 12-31-03; DFW 98-2003 (Temp), f. 9-22-03, cert. ef. 9-23-03 thru 12-31-03; DFW 105-2003 (Temp), f. 10-10-03, cert. ef. 10-12-03 thru 12-31-03; DFW 107-2003 (Temp), f. 10-21-03, cert. ef. 10-26-03 thru 12-31-03; DFW 95-2004 (Temp), f. 9-17-04, cert. ef. 9-19-04 thru 12-31-04; DFW 98-2004 (Temp), f. & cert. ef. 9-22-04 thru 12-31-04; DFW 99-2004 (Temp), f. & cert. ef. 9-24-04 thru 12-31-04; DFW 101-2004 (Temp), f. & cert. ef. 9-29-04 thru 12-31-04; DFW 102-2004 (Temp), f. 10-1-04, cert. ef. 10-4-04 thru 12-31-04; DFW 109-2004 (Temp), f. & cert. ef. 10-19-04 thru 12-31-04; Administrative correction, 2-18-05; 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 113-2005 (Temp), f. & cert. ef. 9-28-05 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; DFW 126-2005 (Temp), f. 10-21-05, cert. ef. 10-23-05 thru 12-31-05; Administrative correction 1-19-06; DFW 102-2006 (Temp), f. 9-15-06, cert. ef. 9-19-06 thru 12-31-06; DFW 106-2006 (Temp), f. 9-22-06, cert. ef. 9-25-06 thru 12-31-06; DFW 111-2006 (Temp), f. 9-29-06, cert. ef. 10-2-06 thru 12-31-06; DFW 112-2006 (Temp), f. 10-4-06, cert. ef. 10-8-06 thru 12-31-06; DFW 114-2006 (Temp), f. & cert. ef. 10-12-06 thru 12-31-06; DFW 120-2006 (Temp), f. & cert. ef. 10-18-06 thru 12-31-06; Administrative correction 1-16-07; DFW 91-2007 (Temp), f. 9-18-07, cert. ef. 9-19-07 thru 12-31-07; DFW 94-2007 (Temp), f. 9-21-07, cert. ef. 9-24-07 thru 12-31-07; DFW 97-2007 (Temp), f. 9-25-07, cert. ef. 9-26-07 thru 12-31-07; DFW 98-2007 (Temp), f. 9-26-07, cert. ef. 9-27-07 thru 12-31-07; DFW 99-2007 (Temp), f. 9-28-07, cert. ef. 10-1-07 thru 12-31-07; DFW 104-2007 (Temp), f. & cert. ef. 10-3-07 thru 12-31-07; DFW 107-2007 (Temp), f. & cert. ef. 10-10-07 thru 12-31-07; DFW 109-2007 (Temp), f. 10-16-07, cert. ef. 10-17-07 thru 12-31-07; DFW 111-2007 (Temp), f. 10-22-07, cert. ef. 10-23-07 thru 12-31-07; DFW 112-2007 (Temp), f. 10-24-07, cert. ef. 10-25-07 thru 12-31-07;

ADMINISTRATIVE RULES

DFW 113-2008(Temp), f. 9-17-08, cert. ef. 9-18-08 thru 12-31-08; DFW 119-2008(Temp), f. & cert. ef. 9-24-08 thru 12-31-08; DFW 127-2008(Temp), f. 10-7-08, cert. ef. 10-8-08 thru 12-31-08; DFW 132-2008(Temp), f. 10-14-08, cert. ef. 10-15-08 thru 12-31-08; DFW 136-2008(Temp), f. & cert. ef. 10-21-08 thru 12-31-08; DFW 117-2009(Temp), f. 9-23-09, cert. ef. 9-24-09 thru 10-31-09; DFW 120-2009(Temp), f. & cert. ef. 9-30-09 thru 10-31-09; DFW 122-2009(Temp), f. & cert. ef. 10-5-09 thru 10-31-09; DFW 124-2009(Temp), f. & cert. ef. 10-7-09 thru 10-31-09; DFW 130-2009(Temp), f. & cert. ef. 10-13-09 thru 10-31-09; DFW 134-2009(Temp), f. & cert. ef. 10-20-09 thru 10-31-09

Rule Caption: Late Fall Commercial Gill Net Fishery In the Columbia River Below Bonneville Dam Extended.

Adm. Order No.: DFW 135-2009(Temp)

Filed with Sec. of State: 10-27-2009

Certified to be Effective: 10-27-09 thru 10-31-09

Notice Publication Date:

Rules Amended: 635-042-0060

Rules Suspended: 635-042-0060(T)

Subject: Amended rule sets two new fishing periods for the ongoing late fall salmon fishery in the mainstem Columbia River for the commercial harvest, retention and sales of adult salmon beginning October 27, 2009. The proposed seasons provide opportunity for the commercial gill net fleet to harvest part of their pre-season allocation. Revisions are consistent with action taken October 26, 2009 by the Columbia River Compact agencies of Oregon and Washington.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-042-0060

Late Fall Salmon Season

(1) Salmon may be taken by gill nets for commercial purposes from the Columbia River during the open fishing periods and areas identified in sections (2) through (3) below. Retention of green sturgeon is prohibited.

(a) In sections (2) and (3) below: Grays River, Elokomina-A, Cowlitz, Kalama-A, Lewis-A, Sandy River and Washougal River sanctuaries are in effect.

(b) In sections (2) and (3) below: Salmon only may be sold. No sturgeon may be possessed or sold. The Columbia River Select Areas are currently closed to the retention of white sturgeon.

(2) Season 1:

(a) 7:00 p.m. Tuesday, October 27 to 7:00 a.m. Wednesday, October 28, 2009 (12 hours) in Zones 4–5.

(b) Gear is restricted to gill nets with a 8-inch minimum and 9.75-inch maximum mesh size.

(3) Season 2:

(a) 7:00 a.m. to 7:00 p.m. Wednesday, October 28, 2009 (12 hours) in Zones 2–3.

(b) Gear is restricted to 9.75-inch maximum mesh size.

Stat. Auth.: ORS 496.118 & 506.119

Stats. Implemented: ORS 506.109, 506.129 & 507.030

Hist.: FWC 40-1979, f. & cert. ef. 9-10-79; FWC 45-1979(Temp), f. & cert. ef. 9-21-79; FWC 52-1979(Temp), f. & cert. ef. 11-2-79; FWC 48-1980(Temp), f. & cert. ef. 9-19-80; FWC 51-1980(Temp), f. & cert. ef. 9-22-80; FWC 55-1980(Temp), f. & cert. ef. 9-26-80; FWC 56-1980(Temp), f. & cert. ef. 9-29-80; FWC 58-1980(Temp), f. & cert. ef. 10-17-80; FWC 37-1981(Temp), f. & cert. ef. 9-24-81; FWC 38-1981(Temp), f. & cert. ef. 9-29-81; FWC 69-1982(Temp), f. & cert. ef. 9-30-82; FWC 72-1982(Temp), f. & cert. ef. 10-20-82; FWC 56-1983(Temp), f. & cert. ef. 10-5-83; FWC 54-1984(Temp), f. & cert. ef. 9-10-84; FWC 59-1984(Temp), f. & cert. ef. 9-18-84; FWC 66-1984 (Temp), f. & cert. ef. 9-26-84; FWC 68-1984(Temp), f. & cert. ef. 10-2-84; FWC 58-1985(Temp), f. & cert. ef. 9-13-85; FWC 62-1985(Temp), f. & cert. ef. 9-24-85; FWC 66-1985(Temp), f. & cert. ef. 10-11-85; FWC 54-1986(Temp), f. & cert. ef. 9-5-86; FWC 64-1986 (Temp), f. & cert. ef. 10-3-86; FWC 67-1986(Temp), f. & cert. ef. 10-17-86; FWC 74-1987(Temp), f. & cert. ef. 9-4-87; FWC 75-1987 (Temp), f. & cert. ef. 9-11-87; FWC 80-1987(Temp), f. & cert. ef. 9-18-87; FWC 72-1987(Temp), f. & cert. ef. 10-9-87; FWC 91-1987(Temp), f. & cert. ef. 10-16-87; FWC 85-1988(Temp), f. & cert. ef. 9-9-88; FWC 93-1988(Temp), f. & cert. ef. 9-16-88; FWC 99-1988(Temp), f. & cert. ef. 10-7-88; FWC 100-1988(Temp), f. & cert. ef. 10-21-88, cert. ef. 10-24-88; FWC 94-1989(Temp), f. 9-15-89, cert. ef. 9-17-89; FWC 97-1989(Temp), f. & cert. ef. 9-21-89; FWC 109-1989(Temp), f. & cert. ef. 10-6-89; FWC 113-1989 (Temp), f. & cert. ef. 11-9-89; FWC 100-1990(Temp), f. & cert. ef. 9-18-90; FWC 101-1990(Temp), f. & cert. ef. 9-19-90; FWC 102-1990(Temp), f. & cert. ef. 9-20-90; FWC 114-1990, f. & cert. ef. 10-8-90; FWC 105-1991, f. & cert. ef. 9-20-91; FWC 118-1991, f. & cert. ef. 10-4-91; FWC 122-1991(Temp), f. & cert. ef. 10-18-91; FWC 129-1991(Temp), f. 11-1-91, cert. ef. 11-3-91; FWC 97-1992(Temp), f. & cert. ef. 9-22-92; FWC 100-1992(Temp), f. 9-25-92, cert. ef. 9-27-92; FWC 107-1992(Temp), f. & cert. ef. 10-9-92; FWC 109-1992(Temp), f. 10-19-92, cert. ef. 10-20-92; FWC 110-1992(Temp), f. & cert. ef. 10-22-92; FWC 80-1995(Temp), f. 9-27-95, cert. ef. 10-9-95; FWC 46-1996, f. & cert. ef. 8-23-96; FWC 58-1996(Temp), f. 9-27-96, cert. ef. 9-30-96; FWC 60-1996(Temp), f. & cert. ef. 10-7-96; FWC 62(Temp), f. 10-18-96, cert. ef. 10-21-96; FWC 61-1997(Temp), f. 9-23-97, cert. ef. 9-24-97; FWC 62-1997(Temp), f. & cert. ef. 10-6-97; FWC 64-1997(Temp), f. & cert. ef. 10-14-97; FWC 65-1997(Temp), f. & cert. ef. 10-20-97; FWC 68-1997(Temp), f. & cert. ef. 11-3-97; DFW 79-1999(Temp), f. 10-8-99, cert. ef. 10-11-99 thru 12-31-99; DFW 83-1999(Temp), f. 10-26-99, cert. ef. 10-27-99 thru 12-31-99; DFW 87-1999(Temp), f. & cert. ef. 11-4-99 thru 11-5-99; Administrative correction 11-17-99; DFW 62-2000(Temp), f. 9-15-00, cert. ef. 9-19-00 thru 12-31-00; DFW 68-2000(Temp), f. 10-6-00, cert. ef. 10-9-00 thru 12-31-00; DFW 71-2000(Temp), f. 10-20-00, cert. ef. 10-23-00 thru 12-31-00; DFW 74-2000(Temp), f. 10-27-00, cert. ef. 10-30-00 thru 12-31-00; Administrative correction 6-20-01; DFW 89-2001(Temp), 9-14-01 thru 12-31-01; DFW 92-

2001(Temp), f. & cert. ef. 9-19-01 thru 12-31-01; DFW 93-2001(Temp), f. 9-21-01, cert. ef. 9-24-01 thru 12-31-01; DFW 98-2001(Temp), f. 10-8-01, cert. ef. 12-31-01; DFW 106-2001(Temp), f. & cert. ef. 10-26-01 thru 12-31-01; DFW 104-2002(Temp), f. & cert. ef. 9-19-02 thru 12-31-02; DFW 106-2002(Temp), f. & cert. ef. 9-24-02 thru 12-31-02; DFW 109-2002(Temp), f. & cert. ef. 9-27-02 thru 12-31-02; DFW 112-2002(Temp), f. 10-10-02, cert. ef. 10-14-02 thru 12-31-02; DFW 122-2002(Temp), f. 10-24-02, cert. ef. 10-28-02 thru 12-31-02; DFW 92-2003(Temp), f. 9-12-03, cert. ef. 9-15-03 thru 12-31-03; DFW 95-2003(Temp), f. & cert. ef. 9-17-03 thru 12-31-03; DFW 98-2003(Temp), f. 9-22-03, cert. ef. 9-23-03 thru 12-31-03; DFW 105-2003(Temp), f. 10-10-03, cert. ef. 10-12-03 thru 12-31-03; DFW 107-2003(Temp), f. 10-21-03, cert. ef. 10-26-03 thru 12-31-03; DFW 95-2004(Temp), f. 9-17-04, cert. ef. 9-19-04 thru 12-31-04; DFW 98-2004(Temp), f. & cert. ef. 9-22-04 thru 12-31-04; DFW 99-2004(Temp), f. & cert. ef. 9-24-04 thru 12-31-04; DFW 101-2004(Temp), f. & cert. ef. 9-29-04 thru 12-31-04; DFW 102-2004(Temp), f. 10-1-04, cert. ef. 10-4-04 thru 12-31-04; DFW 109-2004(Temp), f. & cert. ef. 10-19-04 thru 12-31-04; Administrative correction, 2-18-05; 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 113-2005(Temp), f. & cert. ef. 9-28-05 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; DFW 126-2005(Temp), f. 10-21-05, cert. ef. 10-23-05 thru 12-31-05; Administrative correction 1-19-06; DFW 102-2006(Temp), f. 9-15-06, cert. ef. 9-19-06 thru 12-31-06; DFW 106-2006(Temp), f. 9-22-06, cert. ef. 9-25-06 thru 12-31-06; DFW 111-2006(Temp), f. 9-29-06, cert. ef. 10-2-06 thru 12-31-06; DFW 112-2006(Temp), f. 10-4-06, cert. ef. 10-8-06 thru 12-31-06; DFW 114-2006(Temp), f. & cert. ef. 10-12-06 thru 12-31-06; DFW 120-2006(Temp), f. & cert. ef. 10-18-06 thru 12-31-06; Administrative correction 1-16-07; DFW 91-2007(Temp), f. 9-18-07, cert. ef. 9-19-07 thru 12-31-07; DFW 94-2007(Temp), f. 9-21-07, cert. ef. 9-24-07 thru 12-31-07; DFW 97-2007(Temp), f. 9-25-07, cert. ef. 9-26-07 thru 12-31-07; DFW 98-2007(Temp), f. 9-26-07, cert. ef. 9-27-07 thru 12-31-07; DFW 99-2007(Temp), f. 9-28-07, cert. ef. 10-1-07 thru 12-31-07; DFW 104-2007(Temp), f. & cert. ef. 10-3-07 thru 12-31-07; DFW 107-2007(Temp), f. & cert. ef. 10-10-07 thru 12-31-07; DFW 109-2007(Temp), f. 10-16-07, cert. ef. 10-17-07 thru 12-31-07; DFW 111-2007(Temp), f. 10-22-07, cert. ef. 10-23-07 thru 12-31-07; DFW 112-2007(Temp), f. 10-24-07, cert. ef. 10-25-07 thru 12-31-07; DFW 113-2008(Temp), f. 9-17-08, cert. ef. 9-18-08 thru 12-31-08; DFW 119-2008(Temp), f. & cert. ef. 9-24-08 thru 12-31-08; DFW 127-2008(Temp), f. 10-7-08, cert. ef. 10-8-08 thru 12-31-08; DFW 132-2008(Temp), f. 10-14-08, cert. ef. 10-15-08 thru 12-31-08; DFW 136-2008(Temp), f. & cert. ef. 10-21-08 thru 12-31-08; DFW 117-2009(Temp), f. 9-23-09, cert. ef. 9-24-09 thru 10-31-09; DFW 120-2009(Temp), f. & cert. ef. 9-30-09 thru 10-31-09; DFW 122-2009(Temp), f. & cert. ef. 10-5-09 thru 10-31-09; DFW 124-2009(Temp), f. & cert. ef. 10-7-09 thru 10-31-09; DFW 130-2009(Temp), f. & cert. ef. 10-13-09 thru 10-31-09; DFW 134-2009(Temp), f. & cert. ef. 10-20-09 thru 10-31-09; DFW 135-2009(Temp), f. & cert. ef. 10-27-09 thru 10-31-09

Rule Caption: Inseason Actions Implemented by the Federal Government for Commercial Groundfish Fisheries.

Adm. Order No.: DFW 136-2009(Temp)

Filed with Sec. of State: 10-28-2009

Certified to be Effective: 10-28-09 thru 12-31-09

Notice Publication Date:

Rules Amended: 635-004-0019

Rules Suspended: 635-004-0019(T)

Subject: Amended rule adopts in-season actions implemented by the federal government on October 28, 2009 for commercial groundfish fisheries, including changes to cumulative trip limits.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-004-0019

Inclusions and Modifications

(1) OAR chapter 635, division 004, modifies or is in addition to provisions contained in **Code of Federal Regulations, Title 50, Part 660, Subpart G, West Coast Groundfish Fisheries.**

(2) The **Code of Federal Regulations (CFR), Title 50, Part 660, Subpart G**, provides requirements for commercial groundfish fishing in the Pacific Ocean off the Oregon coast. However, additional regulations may be promulgated subsequently, and these supersede, to the extent of any inconsistency, the **Code of Federal Regulations.**

(3) Notwithstanding the regulations as defined in OAR 635-004-0018, the National Oceanic and Atmospheric Administration (NOAA), by means of Federal Register Vol. 74, No. 207 on October 28, 2009, announced inseason management measures effective October 28, 2009, including, but not limited to, changes to cumulative trip limits.

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

Stat. Auth.: ORS 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 76-1999(Temp), f. 9-30-99, cert. ef. 10-1-99 thru 12-31-99; DFW 81-1999(Temp), f. & cert. ef. 10-12-99 thru 12-31-99; DFW 98-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 23-2005(Temp), f. & cert. ef. 4-8-05 thru 10-4-05; DFW 30-2005(Temp), f. 4-29-05, cert. ef. 5-1-05 thru 10-27-05; DFW 43-2005(Temp), f. & cert. ef. 5-13-05 thru 10-17-05; DFW 68-2005(Temp), 6-30-05, cert. ef. 7-1-05 thru 12-27-05; DFW 114-2005(Temp), f. 9-30-05, cert. ef. 10-1-05 thru 12-31-05; DFW 125-2005(Temp), f. & cert. ef. 10-19-05 thru 12-31-05; DFW 134-2005(Temp), f. & cert. ef. 11-30-05 thru 12-31-05; DFW 147-2005(Temp), f. 12-28-05, cert. ef. 1-1-06 thru 6-28-06; DFW 8-2006(Temp), f. 2-28-06, cert. ef. 3-1-06 thru 8-25-06; DFW 25-2006(Temp), f. 4-28-06, cert. ef. 5-1-06 thru 10-27-06; DFW 55-2006(Temp), f. 6-30-06, cert. ef. 7-1-06 thru 12-27-06; DFW 110-2006(Temp), f. 9-29-06, cert. ef. 10-1-06 thru 12-31-06; Administrative Correction 1-16-07; DFW 29-2007(Temp), f. & cert. ef. 5-1-07 thru 10-27-07; DFW 58-2007(Temp), f. 7-18-07, cert. ef. 8-1-07 thru 12-31-07; DFW 106-2007(Temp), f. 10-5-07, cert. ef. 10-6-07 thru 12-31-07; DFW 123-2007(Temp), f. 11-26-07, cert. ef. 11-28-07 thru 12-31-07; DFW 126-

ADMINISTRATIVE RULES

2007(Temp), f. & cert. ef. 12-11-07 thru 12-31-07; DFW 41-2008(Temp), f. 4-23-08, cert. ef. 5-1-08 thru 10-27-08; DFW 88-2008(Temp), f. & cert. ef. 8-1-08 thru 12-31-08; DFW 146-2008(Temp), f. & cert. ef. 12-4-08 thru 12-31-08; DFW 1-2009(Temp), f. & cert. ef. 1-5-09 thru 5-1-09; DFW 29-2009(Temp), f. & cert. ef. 3-18-09 thru 5-1-09; DFW 41-2009(Temp), f. 4-29-09, cert. ef. 5-1-09 thru 10-27-09; DFW 39-2009, f. & cert. ef. 4-27-09; DFW 81-2009(Temp), f. & cert. ef. 7-2-09 thru 12-28-09; DFW 136-2009(Temp), f. 10-28-09 thru 12-31-09

Rule Caption: Adopt Temporary Rules Governing Confidentiality and Inadmissibility of Mediation Communications in Subsequent Adjudicatory Proceedings.

Adm. Order No.: DFW 137-2009(Temp)

Filed with Sec. of State: 10-30-2009

Certified to be Effective: 10-30-09 thru 4-28-10

Notice Publication Date:

Rules Adopted: 635-001-0400

Subject: This rule is identical to the rule on confidentiality of mediation communications, developed by the Attorney General pursuant to ORS 36.224(2). The rule covers all mediations involving the Oregon Fish and Wildlife Commission, except those express exclusions. The rule limits information that the mediator may disclose and allows the parties to agree in writing to limit what may be disclosed or used in a subsequent administrative proceeding.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-001-0400

Confidentiality and Inadmissibility of Mediation Communications

(1) The words and phrases used in this rule have the same meaning as given to them in ORS 36.110 and 36.234.

(2) Nothing in this rule affects any confidentiality created by other law. Nothing in this rule relieves a public body from complying with the Public Meetings Law, ORS 192.610 to 192.690. Whether or not they are confidential under this or other rules of the agency, mediation communications are exempt from disclosure under the Public Records Law to the extent provided in 192.410 to 192.505.

(3) This rule applies only to mediations in which the agency is a party or is mediating a dispute as to which the agency has regulatory authority. This rule does not apply when the agency is acting as the “mediator” in a matter in which the agency also is a party as defined in ORS 36.234.

(4) To the extent mediation communications would otherwise be compromise negotiations under ORS 40.190 (OEC Rule 408), those mediation communications are not admissible as provided in 40.190 (OEC Rule 408), notwithstanding any provisions to the contrary in section (9) of this rule.

(5) Mediations Excluded. Sections (6)–(10) of this rule do not apply to:

(a) Mediation of workplace interpersonal disputes involving the interpersonal relationships between this agency’s employees, officials or employees and officials, unless a formal grievance under a labor contract, a tort claim notice or a lawsuit has been filed; or

(b) Mediation in which the person acting as the mediator will also act as the hearings officer in a contested case involving some or all of the same matters;

(c) Mediation in which the only parties are public bodies;

(d) Mediation involving two or more public bodies and a private party if the laws, rule or policies governing mediation confidentiality for at least one of the public bodies provide that mediation communications in the mediation are not confidential;

(e) Mediation involving 15 or more parties if the agency has designated that another mediation confidentiality rule adopted by the agency may apply to that mediation.

(6) Disclosures by Mediator. A mediator may not disclose or be compelled to disclose mediation communications in a mediation and, if disclosed, such communications may not be introduced into evidence in any subsequent administrative, judicial or arbitration proceeding unless

(a) all the parties to the mediation and the mediator agree in writing to the disclosure; or

(b) the mediation communication may be disclosed or introduced into evidence in a subsequent proceeding as provided in subsections (c)–(d), (j)–(l) or (o)–(p) of section (9) of this rule.

(7) Confidentiality and Inadmissibility of Mediation Communications. Except as provided in sections (8)–(9) of this rule, mediation communications are confidential and may not be disclosed to any other person, are not admissible in any subsequent administrative, judicial or arbitration proceeding and may not be disclosed during testimony in, or

during any discovery conducted as part of a subsequent proceeding, or introduced as evidence by the parties or the mediator in any subsequent proceeding.

(8) Written Agreement. Section (7) of this rule does not apply to a mediation unless the parties to the mediation agree in writing, as provided in this section, that the mediation communications in the mediation will be confidential and/or nondiscoverable and inadmissible. If the mediator is the employee of and acting on behalf of a state agency, the mediator or an authorized agency representative must also sign the agreement. The parties’ agreement to participate in a confidential mediation must be in substantially the following form. This form may be used separately or incorporated into an “agreement to mediate.”

Agreement to Participate in a Confidential Mediation

The agency and the parties to the mediation agree to participate in a mediation in which the mediation communications are confidential and/or nondiscoverable and inadmissible to the extent authorized by OAR [this rule] (7) and this agreement. This agreement relates to the following mediation:

a) _____
(Identify the mediation to which this agreement applies)

b) To the extent authorized by OAR [This rule] (7), mediation communications in this mediation are: (check one or more)

____ confidential and may not be disclosed to any other person not admissible in any subsequent administrative proceeding and may not be disclosed during testimony in, or during any discovery conducted as part of a subsequent administrative proceeding, or introduced as evidence by the parties or the mediator in any subsequent administrative proceeding

____ not admissible in any subsequent administrative, judicial or arbitration proceeding and may not be disclosed during testimony in, or during any discovery conducted as part of a subsequent administrative, judicial or arbitration proceeding, or introduced as evidence by the parties or the mediator in any subsequent administrative, judicial or arbitration proceeding

c) _____
Name of Agency

Signature of Agency’s authorized representative — Date
(when agency is a party) or Agency employee acting as the mediator (when Agency is mediating the dispute)

d) _____
Name of party to the mediation

Signature of party’s authorized representative — Date

e) _____
Name of party to the mediation

Signature of party’s authorized representative — Date

(9) Exceptions to confidentiality and inadmissibility.

(a) Any statements, memoranda, work products, documents and other materials, otherwise subject to discovery that were not prepared specifically for use in the mediation are not confidential and may be disclosed or introduced into evidence in a subsequent proceeding.

(b) Any mediation communications that are public records, as defined in ORS 192.410(4), and were not specifically prepared for use in the mediation are not confidential and may be disclosed or introduced into evidence in a subsequent proceeding unless the substance of the communication is confidential or privileged under state or federal law.

(c) A mediation communication is not confidential and may be disclosed by any person receiving the communication to the extent that person reasonably believes that disclosing the communication is necessary to prevent the commission of a crime that is likely to result in death or bodily injury to any person. A mediation communication is not confidential and may be disclosed in a subsequent proceeding to the extent its disclosure may further the investigation or prosecution of a felony crime involving physical violence to a person.

(d) Any mediation communication related to the conduct of a licensed professional that is made to or in the presence of a person who, as a condition of his or her professional license, is obligated to report such communication by law or court rule is not confidential and may be disclosed to the extent necessary to make such a report.

(e) The parties to the mediation may agree in writing that all or part of the mediation communications are not confidential or that all or part of the mediation communications may be disclosed and may be introduced into evidence in a subsequent proceeding unless the substance of the communication is confidential, privileged or otherwise prohibited from disclosure under state or federal law.

ADMINISTRATIVE RULES

(f) A party to the mediation may disclose confidential mediation communications to a person if the party's communication with that person is privileged under ORS Chapter 40 or other provision of law. A party to the mediation may disclose confidential mediation communications to a person for the purpose of obtaining advice concerning the subject matter of the mediation, if all the parties agree.

(g) An employee of the agency may disclose confidential mediation communications to another agency employee so long as the disclosure is necessary to conduct authorized activities of the agency. An employee receiving a confidential mediation communication under this subsection is bound by the same confidentiality requirements as apply to the parties to the mediation.

(h) A written mediation communication may be disclosed or introduced as evidence in a subsequent proceeding at the discretion of the party who prepared the communication so long as the communication is not otherwise confidential under state or federal law and does not contain confidential information from the mediator or another party who does not agree to the disclosure.

(i) In any proceeding to enforce, modify or set aside a mediation agreement, a party to the mediation may disclose mediation communications and such communications may be introduced as evidence to the extent necessary to prosecute or defend the matter. At the request of a party, the court may seal any part of the record of the proceeding to prevent further disclosure of mediation communications or agreements to persons other than the parties to the agreement.

(j) In an action for damages or other relief between a party to the mediation and a mediator or mediation program, mediation communications are not confidential and may be disclosed and may be introduced as evidence to the extent necessary to prosecute or defend the matter. At the request of a party, the court may seal any part of the record of the proceeding to prevent further disclosure of the mediation communications or agreements.

(k) When a mediation is conducted as part of the negotiation of a collective bargaining agreement, the following mediation communications are not confidential and such communications may be introduced into evidence in a subsequent administrative, judicial or arbitration proceeding:

(A) A request for mediation, or

(B) A communication from the Employment Relations Board Conciliation Service establishing the time and place of mediation, or

(C) A final offer submitted by the parties to the mediator pursuant to ORS 243.712, or

(D) A strike notice submitted to the Employment Relations Board.

(l) To the extent a mediation communication contains information the substance of which is required to be disclosed by Oregon statute, other than ORS 192.410 to 192.505, that portion of the communication may be disclosed as required by statute.

(m) Written mediation communications prepared by or for the agency or its attorney are not confidential and may be disclosed and may be introduced as evidence in any subsequent administrative, judicial or arbitration proceeding to the extent the communication does not contain confidential information from the mediator or another party, except for those written mediation communications that are:

(A) Attorney client privileged communications so long as they have been disclosed to no one other than the mediator in the course of the mediation or to persons as to whom disclosure of the communication would not waive the privilege, or

(B) Attorney work product prepared in anticipation of litigation or for trial, or

(C) Prepared exclusively for the mediator or in a caucus session and not given to another party in the mediation other than a state agency, or

(D) Prepared in response to the written request of the mediator for specific documents or information and given to another party in the mediation, or

(E) Settlement concepts or proposals, shared with the mediator or other parties.

(n) A mediation communication made to the agency may be disclosed and may be admitted into evidence to the extent the director determines that disclosure of the communication is necessary to prevent or mitigate a serious danger to the public's health or safety, and the communication is not otherwise confidential or privileged under state or federal law.

(o) The terms of any mediation agreement are not confidential and may be introduced as evidence in a subsequent proceeding, except to the extent the terms of the agreement are exempt from disclosure under ORS 192.410 to 192.505, a court has ordered the terms to be confidential under 30.402 or state or federal law requires the terms to be confidential.

(p) The mediator may report the disposition of a mediation to the agency at the conclusion of the mediation so long as the report does not disclose specific confidential mediation communications. The agency or the mediator may use or disclose confidential mediation communications for research, training or educational purposes, subject to the provisions of ORS 36.232(4).

(10) When a mediation is subject to section (7) of this rule, the agency will provide to all parties to the mediation and the mediator a copy of this rule or a citation to the rule and an explanation of where a copy of the rule may be obtained. Violation of this provision does not waive confidentiality or inadmissibility.

Stat. Authority: ORS 36.224

Stat. Implemented: ORS 36.224, 36.228, 36.230, 36.232

Hist.: DFW 137-2009(Temp), f. & cert. ef. 10-30-09 thru 4-28-10

Rule Caption: Inseason Actions Implemented by the Federal Government for Commercial Petrale Fisheries.

Adm. Order No.: DFW 138-2009(Temp)

Filed with Sec. of State: 11-2-2009

Certified to be Effective: 11-2-09 thru 12-31-09

Notice Publication Date:

Rules Amended: 635-004-0019

Rules Suspended: 635-004-0019(T)

Subject: This amended rule adopts in-season actions implemented by the federal government on November 1, 2009 for commercial groundfish fisheries, including but not limited to changes in Period 6 cumulative trip limits for petrale sole and changes to RCA boundaries. These changes are in addition to the inseason actions, implemented by the federal government on October 28, 2009, including but not limited to changes in period 5 and 6 cumulative trip limits for minor slope rockfish, darkblotched rockfish, arrowtooth flounder, and sablefish.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-004-0019

Inclusions and Modifications

(1) OAR chapter 635, division 004, modifies or is in addition to provisions contained in **Code of Federal Regulations, Title 50, Part 660, Subpart G, West Coast Groundfish Fisheries.**

(2) **The Code of Federal Regulations (CFR), Title 50, Part 660, Subpart G,** provides requirements for commercial groundfish fishing in the Pacific Ocean off the Oregon coast. However, additional regulations may be promulgated subsequently, and these supersede, to the extent of any inconsistency, the **Code of Federal Regulations.**

(3) Notwithstanding the regulations as defined in OAR 635-004-0018, the National Oceanic and Atmospheric Administration (NOAA), by means of National Marine Fisheries Service (NMFS) Northwest Fishery Science Center Public Notice NMFS-SEA-09-04, July 2, 2009, announced inseason management measures effective July 1, 2009, including, but not limited to, changes to cumulative trip limits for sablefish and petrale sole, changes to RCA boundaries, and changes to cumulative trip limits for various species south of 42 degrees latitude (waters off California).

(4) Notwithstanding the regulations as defined in OAR 635-004-0018, the National Oceanic and Atmospheric Administration (NOAA), by means of Federal Register Vol. 74, No. 207 on October 28, 2009, announced inseason management measures effective October 28, 2009, including, but not limited to, changes to period 5 and 6 cumulative trip limits for minor slope rockfish, darkblotched rockfish, arrowtooth flounder, and sablefish, and changes to period 5 and 6 daily and weekly trip limits for sablefish.

(5) Notwithstanding the regulations as defined in OAR 635-004-0018, the National Oceanic and Atmospheric Administration (NOAA), by means of NMFS public notice, NMFS-SEA-09-06, announced inseason management measures effective November 1, 2009, including, but not limited to, changes to period 6 cumulative trip limits for petrale sole and RCA boundaries.

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

Stat. Auth.: ORS 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 76-1999(Temp), f. 9-30-99, cert. ef. 10-1-99 thru 12-31-99; DFW 81-1999(Temp), f. & cert. ef. 10-12-99 thru 12-31-99; DFW 98-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 23-2005(Temp), f. & cert. ef. 4-8-05 thru 10-4-05; DFW 30-2005(Temp), f. 4-29-05, cert. ef. 5-1-05 thru 10-27-05; DFW 43-2005(Temp), f. & cert. ef. 5-13-05 thru 10-17-05; DFW 68-2005(Temp), 6-30-05, cert. ef. 7-1-05 thru 12-27-05; DFW 114-2005(Temp), f. 9-30-05, cert. ef. 10-1-05 thru 12-31-05; DFW 125-2005(Temp), f. & cert. ef. 10-19-05 thru 12-31-05; DFW 134-2005(Temp), f. & cert. ef. 11-30-05 thru 12-31-05; DFW 147-2005(Temp), f. 12-28-05, cert. ef. 1-1-06 thru 6-28-06; DFW 8-2006(Temp), f. 2-28-06,

ADMINISTRATIVE RULES

cert. ef. 3-1-06 thru 8-25-06; DFW 25-2006(Temp), f. 4-28-06, cert. ef. 5-1-06 thru 10-27-06; DFW 55-2006(Temp), f. 6-30-06, cert. ef. 7-1-06 thru 12-27-06; DFW 110-2006(Temp), f. 9-29-06, cert. ef. 10-1-06 thru 12-31-06; Administrative Correction 1-16-07; DFW 29-2007(Temp), f. & cert. ef. 5-1-07 thru 10-27-07; DFW 58-2007(Temp), f. 7-18-07, cert. ef. 8-1-07 thru 12-31-07; DFW 106-2007(Temp), f. 10-5-07, cert. ef. 10-6-07 thru 12-31-07; DFW 123-2007(Temp), f. 11-26-07, cert. ef. 11-28-07 thru 12-31-07; DFW 126-2007(Temp), f. & cert. ef. 12-11-07 thru 12-31-07; DFW 41-2008(Temp), f. 4-23-08, cert. ef. 5-1-08 thru 10-27-08; DFW 88-2008(Temp), f. & cert. ef. 8-1-08 thru 12-31-08; DFW 146-2008(Temp), f. & cert. ef. 12-4-08 thru 12-31-08; DFW 1-2009(Temp), f. & cert. ef. 1-5-09 thru 5-1-09; DFW 29-2009(Temp), f. & cert. ef. 3-18-09 thru 5-1-09; DFW 41-2009(Temp), f. 4-29-09, cert. ef. 5-1-09 thru 10-27-09; DFW 39-2009, f. & cert. ef. 4-27-09; DFW 81-2009(Temp), f. & cert. ef. 7-2-09 thru 12-28-09; DFW 136-2009, f. 10-28-09 thru 12-31-09; DFW 138-2009(Temp), f. & cert. ef. 11-2-09 thru 12-31-09

Rule Caption: Amend Procedures for Processing Public Records Requests.

Adm. Order No.: DFW 139-2009

Filed with Sec. of State: 11-3-2009

Certified to be Effective: 11-3-09

Notice Publication Date: 6-1-2009

Rules Amended: 635-001-0321, 635-001-0331

Subject: These rule amendments are related to procedure and fees for the Oregon Department of Fish and Wildlife to respond to public records requests, The 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 waiver and reductions.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-001-0321

Requests to Inspect or Obtain Copies of Public Records

A request to inspect or copy a public record must be made in writing and must identify as specifically as possible the type of record (s), subject matter, approximate date(s), names of persons involved, and the number of copies requested; and the name, address and phone number of the person requesting the public records. Requests must be sent to the Office of the Director, 3406 Cherry Ave NE, Salem, OR 97303, faxed to (503) 947-6042 or emailed to odfw.commission@state.or.us. Requests for certain commercial fishing records (Vessel Records, Crab Permit Records and Individual Records) must use the appropriate forms found online at www.dfw.state.or.us/fish/commercial.

Stat. Auth.: ORS 192.440

Stats. Implemented: ORS 192.440

Hist.: DFW 34-2000, f. & cert. ef. 6-23-00; DFW 139-2009, f. & cert. ef. 11-3-09

635-001-0331

Fees for Inspection and Copies of Public Records

(1) As authorized by law, the Department charges a fee reasonably calculated to reimburse the Department for its actual cost in making public records available. The fees for the most common cost elements are specified below. Fees for information requested in formats other than those listed below will be determined on a case-by-case basis. All fees must be paid in advance.

(a) No charge for the first 30 minutes of staff time to provide the information requested. After that point, \$28.00 per hour for staff time (billed in increments of \$7.00 per every 15 minutes or fraction thereof — a prorated fee is not available for less than a quarter- hour).

(b) Actual attorney fees charged to the Department for the time spent by an attorney in reviewing the public records, redacting material for the public records or segregating the public records into exempt and nonexempt records.

(c) No charge for printing or photocopying the first 10 pages. \$0.25 per single sided printed or photocopied page after the first 10 single-sided pages. \$0.50 per two-sided printed or photocopied pages after the first five two-sided pages. \$0.30 for each page faxed to a requester (not including the cover page) limited to a 20 page maximum.

(d) \$5.00 per other electronic data provided on a CD.

(e) When the request is for a list of names and addresses of license, permit or tag holders, the charge is \$25.00 per list (in addition to any relevant changes above), or the \$5.00 CD fee if provided on a CD, or the cost of other media (e.g., magnetic tapes, labels, etc.); plus \$0.01 per name for every name in addition to the first 2,000 provided.

(f) Actual material costs for providing records on audio tapes, video tapes, microfilm, magnetic tapes, or other media not otherwise addressed above.

(g) Actual costs of mailing and/or shipping records.

(h) \$10.00 for each notarized signature or certified copy signature request.

(2) The Department will not charge fees for providing public records to other state agencies.

Stat. Auth.: ORS 192.440

Stats. Implemented: ORS 192.440

Hist.: DFW 34-2000, f. & cert. ef. 6-23-00; DFW 139-2009, f. & cert. ef. 11-3-09

Rule Caption: Establish 2010 Seasons and regulations for Game Mammals.

Adm. Order No.: DFW 140-2009

Filed with Sec. of State: 11-3-2009

Certified to be Effective: 1-1-10

Notice Publication Date: 8-1-2009

Rules Amended: 635-043-0120, 635-045-0000, 635-045-0002, 635-060-0000, 635-060-0005, 635-060-0023, 635-060-0055, 635-065-0001, 635-065-0015, 635-065-0090, 635-065-0301, 635-065-0401, 635-065-0625, 635-065-0705, 635-065-0740, 635-066-0000, 635-066-0010, 635-067-0000, 635-067-0024, 635-067-0028, 635-067-0029, 635-067-0032, 635-067-0034, 635-067-0041, 635-072-0000, 635-073-0090, 635-075-0005, 635-075-0010, 635-080-0053, 635-080-0063

Subject: Establish 2010 hunting regulations for game mammals, including season dates, open areas, location of cooperative travel management areas, wildlife areas, and other rules including general hunting and controlled hunt regulations. Specific rule changes include: amend rules relating to hunting after filling a tag, ceremonial harvest tags, youth hunts, deer and elk Cascade hunt seasons, archery and disability bag limits, LOP tag exchange, LOP tags issued.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-043-0120

Ceremonial Harvest Permits

Ceremonial harvest permits for use by the Confederated Tribes of the Grand Ronde 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

ADMINISTRATIVE RULES

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 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; DFW 140-2009, f. 11-3-09, cert. ef. 1-1-10

635-045-0000

Purpose

(1) The purpose of these rules is to list definitions pursuant to hunting seasons for big game and game birds.

(2) The documents entitled "2009–2010 Oregon Game Bird Regulations", and "2010 Oregon Big Game Regulations", are incorporated by reference into these rules. These documents are available at hunting license vendors and regional, district and headquarters offices of the Oregon Department of Fish and Wildlife.

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

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

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

Hist.: FWC 36-1988, f. & cert. ef. 6-13-88; FWC 47-1989, f. & cert. ef. 7-25-89; FWC 14-1990, f. & cert. ef. 2-2-90; FWC 91-1990, f. & cert. ef. 9-4-90; FWC 42-1996, f. & cert. ef. 8-12-96; FWC 53-1997, f. & cert. ef. 9-3-97; DFW 61-1998, f. & cert. ef. 8-10-98; DFW 75-1998, f. & cert. ef. 9-4-98; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 56-1999, f. & cert. ef. 8-13-99; DFW 92-1999, f. 12-8-99, cert. ef. 1-1-00; DFW 51-2000, f. & cert. ef. 8-22-00; DFW 82-2000, f. 12-21-00, cert. ef. 1-1-01; DFW 73-2001, f. & cert. ef. 8-15-01; DFW 121-2001, f. 12-24-01, cert. ef. 1-1-02; DFW 88-2002, f. & cert. ef. 8-14-02; DFW 2-2003, f. & cert. ef. 1-17-03; DFW 76-2003, f. & cert. ef. 8-13-03; DFW 118-2003, f. 12-4-03, cert. ef. 1-1-04; DFW 84-2004, f. & cert. ef. 8-18-04; DFW 91-2005, f. & cert. ef. 8-19-05; DFW 128-2005, f. 12-1-05, cert. ef. 1-1-06; DFW 81-2006, f. & cert. ef. 8-11-06; DFW 127-2006, f. 12-7-06, cert. ef. 1-1-07; DFW 68-2007, f. & cert. ef. 8-14-07; DFW 118-2007, f. 10-31-07, c cert. ef. 1-1-08; DFW 90-2008, f. & cert. ef. 8-13-08; DFW 150-2008, f. 12-18-08, cert. ef. 1-1-09; DFW 93-2009, f. & cert. ef. 8-12-09; DFW 140-2009, f. 11-3-09, cert. ef. 1-1-10

635-045-0002

Definitions

(1) "Adult hunting license" is a resident or nonresident hunting license, resident combination angling and hunting license, disabled war veteran's angling and hunting license, pioneer's angling and hunting license or senior citizen's angling and hunting license.

(2) "Agricultural lands" are lands that are not less than ten acres in extent that have been cultivated and planted or irrigated to domestic crops that are currently in use. Isolated home gardens, abandoned farmsteads, logged lands, rangelands, and tree farms, are not included in this definition.

(3) "Antler Point" is a point at least one inch in length measured from tip of point to nearest edge of beam. This definition applies only to the three-point elk and spike only elk bag limits.

(4) "Antlerless deer" means doe or fawn deer.

(5) "Antlerless elk" means cow or calf elk.

(6) "Application" means the electronic form completed and purchased to apply for a hunt where the number or distribution of hunters is limited through a public drawing or other means. Mail order applications sent to the Department along with the proper remittance are used to generate the electronic form.

(7) "Baited Area" means an area where baiting has taken place.

(8) "Baiting" means the placing, exposing, depositing, distributing, or scattering of corn, wheat, salt or other feed to constitute a lure or enticement to, on, or over an area where hunters are attempting to take game birds.

(9) "Brace" is defined as an orthosis that is prescribed by a physician and fabricated by an orthotist certified by the American Board for Certification in Orthotics and Prosthetics, Inc.

(10) "Brace Height" is the distance from the back of the bow's riser at the handgrip to the string when the bow is at rest.

(11) "Buck Deer" means a male deer with at least one visible antler.

(12) "Buck Pronghorn" means a male pronghorn antelope with visible horns and a dark cheek patch below the ear.

(13) "Bull elk" for the purposes of a bag limit definition, means a male elk with at least one visible antler.

(14) "Calendar year" means from January 1 through December 31.

(15) "Carcass" is the skinned or unskinned body, with or without entrails, of a game bird or game mammal.

(16) "Cascade elk" means any live elk occurring in the Dixon, Evans Creek, Indigo, Keno, McKenzie, Metolius, Rogue, Santiam and Upper Deschutes units and those parts of Fort Rock and Sprague units west of Highway 97, and that part of Grizzly Unit west of Hwy 97 and south of Hwy 26.

(17) "Closed season" is any time and place when it is not authorized to take a specific species, sex or size of wildlife.

(18) "Coast elk" means any live elk occurring in the Alsea, Applegate, Chetco, Melrose, Powers, Saddle Mountain, Scappoose, Siuslaw, Sixes, Stott Mountain, Tioga, Trask, Willamette, and Wilson units.

(19) "Commission" means the Oregon Fish and Wildlife Commission.

(20) "Controlled hunt" is a season where the number or distribution of hunters is limited through a public drawing or other means.

(21) "Department" means the Oregon Department of Fish and Wildlife.

(22) "Director" means the Oregon Fish and Wildlife Director.

(23) "Doe or fawn pronghorn" means a female pronghorn antelope without a dark cheek patch below the ear or a pronghorn fawns (young of the year) of either sex.

(24) "Domestic partner" means, as provided in section 3 of the Oregon Family Fairness Act of 2007 (ORS Chapter 106), "an individual who has, in person, joined into a civil contract with another individual of the same sex, provided that each individual is at least 18 years of age and is otherwise capable, and that at least one of the individuals is a resident of Oregon."

(25) "Eastern Oregon" means all counties east of the summit of the Cascade Range including all of Klamath and Hood River counties.

(26) "Eastern Oregon deer" means any live deer occurring east of the east boundaries of the Santiam, McKenzie, Dixon, Indigo and Rogue units.

(27) "Eligible Hunter" means someone who will be 12 years of age by the time they hunt.

(28) "Entry permit" means a permit issued by the Department to be in an area where entry is restricted by regulation.

(29) "Established airport" is one that the Oregon Department of Aviation has licensed as a public-use airport, registered as a personal-use airport, or specifically exempted from either licensing or registration.

(30) "Feral Swine" means animals of the genus *Sus* as defined by the Oregon Department of Agriculture in OAR 603-010-0055.

(31) "Fiscal year" means from July 1 through June 30.

(32) "Furbearers" are beaver, bobcat, fisher, marten, mink, muskrat, otter, raccoon, red fox, and gray fox.

(33) "Game Birds" are any waterfowl, snipe, band-tailed pigeon, dove, pheasant, quail, partridge, grouse, or wild turkey.

(34) "Game mammals" are pronghorn antelope, black bear, cougar, deer, elk, moose, Rocky Mountain goat, bighorn sheep, and western gray squirrel.

(35) "General season" is any season open to the holder of a valid hunting license and appropriate game mammal tag without restriction as to the number of participants.

(36) "Hunter certification" means to have met educational, safety or other requirements designated by administrative rule for participation in a hunt.

(37) "Hunt" means to take or attempt to take any wildlife by means involving the use of a weapon or with the assistance of any mammal or bird.

(38) "Husbandry" means the care given animals directly by their owners and managers, including but not limited to:

(a) Nutrition;

(b) Breeding program;

(c) Veterinary medical care;

(d) Environmental cleanliness; and

(e) Humane handling.

(39) "Immediate family" for the purpose of Landowner Preference, means a landowner's spouse, children, father, mother, brother, sister, stepchildren, and grandchildren.; for all other purposes, it means spouse,

ADMINISTRATIVE RULES

domestic partner, children, father, mother, brother, sister, stepchildren, and grandchildren.

(40) "Inedible" means unfit for human consumption.

(41) "Juvenile hunting license" is a resident, nonresident hunting license or resident combination angling and hunting license for persons 12 to 17 years of age to hunt wildlife.

(42) "Landowner", as used in OAR chapter 635, division 075, means:

(a) A person who holds title in trust or in fee simple to 40 or more contiguous acres of land; provided however that a recorded deed or contract of ownership shall be on file in the county in which the land is located; and/or

(b) A corporation or Limited Liability Company (LLC) holding title in fee simple to 40 or more contiguous acres of land; provided however that the corporation or LLC shall be registered with the State of Oregon; and/or

(c) A partnership holding title in fee simple to 40 or more contiguous acres of land; and/or

(d) Persons who hold title as part of a time share are not eligible for landowner preference.

(43) "Low Income" means a person who is "economically disadvantaged" as defined in Section 4(8) of the Federal Job Training Partnership Act of 1982.

(44) "Mounted Wildlife" means any hide, head or whole body of wildlife prepared by a licensed taxidermist for display.

(45) "Muzzleloader" is any single-barreled (shotguns may be double barreled) long gun meant to be fired from the shoulder and loaded from the muzzle with an open ignition system and open or peep sights.

(46) "On or within" means a straight line distance measured on a map.

(47) "One deer" means a buck, doe, or fawn deer.

(48) "One elk" means a bull, cow, or calf elk.

(49) "Open Ignition" is an ignition system where the percussion cap, or frizzen, or flint is visible and exposed to the weather at all times and is not capable of being closed or covered by any permanent piece of the weapon.

(50) "Partner" means a person in an association of two or more persons formed to carry on as co-owners for profit.

(51) "Point-of-Sale" (POS) is a computerized licensing system available at locations that sell Oregon's hunting and angling licenses. Licenses and tags are generated and issued directly to customers from a POS machine at the time of sale.

(52) "Possession" means to have physical possession or to otherwise exercise dominion or control over any wildlife or parts thereof, and any person who counsels, aids or assists another person holding such wildlife is deemed equally in possession.

(53) "Postmark" means the date of mailing as stated in a mark applied by the U.S. Postal Service to a piece of mail. Office postal machine meter marks are not valid application deadline postmarks.

(54) "Predatory animals" means coyotes, rabbits, rodents, and feral swine which are or may be destructive to agricultural crops, products and activities.

(55) "Protected wildlife" means "game mammals" as defined in OAR 635-045-0002(34) "game birds" as defined in 635-045-0002(33), "furbearers" as defined in 635-045-0002(32), "threatened and endangered species" as defined in 635-100-0125, and "nongame wildlife protected" as defined in 635-044-0130.

(56) "Pursue" means the act of trailing, tracking, or chasing wildlife in an attempt to locate, capture, catch, tree, or kill any game mammal or furbearer.

(57) "Raw pelt" means any pelt that has not been processed or converted to any usable form beyond initial cleaning, stretching, and drying.

(58) "Resident" is any person who has resided in Oregon for a period of at least six months immediately prior to the date of making application for a license or tag. Members of the armed forces assigned to permanent duty status in Oregon including spouses and dependent children, and foreign exchange students attending school in Oregon under a foreign student exchange program may purchase a resident license and tags. All other persons are nonresidents.

(59) "Resident juvenile" is any "Resident" of Oregon 14 through 17 years of age.

(60) "River" is that portion of a natural water body lying below the level of bankfull stage. Bankfull stage is the stage or elevation at which overflow of the natural banks of a stream or body of water begins to inundate the upland.

(61) "Rocky Mountain elk" is any live elk occurring east of the following described line: Beginning at the California line on Highway 97;

north on Highway 97 to State Highway 26 at Madras; northwest on Highway 26 to east boundary of Santiam Unit; north along east boundary of Santiam Unit to the Columbia River.

(62) "Sabot" A carrier, bushing or device in which a projectile of a smaller caliber is centered so as to permit firing the projectile within a larger caliber weapon. Cloth, paper or felt patches used with round balls are not considered a sabot.

(63) "Shotgun" is a smoothbore firearm, designed for firing birdshot, and intended to be fired from the shoulder, with a barrel length of 18 inches or more, and with an overall length of 26 inches or more. Exception: Shotguns equipped with rifled slug barrels are considered shotguns when used for hunting pronghorn antelope, black bear, cougar, deer, or elk when centerfire rifles or shotguns are legal weapons.

(64) "Sight bait" is exposed flesh bait within 15 feet of any leghold trap set for carnivores.

(65) "Spike deer" is a deer with spike (unbranched) antlers.

(66) "Spike-only bull elk" means a bull elk with at least one visible unbranched antler (brow tines are not considered an antler branch under spike-only regulations).

(67) "Stockholder" is a person who owns stock within a corporation as defined in OAR 635-045-0002(42)(b).

(68) "Tag" is a document authorizing the taking of a designated kind of mammal at a specified time and place.

(69) "Take" means to kill or obtain possession or control of any wildlife.

(70) "Three point plus elk" for the purposes of a bag limit definition, means a bull elk having 3 points or more on one antler including the brow tine.

(71) "Unbarbed broadhead" is a fixed position arrowhead where the rear edge of the blade(s) forms an angle with the arrow shaft to which it is attached of 90° or greater.

(72) "Unprotected Mammals and Birds" are European starling, house sparrow, rock pigeon and any mammal species for which there are no closed seasons or bag limits.

(73) "Valid certification permit" is a permit for the current season that has not become invalid after taking a season limit or illegal game bird.

(74) "Visible Antler" means a velvet or hardened antler that is visible above the hairline on the skullcap and is capable of being shed.

(75) "Wait period" means the length of time a successful controlled hunt applicant must wait before reapplying for the species for which he was successful in drawing.

(76) "Waste" means to allow any edible portion of any game mammal (except cougar) or game bird to be rendered unfit for human consumption, or, to fail to retrieve edible portions, except internal organs, of such game mammals or game birds from the field. Entrails, including the heart and liver, are not considered edible.

(77) "Waterfowl" means ducks, geese, mergansers and coots.

(78) "Weapon" is any device used to take or attempt to take wildlife.

(79) "Western Oregon" means all counties west of the summit of the Cascade Range except Klamath and Hood River counties.

(80) "Western Oregon deer" is any live deer except the Columbian white-tailed deer occurring west of the east boundaries of the Santiam, McKenzie, Dixon, Indigo, and Rogue units.

(81) "Wildlife" means fish, wild birds, amphibians, reptiles, wild mammals, and feral swine.

(82) "Wildlife" means for the purposes of harassment to relieve damage described in OAR 635-043-0096 through 635-043-0115, game mammals, game birds except migratory birds protected by Federal law, furbearing mammals and wildlife declared protected by the commission.

(83) "Wildlife" means for the purposes of scientific taking described in OAR 635-043-0023 through 635-043-0045, wild birds, wild mammals, amphibians and reptiles, including nests, eggs, or young of same.

(84) "Wildlife" means, for the purposes of the Wildlife Diversity Plan described in OAR 635-100-0001 through 635-100-0194, fish, shellfish, amphibians, reptiles, feral swine, wild mammals, wild birds, and animals living intertidally on the bottom as defined by ORS 506.011.

(85) "Wildlife unit" is a geographic area described in OAR 635-080-0000 through 635-080-0077.

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

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

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

Hist.: FWC 47-1989, f. & cert. ef. 7-25-89; FWC 104-1989, f. & cert. ef. 9-29-89; FWC 14-1990, f. & cert. ef. 2-2-90; FWC 22-1990, f. & cert. ef. 3-21-90; FWC 17-1991, f. & cert. ef. 3-12-91; FWC 33-1991, f. & cert. ef. 3-25-91; FWC 50-1991, f. & cert. ef. 5-13-91; FWC 57-1991, f. & cert. ef. 6-24-91; FWC 9-1993, f. & cert. ef. 2-8-93; FWC 6-1994, f. & cert. ef. 1-26-94; FWC 20-1995, f. & cert. ef. 3-6-95; FWC 63-1995, f. & cert. ef. 8-3-95; FWC 21-1996, f. & cert. ef. 5-1-96; FWC 50-1996, f. & cert. ef. 8-30-96; FWC 38-1997, f. & cert. ef. 6-17-97; FWC 53-1997, f. & cert. ef. 9-3-97; FWC 71-1997, f. & cert. ef. 12-29-97; DFW

ADMINISTRATIVE RULES

1-1999, f. & cert. ef. 1-14-99; DFW 47-1999, f. & cert. ef. 6-16-99; DFW 92-1999, f. 12-8-99, cert. ef. 1-1-00; DFW 30-2000, f. & cert. ef. 6-14-00; DFW 82-2000, f. 12-21-00, cert. ef. 1-1-01; DFW 73-2001, f. & cert. ef. 8-15-01; DFW 121-2001, f. 12-24-01, cert. ef. 1-1-02; DFW 2-2003, f. & cert. ef. 1-17-03; DFW 118-2003, f. 12-4-03, cert. ef. 1-1-04; DFW 142-2005, f. & cert. ef. 12-16-05; DFW 127-2006, f. 12-7-06, cert. ef. 1-1-07; DFW 68-2007, f. & cert. ef. 8-14-07; DFW 118-2007, f. 10-31-07, c. cert. ef. 1-1-08; DFW 52-2008, f. & cert. ef. 5-28-08; DFW 150-2008, f. 12-18-08, cert. ef. 1-1-09; DFW 108-2009, f. & cert. ef. 9-8-09; DFW 140-2009, f. 11-3-09, cert. ef. 1-1-10

635-060-0000

Purpose and General Information

(1) The purpose of these rules is to describe the requirements and procedures for controlled hunts pursuant to ORS 496.162.

(2) The documents entitled "2009–2010 Oregon Game Bird Regulations", and "2010 Oregon Big Game Regulations," are incorporated by reference into these rules. These documents are available at hunting license agents and regional, district, and headquarters offices of the Oregon Department of Fish and Wildlife.

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

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

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

Hist.: FWC 118, f. & ef. 6-3-77; FWC 25-1978, f. & ef. 5-26-78; FWC 32-1978, f. & ef. 6-30-78; FWC 29-1979, f. & ef. 8-2-79; FWC 33-1980, f. & ef. 6-30-80; FWC 7-1981, f. 2-18-81, ef. 6-1-81; FWC 10-1981, f. & ef. 3-31-81; FWC 22-1981, f. & ef. 6-29-81; FWC 21-1982, f. & ef. 3-31-82; FWC 38-1982, f. & ef. 6-25-82; FWC 34-1984, f. & ef. 7-24-84; FWC 16-1985, f. & ef. 4-11-85; FWC 43-1985, f. & ef. 8-22-85; FWC 35-1986, f. & ef. 8-7-86; FWC 11-1987, f. & ef. 3-6-87; FWC 40-1987, f. & ef. 7-6-87; FWC 12-1988, f. & cert. ef. 3-10-88; FWC 37-1988, f. & cert. ef. 6-13-88; FWC 14-1989, f. & cert. ef. 3-28-89; FWC 48-1989, f. & cert. ef. 7-25-89; FWC 23-1990, f. & cert. ef. 3-21-90; FWC 71-1997, f. & cert. ef. 12-29-97; DFW 61-1998, f. & cert. ef. 8-10-98; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 56-1999, f. & cert. ef. 8-13-99; DFW 92-1999, f. 12-8-99, cert. ef. 1-1-00; DFW 51-2000, f. & cert. ef. 8-22-00; DFW 82-2000, f. 12-21-00, cert. ef. 1-1-01; DFW 73-2001, f. & cert. ef. 8-15-01; DFW 121-2001, f. 12-24-01, cert. ef. 1-1-02; DFW 3-2002(Temp), f. & cert. ef. 1-3-02 thru 1-23-02; DFW 28-2002(Temp), f. 4-1-02, cert. ef. 4-2-02 thru 9-28-02; DFW 59-2002, f. & cert. ef. 6-11-02; DFW 88-2002, f. & cert. ef. 8-14-02; DFW 2-2003, f. & cert. ef. 1-17-03; DFW 76-2003, f. & cert. ef. 8-13-03; DFW 118-2003, f. 12-4-03, cert. ef. 1-1-04; DFW 84-2004, f. & cert. ef. 8-18-04; DFW 122-2004, f. 12-21-04, cert. ef. 1-1-05; DFW 91-2005, f. & cert. ef. 8-19-05; DFW 128-2005, f. 12-1-05, cert. ef. 1-1-06; DFW 81-2006, f. & cert. ef. 8-11-06; DFW 127-2006, f. 12-7-06, cert. ef. 1-1-07; DFW 68-2007, f. & cert. ef. 8-14-07; DFW 118-2007, f. 10-31-07, c. cert. ef. 1-1-08; DFW 60-2008, f. & cert. ef. 6-12-08; DFW 90-2008, f. & cert. ef. 8-13-08; DFW 150-2008, f. 12-18-08, cert. ef. 1-1-09; DFW 93-2009, f. & cert. ef. 8-12-09; DFW 140-2009, f. 11-3-09, cert. ef. 1-1-10

635-060-0005

Application Eligibility and Procedures

(1)(a) An applicant for game mammal controlled hunts shall have a current adult hunting license or juvenile hunting license. A current and complete hunting license number shall be entered on the application for the controlled hunt.

(b) Licenses are nonrefundable, whether or not an applicant is successful in the drawing.

(2)(a) A valid controlled hunt application shall be purchased from a license agent authorized to sell controlled hunt applications. The purchase price of the application shall be a nonrefundable fee of \$ 3.00 per game mammal application, and a nonrefundable \$1.50 license agent processing fee.

(b) Department license agents authorized to sell applications for controlled hunts shall be connected to the Department's computerized licensing system.

(3) Each controlled hunt is assigned a hunt number. The hunt number shall be entered on the application indicating area of choice and shall match the type of application purchased. All hunt numbers listed on an application shall have the same first digit, which indicates a species or group of hunts as listed below:

- (a) 100 series for controlled buck deer.
- (b) 200 series for controlled elk.
- (c) 400 series for pronghorn antelope.
- (d) 500 series for bighorn sheep.
- (e) 600 series for controlled antlerless deer.
- (f) 700 series for controlled black bear.
- (g) 900 series for controlled Rocky Mountain goat.

(4) If successful in the drawing, party members shall receive the same hunt choice as the party leader. If a party application exceeds the allowed party size, all applicants in the party shall be considered as individual applicants in the drawing. Party size limits are as follows:

- (a) 100 series hunts up to 18 persons.
- (b) 200 series hunts up to 18 persons
- (c) 400 series hunts up to two persons.
- (d) 500 series hunts, no parties allowed.
- (e) 600 series hunts up to 18 persons.
- (f) 700 series hunts up to six persons.
- (g) 900 series hunts no parties allowed.

(5) Controlled Hunt applications may be submitted to the Department headquarters office via telephone fax machine, US Postal Service, or hand-delivery (3406 Cherry Ave, NE, Salem, OR, 97303). Applications along with the proper fees must be submitted by telephone, fax machine, or hand-delivered received at the Department headquarters office (3406 Cherry Ave, NE, Salem, OR, 97303; Fax: (503) 947-6117 no later than midnight of the deadline date described in OAR 635-060-0008(1)–(5). Applications along with proper fees submitted by U.S. Postal Service must be postmarked by the application deadline. Applications received after the specified deadline dates may be considered disqualified as described in OAR 635-060-0018(4).

(6) To apply for a controlled youth hunt for spring bear, pronghorn, deer or elk a youth must be 12–17 years old at the time they hunt.

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

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

Hist.: FWC 32-1978, f. & ef. 6-30-78; FWC 29-1979, f. & ef. 8-2-79; FWC 14-1980, f. & ef. 4-8-80; FWC 33-1980, f. & ef. 6-30-80; FWC 7-1981, f. 2-18-81, ef. 6-1-81; FWC 10-1981, f. & ef. 3-31-81; FWC 22-1981, f. & ef. 6-29-81; FWC 21-1982, f. & ef. 3-31-82; FWC 38-1982, f. & ef. 6-25-82; FWC 34-1984, f. & ef. 7-24-84; FWC 35-1986, f. & ef. 8-7-86; FWC 11-1987, f. & ef. 3-6-87; FWC 40-1987, f. & ef. 7-6-87; FWC 12-1988, f. & cert. ef. 3-10-88; FWC 37-1988, f. & cert. ef. 6-13-88; FWC 14-1989, f. & cert. ef. 3-28-89; FWC 48-1989, f. & cert. ef. 7-25-89; Renumbered from 635-60-017; FWC 23-1990, f. & cert. ef. 3-21-90; FWC 54-1990, f. & cert. ef. 6-21-90; 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. 12-22-94; FWC 63-1995, f. & cert. ef. 8-3-95; 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 92-1999, f. 12-8-99, cert. ef. 1-1-00; DFW 30-2000, f. & cert. ef. 6-14-00; DFW 47-2001, f. & cert. ef. 6-13-01; DFW 121-2001, f. 12-24-01, cert. ef. 1-1-02; DFW 32-2002(Temp), f. & cert. ef. 4-17-02 thru 10-13-02; DFW 59-2002, f. & cert. ef. 6-11-02; DFW 118-2003, f. 12-4-03, cert. ef. 1-1-04; DFW 122-2004, f. 12-21-04, cert. ef. 1-1-05; DFW 140-2009, f. 11-3-09, cert. ef. 1-1-10

635-060-0023

Modified Preference Point System

(1) The Modified Preference Point System separates the tags for each controlled game mammal hunt into two groups:

(a) Seventy-five percent of the tags will be issued through the preference point system;

(b) The remaining 25 percent of the tags will be issued by the equal-probability computer drawing.

(2) Applicants shall accrue no more than one preference point per hunt number series per year.

(a) Valid applicants who did not receive controlled hunt tags for their first choice hunt number in the 100, 200, 400, 600, or 700 series hunts during the controlled hunt drawing shall receive one preference point applicable to subsequent controlled hunt drawings for the respective hunt number series, except as excluded in OAR 635-060-0008(4).

(3) A preference point will automatically accrue within each controlled hunt series when an applicant's first choice is as follows:

- (a) Hunt number 199: controlled buck deer;
- (b) Hunt number 299: controlled elk;
- (c) Hunt number 499: controlled pronghorn antelope;
- (d) Hunt number 699: controlled antlerless deer;
- (e) Hunt number 799: controlled black bear.

(4) Youth nine years of age or older are eligible to apply for automatic Preference Points as described in (3) provided they have a social security number, a Hunter/Angler ID number issued by ODFW, and purchase the appropriate (resident or nonresident) juvenile or adult hunting license.

(5) The Modified Preference Point System will group controlled hunt applicants by the number of preference points they have accrued for each hunt number series. Applicants with the highest number of preference points for each hunt number will be drawn first. Applicants having the next highest number of preference points per hunt number will be drawn next. This tag issuance process will continue through descending numbers of preference points until 75 percent of the tags authorized for the hunt have been issued, unless all qualified applicants with preference points have been issued tags prior to that point. Any tags remaining following the issuance of preference point tags will be issued through the equal-probability computer drawing. Applicants unsuccessful in the preference point tag issuance procedure and those applicants without preference points will be placed in the equal-probability computer drawing for the remaining tags.

(6) Applicants successful in drawing their first choice hunt except numbers ending in 99 within a hunt number series shall have zero preference points when they next apply for a tag in that hunt number series.

(7) Beginning in 2008 applicants will not forfeit preference points accumulated for a hunt number series when they do not apply for that hunt number series for two consecutive years.

(8) Applicants who have their hunting license suspended or revoked by legal action will forfeit all preference points.

ADMINISTRATIVE RULES

(9) Party applicant preference points shall be determined by totaling the preference points of all party members and then calculating the average of this total. Party preference points will be rounded up from x.51 (e.g. 3.51 to 4, 3.50 to 3) to the next whole number.

(10) Department records are final to determine accrued preference points for controlled hunt applicants.

(11) Each applicant's preference point accrual record will be linked to his or her permanent identification number. Preference point applicants shall use the permanent identification number each time they apply for a controlled hunt tag. Failure to do so shall place the applicant in the equal-probability drawing for his or her hunt number series and preference points will not be accrued together.

(12) Applicants will receive no preference points when:

(a) Their application is not received by the appropriate application date;

(b) They request their controlled hunt application be withdrawn prior to the controlled hunt drawing;

(c) The controlled hunt application has been falsified.

(13) The Modified Preference Point System shall apply to 100, 200, 400, 600, and 700 series hunts.

(14) In 2005, 800 series points will be converted into 600 series points

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

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

Hist.: FWC 6-1994, f. & cert. ef. 1-26-94; FWC 13-1994(Temp), f. & cert. ef. 3-1-94; FWC 45-1994(Temp), f. & cert. ef. 7-29-94; FWC 94-1994, f. & cert. ef. 12-22-94; FWC 63-1995, f. & cert. ef. 8-3-95; FWC 21-1996, f. & cert. ef. 5-1-96; FWC 9-1997, f. & cert. ef. 2-27-97; FWC 38-1997, f. & cert. ef. 6-17-97; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 82-2000, f. 12-21-00, cert. ef. 1-1-01; DFW 105-2004(Temp), f. & cert. ef. 10-13-04 thru 11-15-04; DFW 107-2004(Temp), f. & cert. ef. 10-18-04 thru 11-27-04; DFW 122-2004, f. 12-21-04, cert. ef. 1-1-05; DFW 118-2007, f. 10-31-07, cert. ef. 1-1-08; DFW 124-2007, f. 11-28-07, cert. ef. 12-1-07; DFW 140-2009, f. 11-3-09, cert. ef. 1-1-10

635-060-0055

Documents Required in Field

(1) A person hunting in any controlled game mammal hunt shall have on his or her person a valid hunting license, Hunter Education Certificate or a Department document which includes their Hunter Education Certificate Number (for persons less than 18 years old), and a controlled hunt tag (if applicable) for the area and season being hunted. The hunting license number shall be the same as that indicated on the controlled hunt tag.

Exception: Controlled hunts continuing or occurring after December 31, 2009 will have a 2010 hunting license number on the controlled hunt tag.

(2) A tag or permit holder for a hunt after December 31, 2009 shall have on his or her person a valid 2010 hunting license.

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

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

Hist.: FWC 32-1978, f. & cert. ef. 6-30-78; FWC 29-1979, f. & cert. ef. 8-2-79; FWC 33-1980, f. & cert. ef. 6-30-80; FWC 7-1981, f. 2-18-81, f. & cert. ef. 6-1-81; FWC 10-1981, f. & cert. ef. 3-31-81; FWC 22-1981, f. & cert. ef. 6-29-81; FWC 38-1982, f. & cert. ef. 6-25-82; FWC 34-1984, f. & cert. ef. 7-24-84; FWC 43-1985, f. & cert. ef. 8-22-85; FWC 35-1986, f. & cert. ef. 8-7-86; FWC 11-1987, f. & cert. ef. 3-6-87; FWC 12-1988, f. & cert. ef. 3-10-88; FWC 37-1988, f. & cert. ef. 6-13-88; FWC 14-1989, f. & cert. ef. 3-28-89; FWC 48-1989, f. & cert. ef. 7-25-89; FWC 23-1990, f. & cert. ef. 3-21-90; FWC 18-1991, f. & cert. ef. 3-12-91; FWC 14-1992, f. 3-10-92, cert. ef. 3-13-92 (and corrected 3-13-92); FWC 36-1993, f. & cert. ef. 6-14-93; 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. 12-22-94; FWC 63-1995, f. & cert. ef. 8-3-95; 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 49-1998, f. & cert. ef. 6-22-98; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 47-1999, f. & cert. ef. 6-16-99; DFW 92-1999, f. 12-8-99, cert. ef. 1-1-00; DFW 82-2000, f. 12-21-00, cert. ef. 1-1-01; DFW 121-2001, f. 12-24-01, cert. ef. 1-1-02; DFW 4-2003, f. 1-17-03, cert. ef. 4-1-03; DFW 119-2003, f. 12-4-03, cert. ef. 4-1-04; DFW 131-2004, f. 12-21-04, cert. ef. 4-1-05; DFW 132-2005, f. 12-1-05, cert. ef. 4-1-06; DFW 126-2006, f. 12-7-06, cert. ef. 4-1-07; DFW 118-2007, f. 10-31-07, cert. ef. 1-1-08; DFW 150-2008, f. 12-18-08, cert. ef. 1-1-09; DFW 140-2009, f. 11-3-09, cert. ef. 1-1-10

635-065-0001

Purpose and General Information

(1) The purpose of these rules is to establish license and tag requirements, limits, areas, methods and other restrictions for hunting game mammals pursuant to ORS Chapter 496.

(2) OAR chapter 635, division 065 incorporates, by reference, the requirements for hunting game mammals set out in the document entitled "2010 Oregon Big Game Regulations," into Oregon Administrative Rules. Therefore, persons must consult the "2010 Oregon Big Game Regulations" in addition to OAR chapter 635, to determine all applicable requirements for game mammals. The annual Oregon Big Game Regulations are available at hunting license agents and regional, district, and headquarters offices of the Oregon Department of Fish and Wildlife.

[Publications referenced are available from the agency.]

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

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

Hist.: FWC 38-1988, f. & cert. ef. 6-13-88; FWC 63-1989, f. & cert. ef. 8-15-89; 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 92-1999, f. 12-8-99, cert. ef. 1-1-00; DFW 82-2000, f. 12-21-00, cert. ef. 1-1-01; DFW 3-2002(Temp), f. & cert. ef. 1-3-02 thru 1-23-02; DFW 2-2003, f. & cert. ef. 1-17-03; DFW 9-2003(Temp), f. & cert. ef. 1-28-03 thru 6-16-03; DFW 85-2003(Temp), f. & cert. ef. 8-27-03 thru 2-23-04; DFW 88-2003(Temp), f. & cert. ef. 9-3-03 thru 12-31-03; DFW 118-2003, f. 12-4-03, cert. ef. 1-1-04; DFW 122-2004, f. 12-21-04, cert. ef. 1-1-05; DFW 128-2005, f. 12-1-05, cert. ef. 1-1-06; DFW 127-2006, f. 12-7-06, cert. ef. 1-1-07; DFW 118-2007, f. 10-31-07, cert. ef. 1-1-08; DFW 150-2008, f. 12-18-08, cert. ef. 1-1-09; DFW 140-2009, f. 11-3-09, cert. ef. 1-1-10

635-065-0015

General Tag Requirements and Limits

(1) Big Game Tags: Any person hunting game mammals for which a tag is required must have on their person a valid tag for the dates, area and species being hunted.

(2) Any person 12 years of age or older may purchase game mammal tags if they possess a juvenile hunting license or an adult hunting license.

(3) A person may obtain and possess during an annual hunting season only:

(a) One valid general season black bear tag;

(b) One valid additional general black bear tag valid in management units 20-30;

(c) One valid controlled black bear tag in addition to general season bear tags issued under subsection (a) and (b) above;

(d) One valid 700 series "leftover" controlled bear tag;

(e) One valid cougar (mountain lion) tag;

(f) One valid eastern additional general cougar (mountain lion) tag;

(g) One valid pronghorn antelope tag.

(4) Except as provided in OAR Chapter 635, Division 090, and except as provided in 635-075-0010, a person may obtain and possess only one of the following tags during an annual hunting season:

(a) One valid deer bow tag;

(b) One valid western Oregon deer tag;

(c) One valid 100 series controlled buck hunt tag;

(d) one valid 600 series controlled antlerless deer tag in addition to one of (4)(a)-(c) and (4)(e);

(e) One valid 100 series "left over" controlled deer tag;

(f) One valid 600 series "left over" controlled deer tag;

(5) Except as provided in OAR chapter 635, division 090, a person may obtain and possess only one of the following tags during an annual hunting season:

(a) One valid Cascade elk tag;

(b) One valid Coast First Season elk tag;

(c) One valid Coast Second Season elk tag;

(d) One valid Rocky Mountain elk — first season tag,

(e) One valid Rocky Mountain elk — second season tag;

(f) One valid elk bow tag;

(g) One valid controlled elk hunt tag;

(6) In addition to the tags described in OAR 635-065-0015(5), a person during an annual hunting season may obtain or possess only one valid 200 series "leftover" controlled elk tag.

(7) Except as provided in OAR 635-067-0032 thru 635-067-0034, a person may obtain and possess only one bighorn sheep ram tag in a lifetime.

(8) A person may obtain and possess only one Rocky Mountain goat tag in a lifetime.

(9) It is unlawful for any person to issue or to possess any game mammal tag which has been backdated.

(10) Any game mammal tag having an issue date subsequent to the last day authorized for issue of such tag as listed in "Oregon Big Game Regulations" for the current season is a void tag. Exception: Members of the armed forces returning to the state after the deadline shall be permitted to purchase general season tags for themselves at the Salem headquarters and regional offices of the Department.

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

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

Hist.: FWC 123, f. & cert. ef. 6-9-77; FWC 33-1978, f. & cert. ef. 6-30-78; FWC 28-1979, f. & cert. ef. 8-2-79; FWC 33-1980, f. & cert. ef. 6-30-80; FWC 6-1981, f. & cert. ef. 1-23-81; FWC 11-1981, f. & cert. ef. 3-31-81; FWC 20-1981, f. & cert. ef. 6-19-81; FWC 37-1982, f. & cert. ef. 6-25-82; FWC 13-1988, f. & cert. ef. 3-10-88; FWC 63-1989, f. & cert. ef. 8-15-89, Renumbered from 635-65-780; FWC 24-1990, f. & cert. ef. 3-21-90; FWC 20-1991, f. & cert. ef. 3-12-91; FWC 18-1994, f. 3-30-94, cert. ef. 5-1-94; FWC 4-1995, f. 1-23-95, cert. ef. 7-1-95; FWC 7-1996, f. & cert. ef. 2-12-96; FWC 9-1997, f. & cert. ef. 2-27-97; FWC 6-17-97, f. & cert. ef. 6-17-97; DFW 49-1998, f. & cert. ef. 6-22-98; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 47-1999, f. & cert. ef. 6-16-99; DFW 92-1999, f. 12-8-99, cert. ef. 1-1-00; DFW 30-2000, f. & cert. ef. 6-14-00; DFW 54-2000(Temp), f. & cert. ef. 8-28-00 thru 12-31-00; DFW 82-2000, f. 12-21-00, cert. ef. 1-1-01; DFW 47-2001, f. & cert. ef. 6-13-01; DFW 52-2001(Temp), f. & cert. ef. 6-27-01 thru 12-24-01; DFW 34-2002, f. & cert. ef. 4-18-02; DFW 59-2002, f. & cert. ef. 6-11-02; DFW 2-2003, f. & cert. ef. 1-17-03; DFW 118-2003, f. 12-4-03, cert. ef. 1-1-04; DFW 122-2004, f. 12-21-04, cert. ef. 1-1-05; DFW 128-2005, f. 12-1-05, cert. ef. 1-1-06; DFW

ADMINISTRATIVE RULES

66-2009, f. & cert. ef. 6-10-09; DFW 106-2009(Temp), f. & cert. ef. 9-2-09 thru 3-1-10; DFW 140-2009, f. 11-3-09, cert. ef. 1-1-10

635-065-0090

Disabled Hunter Seasons and Bag Limits

(1) ORS 496.018 provides that in order to be considered a person with a disability under the wildlife laws, a person shall provide to the Fish and Wildlife Commission either written certification from a licensed physician, certified nurse practitioner, or licensed physician assistant of certain specified disabilities or written proof that the U.S. Department of Veterans Affairs or the Armed Forces shows the person to be at least 65 percent disabled. To implement that statute, this rule provides for the issuance of an "Oregon Disabilities Hunting and Fishing Permit" by the Department.

(2) To obtain an "Oregon Disabilities Hunting and Fishing Permit," a person shall submit to the Department a completed form specified by the Department. If the completed form accurately provides all required information, the Department shall issue an "Oregon Disabilities Hunting and Fishing Permit". Permits are valid for two calendar years. To renew a permit, the holder must submit a new, updated application form.

(3) The Department may revoke, suspend or decline to issue or renew an "Oregon Disabilities Hunting and Fishing Permit" for failure to submit accurate information. The holder or applicant may request a contested case hearing to appeal such an action.

(4) A person who possesses an Oregon Disabilities Hunting and Fishing Permit issued by the Department is qualified for expanded bag limits as follows:

Season/Tag — Bag Limit

General or controlled buck deer — One deer

In the following units: Alsea, Biggs, Columbia Basin (except: That portion of the Columbia Basin Unit described as follows shall be closed to all bowhunting: Beginning at Heppner, north and west on State Highway 74 to Lexington; north and east on State Highway 207 to Butter Creek Junction; south on Butter Creek Road to Highway 74 at Vinson; west on Highway 74 to Heppner, point of beginning.), Hood, Indigo, Maupin, McKenzie, Melrose, Saddle Mountain, Santiam, Scappoose, Siuslaw, Stott Mountain, Trask, Willamette, Wilson.

General or controlled bull elk — Legal bull or antlerless elk

In the following units: Alsea, Applegate, Beatys Butte, Beulah, Biggs, Columbia Basin (except: That portion of the Columbia Basin Unit described as follows shall be closed to all bowhunting: Beginning at Heppner, north and west State Highway 74 to Lexington; north and east on State Highway 207 to Butter Creek Junction; south on Butter Creek Road to Highway 74 at Vinson; west on Highway 74 to Heppner, point of beginning.), Desolation, Dixon, Evans Creek, East Fort Rock (that portion east of Hwy 97), Fossil, Grizzly, Hood, Imnaha, Indigo, Juniper, Lookout Mountain, Malheur River, Maupin, McKenzie, Melrose, Murderers Creek, Northside, Ochoco, Owyhee, Paulina, Pine Creek, Rogue, Saddle Mountain, Santiam (within the exterior boundary of Mt. Hood National Forest, antlerless elk cannot be harvested), Scappoose, Silvies, Siuslaw, Sled Springs, Steens Mountain, Stott Mountain, South Sumpter (That part of Unit 51 south of Burnt Rvr Canyon Rd from Durkee to junction State Hwy 245 and Hwy 245 from junction Burnt Rvr Canyon Rd to Unity), Tioga, Trask, Wagonfire, White River, Whitehorse, Willamette, Wilson.

Controlled pronghorn antelope

Buck only hunts — One pronghorn

In the following units: Beatys Butte, Biggs, Fort Rock, Grizzly, Juniper, Keating, Lookout Mountain, Malheur River, Maupin, Maury, Murderers Creek, Ochoco, Paulina, Silver Lake, Silvies, Steens Mountain, Sumpter, Wagonfire, Warner.

For hunts with bag limits other than one buck or one bull, the bag limit remains as shown in the Oregon Big Game Regulations.

(5) The Oregon Disabilities Hunting and Fishing Permit is valid only with a general season or controlled bull elk, buck deer, or pronghorn antelope tag for the area and time period being hunted. The permit must be carried on the person while hunting.

(6) An able-bodied companion may accompany a person with an Oregon Disabilities Hunting and Fishing Permit and kill any animal wounded by the permit holder. The wounded animal must be killed using a legal weapon for the season and species designated on the tag. The companion must immediately attach the permit holder's tag to the carcass of the animal. The companion is not required to possess a hunting license or tag.

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

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

Hist.: FWC 29-1987, f. & ef. 6-19-87; FWC 63-1989, f. & cert. ef. 8-15-89; FWC 20-1991, f. & cert. ef. 3-12-91; FWC 36-1993, f. & cert. ef. 6-14-93; FWC 18-1994, f. 3-30-94, cert. ef. 5-1-94; FWC 4-1995, f. 1-23-95, cert. ef. 7-1-95; FWC 9-1997, f. & cert. ef. 2-27-97; FWC 71-1997, f. & cert. ef. 12-29-97; DFW 49-1998, f. & cert. ef. 6-22-98; DFW 92-1999, f. 12-8-99, cert. ef. 1-1-00; DFW 2-2003, f. & cert. ef. 1-17-03; DFW 122-2004, f. 12-21-04, cert. ef. 1-1-05; DFW 53-2005, f. & cert. ef. 6-14-05; DFW 142-2005, f. & cert. ef. 12-16-05; DFW 41-2006, f. & cert. ef. 6-14-06; DFW 42-2007, f. & cert. ef. 6-14-07; DFW 118-2007, f. 10-31-07, c. cert. ef. 1-1-08; DFW 140-2009, f. 11-3-09, cert. ef. 1-1-10

635-065-0301

Black Bear Season

Any person hunting bear during the general black bear season in the open area listed under general black bear season described in OAR chapter 635, division 066 shall have on their person an unused general season black bear tag or an unused SW Additional Bear Tag.

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

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

Hist.: FWC 63-1989, f. & cert. ef. 8-15-89; FWC 38-1997, f. & cert. ef. 6-17-97; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 2-2003, f. & cert. ef. 1-17-03; DFW 140-2009, f. 11-3-09, cert. ef. 1-1-10

635-065-0401

Deadline for Purchase of General Season Tags

(1) No western Oregon deer rifle tag shall be issued after 11:59 pm, Pacific Time, October 1, 2010.

(2) No deer bow tag shall be issued after 11:59 pm, Pacific Time, August 27, 2010.

(3) No General Season bear tag shall be issued after 11:59 pm, Pacific Time, October 1, 2010.

(4) SW Additional Bear Tags may be purchased anytime during the bear hunting season, after a General Season Bear tag has been purchased. An unused bear tag must be in the hunter's position at the time they are hunting.

(5) No General Season cougar (mountain lion) tag shall be issued after 11:59 pm, Pacific Time, October 1, 2010.

(6) Additional Cougar Tags may be purchased anytime during the cougar hunting season, after a General Season Cougar tag has been purchased. An unused cougar tag must be in the hunter's position at the time they are hunting.

(7) No Rocky Mountain Elk Rifle First Season Tag shall be issued after 11:59 pm, Pacific Time, October 26, 2010.

(8) No Rocky Mountain Elk Rifle Second Season Tag shall be issued after 11:59 pm, Pacific Time, November 5, 2010.

(9) No Coast First Season Elk Tag shall be issued after 11:59 pm, Pacific Time, November 12, 2010.

(10) No Coast Second Season Elk Tag shall be issued after 11:59 pm, Pacific Time, November 19, 2010.

(11) No Cascade Elk Rifle Tag shall be issued after 11:59 pm, Pacific Time, October 15, 2010.

(12) No elk bow tag shall be issued after 11:59 pm, Pacific Time, August 27, 2010.

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

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

Hist.: FWC 123, f. & ef. 6-9-77; FWC 33-1978, f. & ef. 6-30-78; FWC 28-1979, f. & ef. 8-2-79; FWC 33-1980, f. & ef. 6-30-80; FWC 6-1981, f. & ef. 1-23-81; FWC 11-1981, f. & ef. 3-31-81; FWC 20-1981, f. & ef. 6-19-81; FWC 37-1982, f. & ef. 6-25-82; FWC 28, f. & ef. 7-8-83; FWC 34-1984, f. & ef. 7-24-84; FWC 43-1985, f. & ef. 8-22-85; FWC 35-1986, f. & ef. 8-7-86; FWC 41-1987, f. & ef. 7-6-87; FWC 13-1988, f. & cert. ef. 3-10-88; FWC 38-1988, f. & cert. ef. 6-13-88; FWC 15-1989, f. & cert. ef. 3-28-89; FWC 63-1989, f. & cert. ef. 8-15-89; Renumbered from 635-065-0010; FWC 24-1990, f. & cert. ef. 3-21-90; FWC 55-1990, f. & cert. ef. 6-21-90; FWC 20-1991, f. & cert. ef. 3-12-91; FWC 58-1991, f. & cert. ef. 6-24-91; FWC 36-1993, f. & cert. ef. 6-14-93; FWC 18-1994, f. 3-30-94, cert. ef. 5-1-94; FWC 4-1995, f. 1-23-95, cert. ef. 7-1-95; FWC 18-1996, f. 4-10-96, cert. ef. 8-1-96; FWC 9-1997, f. & cert. ef. 2-27-97; FWC 38-1997, f. & cert. ef. 6-17-97; FWC 71-1997, f. & cert. ef. 12-29-97; DFW 1-1999, f. & cert. ef. 1-14-99; 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 121-2001, f. 12-24-01, cert. ef. 1-1-02; DFW 108-2002(Temp), f. & cert. ef. 9-26-02 thru 12-31-02; DFW 2-2003, f. & cert. ef. 1-17-03; DFW 118-2003, f. 12-4-03, cert. ef. 1-1-04; DFW 122-2004, f. 12-21-04, cert. ef. 1-1-05; DFW 128-2005, f. 12-1-05, cert. ef. 1-1-06; DFW 127-2006, f. 12-7-06, cert. ef. 1-1-07; DFW 70-2007(Temp), f. & cert. ef. 8-13-07 thru 2-9-08; DFW 103-2007(Temp), f. & cert. ef. 9-27-07 thru 3-24-08; DFW 118-2007, f. 10-31-07, c. cert. ef. 1-1-08; DFW 150-2008, f. 12-18-08, cert. ef. 1-1-09; DFW 140-2009, f. 11-3-09, cert. ef. 1-1-10

635-065-0625

Regulations on State Wildlife Areas, Refuges and Special Areas

State wildlife areas, refuges and special areas shall be open to hunting during authorized seasons, subject to the following special regulations and exceptions:

(1) Bear Valley National Wildlife Refuge (Klamath County): Closed to all public entry except walk-in deer hunting prior to November 1.

(2) Bridge Creek Wildlife Area (Umatilla County): Open to public access and hunting. Motorized vehicle travel restricted to open roads. Entry is by permit only December 1 through April 30.

(3) Cascade Head — Lincoln City Area: The Cascade Head — Lincoln City Area shall be closed to hunting with centerfire rifles, muzzle-loaders, or handguns. Hunting shall be restricted to archery and shotguns only during authorized seasons, except for Department approved emergency hunts. Hunters using shotguns for elk shall use slugs (single projectile) only. The Cascade Head — Lincoln City Area boundaries shall be defined as follows: Beginning at the Pacific Ocean and Siletz River mouth, east along the north shoreline of the Siletz River to Drift Cr. Rd. (mile post 1 on Hwy 229); north on Drift Cr. Rd. to Anderson Cr. Rd.; north on Anderson Cr. Rd. to Schooner Cr. Rd.; west on Schooner Cr. Rd. to Forest Rd. 2200; north and east on FR 2200 to FR 1726; west on FR 1726 to FR 2100; northeast on FR 2100 to the power line crossing; north along the power line to State Hwy. 18; west on Hwy 18 to Old Scenic Hwy 101; north on Old Scenic Hwy 101 to Three Rocks Rd.; west on Three Rocks Rd. to

ADMINISTRATIVE RULES

U.S. Hwy 101; north on Hwy 101 to FR 1861; west on FR 1861 to Harts Cove trailhead; west on Harts Cove trail to the Pacific Ocean; south along the coastline to the Siletz River, point of beginning.

(4) Cold Springs Refuge (Umatilla County): The Cold Springs Refuge shall be closed to deer and elk hunting.

(5) Dean Creek Elk Viewing Area (Douglas County): All Bureau of Land Management lands within or contiguous to BLM lands within T22S R11W (including Spruce Reach Island located adjacent to Hwy. 38 and between the outlets of Koapke and Hinsdale Sloughs) are closed to hunting. Also, other lands located within the following boundary are closed to hunting during all elk and deer seasons that pertain to this area: beginning at the intersection of Schofield Rd. and Hwy. 38, south on Schofield Rd. to its intersection with Hakki Ridge Rd., east on Hakki Ridge Rd. to the crest of Hakki Ridge, east along the crest of Hakki Ridge to its intersection with the BLM boundary located in T22S, R11W Section 4, easterly along the BLM boundary to Hwy. 38, west on Hwy 38 to point of beginning.

(6) Denman Wildlife Area (Jackson County): The Denman Wildlife Area shall be open to hunting only during game mammal and game bird seasons. Use of rifles and handguns is prohibited at all times.

(7) Dunes National Recreational Area: Use of rifles and handguns is prohibited for all hunting in that portion of the Siuslaw Unit west of Highway 101 and north of Tahkenitch Creek.

(8) North Bank Habitat Management Area (NBHMA; previously known as the Dunning Ranch Area in Douglas County): 6,500 acres located approximately eight miles northeast of Roseburg. Area: All BLM lands located in T25S, R5W, Sections 35,36; T26S, R5W, Sections 1,2,11,12,13,14; T25S, R4W, Sections 31,32,33; T26S, R4W, Sections 4,5,6,7,8,18. This area shall be closed to all big game hunting except for and during controlled hunts specific to the management area NBHMA by hunters possessing a controlled hunt tag for the area. Elk hunting will be allowed by hunters who possess a valid NBHMA controlled hunt tag in addition to a valid elk tag.

(9) E.E. Wilson Wildlife Area (Benton County): This area is open to deer hunting during authorized seasons, except closed to bow hunting for deer when juvenile pheasant hunts are in progress. Rabbit hunting is permitted from November 1 through February each year. Hunting is by permit only. Permits are available at area headquarters and shall be filled out and returned each day hunted. Use of rifles, handguns, and crossbows shall be prohibited at all times.

(10) Elkhorn Wildlife Area (Baker/Union counties): Closed to all entry December 1 through April 10 annually. The Roth Tract is closed to all hunting. The Roth Tract is closed to public entry except by entry permit; an entry permit is required at all times of the year.

(11) Enterprise Wildlife Area (Wallowa County): Open to hunting seven days a week. No entry permit is required. Posted portions of the area lying south of the Union Pacific Railroad line and the entire Marr Tract are closed to all hunting.

(12) Fern Ridge Wildlife Area (Lane County): Open to black-tailed deer hunting during authorized seasons; see current Oregon Game Bird Regulations for open areas. A free daily hunting permit is required for East Coyote, West Coyote, Fisher Butte, Royal Amazon and Kirk Park units. Permits are available at check stations located at area access points. Hunters are limited to shotguns and archery equipment only. The discharging of rifles and handguns within the wildlife area is prohibited.

(13) William Finley National Wildlife Refuge (Benton County):

(a) Portions of the refuge shall be open to deer hunting August 28 through September 26, 2010 under the regulations for bowhunting seasons.

(b) Portions of the refuge shall be open to hunting for buck deer October 2 through October 31, 2010 under regulations for the general western Oregon deer buck season. Use of rifles is prohibited.

(c) All hunters shall obtain a refuge permit and check in and out of the refuge daily. Information on open areas and special regulations are available at the refuge.

(14) Gods Valley Wildlife Area (Clatsop County): Vehicles shall be restricted to county roads.

(15) Government Island State Recreation Area (Multnomah County): Use of rifles, handguns, and shotguns with slugs or buckshot, and bows is prohibited at all times.

(16) Irrigon, Coyote Springs, Power City, and Boardman wildlife management areas (Morrow and Umatilla counties): Use of rifles and handguns are prohibited at all times.

(17) Hart Mountain National Antelope Refuge (Lake County): Portions of the refuge shall be open for hunting as prescribed under chukar season, controlled pronghorn antelope and bighorn sheep hunts, deer bowhunting season, and muzzleloader deer season. The refuge is open for

pronghorn antelope and bighorn sheep auction and raffle tag holders but is closed for Access and Habitat deer and elk auction and raffle tag holders.

(18) Heppner Regulated Hunt Area: open fires and camping prohibited in posted areas. Approximately 63 square miles in Townships 2, 3, 4, and 5 South, Ranges 25, 26, 27 and 28 East;

(19) Jewell Meadows Wildlife Area (Clatsop County): The Beneke Tract and the Humbug Tract shall be open to hunting only during authorized game mammal and game bird seasons. The Beneke Tract is closed to all public entry during any open Saddle Mountain elk season. It is unlawful to shoot rifles and bows from or across open fields during any open Saddle Mountain Unit or Wilson Unit elk seasons. The Fishhawk Tract is closed to public access. Posted lands of Cavenham Forest Industries, Inc., in T5N, R7W, Sections 2, 3 and 4, 9, 10 and 11 and T6N, R7W, Sections 33 and 34, are closed to all hunting. All areas posted as Refuge are closed to public access. Entry for other purposes is only by permit obtained at the Jewell Wildlife Area Headquarters.

(20) John Day Fossil Beds National Monument: Those parts of the National Monument in the Grizzly, Biggs, Fossil, and Northside Units are closed to all hunting and trapping.

(21) John Day River Refuge: All land within 1/4 mile of the John Day River mean high water line from the Columbia River upstream to Thirty Mile Creek. The area shall be open to hunting of upland game birds during authorized seasons only between September 1 and October 31 annually but closed to all waterfowl hunting. Hunting of big game is allowed during authorized seasons.

(22) Klamath Wildlife Area (Klamath County): This area is closed to all deer hunting.

(23) Klamath Marsh National Wildlife Refuge: Closed to deer and elk hunting.

(24) Ladd Marsh Wildlife Area (Union County): All land north and east of Foothill Road shall be closed to all deer and elk hunting except during controlled youth deer hunts and closed to all rifle and handgun shooting. All lands west of Foothill Road shall be closed to all entry January 1–April 10, except by permit.

(25) Long Ranch (Linn County): Forty-eight acres in T13S, R4E, and S32 shall be closed to all hunting.

(26) Lost Valley Ranch RHA: Open to public access and Hunting August 1 to March 31. Camping, horse back riding, and open fires are prohibited. Closed to all motor vehicle use unless posted otherwise. (Approximately 9 square miles in T5 and 6S, and R22 and 23E).

(27) Lower Deschutes Wildlife Area: Open to hunting of big game, game birds, and waterfowl during authorized seasons. Discharge of firearms prohibited the remainder of the year. Access by foot, boat or bicycle only.

(28) Malheur National Wildlife Refuge (Harney County): Portions of the refuge in Blitzen Valley lying west of State Highway 205 shall be open during authorized rifle and bow deer seasons.

(29) McDonald Forest-Dunn Forest Area (Benton County): The area is closed to all hunting except during controlled hunts as authorized by the commission.

(30) McKay Creek Refuge (Umatilla County): This refuge is closed to deer and elk hunting.

(31) Metolius Wildlife Refuge (Jefferson County). All hunting, injuring, taking, killing, or destroying any wild bird or mammal on public land is prohibited on public lands within T12 and T13S, R9E, bounded by USFS road 1420 and 1419 on the west; road 1400 on the south and east; and road 1420-400, Metolius River, and posted boundary from the Metolius River to road 1400 on the north (approximately five square miles). 36 CFR 261.58(v).

(32) Mill Creek Watershed (Umatilla County): This watershed is closed to all access and hunting except by holders of a Mill Creek Watershed controlled elk tag and a Forest Service entry permit.

(33) Newberry Crater Wildlife Refuge (Deschutes County). All hunting, injuring, taking, killing, or destroying any wild bird or mammal on public land is prohibited on public lands within the rim of Newberry Crater in: T21S, R12E; T22S, R12E; T21S, R13E; T22S, R13E (approximately 15 square miles).

(34) Rimrock Springs Wildlife Area (Grizzly Unit): This area is closed to all hunting.

(35) Rogue River Area:

(a) All land within one mile of the Rogue River between Grave Creek and Lobster Creek is closed to bear hunting.

(b) All land within 1/4 mile of the Rogue River in the wild river section from Grave Creek downstream to Watson Creek is closed to all hunting except during authorized seasons.

ADMINISTRATIVE RULES

(36) Saddle Mountain Unit (White-tailed Deer Area): That portion of Saddle Mountain Wildlife Unit north of Burlington Northern railroad tracks to Astoria is closed to all deer hunting.

(37) Sauvie Island Wildlife Area (Multnomah-Columbia counties): This area shall be open to bowhunting for black-tailed deer August 28 through September 26, 2010, except Oak Island (Multnomah-Columbia Cos) is closed to deer hunting and Sturgeon LK Refuge is closed to all hunting. Daily permits are required. Hunters shall check in and out daily. This area shall be closed to deer hunting after September 26, 2010. Closed to hunting for furbearers, predators, unprotected and protected wildlife (except black-tail deer and game birds). Use of rifles, handguns and cross-bows shall be prohibited at all times. Parking permits are required.

(38) Phillip W. Schneider Wildlife Area (Grant County): Open to public access and hunting. Motorized vehicle travel restricted to open roads. Some roads closed seasonally from December 1 through April 30, or year-round; including BLM land within the exterior boundaries of the Wildlife Area.

(39) Snake River Islands (Malheur County): Closed to hunting with centerfire rifles and centerfire handguns.

(40) South Slough National Estuarine Reserve: Specific areas are closed to hunting due to public health and safety. Contact reserve headquarters office for specific closures.

(41) Starkey Experimental Forest Enclosure (Union County): That portion of The Starkey Experimental Forest within the eight foot elk-proof fence enclosure is closed to all hunting during deer and elk season except for persons possessing a controlled hunt tag for the area. A posted 1/4 mile buffer zone on the National Forest lands surrounding the enclosure is closed to all hunting with a centerfire rifle or bow. The enclosure is open to deer and elk hunting only by permit during controlled hunts. The main study area is open to hunting of other species during authorized seasons. The 12-foot right-of-way along each side of all 8-foot-high perimeter and internal game fences is closed to all motorized travel. Public entry is allowed only through the main gate. The Experimental Forest is closed to all public entry during the winter closure, which runs from the day after the controlled antlerless elk hunt until May 1 annually. Access and Habitat auction or raffle tag holders are not eligible to hunt in the Starkey Experimental Forest enclosure.

(42) Summer Lake Wildlife Area (Lake County): Open to public access and hunting during authorized mule deer and game bird hunting seasons. Closed to deer hunting during any pheasant, quail or waterfowl hunting seasons and posted refuge areas are closed to hunting. Motorized vehicle travel restricted to open roads. Some roads may be closed seasonally from Mar. 15–Aug.15 and seven days prior to and during waterfowl hunting seasons. Hunters must obtain a daily hunting permit and check out at the end of the day. Permits and Area maps are available at Headquarters (1.3 mi. south of the town of Summer Lake). It is unlawful to discharge firearms except during deer and game bird hunting seasons or by permit. Centerfire rifles and handguns are prohibited for deer hunting.

(43) Umatilla Refuge (Morrow County): This refuge shall be closed to deer and elk hunting except during controlled hunts specific to the refuge and emergency hunts as provided in OAR chapter 635, division 078.

(44) Wallowa Lake (Wallowa County): All land on or within 1/4 mile of the Wallowa River from Wallowa Lake upstream to the falls and within 1/4 mile along the west side of Wallowa Lake from the Wallowa Lake State Park to the Wallowa River outlet is closed to all big game hunting.

(45) Wenaha Wildlife Area (Union County): Open to public access and hunting. Motorized vehicle travel restricted to open roads.

(46) Willamette River Greenway Corridor: Hunting is permitted with shotguns or bows and arrows only during authorized season on Willamette River Greenway parcels, except in those parcels where hunting is prohibited.

(47) White River Wildlife Area: Open to hunting during authorized seasons.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: FWC 123, f. & ef. 6-9-77; FWC 33-1978, f. & ef. 6-30-78; FWC 28-1979, f. & ef. 8-2-79; FWC 33-1980, f. & ef. 6-30-80; FWC 6-1981, f. & ef. 1-23-81; FWC 11-1981, f. & ef. 3-31-81; FWC 20-1981, f. & ef. 6-19-81; FWC 37-1982, f. & ef. 6-25-82; FWC 28, f. & ef. 7-8-83; FWC 34-1984, f. & ef. 7-24-84; FWC 43-1985, f. & ef. 8-22-85; FWC 35-1986, f. & ef. 8-7-86; FWC 41-1987, f. & ef. 7-6-87; FWC 38-1988, f. & cert. ef. 6-13-88; FWC 94-1988(Temp), f. & cert. ef. 9-19-88; FWC 15-1989, f. & cert. ef. 3-28-89; FWC 63-1989, f. & cert. ef. 8-15-89; FWC 24-1990, f. & cert. ef. 3-21-90; FWC 55-1990, f. & cert. ef. 6-21-90; FWC 20-1991, f. & cert. ef. 3-12-91; FWC 58-1991, f. & cert. ef. 6-24-91; FWC 36-1993, f. & cert. ef. 6-14-93; FWC 18-1994, f. & cert. ef. 5-1-94; FWC 4-1995, f. & cert. ef. 7-1-95; FWC 18-1996, f. & cert. ef. 4-10-96; FWC 9-1997, f. & cert. ef. 2-27-97; FWC 38-1997, f. & cert. ef. 6-17-97; FWC 71-1997, f. & cert. ef. 12-29-97; FWC 49-1998, f. & cert. ef. 6-22-98; FWC 1-1999, f. & cert. ef. 1-14-99; DFW 47-1999, f. & cert. ef. 6-16-99; DFW 92-1999, f. & cert. ef. 1-1-00; DFW 30-2000, f. & cert. ef. 6-14-00; DFW 82-2000, f. & cert. ef. 1-1-01; DFW 121-2001, f. & cert. ef. 12-24-01, cert. ef.

1-1-02; DFW 2-2003, f. & cert. ef. 1-17-03; DFW 9-2003(Temp), f. & cert. ef. 1-28-03 thru 6-16-03; DFW 118-2003, f. & cert. ef. 1-1-04; DFW 122-2004, f. & cert. ef. 1-1-05; DFW 128-2005, f. & cert. ef. 1-1-05, cert. ef. 1-1-06; DFW 127-2006, f. & cert. ef. 1-1-07; DFW 118-2007, f. & cert. ef. 1-1-08; DFW 150-2008, f. & cert. ef. 1-1-09; DFW 140-2009, f. & cert. ef. 1-1-10

635-065-0705

Muzzleloading Rifles

During controlled muzzleloader only seasons:

(1) Hunters shall use any long gun that:

- Is fired from the shoulder;
- Is loaded from the muzzle;
- Has an open ignition system;

(d) Is a single shot except for muzzleloading shotguns that may be double barreled;

(e) Scopes (permanent or detachable), and sights that use batteries, artificial light or power, are not allowed during muzzleloader-only seasons or during 600 series hunts where there is a weapon restriction of "shotgun/muzzleloader only" or "archery/muzzleloader only". However, this restriction does not apply to a visually impaired hunter who has a visual acuity of $\leq 20/200$ with lenses or visual field of ≤ 20 degrees, provided that the hunter holds an Oregon Disabilities Hunting and Fishing Permit. Open and peep sights made from alloys, plastic, or other materials that do not have the properties described above are legal. Open or iron sights that make use of fiber optics or fluorescent paint are also legal.

(2) Hunters shall use only round ball, conical lead or lead alloy bullets whose length does not exceed two times the diameter.

(3) Hunters shall use only flint or percussion caps as a source of ignition.

(4) Hunters shall use only loose or granular black powder or black powder substitutes as propellants.

(5) Any .40 caliber or larger muzzleloader as described in OAR 635-065-0705(1)-(4) to hunt pronghorn antelope, black bear, cougar (mountain lion), or deer.

(6) Any .50 caliber or larger muzzleloader as described in OAR 635-065-0705(1)-(4) to hunt bighorn sheep, Rocky Mountain goat, or elk.

(7) Hunters shall use only number 1 or larger buckshot or bullets as described in OAR 635-065-0705(2) for hunting deer, black bear or cougar (mountain lion).

(8) Hunters shall use only single projectiles as described in OAR 635-065-0705(2) for hunting pronghorn antelope, elk, bighorn sheep, or Rocky Mountain goat.

(9) Hunters may only use a legal muzzleloading firearm as described in OAR 635-065-0705. During centerfire firearms seasons where muzzleloaders are also a legal firearm, hunters may:

(a) Use any .40 caliber or larger muzzleloading firearm to hunt pronghorn antelope, black bear, cougar (mountain lion), or deer.

(b) Use any .50 caliber or larger muzzleloading firearm to hunt bighorn sheep, Rocky Mountain goat, or elk.

(c) Use any muzzleloader ignition type (excepting matchlock), any sight, any propellant, or any bullet type.

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

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

Hist.: FWC 123, f. & ef. 6-9-77; FWC 28-1979, f. & ef. 8-2-79; FWC 33-1980, f. & ef. 6-30-80; FWC 6-1981, f. & ef. 1-23-81; FWC 11-1981, f. & ef. 3-31-81; FWC 20-1981, f. & ef. 6-19-81; FWC 21-1982, f. & ef. 3-31-82; FWC 37-1982, f. & ef. 6-25-82; FWC 15-1983, f. & ef. 4-19-83; FWC 28, f. & ef. 7-8-83; FWC 34-1984, f. & ef. 7-24-84; FWC 21-1985, f. & ef. 5-7-85; FWC 43-1985, f. & ef. 8-22-85; FWC 11-1987, f. & ef. 3-6-87; FWC 38-1988, f. & cert. ef. 6-13-88; FWC 15-1989, f. & cert. ef. 3-28-89; FWC 63-1989, f. & cert. ef. 8-15-89; FWC 18-1994, f. & cert. ef. 3-30-94, cert. ef. 5-1-94; FWC 9-1997, f. & cert. ef. 2-27-97; FWC 71-1997, f. & cert. ef. 12-29-97; DFW 49-1998, f. & cert. ef. 6-22-98; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 92-1999, f. & cert. ef. 1-1-00; DFW 82-2000, f. & cert. ef. 1-1-01; DFW 85-2003(Temp), f. & cert. ef. 8-27-03 thru 2-23-04; DFW 118-2003, f. & cert. ef. 1-1-04; DFW 140-2009, f. & cert. ef. 1-1-10

635-065-0740

Hunting Prohibited

It is unlawful:

(1) To hunt with a centerfire or muzzleloading rifle during eastern Oregon controlled buck season (October 2–October 13, 2010) Cascade bull elk season, Coast bull elk seasons, Rocky Mountain bull or either-sex elk seasons, or the standard Rocky Mountain unit's antlerless elk seasons (Nov. 20–Nov. 28, 2010) without a valid, unused tag for that species, time period and area on their person. EXCEPTION:

(a) Landowners, or their agent, hunting predators on lands they own or lease may use centerfire or muzzleloading rifles to hunt on such lands.

(b) Hunters may use .22 caliber or smaller centerfire rifles for hunting coyotes (*Canis latrans*) in the Juniper, Beatys Butte, East Beulah, Whitehorse and Owyhee units and in the Wagonville Unit south of the Lake County Road 5-14 during Rocky Mountain bull or either-sex elk seasons,

ADMINISTRATIVE RULES

or the standard Rocky Mountain unit's antlerless elk seasons (Nov. 20–Nov. 28, 2010).

(c) Hunters who have a tag for one of the hunts listed in this paragraph may hunt bear and/or cougar within the time period and area for which their deer or elk tag is valid provided they have a valid unused bear and/or cougar tag.

(2) To hunt on any refuge closed by the state or federal government.

(3) 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.

(4) Notwithstanding section (4) of this rule, controlled antlerless elk hunts are permitted within the south city limits of Seaside if the herd should become a serious problem.

(5) To hunt game mammals outside any area designated by a controlled hunt tag when such tag is required for that hunt season.

(6) To hunt in any Safety Zones created and posted by the Department.

(7) To hunt protected wildlife except:

(a) by a permit or during an authorized season established by the commission.

(b) That crow, blackbirds, cowbirds, and magpies may be taken under Federal regulations for reason of depredation or health hazards as described in the Code of Federal Regulations.

(8) To pursue or assist another to pursue a cougar (mountain lion) during an authorized cougar (mountain lion) season unless in possession of an unused cougar (mountain lion) tag or accompanied by the holder of an unused cougar (mountain lion) tag which is valid for that area and time period.

(9) To engage in computer-assisted hunting (internet hunting) or provide or operate facilities for computer-assisted hunting in Oregon. As used in this act, "computer-assisted hunting" (internet hunting) means the use of a computer or any other device, equipment, or software to remotely control the aiming and discharge of a firearm, bow, or any other weapon to hunt any game bird, wildlife, game mammal, or other mammal, and "facilities for computer-assisted remote hunting" means real property and improvements on the property associated with hunting, including hunting blinds, offices and rooms equipped to facilitate computer-assisted remote hunting. Nothing in subsection (9) of this section prohibits the use computer-assisted hunting by employees or agents of county, state or federal agencies while acting in their official capacities.

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

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

Hist.: FWC 123, f. & cert. 6-9-77; FWC 28-1979, f. & cert. 8-2-79; FWC 33-1980, f. & cert. 6-30-80; FWC 6-1981, f. & cert. 1-23-81; FWC 11-1981, f. & cert. 3-31-81; FWC 20-1981, f. & cert. 6-19-81; FWC 37-1982, f. & cert. 6-25-82; FWC 41-1987, f. & cert. 7-6-87; FWC 15-1989, f. & cert. 3-28-89; FWC 63-1989, f. & cert. 8-15-89; FWC 24-1990, f. & cert. 3-21-90; FWC 20-1991, f. & cert. 3-12-91; FWC 58-1991, f. & cert. 6-24-91; FWC 36-1993, f. & cert. 6-14-93; FWC 18-1994, f. 3-30-94, cert. 5-1-94; FWC 4-1995, f. 1-23-95, cert. 7-1-95; FWC 18-1996, f. 4-10-96, cert. 8-1-96; FWC 9-1997, f. & cert. 2-27-97; FWC 71-1997, f. & cert. 12-29-97; DFW 49-1998, f. & cert. 6-22-98; DFW 92-1999, f. 12-8-99, cert. 1-1-00; DFW 82-2000, f. 12-21-00, cert. 1-1-01; DFW 121-2001, f. 12-24-01, cert. 1-1-02; DFW 2-2003, f. & cert. 1-17-03; DFW 85-2003(Temp), f. & cert. 8-27-03 thru 2-23-04; DFW 118-2003, f. 12-4-03, cert. 1-1-04; DFW 122-2004, f. 12-21-04, cert. 1-1-05; DFW 128-2005, f. 12-1-05, cert. 1-1-06; DFW 127-2006, f. 12-7-06, cert. 1-1-07; DFW 42-2007, f. & cert. 6-14-07; DFW 118-2007, f. 10-31-07, cert. 1-1-08; DFW 150-2008, f. 12-18-08, cert. 1-1-09; DFW 140-2009, f. 11-3-09, cert. 1-1-10

635-066-0000

Purpose and General Information

(1) The purpose of these rules is to establish season dates, bag limits, areas, methods, and other restrictions for hunting black bear pursuant to ORS Chapter 496.

(2) OAR chapter 635, division 066 incorporates, by reference, the requirement for black bear hunting set out in the document entitled "2010 Oregon Big Game Regulations," into Oregon Administrative Rules. Therefore, persons must consult the "2010 Oregon Big Game Regulations" in addition to OAR chapter 635, to determine all applicable requirements for the hunting of black bear. The annual Oregon Big Game Regulations are available at authorized license agents and regional, district and headquarters offices of the Oregon Department of Fish and Wildlife.

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

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

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

Hist.: FWC 64-1989, f. & cert. 8-15-89; FWC 9-1997, f. & cert. 2-27-97; FWC 71-1997, f. & cert. 12-29-97; DFW 1-1999, f. & cert. 1-14-99; DFW 92-1999, f. 12-8-99, cert. 1-1-00; DFW 82-2000, f. 12-21-00, cert. 1-1-01; DFW 121-2001, f. 12-24-01, cert. 1-1-02; DFW 2-2003, f. & cert. 1-17-03; DFW 118-2003, f. 12-4-03, cert. 1-1-04; DFW 122-2004, f. 12-21-04, cert. 1-1-05; DFW 128-2005, f. 12-1-05, cert. 1-1-06; DFW 127-2006, f. 12-7-06, cert. 1-1-07; DFW 118-2007, f. 10-31-07, cert. 1-1-08

08; DFW 150-2008, f. 12-18-08, cert. 1-1-09; DFW 140-2009, f. 11-3-09, cert. 1-1-10

635-066-0010

General Season Regulations

(1) Pursuant to ORS 497.112, annual black bear tag sales to nonresident black bear hunters for the general fall season shall be limited to no more than three percent of the total tag sales based on previous year's hunter densities.

(a) Tags shall be available at any authorized license agent and through the Salem Headquarters office on a first-come, first-served basis.

(b) The application procedure shall be as follows:

(A) An applicant may purchase a nonresident general black bear tag at any hunting license agent or;

(B) An applicant shall mail or fax copies, through the Salem Headquarters only, of his/her nonresident driver's license, an adult nonresident hunting license, juvenile nonresident hunting license, or provide documentation which includes the following information:

(i) Applicant's full name and current address;

(ii) Applicant's date of birth;

(iii) Applicant's Social Security number;

(iv) Applicant's telephone number.

(c) An applicant shall include a fee of \$ 151.50 with the application.

(d) The applicant shall state the areas for which he/she is applying in order of choice.

(2)(a) Open Area: The entire state is open, except that lands within one mile of the Rogue River between Grave Creek and Lobster Creek are closed to all black bear hunting. Nonresidents shall be restricted to hunting black bear only in specific areas as described below.

(b) Nonresident black bear tags shall be distributed by areas as described in the Black Bear Management Plan. These areas are described as follows:

(A) Northwest: All of wildlife management units: 10, 11, 12, 14, 15, 17, and 18.

(B) Southwest: All of wildlife management units: 20, 23, 24, 25, 26, 27, 28, and 29.

(C) Cascades: All of wildlife management units: 16, 19, 21, 22, 30, 31, 34, 39, 41, and 42 and those portions of wildlife management units 33 and 77 lying west of Highway 97.

(D) Eastern: All of wildlife management units: 32, 35, 38, 40, and 43 and those portions of wildlife management units 33 and 77 lying east of Highway 97; and all other wildlife management units to the east of these units.

(3) No person shall use dogs to hunt or pursue black bear.

(4) No person shall use bait to attract or hunt black bear.

(5) The skull of any bear taken must be presented to an ODFW office or designated collection site, by the person who took the animal, within 10 days of the kill to be checked and marked. Skull must be unfrozen when presented for check-in. Checkout at ODFW offices must occur during normal business hours (8–5, Mon–Fri.). Hunters are required to check in the skull only for the purpose of inspection, tagging and removal of a tooth for aging.

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

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

Hist.: FWC 9-1997, f. & cert. 2-27-97; FWC 38-1997, f. & cert. 6-17-97; FWC 71-1997, f. & cert. 12-29-97; DFW 49-1998, f. & cert. 6-22-98; DFW 1-1999, f. & cert. 1-14-99; DFW 47-1999, f. & cert. 6-16-99; DFW 92-1999, f. 12-8-99, cert. 1-1-00; DFW 82-2000, f. 12-21-00, cert. 1-1-01; DFW 118-2003, f. 12-4-03, cert. 1-1-04; DFW 118-2007, f. 10-31-07, cert. 1-1-08; DFW 150-2008, f. 12-18-08, cert. 1-1-09; DFW 140-2009, f. 11-3-09, cert. 1-1-10

635-067-0000

Purpose and General Information

(1) The purpose of these rules is to establish season dates, bag limits, areas, methods, and other restrictions for hunting pronghorn antelope, cougar, bighorn sheep, and Rocky Mountain goat pursuant to ORS Chapter 496.

(2) OAR chapter 635, division 067 incorporates, by reference, the requirements for hunting pronghorn antelope, cougar, bighorn sheep, and Rocky Mountain goat set out in the document entitled "2010 Oregon Big Game Regulations," into Oregon Administrative Rules. Therefore, persons must consult the "2010 Oregon Big Game Regulations" in addition to OAR chapter 635, to determine all applicable requirements for hunting pronghorn antelope, cougar, bighorn sheep, and Rocky Mountain goat. The annual Oregon Big Game Regulations are available at authorized license agents and regional, district and headquarters offices of the Oregon Department of Fish and Wildlife.

ADMINISTRATIVE RULES

(3) Controlled hunt tags shall be issued by a controlled hunt drawing following the procedures established in OAR chapter 635, division 060. Permitted arms and ammunition are established in OAR chapter 635, division 065. Controlled hunt tag numbers for 2009 are listed in Tables 1, 2, and 3 and are adopted and incorporated into OAR chapter 635, division 067 by reference.

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

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

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

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

Hist.: FWC 65-1989, f. & cert. ef. 8-15-89; FWC 35-1996, f. & cert. ef. 6-7-96; FWC 9-1997, f. & cert. ef. 2-27-97; FWC 38-1997, f. & cert. ef. 6-17-97; FWC 71-1997, f. & cert. ef. 12-29-97; DFW 49-1998, f. & cert. ef. 6-22-98; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 47-1999, f. & cert. ef. 6-16-99; DFW 92-1999, f. 12-8-99, cert. ef. 1-1-00; DFW 30-2000, f. & cert. ef. 6-14-00; DFW 82-2000, f. 12-21-00, cert. ef. 1-1-01; DFW 47-2001, f. & cert. ef. 6-13-01; DFW 121-2001, f. 12-24-01, cert. ef. 1-1-02; DFW 59-2002, f. & cert. ef. 6-11-02; DFW 2-2003, f. & cert. ef. 1-17-03; DFW 50-2003, f. & cert. ef. 6-13-03; DFW 118-2003, f. 12-4-03, cert. ef. 1-1-04; DFW 53-2004, f. & cert. ef. 6-16-04; DFW 122-2004, f. 12-21-04, cert. ef. 1-1-05; DFW 53-2005, f. & cert. ef. 6-14-05; DFW 128-2005, f. 12-1-05, cert. ef. 1-1-06; DFW 41-2006, f. & cert. ef. 6-14-06; DFW 127-2006, f. 12-7-06, cert. ef. 1-1-07; DFW 42-2007, f. & cert. ef. 6-14-07; DFW 118-2007, f. 10-31-07, cert. ef. 1-1-08; DFW 60-2008, f. & cert. ef. 6-12-08; DFW 150-2008, f. 12-18-08, cert. ef. 1-1-09; DFW 66-2009, f. & cert. ef. 6-10-09; DFW 140-2009, f. 11-3-09, cert. ef. 1-1-10

635-067-0024

Controlled Pronghorn Antelope Youth Rifle Hunt Application

Hunters must be 12 to 17 years of age at the time they hunt. An adult at least 21 years of age, who must accompany not more than two juveniles. Juveniles must have a hunter education certificate or a Department document which includes their Hunter Education Certificate Number, a valid hunting license, and a controlled hunt permit valid for that area and time period in possession while hunting.

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

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

Hist.: FWC 9-1997, f. & cert. ef. 2-27-97; DFW 49-1998, f. & cert. ef. 6-22-98; DFW 82-2000, f. 12-21-00, cert. ef. 1-1-01; DFW 118-2003, f. 12-4-03, cert. ef. 1-1-04; DFW 140-2009, f. 11-3-09, cert. ef. 1-1-10

635-067-0028

Pronghorn Antelope Auction Tag

(1) One pronghorn antelope tag will be auctioned to the highest bidder annually in the manner and at such time as provided by the Department. The Department may contract with a sportsmen's group or organization to conduct the auction.

(2) The pronghorn antelope auction tag and auction shall be limited as follows:

(a) Bag Limit: One buck pronghorn antelope.

(b) Hunting Hours: One-half hour before sunrise to one-half hour after sunset.

(c) Open Season: The season shall begin on August 1 and shall end on September 30.

(d) Open Area: Any area where pronghorn antelope hunts and tags have been authorized for the current year.

(e) Auction Requirements:

(A) The minimum acceptable bid for a pronghorn antelope auction tag shall be \$2,000.00. The bid price includes the hunting license and tag fee. A valid pronghorn antelope tag will be provided to the winning bidder and a valid hunting license will be provided if the winning bidder has not already purchased one, so long as the winner is eligible to purchase an adult Oregon hunting license or a juvenile Oregon hunting license.

(B) Any person, resident or nonresident, is eligible to bid.

(C) If the highest bid is submitted by a person other than the person who is to receive the tag, the Department shall be notified within five business days of the name, address, and phone number of the individual who is to receive the license and tag and his or her position or affiliation with the corporation or organization.

(D) Acceptance of the highest bid shall be conditional until the full amount of the bid is paid. Payment shall be made to the Oregon Department of Fish and Wildlife by cashiers check or certified check within 60 days of the date of the auction, whether conducted by the Department or by a sportsman's group or organization authorized by the Department to conduct the auction.

(E) If the full amount is not paid as provided in OAR 635-067-0032(2)(d)(D), the Department may, at its discretion, reject the bid and offer the tag to the next highest bidder. If the Department offers the tag to the next highest bidder, such next highest bidder must make payment to the Oregon Department of Fish and Wildlife by cashiers check or certified check within 30 days of notification of his or her opportunity to obtain the tag.

(F) The Department shall reserve the right to accept or reject any or all bids.

Stat. Auth.: ORS 496.012, 496.138 & 496.146

Stats Implemented: ORS 496.012, 496.138 & 496.146

Hist.: DFW 118-2003, f. 12-4-03, cert. ef. 1-1-04; DFW 122-2004, f. 12-21-04, cert. ef. 1-1-05; DFW 140-2009, f. 11-3-09, cert. ef. 1-1-10

635-067-0029

Controlled Pronghorn Antelope Raffle Tag

(1) One pronghorn antelope tag will be raffled annually to an individual selected at a public drawing. The Department may contract with a sportsmen's group or organization to conduct the raffle.

(2) The pronghorn antelope raffle tag shall be limited as follows:

(a) Bag Limit: One buck pronghorn antelope.

(b) Hunting Hours: One-half hour before sunrise to one-half hour after sunset.

(c) Open Season: The season shall begin on August 1 and shall end on September 30.

(d) Open Area: Any area where pronghorn antelope hunts and tags have been authorized for the current year.

(3) Raffle Requirements:

(a) There is no limit on the number of tickets that a person may purchase.

(A) One ticket package at a cost of \$9.50 (plus a \$1.50 license agent fee).

(B) Six ticket package at a cost of \$49.50 (plus a \$1.50 license agent fee).

(C) Thirteen ticket package at a cost of \$99.50 (plus a \$1.50 license agent fee).

(b) Raffle tickets will be made available during the dates specified in the current Big Game Regulations to the public through the authorized license agents in the state or through licensing in the Salem headquarters office or may be purchased through the mail using Oregon Department of Fish and Wildlife accepted forms. Tickets may be sold by Department representatives at various gatherings of sportsmen's groups.

(c) Residents and nonresidents shall be eligible to purchase tickets.

(d) There shall be no refunds on any purchases of raffle tickets.

(e) Tickets purchased through license agents and handled by mail shall be received in the Salem headquarters office of the Department by the date specified in the current Big Game Regulations. Hand delivered tickets submitted for the drawing must be received by 5 p.m. at the Salem headquarters office no later than two days before the drawing event. Completed tickets delivered to the drawing event must be turned in by the time specified in the current Big Game Regulations. Additional tickets may be purchased at the actual raffle site prior to the drawing.

(f) All tickets submitted for the drawing must be complete with a name, address, and phone number.

(g) One winner and two alternate winners will be drawn at a public drawing; time and location to be announced by the Department.

(h) The Department will mail notification to the winner and two alternates. If the winner does not claim the tag by 5 p.m., July 1, the winner shall be disqualified and the Department will offer the tag to the first alternate. If the first alternate does not claim the tag within 10 business days of July 1, the second alternate will be contacted. If the tag is not claimed by 5 p.m., July 31, it will not be issued.

(i) License and Tag Requirements: A valid pronghorn antelope tag will be provided to the winner of the raffle and a valid hunting license will be provided if the winner has not already purchased one, so long as the winner is eligible to purchase an adult Oregon hunting license or a juvenile Oregon hunting license.

(j) The pronghorn antelope tag shall be issued in the name of the person on the winning ticket provided that person meets all criteria outlined above. The tag may not be sold, assigned, or otherwise transferred.

Stat. Auth.: ORS 496.012, 496.138 & 496.146

Stats Implemented: ORS 496.012, 496.138 & 496.146

Hist.: DFW 118-2003, f. 12-4-03, cert. ef. 1-1-04; DFW 122-2004, f. 12-21-04, cert. ef. 1-1-05; DFW 130-2006(Temp), f. & cert. ef. 12-15-06 thru 6-13-06; Administrative Correction, 6-16-07; DFW 140-2009, f. 11-3-09, cert. ef. 1-1-10

635-067-0032

Bighorn Sheep Auction Tag

(1) One bighorn sheep tag will be auctioned to the highest bidder annually in the manner and at such time as provided by the Department. The Department may contract with a sportsmen's group or organization to conduct the auction.

(2) The bighorn sheep auction tag and auction shall be limited as follows:

(a) Bag Limit: One bighorn sheep ram.

(b) Hunting Hours: One-half hour before sunrise to one-half hour after sunset.

ADMINISTRATIVE RULES

(c) Open Season: The season shall begin on the opening day of the first regularly scheduled bighorn sheep season for the current year and shall end on the last day of the last regularly scheduled bighorn sheep season for the current year.

(d) Open Area: Any area where bighorn sheep hunts and tags have been authorized for the current year. The remainder of the state is closed to bighorn sheep hunting.

(e) Auction Requirements:

(A) The minimum acceptable bid for a bighorn sheep auction tag shall be \$25,000. The bid price includes the hunting license and tag fee. A valid bighorn sheep tag will be provided to the winning bidder in the auction and a valid hunting license will be provided if the winning bidder has not already purchased one, so long as the winning bidder is eligible to purchase an adult Oregon hunting license or a juvenile Oregon hunting license.

(B) Any person, resident or nonresident, is eligible to bid.

(C) If the highest bid is submitted by a person other than the person who is to receive the tag, the Department shall be notified within five business days of the name, address, and phone number of the individual who is to receive the license and tag and his or her position or affiliation with the corporation or organization.

(D) Acceptance of the highest bid shall be conditional until the full amount of the bid is paid. Payment shall be made to the Oregon Department of Fish and Wildlife by cashiers check or certified check within 60 days of the date of the auction, whether conducted by the Department or by a sportsman's group or organization authorized by the Department to conduct the auction.

(E) If the full amount is not paid as provided in OAR 635-067-0032(2)(d)(D), the Department may, at its discretion, reject the bid and offer the tag to the next highest bidder. If the Department offers the tag to the next highest bidder, such next highest bidder must make payment to the Oregon Department of Fish and Wildlife by cashiers check or certified check within 30 days of notification of his or her opportunity to obtain the tag.

(F) The successful bidder may be required to complete a bighorn sheep hunting orientation course prior to their hunt. The hunter shall inform the Department when and where the hunt will be conducted. The successful bidder shall be required to take appropriate steps to assure that any ram taken is marked with an identification pin by Department personnel within five days of being taken.

(G) The Department shall reserve the right to accept or reject any or all bids.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162 & 497.112
Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162 & 497.112
Hist.: FWC 16-1987, f. & ef. 5-5-87; FWC 14-1988, f. & cert. ef. 3-10-88; FWC 16-1989, f. & cert. ef. 3-28-89; FWC 35-1989, f. & cert. ef. 6-6-89; FWC 65-1989, f. & cert. ef. 8-15-89; FWC 36-1990, f. & cert. ef. 4-25-90; FWC 128-1990, f. & cert. ef. 12-24-90; FWC 127-1991, f. & cert. ef. 10-28-91; FWC 61-1992, f. & cert. ef. 7-30-92; FWC 45-1993, f. & cert. ef. 8-4-93; FWC 91-1994, f. & cert. ef. 12-15-94; FWC 53-1995, f. & cert. ef. 6-20-95; FWC 39-1996, f. & cert. ef. 6-17-96, cert. ef. 11-1-96; FWC 71-1997, f. & cert. ef. 12-29-97; DFW 49-1998, f. & cert. ef. 6-22-98; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 47-1999, f. & cert. ef. 6-16-99; DFW 92-1999, f. & cert. ef. 1-1-00; DFW 82-2000, f. & cert. ef. 1-1-01; DFW 121-2001, f. & cert. ef. 1-1-02; DFW 2-2003, f. & cert. ef. 1-17-03; DFW 118-2003, f. & cert. ef. 1-1-04; DFW 140-2009, f. & cert. ef. 11-3-09, cert. ef. 1-1-10

635-067-0034

Bighorn Sheep Raffle Tag

(1) One bighorn sheep tag will be raffled during the current year to an individual selected at a public drawing. The Department may contract with a sportsmen's group or organization to conduct the raffle.

(2) The bighorn sheep raffle tag shall be limited as follows:

(a) Bag Limit: One bighorn sheep ram.

(b) Hunting Hours: One-half hour before sunrise to one-half hour after sunset.

(c) Open Season: The season shall begin on the opening day of the first regularly scheduled bighorn sheep season for the current year and shall end on the last day of the last regularly scheduled bighorn sheep season for the current year.

(d) Open Area: Any area where bighorn sheep hunts and tags have been authorized for the tube current year. The remainder of the state is closed to bighorn sheep hunting.

(3) Raffle Requirements:

(a) There is no limit on the number of tickets that a person may purchase. Raffle tickets shall be available for purchase in the following denominations:

(A) One ticket package at a cost of \$9.50 (plus a \$1.50 license agent fee).

(B) Six ticket package at a cost of \$49.50 (plus a \$1.50 license agent fee).

(C) Thirteen ticket package at a cost of \$99.50 (plus a \$1.50 license agent fee).

(b) Raffle tickets will be made available during the dates specified in the current Big Game Regulations to the public through the authorized license agents in the state or through licensing in the Salem headquarters office or may be purchased through the mail using Oregon Department of Fish and Wildlife accepted forms. Tickets may be sold by Department representatives at various gatherings of sportsmen's groups.

(c) Residents and nonresidents shall be eligible to purchase tickets.

(d) There shall be no refunds on any purchases of raffle tickets.

(e) Tickets purchased through license agents and handled by mail shall be received in the Salem headquarters office of the Department by the date specified in the current Big Game Regulations. Hand delivered tickets submitted for the drawing must be received by 5 p.m. at the Salem headquarters office no later than two days before the drawing event. Completed tickets delivered to the drawing event must be turned in by the time specified in the current Big Game Regulations. Additional tickets may be purchased at the actual raffle site prior to the drawing.

(f) All tickets submitted for the drawing must be complete with a name, address, and phone number.

(g) One winner and two alternate winners will be drawn at a public drawing; time and location to be announced by the Department.

(h) The Department will mail notification to the winner and two alternates. If the winner does not claim the tag by 5 p.m., July 1, the winner shall be disqualified and the Department will offer the tag to the first alternate. If the first alternate does not claim the tag within 10 business days of July 1, the second alternate will be contacted. If the tag is not claimed by 5 p.m., August 18, it will not be issued.

(i) License and Tag Requirements: A valid bighorn sheep tag will be provided to the winner of the raffle and a valid hunting license will be provided if the winner has not already purchased one, so long as the winner is eligible to purchase an adult Oregon hunting license or a juvenile Oregon hunting license.

(j) The bighorn sheep tag shall be issued in the name of the person on the winning ticket provided that person meets all criteria outlined above. The tag may not be sold, assigned, or otherwise transferred.

(k) The winner of the bighorn sheep tag may be required to complete a bighorn sheep hunting orientation course prior to their hunt. The hunter shall inform the Department as to where and when the hunt will be conducted.

(l) If the holder of the raffle bighorn sheep tag is successful in taking a bighorn sheep ram, that person shall present the ram to the Department for permanent marking within five days of taking of the ram.

Stat. Auth.: ORS 496.012, 496.138 & 496.146
Stats. Implemented: ORS 496.012, 496.138 & 496.146
Hist.: FWC 127-1991, f. & cert. ef. 10-28-91; FWC 61-1992, f. & cert. ef. 7-30-92; FWC 45-1993, f. & cert. ef. 8-4-93; FWC 91-1994, f. & cert. ef. 12-15-94, FWC 53-1995, f. & cert. ef. 6-20-95; FWC 39-1996, f. & cert. ef. 6-17-96, cert. ef. 11-1-96; FWC 71-1997, f. & cert. ef. 12-29-97; DFW 49-1998, f. & cert. ef. 6-22-98; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 92-1999, f. & cert. ef. 1-1-00; DFW 1-2000(Temp), f. & cert. ef. 1-3-00 thru 6-30-00; DFW 30-2000, f. & cert. ef. 6-14-00; DFW 82-2000, f. & cert. ef. 1-1-01; DFW 121-2001, f. & cert. ef. 1-1-02; DFW 2-2003, f. & cert. ef. 1-17-03; DFW 118-2003, f. & cert. ef. 1-1-04; DFW 122-2004, f. & cert. ef. 1-1-05; DFW 130-2006(Temp), f. & cert. ef. 12-15-06 thru 6-13-06; Administrative Correction, 6-16-07; DFW 140-2009, f. & cert. ef. 11-3-09, cert. ef. 1-1-10

635-067-0041

Rocky Mountain Goat Raffle

(1) One Rocky Mountain goat tag will be raffled annually to an individual selected at a public drawing. The Department may contract with a sportsmen's group or organization to conduct the raffle.

(2) The Rocky Mountain goat raffle tag shall be limited as follows:

(a) Bag Limit: One Rocky Mountain goat.

(b) Hunting Hours: One-half hour before sunrise to one-half hour after sunset.

(c) Open Season: The season shall begin on September 1 and shall end on October 31.

(d) Open Area: Any area where Rocky Mountain goat hunts and tags have been authorized for the current year. The remainder of the state is closed to Rocky Mountain goat hunting.

(3) Raffle Requirements:

(a) There is no limit on the number of tickets that a person may purchase.

(A) One ticket package at a cost of \$9.50 (plus a \$1.50 license agent fee).

(B) Six ticket package at a cost of \$49.50 (plus a \$1.50 license agent fee).

ADMINISTRATIVE RULES

(C) Thirteen ticket package at a cost of \$99.50 (plus a \$1.50 license agent fee).

(b) Raffle tickets will be made available during the dates specified in the current Big Game regulations to the public through the authorized license agents in the state or through licensing in the Salem headquarters office or may be purchased through the mail using Oregon Department of Fish and Wildlife accepted forms. Tickets may be sold by Department representatives at various gatherings of sportsmen's groups.

(c) Residents and nonresidents shall be eligible to purchase tickets.

(d) There shall be no refunds on any purchases of raffle tickets.

(e) Tickets purchased through license agents and handled by mail shall be received in the Salem headquarters office of the Department by the date specified in the current Big Game Regulations. Hand delivered tickets submitted for the drawing must be received by 5 p.m. at the Salem headquarters office no later than two days before the drawing event. Completed tickets delivered to the drawing event must be turning in by the time specified in the current Big Game Regulations. Additional tickets may be purchased at the actual raffle site prior to the drawing.

(f) All tickets submitted for the drawing must be complete with a name, address, and phone number.

(g) One winner and two alternate winners will be drawn at a public drawing; time and location to be announced by the Department.

(h) The Department will mail notification to the winner and two alternates. If the winner does not claim the tag by 5 p.m., July 1, the winner shall be disqualified and the Department will offer the tag to the first alternate. If the first alternate does not claim the tag within 10 business days of July 1, the second alternate will be contacted. If the tag is not claimed by 5 p.m., August 31, it will not be issued.

(i) License and Tag Requirements: A valid Rocky Mountain goat tag will be provided to the winner of the raffle and a valid hunting license will be provided if the winner has not already purchased one, so long as the winner is eligible to purchase an adult Oregon hunting license or a juvenile Oregon hunting license.

(j) The Rocky Mountain goat tag shall be issued in the name of the person on the winning ticket provided that person meets all criteria outlined above. The tag may not be sold, assigned, or otherwise transferred.

(k) The winner of the Rocky Mountain goat tag will be required to complete a Rocky Mountain goat hunting orientation course prior to their hunt. The hunter shall inform the Department as to where and when the hunt will be conducted.

(l) If the holder of the Rocky Mountain goat raffle tag is successful in taking a Rocky Mountain goat, that person shall present the animal to the Department for permanent marking within five days of taking of the animal.

Stat. Auth.: ORS 496.012, 496.138 & 496.146

Stats Implemented: ORS 496.012, 496.138 & 496.146

Hist.: DFW 118-2003, f. 12-4-03, cert. ef. 1-1-04; DFW 122-2004, f. 12-21-04, cert. ef. 1-1-05; DFW 130-2006(Temp), f. & cert. ef. 12-15-06 thru 6-13-06; Administrative Correction, 6-16-07; DFW 140-2009, f. 11-3-09, cert. ef. 1-1-10

635-072-0000

Purpose and General Information

(1) The purpose of these rules is to establish season dates, bag limits, areas, and other restrictions for hunting western gray squirrels pursuant to ORS Chapter 496.

(2) OAR chapter 635, division 072 incorporates, by reference, the requirements for hunting western gray squirrel set out in the document entitled "2010 Oregon Big Game Regulations," into Oregon Administrative Rules. Therefore, persons must consult the "2010 Oregon Big Game Regulations" in addition to OAR chapter 635, to determine all applicable requirements for hunting western gray squirrel. The annual Oregon Big Game Regulations are available at hunting license agents and regional, district and headquarters offices of the Oregon Department of Fish and Wildlife.

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

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

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

Hist.: FWC 43-1988, f. & cert. ef. 6-13-88; 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 92-1999, f. 12-8-99, cert. ef. 1-1-00; DFW 82-2000, f. 12-21-00, cert. ef. 1-1-01; DFW 121-2001, f. 12-24-01, cert. ef. 1-1-02; DFW 2-2003, f. & cert. ef. 1-17-03; DFW 118-2003, f. 12-4-03, cert. ef. 1-1-04; DFW 122-2004, f. 12-21-04, cert. ef. 1-1-05; DFW 128-2005, f. 12-1-05, cert. ef. 1-1-06; DFW 127-2006, f. 12-7-06, cert. ef. 1-1-07; DFW 118-2007, f. 10-31-07, c. cert. ef. 1-1-08; DFW 150-2008, f. 12-18-08, cert. ef. 1-1-09; DFW 140-2009, f. 11-3-09, cert. ef. 1-1-10

635-073-0090

Controlled Antlerless Deer and Elk Youth Hunting Regulations

(1) General Regulations: Tags shall be issued by a controlled hunt drawing following the procedures established in OAR chapter 635, division

060. Hunters must be 12 to 17 years of age at the time they hunt. Youths must be accompanied by an adult at least 21 years of age, who must accompany not more than two juveniles. Juveniles must have a hunter education certificate or a Department document which includes their Hunter Education Certificate Number, a valid hunting license, and a controlled hunt permit valid for that area and time period in possession while hunting. A hunter successful in drawing one of the controlled 600 series deer youth hunt tags may hunt in any general deer season or controlled buck deer hunt, and as provided in OAR chapter 635, division 090; if possessing the proper tag for the area and time period being hunted. A youth hunter obtaining a "left over" tag through the first-come, first-served process also may hunt during the season for which that tag was issued.

(2) A hunter successful in drawing a controlled antlerless elk youth hunt tag shall not hunt in any other elk season, except as provided in OAR chapter 635, division 090.

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

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

Hist.: FWC 9-1997, f. & cert. ef. 2-27-97; DFW 82-2000, f. 12-21-00, cert. ef. 1-1-01; DFW 47-2001, f. & cert. ef. 6-13-01; DFW 2-2003, f. & cert. ef. 1-17-03; DFW 118-2003, f. 12-4-03, cert. ef. 1-1-04; DFW 42-2007, f. & cert. ef. 6-14-07; DFW 140-2009, f. 11-3-09, cert. ef. 1-1-10

635-075-0005

Registration, Application and Tag Issuance Procedures and Limits for All Controlled Hunts

(1) A landowner shall submit a landowner preference registration form to be eligible for a landowner preference tag. A landowner can have only one registration form on file with the Department. However, an individual who owns (through business entities, in the individual's own name or a combination thereof) more than one property eligible for the landowner preference program may register each such property. The registration form is an affidavit certifying ownership, number of acres owned, the county and Wildlife Management Unit where the property is located. This registration form registers the individual and remains valid until the individual registered no longer qualifies as a landowner as defined under OAR 635-045-0002, writes to the Department requesting the registration form be deleted, or the Department notifies the landowner that a renewal is required.

(2) In addition to having a landowner preference registration form on file with the Department, a landowner shall submit a tag distribution form annually. The tag distribution form shall list the names of the landowner, stockholder(s), partner(s), and their immediate family members to receive tags for pronghorn antelope, and the names of the landowner, stockholder(s), partner(s), their immediate family members, and those persons of the landowners' choosing to receive landowner preference tags for deer and elk.

(3) Landowners shall submit registration forms and tag distribution forms prior to September 15 for all controlled 100 series buck deer and bull elk hunts, and through the day prior to the season openings for 600 series antlerless deer, antlerless elk, and doe/fawn pronghorn antelope hunts.

(4) Registration forms and tag distribution forms are available at no charge in any office of the Department.

(5) Registration forms, tag distribution forms, and applications shall be received at the Salem headquarters office of the Department prior to issuance of any landowner preference tag, except as provided for in OAR 635-075-0007. Landowners are not required to submit proof of ownership with their registration form. Landowners shall be required to submit proof of ownership at the request of the Department or the Oregon State Police acting on behalf of the Department.

(6) A landowner, stockholder(s), partner(s), and immediate family and those persons of the landowners' choosing wishing to also apply for controlled hunt tags shall apply by the May 15 controlled hunt deadline. Listing a hunt choice other than a landowner preference choice is not required.

(7) Everyone shall follow controlled hunt application procedures and regulations as described in OAR Division 060.

(8) The number of landowner preference tags issued is based upon a landowner's acreage. Landowner Preference tags shall be allocated by the following minimum acreage requirements:

TAGS — MINIMUM ACREAGE — HUNT TYPE

2 — 40 — all hunts except eastern Oregon buck deer, Eastern Oregon bull elk, either-sex elk, and doe/fawn pronghorn antelope hunts

2 — 160 — all hunts

3 — 1,200 — all hunts

4 — 2,500 — all hunts

5 — 5,000 — all hunts

6 — 10,000 — all hunts

8 — 20,000 — all hunts

10 — 40,000 — all hunts

12 — 80,000 — all hunts

14 — 160,000 and greater — all hunts

ADMINISTRATIVE RULES

(9) Landowner preference tags for the hunting of deer or elk may be issued to any person of the landowner's choosing, and shall be used for the taking of antlerless animals except as described in OAR 635-075-0005(8). Season dates of the transferred landowner preference tags shall be the same dates as the original tag.

(10) Landowner preference tags for the hunting of antlered deer or elk that are issued to a person of the landowner's choosing who is not a member of the landowner's, partner's, or stockholder's immediate family may be used to take an antlered animal only as follows:

(a) If the landowner is eligible for two, three, or four preference tags, one of those tags may be so used.

(b) If the landowner is eligible for five, six or seven preference tags, two of those tags may be so used.

(c) If the landowner is eligible for eight, nine or 10 preference tags, three of those tags may be so used.

(d) If the landowner is eligible for 11 or 12 preference tags, four of those tags may be so used.

(e) If the landowner is eligible for 13 or 14 preference tags, five of those tags may be so used.

(11) A landowner who is qualified to receive landowner hunting preference tags may request two additional tags for providing public access and/or two additional tags for wildlife habitat programs. This request shall be made to the Access and Habitat Board with supporting evidence that the access is significant and the habitat programs benefit wildlife. The board may recommend that the commission grant the request. These tags may not be applied to the options as defined in OAR 635-075-0005(8).

(12) No one shall receive both a controlled hunt tag and a landowner preference tag for the same type of hunt. Landowner hunting preference tags shall not be issued to any person successful in the controlled hunt drawing for the same type of hunt.

(13) Landowner preference tags, except as described in OAR 635-075-0007, 635-075-0010, and 635-075-0015 shall only be issued from the headquarters office of the Department following the controlled hunt drawings.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: FWC 35-1982, f. & ef. 6-7-82; FWC 43-1985, f. & ef. 8-22-85; FWC 35-1986, f. & ef. 8-7-86; FWC 48-1987, f. & ef. 7-6-87; FWC 20-1988, f. & cert. ef. 3-10-88; FWC 45-1988, f. & cert. ef. 6-13-88; FWC 98-1988, f. & cert. ef. 10-6-88; FWC 14-1990, f. & cert. ef. 2-2-90; FWC 99-1992, f. & cert. ef. 9-25-92; FWC 10-1994, f. & cert. ef. 2-24-94; FWC 14-1994(Temp), f. & cert. ef. 3-1-94; FWC 40-1994, f. & cert. ef. 6-28-94; FWC 7-1996, f. & cert. ef. 2-12-96; FWC 38-1997, f. & cert. ef. 6-17-97; DFW 49-1998, f. & cert. ef. 6-22-98; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 47-1999, f. & cert. ef. 6-16-99; DFW 82-2000, f. 12-21-00, cert. ef. 1-1-01; DFW 121-2001, f. 12-24-01, cert. ef. 1-1-02; DFW 118-2003, f. 12-4-03, cert. ef. 1-1-04; DFW 122-2004, f. 12-21-04, cert. ef. 1-1-05; DFW 53-2005, f. & cert. ef. 6-14-05; DFW 131-2008, f. & cert. ef. 10-14-08; DFW 42-2009(Temp), f. 5-4-09, cert. ef. 5-5-09 thru 10-31-09; DFW 66-2009, f. & cert. ef. 6-10-09; DFW 140-2009, f. 11-3-09, cert. ef. 1-1-10

635-075-0010

Hunting Area Allowed With Landowner Hunting Preference Tags

(1) A landowner preference tag authorizes the recipient to hunt only on those lands owned by the landowner, and meeting the minimum acreage requirements for that hunt, during the season dates for which the tag is valid, except as provided for in OAR 635-075-0010(4) and (5).

(2) Landowner hunting preference tags are valid on the landowner's property in other controlled hunt areas provided the species, bag limits, and season dates are the same, and the landowner's property in that area either:

(a) Meets the minimum acreage requirements for that hunt; or

(b) is contiguous to other property owned by the landowner that, if added together, would meet the minimum acreage requirements for that hunt.

(3) A landowner receiving a landowner preference controlled buck deer hunt or controlled elk hunt tag may not hunt in any other controlled or general buck deer or elk season, except as provided in OAR division 090.

(4) When a landowner is qualified under landowner preference rules adopted by the Commission and the landowner or an immediate family member receives a deer or elk controlled hunt tag for that unit and has not harvested an animal, the landowner or immediate family member may use that tag to take an antlerless deer, except for white-tailed deer in Western Oregon, or elk before, during, or after the hunting season for which the tags are valid, when approved by the Department, to alleviate damage that is presently occurring to the landowner's property.

(5) Each unfilled landowner preference deer or elk tag may be transferred and used to take two antlerless animals, except for white-tailed deer in Western Oregon, before, during or after the hunting season for which the tags are valid, when approved by the Department, to alleviate damage that is presently occurring to the landowner's property in accordance with the following criteria:

(a) Transfer must be done by an authorized representative of the Department for no charge;

(b) Tag(s) is/are to be transferred to someone of the landowner's choice;

(c) The landowner and those receiving a transferred elk tag must surrender any original unfilled elk tag; or sign an affidavit stating the tag has been lost, stolen, or destroyed;

(d) No more than one tag may be transferred to any one person;

(e) Each tag may only be transferred once;

(f) Tags shall be issued for a period of no more than 30 days from the date of issuance, and end no later than March 31. A Department representative may reauthorize an unfilled tag to the same person for an additional 30 days if damage is presently occurring;

(g) Persons who have been successful in harvesting a buck and/or antlerless deer in a general and/or controlled hunt season (excluding "left-over" tags) are also eligible to receive one damage landowner preference deer tag in a fiscal year of July through June;

(h) Only persons who have not been successful in harvesting an elk in a general or controlled hunt season are eligible to receive one damage landowner preference elk tag in a fiscal year of July through June;

(i) Department personnel shall verify that the person(s) receiving tag(s) has a valid hunting license and has not been successful in harvesting an elk during current general or controlled seasons.

(j) Department personnel shall collect the appropriate fee for the second tag at time of transfer;

(6) Landowner preference pronghorn antelope tags may only be used during the authorized hunt season.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: FWC 35-1982, f. & ef. 6-7-82; FWC 43-1985, f. & ef. 8-22-85; FWC 35-1986, f. & ef. 8-7-86; FWC 48-1987, f. & ef. 7-6-87; FWC 20-1988, f. & cert. ef. 3-10-88; FWC 45-1988, f. & cert. ef. 6-13-88; FWC 14-1990, f. & cert. ef. 2-2-90; FWC 99-1992, f. & cert. ef. 9-25-92; FWC 10-1994, f. & cert. ef. 2-24-94; FWC 5-1995, f. & cert. ef. 1-23-95; FWC 7-1996, f. & cert. ef. 2-12-96; FWC 9-1997, f. & cert. ef. 2-27-97; FWC 38-1997, f. & cert. ef. 6-17-97; DFW 49-1998, f. & cert. ef. 6-22-98; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 121-2001, f. 12-24-01, cert. ef. 1-1-02; DFW 122-2004, f. 12-21-04, cert. ef. 1-1-05; DFW 140-2009, f. 11-3-09, cert. ef. 1-1-10

635-080-0053

Catherine Creek Unit

The Catherine Creek Unit, number 53, is that area beginning at Elgin; northeast on State Highway 82 to Minam; south along Minam River to the boundary of Wallowa-Whitman National Forest; west along forest boundary to Point Prominence Road (62 and 6220); south along Point Prominence Road to Moss Springs Campground; south and east from Moss Springs Campground on Lodgepole Trail 1920 to Cartwheel Ridge Trail 1907; north and east on Cartwheel Ridge Trail 1907 to the divide between the Catherine Creek and Minam River drainages past Burger Butte to Granite Butte; generally south on the divide between Catherine Creek and Eagle Creek drainages to Flagstaff Butte; west on Forest Road 7700582 to Forest Road 77; west on Forest Road 77 to Forest Road 7740; south on 7740 to 7740050; south and west on 7740050 to Big Creek; Big Creek to Big Creek Road 67; west on Big Creek Road to Medical Springs; southwest on State Highway 203 to the Powder River; northwest on Powder River to Interstate Highway 84 at North Powder; north on Interstate Highway 84 to State Highway 82 at La Grande; northeast on State Highway 82 to Elgin, point of beginning.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: FWC 119, f. & ef. 6-3-77; FWC 26-1978, f. & ef. 5-26-78; FWC 21-1979, f. & ef. 6-5-79; FWC 32-1980, f. & ef. 6-30-80; FWC 35-1986, f. & ef. 8-7-86; FWC 46-1988, f. & cert. ef. 6-13-88; FWC 72-1989, f. & cert. ef. 8-15-89; FWC 27-1991, f. & cert. ef. 3-12-91; FWC 36-1993, f. & cert. ef. 6-14-93; DFW 47-1999, f. & cert. ef. 6-16-99; DFW 118-2007, f. 10-31-07, cert. ef. 1-1-08; DFW 140-2009, f. 11-3-09, cert. ef. 1-1-10

635-080-0063

Keating Unit

The Keating Unit, number 63, is that area beginning at North Powder; northeast and southeast along Powder River to State Highway 203; northeast on State Highway 203 to Medical Springs; southeast and northeast on Big Creek Road 67 to Big Creek and north on Big Creek to Forest Road 7740050; east and north on Forest Road 7740050 to Forest Road 7740 and to Forest Road 77; east on Forest Road 77 to Flagstaff Butte Road 7700582; east on road 7700582 to Flagstaff Butte; north along the divide between the Catherine Creek and Eagle Creek drainages to Granite Butte; east along summit of Eagle Mountains to Hawkins pass; south to Jackson Peak; south to Krag Peal; south and east to Crater Lake; north and east to Red Mt; north and east to Blue Creek Trail (1865) north of Cornucopia; south along Blue Creek Trail to Pine Creek; south and east along Pine Creek to State

ADMINISTRATIVE RULES

Highway 86; southwest on State Highway 86 to Old Richland-Halfway Highway (Sag Road); south on Sag Road to Powder River arm of Brownlee Reservoir; west along Powder River to State Highway 86 near Goose Cr; west on Highway 86 to Interstate Highway 84; north on Interstate Highway 84 to North Powder, point of beginning.

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

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

Hist.: FWC 119, f. & ef. 6-3-77; FWC 26-1978, f. & ef. 5-26-78; FWC 32-1980, f. & ef. 6-30-80; FWC 35-1986, f. & ef. 8-7-86; FWC 46-1988, f. & cert. ef. 6-13-88; FWC 72-1989, f. & cert. ef. 8-15-89; FWC 36-1993, f. & cert. ef. 6-14-93; DFW 47-1999, f. & cert. ef. 6-16-99; DFW 150-2008, f. 12-18-08, cert. ef. 1-1-09; DFW 140-2009, f. 11-3-09, cert. ef. 1-1-10

Rule Caption: Modifications to Southwest Zone Sport Chinook Salmon Regulations for the Chetco River.

Adm. Order No.: DFW 141-2009(Temp)

Filed with Sec. of State: 11-4-2009

Certified to be Effective: 11-7-09 thru 12-31-09

Notice Publication Date:

Rules Amended: 635-016-0090

Rules Suspended: 635-016-0090(T)

Subject: This amended rule maximizes spawning escapement of fall Chinook salmon in the Chetco River, while continuing to allow sports fishers limited opportunities to harvest fall Chinook salmon in the Chetco Estuary.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-016-0090

Inclusions and Modifications

(1) The **2009 Oregon Sport Fishing Regulations** provide requirements for the Southwest Zone. However, additional regulations may be adopted in this rule division from time to time and to the extent of any inconsistency, they supersede the **2009 Oregon Sport Fishing Regulations**.

(2) Notwithstanding all other requirements provided in the 2009 Oregon Sport Fishing Regulations, the following restrictions apply to angling in waters of the Southwest Zone:

(a) All waters of the Umpqua River Basin (including Smith River), Coquille River Basin, and Elk River Basin that are open for chinook salmon are limited to no more than 1 non fin-clipped adult chinook salmon retained per day and 5 adult non fin-clipped chinook salmon in the seasonal aggregate when combined with all other waters in the Northwest Zone and Southwest Zone, and all state waters terminal area seasons in the Marine Zone with a 5 adult non fin-clipped chinook salmon seasonal aggregate limit, and no more than 10 total adult non fin-clipped chinook in the seasonal aggregate from all waters in the Northwest Zone and Southwest Zone, and all state waters terminal area seasons in the Marine Zone. Seasonal aggregate applies to all adult non fin-clipped chinook salmon retained between August 1 and December 31, 2009.

(b)(A) All waters of the the Coos River Basin and Rogue River Basin that are open for chinook salmon are limited to no more than 2 adult non fin-clipped chinook salmon retained per day, and no more than 10 total adult non fin-clipped chinook in the seasonal aggregate from all waters in the Northwest Zone and Southwest Zone, and all state waters terminal area seasons in the Marine Zone. Seasonal aggregate applies to all adult non fin-clipped chinook salmon retained between August 1 and December 31, 2009.

(B) Rogue River mainstem from Gold Ray Dam to Dodge Bridge: from 12:01 a.m. August 1 thru 11:59 p.m. August 31, 2009 only adult fin-clipped Chinook salmon may be retained. Non fin-clipped jacks may be retained. Catch limits and other restrictions listed in the 2009 Oregon Sport Fishing Regulations for the Southwest Zone remain in effect.

(c) All waters of Floras Creek, Floras Lake, New River, New Lake, Sixes River, Hunter Creek, Pistol River, and Chetco River that are open for chinook salmon are limited to no more than 1 adult non fin-clipped chinook salmon per day and 2 adult non fin-clipped chinook salmon in the seasonal aggregate when combined with all other waters in the Northwest Zone and Southwest Zone, and all state waters terminal area seasons in the Marine Zone with a 2 adult chinook salmon seasonal aggregate limit, and no more than 10 total adult non fin-clipped chinook in the seasonal aggregate from all waters in the Northwest Zone and Southwest Zone, and all state waters terminal area seasons in the Marine Zone. Seasonal aggregate applies to all adult non fin-clipped chinook salmon retained between August 1 and December 31, 2009.

(d) All waters of the North Fork Smith River (Umpqua River Basin) are closed for chinook salmon between August 1 and December 31, 2009.

(e) Within the Coos River Basin the following additional rules apply:

(A) All waters of the Millicoma River upstream of the Doris Place Boat Ramp at river mile 0.25 are closed for chinook salmon between August 1 and December 31, 2009, and closed for steelhead from August 1 through November 14;

(B) All waters of the South Fork Coos River upstream from the confluence with Besse Cr. at river mile 6.25 are closed for chinook salmon from August 1 through December 31, 2009, and closed for steelhead from August 1 through November 14; and

(C) All waters of the Coos River and Bay upstream to the Doris Place Boat Ramp at river mile 0.25 on the Millicoma River and upstream to the confluence with Besse Cr. at river mile 6.25 on the South Fork Coos River are closed for non fin-clipped coho salmon from 11:59 p.m. September 18 through December 31, 2009 due to attainment of the 1,000 non-fincropped adult coho quota.

(f) Within the Coquille River Basin the following additional rules apply:

(A) All waters of the Coquille River Basin upstream of the Highway 42S bridge (Sturdivant Park) at river mile 24.0 are closed for chinook salmon between August 1 and December 31, 2009, and closed for steelhead from August 1 through November 14;

(B) open for non fin-clipped coho salmon in Coquille River and Bay upstream to the Highway 42S bridge (Sturdivant Park) at river mile 24.0 from September 1 through the earlier of November 30 or attainment of an adult coho quota of 1,500 non-fincropped coho. The daily catch limit may include one adult non fin-clipped coho salmon per day and one non fin-clipped jack coho salmon, and no more than 5 total adult non fin-clipped coho salmon in the seasonal aggregate from all waters in the Northwest Zone and Southwest Zone.

(g) All waters of Floras Creek upstream of the County Road 124 bridge over Floras at river mile 5.0 are closed for chinook salmon between August 1 and December 31, 2009.

(h) All waters of the Sixes River upstream of Edson Cr. are closed for chinook salmon between August 1 and December 31, 2009.

(i) All waters of the Chetco River upstream of the Highway 101 Bridge are closed to angling until further notice.

(j) All waters of the Winchuck River are closed to Chinook angling from August 1 through December 31, 2009.

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

Stat. Auth.: ORS 496.138 & 496.146

Stats. Implemented: ORS 496.162

Hist.: FWC 80-1993(Temp), f. 12-21-93, cert. ef. 1-1-94; FWC 82-1993, f. 12-22-93, cert. ef. 1-1-94; FWC 31-1994, f. 5-26-94, cert. ef. 6-20-94; FWC 79-1994(Temp), f. 10-21-94, cert. ef. 7-22-94; FWC 22-1995, f. 3-7-95, cert. ef. 3-10-95; FWC 34-1995, f. & cert. ef. 5-1-95; FWC 57-1995(Temp), f. 7-3-95, cert. ef. 7-4-95; FWC 59-1995(Temp), f. 7-24-95, cert. ef. 8-1-95; FWC 77-1995, f. 9-13-95, cert. ef. 1-1-96; FWC 82-1995(Temp), f. 9-29-95, cert. ef. 10-1-95; FWC 90-1995(Temp), f. 11-29-95, cert. ef. 1-1-96; FWC 20-1996, f. & cert. ef. 4-29-96; FWC 52-1996, f. & cert. ef. 9-11-96; FWC 61-1996, f. & cert. ef. 10-9-96; FWC 72-1996, f. 12-31-96, cert. ef. 1-1-97; FWC 73-1996(Temp), f. 12-31-96, cert. ef. 1-1-97; FWC 5-1997, f. & cert. ef. 2-4-97; FWC 17-1997(Temp), f. 3-19-97, cert. ef. 4-1-97; FWC 32-1997(Temp), f. & cert. ef. 5-23-97; FWC 75-1997, f. 12-31-97, cert. ef. 1-1-98; DFW 24-1998(Temp), f. & cert. ef. 3-25-98 thru 9-15-98; DFW 34-1998, f. & cert. ef. 5-4-98; DFW 52-1998(Temp), f. 7-10-98, cert. ef. 7-11-98 thru 7-24-98; DFW 55-1998(Temp), f. & cert. ef. 7-24-98 thru 12-31-98; DFW 70-1998, f. & cert. ef. 8-28-98; DFW 100-1998, f. 12-23-98, cert. ef. 1-1-99; DFW 36-1999, f. & cert. ef. 5-20-99; DFW 96-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 48-2000(Temp), f. 8-14-00, cert. ef. 8-15-00 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 8-2001, f. & cert. ef. 3-5-01; DFW 40-2001(Temp), f. & cert. ef. 5-24-01 thru 11-20-01; DFW 42-2001(Temp), f. 5-25-01, cert. ef. 5-29-01 thru 7-31-01; 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 97-2001(Temp), f. 10-4-01, cert. ef. 11-1-01 thru 12-31-01; DFW 105-2001(Temp), f. 10-26-01, cert. ef. 11-1-01 thru 12-31-01; DFW 122-2001(Temp), f. & cert. ef. 12-31-01 thru 5-31-02; DFW 123-2001, f. 12-31-01, cert. ef. 1-1-02; DFW 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 55-2002(Temp), f. 5-28-02, cert. ef. 7-1-02 thru 11-31-02; 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 124-2002(Temp), f. & cert. ef. 10-30-02 thru 12-31-02 (Suspended by DFW 125-2002(Temp), f. 11-8-02, cert. ef. 11-9-2002); DFW 130-2002, f. 11-21-02, cert. ef. 1-1-03; 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 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 127-2004, f. 12-22-04, cert. ef. 1-1-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 24-2006(Temp), f. 4-25-06, cert. ef. 5-13-06 thru 10-31-06; DFW 37-2006(Temp), f. 6-2-06, cert. ef. 6-5-06 thru 12-1-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 47-2007(Temp), f. 6-18-07, cert. ef. 6-21-07 thru 10-31-07; DFW 56-2007(Temp), 7-6-07, cert. ef. 8-1-07 thru 12-31-07; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 137-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 54-2008(Temp), f. 5-28-08, cert. ef. 6-1-08 thru 7-31-08; DFW 67-2008(Temp), f. 6-20-08, cert. ef. 8-1-08 thru 12-31-08; DFW 138-2008(Temp), f. 10-28-08, cert. ef. 11-1-08 thru 11-30-08; DFW 140-2008(Temp), f. 11-4-08, cert. ef. 11-5-08 thru 12-31-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 57-2009(Temp), f. 5-27-09, cert. ef. 6-1-09 thru 7-31-09; DFW 77-2009(Temp), f. 6-29-09, cert. ef. 7-1-09 thru 7-31-09; DFW 87-2009(Temp), f. 7-31-09, cert. ef. 8-1-09 thru 12-31-09; DFW 113-2009(Temp), f. & cert. ef. 9-18-09 thru 12-31-09; DFW 141-2009(Temp), f. 11-4-09, cert. ef. 11-7-09 thru 12-21-09

ADMINISTRATIVE RULES

Rule Caption: Amended Rules Relating to Miscellaneous and Occupational Fees.

Adm. Order No.: DFW 142-2009

Filed with Sec. of State: 11-12-2009

Certified to be Effective: 1-1-10

Notice Publication Date: 8-1-2009

Rules Amended: 635-008-0151, 635-010-0007, 635-010-0157, 635-010-0170, 635-043-0033, 635-044-0030, 635-044-0060, 635-047-0025, 635-047-0035, 635-047-0045, 635-048-0030, 635-049-0270, 635-050-0180, 635-055-0015, 635-055-0025, 635-055-0035, 635-055-0037, 635-056-0075, 635-060-0046, 635-060-0005, 635-065-0501, 635-066-0010, 635-067-0010, 635-067-0034, 635-067-0041, 635-075-0005, 635-075-0026, 635-075-0035, 635-090-0140, 635-200-0050, 635-200-0030

Subject: Amended Oregon Administrative Rules to implement HB 2223, enacted by the 2009 Legislative Assembly. This bill changed miscellaneous and occupational fees for the Department.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-008-0151

Procedures for Issuance and Enforcement of Parking Permits for Sauvie Island Wildlife Area

The Oregon Department of Fish and Wildlife hereby adopts the following procedures relating to issuance and enforcement of parking permits for certain vehicles in Sauvie Island Wildlife Area parking areas:

(1) A parking permit is required at all times for all parking areas. Parking is permitted only in designated parking areas.

(2) Parking areas are designated by the following signs:

(a) "Entering Sauvie Island Wildlife Area — Parking Permits Required Beyond This Point";

(b) "Parking allowed only in designated areas - Sauvie Island Wildlife Area Parking Permit Required".

(3) There are two separate permits of different colors: an annual permit and a daily permit.

(4) The fee for parking permits is \$7.00 for permits issued on a daily basis or \$22.00 for permits issued on an annual basis beginning each January 1.

(5) Permits are issued by selected local agents to a party upon payment and may be transferred from vehicle to vehicle.

(6) The permits must be visible from outside the vehicle and be displayed in the front or rear window of the vehicle.

(7) No parking permits will be required for those vehicles which are owned or operated by government agencies.

(8)(a) A person who operates or parks a motor-propelled vehicle in violation of restrictions established and posted under OAR 635-008-0146 through 635-008-0151 commits an offense punishable as provided in ORS 496.992;

(b) Except as otherwise provided in subsection (8)(a) of this section, a person who is the owner of an unattended motor-propelled vehicle parked in violation of restrictions established and posted under OAR 635-008-0146 through 635-008-0151 is guilty of a violation punishable as described in ORS 161.635 without regard to culpable mental state;

(c) The procedure for a police officer to follow upon finding a non government vehicle parked in designated parking area without a permit shall consist of the issuance of a notice which shall be either delivered to the defendant or placed in a conspicuous place upon the vehicle in the violation.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 497.071

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 497.071

Hist.: FWC 12-1990, f. & cert. ef. 2-2-90; FWC 8-1993, f. & cert. ef. 2-8-93; DFW 30-2000, f. & cert. ef. 6-14-00; DFW 3-2002(Temp), f. & cert. ef. 1-3-02 thru 1-23-02; DFW 74-2003(Temp), f. 8-1-03, cert. ef. 8-3-03 thru 8-7-03; Administrative correction 1-12-04; DFW 142-2009, f. 11-12-09, cert. ef. 1-1-10

635-010-0007

Computerized Licensing System Agents

(1) All agents must use the Department's computerized licensing system for issuing documents, except for issuing Prepaid Daily Angling Licenses.

(2) All Agents must issue documents according to the "Point-of Sale License Agent User Manual" provided by the Department.

(3) Agents may retain a fee of \$1.00 for regular licensing documents and \$2.50 for a sportsman's license. Agents may not charge or accept any additional service or processing fees. Agents must deposit in the bank

account identified in the Agreement all other monies collected from the sale of licensing documents.

(4) For the purposes of this rule, the Department may determine Agents having more than one location and owned by a single entity are one agent.

Stat. Auth.: ORS 497.022

Stats. Implemented: ORS 497.022

Hist.: FWC 12-1994, f. & cert. ef. 3-1-94; DFW 99-1999(Temp), f.12-22-99, cert. ef. 1-1-00 thru 6-27-00; DFW 33-2000, f. & cert. ef. 6-19-00; DFW 66-2002(Temp), f. & cert. ef. 6-28-02 thru 12-20-02; DFW 142-2009, f. 11-12-09, cert. ef. 1-1-10

635-010-0157

Free Resident Licenses for Disabled Veterans

(1) Pursuant to ORS 497.102 and 497.121, a disabled war veteran is entitled to a free hunting license, angling license and shellfish license if the veteran meets the following requirements. The license remains valid so long as the licensee remains an Oregon resident.

(a) The veteran has been an Oregon resident for at least six months; and

(b) The veteran provides to the Department written certification from the U.S. Veteran's Administration or any branch of the U.S. Armed Forces that the veteran is at least 25 percent disabled.

(2) Any valid permanent angling license issued before January 1, 2000, to a person permanently confined to a wheelchair is valid for as long as the licensee is a resident of Oregon.

Stat. Auth.: ORS 496, 497 & Ch. 25, OL 1999

Stats. Implemented: ORS 496 & 497, Ch. 25, OL 1999

Hist.: FWC 124-1990, f. 11-28-90, cert. ef. 1-1-91; DFW 99-1999(Temp), f.12-22-99, cert. ef. 1-1-00 thru 6-27-00; DFW 33-2000, f. & cert. ef. 6-19-00; DFW 30-2002, f. & cert. ef. 4-11-02; DFW 142-2009, f. 11-12-09, cert. ef. 1-1-10

635-010-0170

Licenses, Tags or Documents Available by Mail Order, Fax or Internet

(1) All licenses, tags, permits or validations sold by the Department over the Internet fall into one of three categories concerning how the sale is made: Instant; Temporary; or Postal. Postal transactions are also available by mail order or fax.

(a) Instant: means that the internet purchase results in an immediate sale and printing of the item, allowing the purchaser to make immediate use of item purchased. No other action is required to complete the transaction. The items in this category are:

(A) Daily Angling Licenses: one-, two-, three-, four- and seven-day licenses;

(B) Three-day Nonresident Shellfish licenses;

(C) Three-day Nonresident Bird Hunting Licenses;

(D) Big Game controlled hunt applications;

(E) Game Bird controlled hunt applications;

(F) Sauvie Island Daily parking permits;

(G) Band-tailed Pigeon permits;

(H) Black Brant Permits;

(I) Sage Grouse Permits;

(J) Fern Ridge Reservation Permits;

(K) Klamath Reservation Permits; and

(L) Sauvie Island Reservation Permits.

(b) Temporary: means that the internet purchase results in an immediate sale and printing of the item, allowing the purchaser to make limited use (10 days) of the item purchased. The Department will send the final, permanent item to the purchaser via postal mail. The items in this category are:

(A) HIP Migratory Bird Validations;

(B) HIP Upland Bird Validations;

(C) HIP Crow Validations;

(D) Nonresident Game Bird Validations;

(E) Upland Game Bird Validations;

(F) Waterfowl Bird Validations;

(G) Sauvie Island Annual Parking Permits;

(H) Sea Duck Permits;

(I) Aquatic Invasive Species Prevention Permit;

(J) Two-Rod Angling License; and

(K) All annual hunting and angling licenses;

(c) Postal: means that the internet purchase results in an immediate sale and the printing of a transaction receipt, but that the Department mails the actual item to the purchaser via postal mail. The privilege(s) purchased is not valid until the purchaser receives the item. The items in this category are:

(A) Combined Hunting Tags;

(B) Combined Angling Tag;

(C) Hatchery Harvest Tag;

ADMINISTRATIVE RULES

- (D) All Big Game Tags (controlled hunt and general season);
- (E) Pheasant Tags;
- (F) NW Oregon Goose Permit; and
- (G) Turkey Tags.

(2) The Department will charge shipping and handling fee of \$2.00 per session whenever a person makes a purchase via Internet, fax, or mail order. This fee is in addition to all other document costs and covers the processing, printing, and postal mailing of the requested documents.

Stat. Auth.: ORS 496 & 497
Stats. Implemented: ORS 496 & 497
Hist.: DFW 130-2008, f. & cert. ef. 10-14-08; DFW 147-2008(Temp), f. & cert. ef. 12-6-08 thru 6-6-09; DFW 51-2009(Temp), f. & cert. ef. 5-14-09 thru 6-1-09; Administrative correction 6-22-09; DFW 142-2009, f. 11-12-09, cert. ef. 1-1-10

635-043-0033

Cost of Permit

(1) Wildlife Scientific/Educational Taking Permits (K-12 grades) shall cost \$15.00 (plus a \$2.00 license agent fee) and shall expire on December 31 of the year issued.

(2) Wildlife Scientific/Educational Taking Permits (other) shall cost \$100.00 (plus a \$2.00 license agent fee) and shall expire on December 31 of the year issued.

Stat. Auth.: ORS 183 & 496
Stats. Implemented: ORS 183 & 496
Hist.: FWC 49-1991, f. & cert. ef. 5-13-91; DFW 142-2009, f. 11-12-09, cert. ef. 1-1-10

635-044-0030

Cost and Expiration Date of Wildlife Holding Permit

Any person desiring to obtain a Wildlife Holding Permit must submit a complete application and a non refundable application fee of \$5.00 (plus a \$2.00 license agent fee). Wildlife Holding Permit shall expire on December 31 of the year issued.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242
Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242
Hist.: 3WC 2, f. 12-19-73, ef. 1-11-74, Renumbered from 630-025-0028 & 635-007-0125; DFW 142-2009, f. 11-12-09, cert. ef. 1-1-10

635-044-0060

License Required to Propagate Wildlife

(1) Any person desiring to propagate for sale any game mammal (excluding the family *Cervidae*), game bird, or tiger salamander (*Ambystoma tigrinum*) (excluding *Blotched tiger salamander A. t. melanostictum*) or desiring to sell any propagated game mammal (excluding the family *Cervidae*), game bird, or tiger salamander (*Ambystoma tigrinum*) (excluding *Blotched tiger salamander A. t. melanostictum*) must first secure a Wildlife Propagation License by applying on a form provided to the Oregon Department of Fish and Wildlife. The application shall list the wildlife species and numbers being held for propagation purposes, or the species being held for sale. The application shall also include the date of application, and the name, address, and signature of applicant.

(2) Wildlife Propagation License shall cost \$25.00 (plus a \$2.00 license agent fee) and shall expire on December 31 of the year issued.

(3) Any person desiring to propagate and sell any raptor must adhere to all permit requirements and regulations pertaining to the propagation and selling of raptors, as adopted by the U.S. Department of the Interior on July 8, 1983. (Federal Register, Vol. 48, No. 132, Part 21)

Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242
Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242
Hist.: 3WC 2, f. 12-19-73, ef. 1-11-74, Renumbered from 630-025-0043, Renumbered from 635-007-0150; FWC 6-1984, f. & ef. 2-29-84; FWC 28-1987, f. & ef. 6-19-87; FWC 69-1996, f. & cert. ef. 12-20-96; DFW 31-2004, f. 4-22-04, cert. ef. 5-1-04; DFW 108-2009, f. & cert. ef. 9-8-09; DFW 142-2009, f. 11-12-09, cert. ef. 1-1-10

635-047-0025

Marking of Birds

All privately owned game birds to be released must be premarked in a manner prescribed by the Department:

(1) All game birds reared for release upon hunting preserves shall be identified by a healed toe mark or be marked with a plastic poultry band or marked by a nasal scar. A nasal scar is a permanent deformity caused by an anti pecking device. For a healed toe mark, the terminal joint, including the entire toenail, shall be clipped from the outside of the right foot of each chick.

(2) In the event that an operator acquires birds that have not been marked, they shall be banded prior to release by the operator with plastic poultry bands or other bands approved by the Department.

(3) Any wild game bird incidentally taken upon a hunting preserve at any time other than the general open season therefore shall be immediately marked with a wild bird seal that has been issued by the Department. The fee for such seals shall be \$15.00 each. Any unused wild bird seals may be submitted for refund not later than 30 days after the close of business if a preserve discontinues operation.

(4) Operators shall pay for in advance and have on hand not less than 10 wild bird seals at all times.

(5) A wild bird seal shall be securely affixed to any wild bird taken outside the general season or any wild hen pheasant before it leaves the premises of the hunting preserve.

(6) A record of the date of issue and the names and address of persons receiving wild bird seals must be maintained by the operator and available to Department personnel or enforcement officers at all times.

Stat. Auth.: ORS 496.012, 496.138, 496.570, 497.102, 497.156 & 497.248
Stats. Implemented: ORS 496.012, 496.138, 496.570, 497.102, 497.156 & .248
Hist.: GC 101, f. 7-9-59, Renumbered from 630-023-0025, Renumbered from 635-007-0025; FWC 115-1992, f. & cert. ef. 10-28-92; DFW 86-1999, f. & cert. ef. 11-1-99; DFW 7-2002, f. & cert. ef. 1-17-02; DFW 66-2006(Temp), f. & cert. ef. 7-25-06 thru 1-15-07; Administrative correction 1-16-07; DFW 5-2007, f. & cert. ef. 1-18-07; DFW 21-2007, f. & cert. ef. 3-30-07; DFW 68-2007, f. & cert. ef. 8-14-07; DFW 142-2009, f. 11-12-09, cert. ef. 1-1-10

635-047-0035

Fees

(1) Fee for hunting preserve license shall be \$200.00 (plus a \$2.00 license agent fee) per year.

(2) Licenses issued under this rule shall be issued for a period of July 1 to June 30 of the following year.

Stat. Auth.: ORS 496.112, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.112, 496.138, 496.146 & 496.162
Hist.: GC 101, f. 7-9-59, Renumbered from 630-023-0035, Renumbered from 635-007-0035; FWC 115-1992, f. & cert. ef. 10-28-92; DFW 7-2002, f. & cert. ef. 1-17-02; DFW 142-2009, f. 11-12-09, cert. ef. 1-1-10

635-047-0045

License Requirements of Hunters

(1) State hunting licenses shall be required of all persons hunting on hunting preserves. Residents shall be required to possess either a resident hunting license or an annual resident private hunting preserve permit. The resident private hunting preserve permit shall cost \$4.00 (plus a \$2.00 license agent fee) and is good for the entire hunting preserve season on any licensed hunting preserve. Nonresidents shall be required to possess a regular nonresident hunting license, or an annual nonresident private hunting preserve permit. The nonresident private hunting preserve permit shall cost \$10.00 (plus a \$2.00 license agent fee) and shall be good for the entire hunting preserve season on any licensed hunting preserve in the state.

(2) Operators may obtain special hunting preserve permits for reissue to their clients from the Department. Operators who are not authorized license agents of the Department shall pay in advance for the special \$4.00 (plus a \$2.00 license agent fee) resident and \$10.00 (plus a \$2.00 license agent fee) nonresident hunting preserve permits and maintain a record of all sales. Operators shall have on hand a minimum of not less than ten resident and not less than ten nonresident special preserve permits at all times. Operators may return unissued preserve permits for refund within 30 days of close of business in the event they discontinue operation.

Stat. Auth.: ORS 496.012, 496.138, 496.570, 497.102, 497.156 & 497.248
Stats. Implemented: ORS 496.012, 496.138, 496.570, 497.102, 497.156 & .248
Hist.: GC 101, f. 7-9-59, Renumbered from 630-023-0045, Renumbered from 635-007-0045; FWC 115-1992, f. & cert. ef. 10-28-92; DFW 86-1999, f. & cert. ef. 11-1-99; DFW 7-2002, f. & cert. ef. 1-17-02; DFW 142-2009, f. 11-12-09, cert. ef. 1-1-10

635-048-0030

Issuing Duplicate Certificates of Course Completion

(1) Duplicate certificates of course completion shall be issued only through a field office or the Salem headquarters office of the Department. A permanent duplicate will be issued only when the student's registration card is on file. Duplicate Certificates are:

- (a) Free of charge if the student is a minor ; or
- (b) A fee of \$10.00 will be charged if the student is 18 yrs or older .

(2) A temporary duplicate (valid only through the end of that year) will be issued when a student's records are not on file, if the student provides an affidavit, signed by the student and a parent or guardian if the student is a minor, stating that the student has successfully completed the required course. Such students may obtain a permanent duplicate only by successfully repeating the required course.

Stat. Auth.: ORS 496 & 497
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 497.360
Hist.: 3WC 6, f. 2-28-74, ef. 7-1-74, Renumbered from 630-040-0066, Renumbered from 635-025-0030; FWC 73-1986, f. & ef. 11-4-86; FWC 15-1987, f. & ef. 4-15-87; FWC 54-

ADMINISTRATIVE RULES

1997, f. & cert. ef. 9-3-97; DFW 31-2004, f. 4-22-04, cert. ef. 5-1-04; DFW 131-2007, f. 12-20-07, cert. ef. 1-1-08; DFW 142-2009, f. 11-12-09, cert. ef. 1-1-10

635-049-0270

Application for Cervid Propagation License — Type 2

(1) Person desiring to hold or propagate live fallow deer or reindeer must first secure a Cervid Propagation License — Type 2 by applying to the Department's headquarters office.

- (a) The application shall list the:
 - (A) Cervid species and numbers to be held;
 - (B) Date of application;
 - (C) Location and size of the facility; and
 - (D) Name, address, and signature of the applicant.

(b) Provided review of the application indicates the proposed operation meets the requirements of OAR chapter 635, division 049, the Department will notify the applicant of preliminary approval and the need for a facility inspection.

(2) The fee for a Cervid Propagation License — Type 2 shall be \$25 (plus a \$2.00 license agent fee) annually.

Stat. Auth.: ORS 496.004, 496.012, 496.138, 497.228, 497.308, 498.002, 498.052
Stats. Implemented: ORS 496.004, 496.012, 496.138, 497.228, 497.308, 498.002 & 498.052
Hist.: FWC 9-1993, f. & cert. ef. 2-8-93; DFW 15-2000, f. & cert. ef. 3-31-00; DFW 142-2009, f. 11-12-09, cert. ef. 1-1-10

635-050-0180

Bobcat and River Otter Record Cards

(1) Each person desiring to hunt or trap bobcat or river otter shall purchase a bobcat or river otter record card prior to hunting or trapping bobcat or river otter.

(2) Bobcat record cards will be available for a fee of \$20.00 (plus a \$2.00 license agent fee) per card.

(3) River otter record cards will be available for a fee of \$15.00 (plus a \$2.00 license agent fee) per card.

(4) Record cards will be available at the Salem headquarters and regional offices of the Department.

(5) River otter cards will have spaces for recording 15 river otters. There is no limit on the purchase of river otter record cards.

(6) Each western Oregon bobcat record card will have spaces for recording 15 bobcats. There is no limit on purchase of western Oregon bobcat record cards.

(7) Each eastern Oregon bobcat record card will have spaces for recording seven bobcats.

(8) No more than one card for seven eastern Oregon bobcats will be issued any furtaker or hunter. A duplicate card may be issued, but no more than seven eastern Oregon bobcats may be taken in a season.

(9) No person may obtain or possess both eastern and western Oregon bobcat record cards.

(10) Bobcat and river otter record cards shall not be sold after the end of their respective seasons.

(11) Each furtaker shall have the appropriate record card on his person while trapping or hunting bobcat or river otter.

(12) Furtakers shall not have record cards other than their own on their person while in the field.

(13) Upon coming into possession of any bobcat or river otter, the furtaker shall immediately write on the record card, species, sex, date of possession and county of harvest.

(14) Each furtaker shall retain the record card until he disposes of the raw pelts.

(15) Fees paid for unused record cards shall not be refunded.

(16) It is unlawful to alter or be in possession of an altered bobcat or river otter record card.

(17) Each licensee shall register a brand number to obtain a bobcat or river otter record card.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: FWC 140, f. & ef. 8-29-77; FWC 165, f. & ef. 12-23-77; FWC 44-1978, f. & ef. 9-1-78; FWC 37-1979, f. & ef. 8-29-79; FWC 53-1979(Temp), f. & ef. 11-6-79; FWC 54-1979(Temp), f. & ef. 11-8-79; FWC 60-1979(Temp), f. & ef. 12-18-79; FWC 2-1980(Temp), f. & ef. 1-8-80; FWC 35-1980, f. & ef. 7-2-80; FWC 21-1981, f. & ef. 6-29-81, Renumbered from 635-050-0025(1); FWC 43-1982, f. & ef. 7-9-82; FWC 27-1983, f. & ef. 7-8-83; FWC 52-1984, f. & ef. 9-5-84; FWC 44-1985, f. & ef. 8-22-85; FWC 48-1986, f. & ef. 8-28-86; FWC 79-1988, f. & cert. ef. 9-2-88; FWC 59-1989, f. & cert. ef. 8-15-89; FWC 60-1992, f. & cert. ef. 7-30-92; FWC 49-1994, f. & cert. ef. 8-12-94; DFW 39-2000, f. & cert. ef. 7-25-00; DFW 31-2004, f. 4-22-04, cert. ef. 5-1-04; DFW 67-2004, f. & cert. ef. 7-13-04; DFW 142-2009, f. 11-12-09, cert. ef. 1-1-10

635-055-0015

Cost and Expiration Date of Falconry License

(1) The fee for a falconry license shall be \$125.00 (plus a \$2.00 license agent fee).

(2) The falconry license is valid for three years. The three year period shall extend from July 1 of the year of issue to June 30 of the third year.

EXAMPLE: A license issued on November 1, 2001 will expire on June 30, 2004.

Stat. Auth.: ORS 496

Stats. Implemented: ORS 496

Hist.: FWC 170, f. 12-23-77, ef. 1-1-78; FWC 12-1983, f. 3-24-83, ef. 1-1-84; FWC 12-1985, f. & ef. 3-6-85; FWC 123-1990, f. & cert. ef. 11-28-90; DFW 33-2002, f. & cert. ef. 4-18-02; DFW 142-2009, f. 11-12-09, cert. ef. 1-1-10

635-055-0025

Inspections, Facilities and Equipment

The following facilities and equipment, in good operating condition, shall be in the possession of an applicant and shall be inspected and certified by the Department or a designated representative possessing knowledge of falconry facilities before a falconry license is issued. An inspection fee of \$15.00 shall be assessed for an inspection of facilities and shall accompany an inspection request form from the falconer. A facilities inspection is required for all new falconry applicants, falconers from another state who have moved to Oregon and Oregon falconers with newly constructed facilities. The raptor housing facilities shall provide protection from adverse weather, predators, and disturbance. All facilities and equipment shall be maintained at or above the level approved and are subject to inspection by the Department or Oregon State Police at any time. Inspection of facilities may take place without warrant or notice but, unless prompted by emergency or other extenuating circumstances, shall be limited to regular and usual business hours, including weekends.

(1) Indoor facilities (mews) shall be large enough to allow easy access for care of raptors. Each raptor shall have an area large enough to fully extend its wings. If more than one incompatible raptor is kept in the same structure, they shall be separated by tethering or partitions. All partitions and inner walls shall be constructed of smooth, nonabrasive material. Each structure shall have at least one window, and all windows shall be protected on the inside by smooth, vertical bars spaced narrower than the width of the bird's body. All doors shall be secure and easily closed. The floor shall be well drained and easily cleaned. Perches shall be provided for each raptor and of a design and location that provide the raptor suitable and injury free perching.

(2) Outdoor facilities (weathering area) shall be fenced and covered with netting or wire, or roofed to protect the raptors from disturbance and other predators. A fenced area without a cover may be used if each perch is at least 6 feet high. The enclosed area shall be large enough to insure that the tethered raptors cannot strike the fence when flying from the perch. Raptors shall not be exposed to excessive sun, wind, and precipitation. Perches shall be provided for each raptor of a design and location that provide the raptor suitable and injury-free perching. It is permissible to construct the mew and the weathering area in combination, provided the requirements of both facilities are met.

(3) Temporary holding facilities may be used to transport or hold a raptor for not more than 30 consecutive days. Temporary facilities shall contain a perch, be adequately ventilated, be sanitary and provide protection from adverse weather.

(4) Jesses — at least one pair of Aylmeri bracelets or similar type jesse arrangements, constructed of pliable, high quality leather or suitable synthetic material shall be used when any raptor is flown free. (Traditional one-piece jesses may be used on raptors when not flown.)

(5) Leashes and swivels — at least one flexible, weather resistant leash and one strong swivel of acceptable falconry design.

(6) Bath container — at least one suitable container for each raptor, two to six inches deep and wider than the length of the raptor for drinking and bathing.

(7) Outdoor perches — at least one weathering area perch of acceptable design shall be provided for each raptor.

(8) Weighing device — an operative scale or balance suitable to weigh raptors, graduated in at least 1/2 ounce (15 gram) increments.

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

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

Hist.: FWC 170, f. 12-23-77, ef. 1-1-78; FWC 8-1981, f. & ef. 2-26-81; FWC 11-1983, f. & ef. 3-24-83; FWC 12-1985, f. & ef. 3-6-85; FWC 8-1987, f. & ef. 2-25-87; FWC 19-1990, f. & cert. ef. 2-28-90; FWC 40-1991, f. & cert. ef. 4-24-91; FWC 30-1993, f. & cert. ef. 5-5-93; DFW 33-2002, f. & cert. ef. 4-18-02; DFW 142-2009, f. 11-12-09, cert. ef. 1-1-10

635-055-0035

Capture and Transportation of Raptors

A raptor capture permit is required prior to capturing or attempting to capture any raptor. A non-resident falconer from a state having a federally approved falconry program may obtain a capture permit for a red-tailed hawk, Cooper's hawk, sharp-shinned hawk, prairie falcon, peregrine falcon, great horned owl, golden eagle or American kestrel only. All non-resident

ADMINISTRATIVE RULES

applications must include copies of current state and federal falconry permits. All applicants for golden eagle capture must include a copy of the federal authorization to take golden eagles. Only 20 non-resident capture permits will be issued in total each capture season. All non-resident capture permits, except for capture permits for peregrine falcons, will be issued on a first come first served basis.

(1) An application fee of \$15.00 (plus a \$2.00 license agent fee) will be charged for each capture permit allowing the capture of one raptor per permit.

(2) Except for take of nestling (eyas) peregrine falcons, the Department will issue capture permits in the order applications are received. The permit process will begin January 1st of each year, and applicants must hold a valid Oregon falconry license. The category of species shall be listed on the permit (e.g. "golden eagle", "gyrfalcon", "eyas peregrine falcon", or "other raptor") and the falconer is authorized to take only one raptor from the category specified. A falconer may apply for a capture permit in more than one category. The falconer whose name appears on the permit must do the capturing except for peregrine falcon nestlings; the permit is not transferable.

(3) Capture permit applications for nestling peregrine falcons may be submitted to the Department beginning January 1st and received no later than March 1st of each year. The Department will issue peregrine falcon capture permits by way of a lottery draw pursuant to OAR 635-055-0037. Of the number of permits available for issuance annually, the Department will make one such permit available to nonresidents. Each permit will include conditions crafted by the Department on a case by case basis to address the particular proposal to capture peregrine falcons. Such conditions may include, but are not limited to, requirements to protect the safety of falconers and other humans during capture of peregrine falcons, and shall specify where the permittee may capture peregrine falcons. The following general conditions apply to all peregrine falcon capture permits:

(a) Young falcons may be removed from their eyries from May 15th to June 30th daily and when only between 15 and 24 days of age. At least one nestling must be left in each eyrie prior to fledging.

(b) Permittee must be present when the nestling is being removed from the eyrie.

(c) Take of passage peregrine is unlawful.

(d) Each falconer who takes a peregrine falcon from the wild must report the sex and precise capture location to the Department and the U.S. Fish and Wildlife Service within 5 days after. If the falconer later determines that the sex of any peregrine falcon taken was reported incorrectly, then the falconer must submit a corrected report as soon as possible after discovering the error.

(e) Falconers must band each peregrine falcon taken with a band provided by the Department.

(f) After a captured falcon reaches 30 days of age, the falconer must pluck breast feathers from the falcon and submit them to the U.S. Fish and Wildlife Service, along with a written record of the precise location of where the bird was taken from in the wild. The address for submission is U.S. Fish and Wildlife Service, Division of Migratory Bird Management, 4401 North Fairfax Drive, Mail Stop 4107, Arlington, Virginia 22203-1610.

(4) Upon taking the raptor authorized, the permittee shall immediately validate the permit by recording the date, species, sex, county, and capture method and signing his/her name in the space provided. At the time of capture, the permittee shall affix the permanent plastic band, issued with the permit, to one leg of the bird. Within five business days of capture, the permittee shall take the bird to a Department office to have the permit certified.

(5) Lost, raptors at hack, or captive bred raptors may be retrapped at anytime without a capture permit. All other raptors captured shall be immediately released.

(6) Exportation of wild caught raptors — No raptor taken from the wild in Oregon shall be transferred to another person residing outside the state except those Oregon wild caught raptors held for six months or longer may be transferred to another person residing outside the state.

(7) An Oregon licensed falconer is allowed to retain legally captured raptors in their possession if they move from Oregon.

(8) Falconers are responsible for treatment and rehabilitation costs of raptors taken for falconry and injured during trapping efforts.

Stat. Auth.: ORS 496.012, 496.112, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.112, 496.138, 496.146 & 496.162
Hist.: FWC 170, f. 12-23-77, ef. 1-1-78; FWC 9-1980, f. & ef. 2-27-80; FWC 8-1981, f. & ef. 2-26-81; FWC 14-1982, f. & ef. 2-25-82; FWC 11-1983, f. & ef. 3-24-83; FWC 8-1986, f. & ef. 3-6-86; FWC 19-1990, f. & cert. ef. 2-28-90; FWC 40-1991, f. & cert. ef. 4-24-91; FWC 33-1992(Temp), f. & cert. ef. 5-11-92; FWC 116-1992, f. & cert. ef. 10-28-92; FWC 30-1993, f. & cert. ef. 5-5-93; DFW 33-2002, f. & cert. ef. 4-18-02; DFW 11-2008, f. & cert. ef. 2-21-08; DFW 19-2008, f. & cert. ef. 2-29-08; DFW 152-2008, f. 12-18-08, cert. ef. 1-1-09; DFW 25-2009(Temp), f. 3-10-09, cert. ef. 5-15-09 thru 8-31-09; Administrative correction 9-29-09; DFW 142-2009, f. 11-12-09, cert. ef. 1-1-10

635-055-0037

Peregrine falcon capture permit process

(1) The Department will conduct the lottery to award peregrine falcon capture permits by drawing names of eligible entrants at random. To participate in the lottery, a person must:

(a) (if an Oregon resident) possess a current Master Falconers license as per OAR 635-055-0002 or (if a non-resident) possess a Master Falconers license from a state having a federally approved falconry program; and

(b) pay the Department a \$15.00 (plus a \$2.00 license agent fee) application fee. Application fees are nonrefundable, whether or not an applicant is successful in the drawing.

(2) Peregrine capture permit applications (including fees) must be submitted to the Department's Salem headquarters office no later than March 1 each year.

(a) If hand delivered, an application must be received at Department headquarters office (3406 Cherry Ave, NE, Salem, OR, 97303) by 5:00 p.m. on March 1

(b) If sent via postal mail, an application must be postmarked no later than March 1.

(3) If an applicant violates any of the following restrictions, the Department will remove his or her application from the drawing.

(a) An applicant may submit only one peregrine capture permit application per capture season.

(b) An applicant must submit a completed application containing name, license number, address, and phone number.

(4)(a) During each year's lottery, the Department will draw six Oregon resident applications and two alternates, plus one non-resident application and a non-resident alternate.

(b) The Department will notify successful applicants and alternates by mail. If the applicant does not reply in writing (mail, fax, or email) within 10 calendar days, the applicant will be disqualified and the Department will offer the permit to the next alternate. If neither alternate replies in the required time, the permit will not be issued.

(5) Peregrine falcon capture permits are not transferable.

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

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

Hist.: DFW 152-2008, f. 12-18-08, cert. ef. 1-1-09; DFW 142-2009, f. 11-12-09, cert. ef. 1-1-10

635-056-0075

Controlled Fish Species

(1) Grass carp (*Ctenopharyngodon idella*): Grass carp may be released into water bodies within Oregon only pursuant to the issuance of a permit from the Department. Complete permit applications shall be submitted to Department headquarters at least 60 days before proposed stocking. A fee of \$100.00 (plus a \$2.00 license agent fee) shall be charged for each Grass carp permit issued.

(2)(a) The following restrictions and standards will govern the issuance of grass carp permits:

(A) Stocking will occur only in water bodies which are:

(i) Completely within private land; or

(ii) On land owned or controlled by irrigation districts or drainage districts.

(B) Stocking will occur only in the following types of water bodies:

(i) Lakes, ponds, or reservoirs less than 10 acres; or

(ii) Ditches and canals.

(C) Public use of the water body must be restricted to prevent removal of grass carp (by angling or otherwise) by unauthorized persons. At a minimum, the water body must be closed to angling and other use by the general public.

(D) Stocking shall not detrimentally affect any population of species listed as threatened or endangered by the federal or state government.

(E) Stocking shall occur only in water bodies with fish screens approved by the Department. Such screens shall have screen openings 1 inch or less for fish 12–19 inches total length and screen openings 2 inches or less for fish over 19 inches total length. Screens shall be inspected and approved by the Department before a permit will be issued. The applicant must comply with fish passage requirements (OAR 635, Division 412); given grass carp screening requirements, this entails applying for and receiving a waiver or exemption from passage requirements if grass carp will be stocked into waters where native migratory fish are or were historically present.

(F) Stocking will not be allowed in water bodies within 100-year floodplains (as delineated by the Federal Emergency Management Agency on federal Flood Insurance Rate Maps) during times of potential flood.

ADMINISTRATIVE RULES

Times of potential flood are January 1 through July 31 in watersheds east of the Cascades and October 15 through May 31 in watersheds west of the Cascades. Grass carp will be removed from water bodies in a 100-year floodplain and held or disposed of during times of potential flood. If grass carp will be held and not disposed of, they shall be held at a permitted site outside the 100-year floodplain. Applications for sites within a 100-year floodplain shall contain a detailed removal plan which shall receive Department approval.

(G) Grass carp may only be purchased and imported from approved suppliers outside Oregon. Grass carp may not be propagated or held for further distribution within Oregon. Department pathologists shall approve suppliers. Approval will be based on ability to provide grass carp free of Asian tapeworms and meet health and disease requirements according to OAR 635-007-0555 through 635-007-0585.

(H) Grass carp imported into Oregon shall be:

(i) Sterile triploids. Documentation from the U.S. Fish and Wildlife Service that each fish is triploid must be submitted to the Department prior to release;

(ii) At least 12 inches long;

(iii) Tagged with a Passive Integrated Transponder (PIT) tag of frequency 134.2-kilohertz. Each tag shall be programmed with a unique identification number. A list of unique tag numbers shall be submitted to the Department prior to release; and

(iv) stocked at a rate not exceeding 22 per affected acre.

(b) In addition to documentation relating to the restrictions above, each permit application shall include:

(A) Applicant's name, address and daytime telephone number. All property owners of the water body to which grass carp will have unrestricted access must be party to the application and permit;

(B) Location of the water body, including township, range, section and quarter section, with map including written directions for access;

(C) Map of the water body including, vegetation present in the water body, all inlets and outlets, and screen locations;

(D) Description of emergency procedures for responding to fish escapes from approved sites;

(E) Description of how fish will be removed and disposed of at the end of the proposed project.

(c) An application becomes the management plan upon approval. Permits and management plans shall be specific to particular sites and particular stocking projects. Permittees shall not deviate from permit conditions and management plans without prior written approval from the Department. No person may remove grass carp from one site (as identified in a management plan) and transport them to any other site without prior written approval from the Department.

(d) An Oregon Department of Fish and Wildlife fish transport permit shall accompany grass carp imported into and transported within Oregon. If transport is required within the management plan and occurs entirely on the permittee's property, a transport permit is not needed. Any other permit or documentation required for fish import, transport, or stocking shall also be obtained prior to importation and stocking.

(e) Permittees shall, as a condition of the permit, allow employees of the Department or the Oregon State Police to inspect at reasonable times the permitted water body, permit, and associated records. Inspection may take place without warrant or notice, but, unless prompted by emergency or other exigent circumstances, shall be limited to regular and usual business hours, including weekends. Nothing in these rules is intended to authorize or allow the warrantless search or inspection of property other than the water bodies or fish holding facilities on the permittee's property.

(f) Permits are revocable at any time for violation of any wildlife statute or rule of the Department. Upon revocation, if stocking has already occurred, the permittee shall remove all grass carp within two weeks at her/his own cost.

(g) Grass carp which escape a permitted water body are subject to seizure or destruction by the Department at the expense of the permit holder. The permit holder shall be held liable for incidental kill of any other species due to or during destruction of escaped grass carp.

(h) The Commission may grant an exception to OAR 635-056-0075(2)(a)(B) or (2)(a)(F). Exception requests must be submitted in writing in addition to the normal application and must address the requirements in this section. Unless the Commission determines that an alternative provides equivalent protection to fish and wildlife resources and their habitats, exceptions shall have the following additional requirements:

(A) If the water body into which grass carp will be stocked is greater than or equal to 10 acres a professional topographic survey by a licensed surveyor must be provided for the entire perimeter of the water body show-

ing all points of water movement in and out of the water body. A topographic survey completed by a state or federal agency within five years from the date of application for the water body may be used. The Department shall determine screening requirements from the survey;

(B) Grass carp may remain in a water body within the 100-year floodplain year-round if a professional plan or drawing that is certified by a licensed engineer is provided which indicates that the entire perimeter of the water body is protected from 100-year floods. In order to prevent grass carp escape, screens, dikes, and devices protecting the water body must be able to remain structurally sound within 100-year floods and not be overtopped by a 100-year flood. The Department reserves the right to have a licensed engineer retained by the agency review and approve or deny the plan or drawing submitted by the applicant.

(3) *Tilapia (Mozambique tilapia Oreochromis mossambicus, Nile tilapia O. niloticus, and hybrids thereof)*: The possession, propagation, transportation, sale, purchase, exchange and disposition of these tilapia is controlled according to the following restrictions and standards:

(i) A person must apply for and receive an approved propagation license from the Oregon Department of Fish and Wildlife Fish Propagation Program prior to commencing production;

(ii) Propagation must occur in ponds covered with nets or screens adequate to prevent the capture or transport of cultured fish by predators or other animals;

(iii) Access to production facilities must be through secure locked gates;

(iv) Only animals certified as disease-free by the vendor may be purchased;

(v) Permittees must provide adequate veterinary care to identify and minimize the spread of diseases originating from the animals being held;

(vi) No live tilapia or their gametes, fertilized eggs, or larvae may be released into waters of this State, as defined in ORS 506.006; and

(vii) An Oregon Department of Fish and Wildlife fish transport permit shall accompany live tilapia imported into and transported within Oregon. If transport occurs entirely on the permittee's property, a transport permit is not needed.

Stat. Auth.: ORS 496.012, 496.138 & 496.146

Stats. Implemented: ORS 497.308, 497.318, 498.022, 498.052 & 498.222

Hist.: DFW 63-1998, f. & cert. ef. 8-10-98; DFW 94-1999, f. & cert. ef. 12-23-99; DFW 79-2000, f. & cert. ef. 12-22-00; DFW 116-2001, f. & cert. ef. 12-18-01; DFW 64-2003, f. & cert. ef. 7-17-03; DFW 53-2008(Temp), f. & cert. ef. 5-28-08 thru 9-19-08; DFW 114-2008, f. & cert. ef. 9-19-08; DFW 142-2009, f. 11-12-09, cert. ef. 1-1-10

635-060-0005

Application Eligibility and Procedures

(1)(a) An applicant for game mammal controlled hunts shall have a current adult hunting license or juvenile hunting license. A current and complete hunting license number shall be entered on the application for the controlled hunt.

(b) Licenses are nonrefundable, whether or not an applicant is successful in the drawing.

(2)(a) A valid controlled hunt application shall be purchased from a license agent authorized to sell controlled hunt applications. The purchase price of the application shall be a nonrefundable fee of \$6.00 per game mammal application, and a nonrefundable \$2.00 license agent processing fee.

(b) Department license agents authorized to sell applications for controlled hunts shall be connected to the Department's computerized licensing system.

(3) Each controlled hunt is assigned a hunt number. The hunt number shall be entered on the application indicating area of choice and shall match the type of application purchased. All hunt numbers listed on an application shall have the same first digit, which indicates a species or group of hunts as listed below:

(a) 100 series for controlled buck deer.

(b) 200 series for controlled elk.

(c) 400 series for pronghorn antelope.

(d) 500 series for bighorn sheep.

(e) 600 series for controlled antlerless deer.

(f) 700 series for controlled black bear.

(g) 900 series for controlled Rocky Mountain goat.

(4) If successful in the drawing, party members shall receive the same hunt choice as the party leader. If a party application exceeds the allowed party size, all applicants in the party shall be considered as individual applicants in the drawing. Party size limits are as follows:

(a) 100 series hunts up to 18 persons.

(b) 200 series hunts up to 18 persons

(c) 400 series hunts up to two persons.

ADMINISTRATIVE RULES

- (d) 500 series hunts, no parties allowed.
- (e) 600 series hunts up to 18 persons.
- (f) 700 series hunts up to six persons.
- (g) 900 series hunts no parties allowed.

(5) Controlled Hunt applications may be submitted to the Department headquarters office via telephone fax machine, US Postal Service, or hand-delivery (3406 Cherry Ave, NE, Salem, OR, 97303). Applications along with the proper fees must be submitted by telephone, fax machine, or hand-delivered received at the Department headquarters office (3406 Cherry Ave, NE, Salem, OR, 97303; Fax: (503) 947-6117 no later than midnight of the deadline date described in OAR 635-060-0008 (1) - (5). Applications along with proper fees submitted by U.S. Postal Service must be post-marked by the application deadline. Applications received after the specified deadline dates may be considered disqualified as described in OAR 635-060-0018(4).

(6) To apply for a controlled youth hunt for spring bear, pronghorn, deer or elk a youth must be 12-17 years old at the time they hunt.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: FWC 32-1978, f. & ef. 6-30-78; FWC 29-1979, f. & ef. 8-2-79; FWC 14-1980, f. & ef. 4-8-80; FWC 33-1980, f. & ef. 6-30-80; FWC 7-1981, f. 2-18-81, ef. 6-1-81; FWC 10-1981, f. & ef. 3-31-81; FWC 22-1981, f. & ef. 6-29-81; FWC 21-1982, f. & ef. 3-31-82; FWC 38-1982, f. & ef. 6-25-82; FWC 34-1984, f. & ef. 7-24-84; FWC 35-1986, f. & ef. 8-7-86; FWC 11-1987, f. & ef. 3-6-87; FWC 40-1987, f. & ef. 7-6-87; FWC 12-1988, f. & cert. ef. 3-10-88; FWC 37-1988, f. & cert. ef. 6-13-88; FWC 14-1989, f. & cert. ef. 3-28-89; FWC 48-1989, f. & cert. ef. 7-25-89; Renumbered from 635-60-017; FWC 23-1990, f. & cert. ef. 3-21-90; FWC 54-1990, f. & cert. ef. 6-21-90; 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. 12-22-94, FWC 63-1995, f. & cert. ef. 8-3-95; 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 92-1999, f. 12-8-99, cert. ef. 1-1-00; DFW 30-2000, f. & cert. ef. 6-14-00; DFW 47-2001, f. & cert. ef. 6-13-01; DFW 121-2001, f. 12-24-01, cert. ef. 1-1-02; DFW 32-2002(Temp), f. & cert. ef. 4-17-02 thru 10-13-02; DFW 59-2002, f. & cert. ef. 6-11-02; DFW 118-2003, f. 12-4-03, cert. ef. 1-1-04; DFW 122-2004, f. 12-21-04, cert. ef. 1-1-05; DFW 140-2009, f. 11-3-09, cert. ef. 1-1-10; DFW 142-2009, f. 11-12-09, cert. ef. 1-1-10

635-060-0046

Lost Tags and Tag Exchanges

(1) A fee of \$15.00 (plus a \$2.00 license agent fee) is charged to replace a tag or permit. If the fee paid for the tag or permit that was lost, destroyed or stolen was less than \$15, the same fee shall be charged for the duplicate tag or permit. A fee of \$5.00 (plus a \$2.00 license agent fee) is charged to exchange a tag or permit. Duplicates and exchanges may be obtained only through the Salem headquarters, regional offices of the Department, and designated district offices. Exception: Replacement controlled hunt tags or permits will be issued at no charge only through the Salem headquarters or regional office of the Department if the Department determines that the person never received the original controlled tag or permit mailed from the Salem headquarters office.

(2) A Controlled Buck Deer Tag or Controlled Elk Tag may be exchanged for a general season tag before the opening date of the season for which either tag is valid.

(3) No controlled hunt tag shall be exchanged for another controlled hunt tag, except as described in 635-060-0008(5) and 635-075-0015(3).

(4) A Controlled Antlerless Deer Tag shall not be exchanged.

(5) In the event of the death of a successful controlled hunt applicant before the start of the season for which the tag or permit was issued, the tags of the deceased may be issued to a family member as defined by OAR 635-045-0002. Tag or permit transfer shall require a copy of the death certificate and the original controlled hunt tag or permit, and must be requested by the legal heir to the deceased which shall be presumed by possession of the tag or permit and death certificate.

(6) A "leftover" controlled hunt tag may only be exchanged for a general season tag, but only if the person does not already possess a tag authorized by OAR 635-065-0015(4)(a), (b) or (c) or 635-0065-0015(5)(a), (b), (c), (d), (e), (f), or (g).

(7) The Commission shall accommodate Oregon residents who have lost preference points because of being called to active military service after June 1, 2002.

(a) The Commission shall accommodate the following individuals called to service at any location: Oregon National Guard.

(b) The Commission shall accommodate the following Oregon residents with military operational commitments: regular members of the United States Armed Forces (Army, Navy, Air Force, Marines, and Coast Guard), members of the United States military reserves, and members of the National Guard.

(c) The Commission authorizes the Director to make such accommodations by:

(A) Reinstating preference points existing for a series, plus an additional point for participating in the draw.

(B) Reinstating preference points lost after two consecutive years of not applying for a controlled hunt in that series.

(d) Individuals seeking accommodation pursuant to this rule (or immediate family members acting on their behalf) must make a request in writing or in person to the Salem headquarters office. Each request must include a letter from a supervising officer on official unit letterhead verifying operational commitments.

(8)(a) The Director may reinstate the preference points of a person who the Director determines did not or will not participate in a controlled hunt because of:

(A) Circumstances beyond the person's control; or

(B) Tragic personal circumstances.

(b) "Tragic personal circumstances" means:

(A) Death or life-threatening injury or illness in the person's immediate family; or

(B) The person's own serious injury or illness, which results in the person's hospitalization. The person need not be hospitalized during the hunt; this rule also applies if preparation for surgery or recovery after hospitalization renders the person incapable of participating in the hunt.

(c) To apply for reinstatement, the person must provide a sworn affidavit providing adequate details and must return the unused tag if it was purchased or a signed affidavit stating the tag was not used. When relying upon tragic personal circumstances, the person must also provide a sworn affidavit by a physician. When relying upon circumstances beyond the person's control, the person must also provide documentation of the circumstances (such as an accident report or affidavit from an employer).

(d) "Circumstances beyond the person's control" excludes complaints about the quality of a hunt (including, but not limited to, road closures, inclement weather and work being conducted in the hunt area).

(e) If the Director decides that the person does not qualify for reinstatement, the person may appeal that decision to the Oregon Fish and Wildlife Commission (Commission). The Commission must review the Director's decision within 60 days after receipt of appeal. The Commission will not take verbal testimony from the person, and the Commission's decision is final.

(f) If the Director or Commission reinstates a person's preference point under this subsection, the person is not awarded a new point for being classified as "unsuccessful" and is not entitled to a refund of license or tag fees.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: FWC 118, f. & ef. 6-3-77; FWC 32-1978, f. & ef. 6-30-78; FWC 29-1979, f. & ef. 8-2-79; FWC 33-1980, f. & ef. 6-30-80; FWC 7-1981, f. 2-18-81, ef. 6-1-81; FWC 10-1981, f. & ef. 3-31-81; FWC 22-1981, f. & ef. 6-29-81; FWC 21-1982, f. & ef. 3-31-82; FWC 38-1982, f. & ef. 6-25-82; FWC 43-1985, f. & ef. 8-22-85; FWC 35-1986, f. & ef. 8-7-86; FWC 11-1987, f. & ef. 3-6-87; FWC 40-1987, f. & ef. 7-6-87; FWC 12-1988, f. & cert. ef. 3-10-88; FWC 37-1988, f. & cert. ef. 6-13-88; FWC 48-1989, f. & cert. ef. 7-25-89; FWC 18-1991, f. & cert. ef. 3-12-91; 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 6-1994, f. & cert. ef. 1-26-94; FWC 94-1994, f. & cert. ef. 12-22-94; FWC 63-1995, f. & cert. ef. 8-3-95; FWC 9-1997, f. & cert. ef. 2-27-97; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 47-1999, f. & cert. ef. 6-16-99; DFW 92-1999, f. 12-8-99, cert. ef. 1-1-00; DFW 52-2001(Temp) f. & cert. ef. 6-27-01 thru 12-24-01; DFW 13-2002, f. & cert. ef. 2-12-02; DFW 34-2002, f. & cert. ef. 4-18-02; DFW 36-2002(Temp), f. & cert. ef. 4-22-02 thru 10-19-02; DFW 50-2002(Temp), f. & cert. ef. 5-16-02 thru 11-12-02; DFW 29-2003(Temp), f. & cert. ef. 4-9-03 thru 10-1-03; DFW 118-2003, f. 12-4-03, cert. ef. 1-1-04; DFW 105-2004(Temp), f. & cert. ef. 10-13-04 thru 11-15-04; DFW 107-2004(Temp), f. & cert. ef. 10-18-04 thru 11-27-04; DFW 122-2004, f. 12-21-04, cert. ef. 1-1-05; DFW 26-2005, f. & cert. ef. 4-20-05; DFW 127-2006, f. 12-7-06, cert. ef. 1-1-07; DFW 93-2007(Temp), f. & cert. ef. 9-26-07 thru 3-23-08; Administrative correction 4-23-08; DFW 126-2008(Temp), f. & cert. ef. 10-6-08 thru 4-4-09; DFW 66-2009, f. & cert. ef. 6-10-09; DFW 142-2009, f. 11-12-09, cert. ef. 1-1-10

635-065-0501

Exchange of Deer and Elk Tags

(1) Tags may be exchanged only prior to the seasons for which both of the tags to be exchanged are valid. No tag may be exchanged after the start of the season for which it is valid.

(2) Exchanges of tags and duplicate tags may be obtained only through the Department's regional offices or Salem headquarters.

(3) A fee of \$15.00 (plus a \$2.00 license agent fee) is charged to replace a tag. If the fee paid for the tag that was lost, destroyed or stolen was less than \$15, the same fee shall be charged for the duplicate tag. A fee of \$5.00 (plus a \$2.00 license agent fee) is charged to exchange a tag.

(4) A "leftover" controlled hunt deer tag may only be exchanged for a general season deer tag, but only if the person does not already possess a deer tag authorized by OAR 635-065-0015(4)(a), (b), or (c).

(5) A "leftover" controlled hunt elk tag may only be exchanged for a general season elk tag but only if the person does not already possess an elk

ADMINISTRATIVE RULES

tag authorized by OAR 635-065-0015(a), (b), (c), (d), (e), (f), (g) or (h).

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: FWC 123, f. & ef. 6-9-77; FWC 33-1978, f. & ef. 6-30-78; FWC 28-1979, f. & ef. 8-2-79; FWC 33-1980, f. & ef. 6-30-80; FWC 6-1981, f. & ef. 1-23-81; FWC 11-1981, f. & ef. 3-31-81; FWC 20-1981, f. & ef. 6-19-81; FWC 37-1982, f. & ef. 6-25-82; FWC 28, f. & ef. 7-8-83; FWC 34-1984, f. & ef. 7-24-84; FWC 43-1985, f. & ef. 8-22-85; FWC 35-1986, f. & ef. 8-7-86; FWC 11-1987, f. & ef. 3-6-87; FWC 13-1988, f. & cert. ef. 3-10-88; FWC 38-1988, f. & cert. ef. 6-13-88; FWC 15-1989, f. & cert. ef. 3-28-89; FWC 63-1989, f. & cert. ef. 8-15-89; Renumbered from 635-65-022; FWC 55-1990, f. & cert. ef. 6-21-90; FWC 58-1991, f. & cert. ef. 6-24-91; FWC 36-1993, f. & cert. ef. 6-14-93; FWC 18-1994, f. 3-30-94, cert. ef. 5-1-94; FWC 4-1995, f. 1-23-95, cert. ef. 7-1-95; FWC 18-1996, f. 4-10-96, cert. ef. 8-1-96; FWC 9-1997, f. & cert. ef. 2-27-97; DFW 49-1998, f. & cert. ef. 6-22-98; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 92-1999, f. 12-8-99, cert. ef. 1-1-00; DFW 52-2001(Temp) f. & cert. ef. 6-27-01 thru 12-24-01; DFW 34-2002, f. & cert. ef. 4-18-02; DFW 118-2003, f. 12-4-03, cert. ef. 1-1-04; DFW 142-2009, f. 11-12-09, cert. ef. 1-1-10

635-066-0010

General Season Regulations

(1) Pursuant to ORS 497.112, annual black bear tag sales to nonresident black bear hunters for the general fall season shall be limited to no more than three percent of the total tag sales based on previous year's hunter densities.

(a) Tags shall be available at any authorized license agent and through the Salem Headquarters office on a first-come, first-served basis.

(b) The application procedure shall be as follows:

(A) An applicant may purchase a nonresident general black bear tag at any hunting license agent or;

(B) An applicant shall mail or fax copies, through the Salem Headquarters only, of his/her nonresident driver's license, adult nonresident hunting license, juvenile nonresident hunting license, or provide documentation which includes the following information:

(1) Applicant's full name and current address;

(2) Applicant's date of birth;

(3) Applicant's Social Security number;

(4) Applicant's telephone number;

(c) An applicant shall include a fee of \$180.50 (plus a \$2.00 license agent fee) with the application.

(d) The applicant shall state the areas for which he/she is applying in order of choice.

(2) Open Area: The entire state is open, except that lands within one mile of the Rogue River between Grave Creek and Lobster Creek are closed to all black bear hunting. Nonresidents shall be restricted to hunting black bear only in specific areas as described below.

(a) Nonresident black bear tags shall be distributed by areas as described in the Black Bear Management Plan. These areas are described as follows:

(A) Northwest: All of wildlife management units: 10, 11, 12, 14, 15, 17, and 18.

(B) Southwest: All of wildlife management units: 20, 23, 24, 25, 26, 27, 28, and 29.

(C) Cascades: All of wildlife management units: 16, 19, 21, 22, 30, 31, 34, 39, 41, and 42 and those portions of wildlife management units 33 and 77 lying west of Highway 97.

(D) Eastern: All of wildlife management units: 32, 35, 38, 40, and 43 and those portions of wildlife management units 33 and 77 lying east of Highway 97; and all other wildlife management units to the east of these units.

(3) No person shall use dogs to hunt or pursue black bear.

(4) No person shall use bait to attract or hunt black bear.

(5) The skull of any bear taken must be presented to an ODFW office or designated collection site, by the person who took the animal, within 10 days of the kill to be checked and marked. Skull must be unfrozen when presented for check-in. Checkout at ODFW offices must occur during normal business hours (8-5, Mon-Fri.). Hunters are required to check in the skull only for the purpose of inspection, tagging and removal of a tooth for aging.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: FWC 9-1997, f. & cert. ef. 2-27-97; FWC 38-1997, f. & cert. ef. 6-17-97; FWC 71-1997, f. & cert. ef. 12-29-97; DFW 49-1998, f. & cert. ef. 6-22-98; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 47-1999, f. & cert. ef. 6-16-99; DFW 92-1999, f. 12-8-99, cert. ef. 1-1-00; DFW 82-2000, f. 12-21-00, cert. ef. 1-1-01; DFW 118-2003, f. 12-4-03, cert. ef. 1-1-04; DFW 118-2007, f. 10-31-07, cert. ef. 1-1-08; DFW 150-2008, f. 12-18-08, cert. ef. 1-1-09; DFW 140-2009, f. 11-3-09, cert. ef. 1-1-10; DFW 142-2009, f. 11-12-09, cert. ef. 1-1-10

635-067-0029

Controlled Pronghorn Antelope Raffle Tag

(1) One pronghorn antelope tag will be raffled annually to an individual selected at a public drawing. The Department may contract with a sportsmen's group or organization to conduct the raffle.

(2) The pronghorn antelope raffle tag shall be limited as follows:

(a) Bag Limit: One buck pronghorn antelope.

(b) Hunting Hours: One-half hour before sunrise to one-half hour after sunset.

(c) Open Season: The season shall begin on August 1 and shall end on September 30.

(d) Open Area: Any area where pronghorn antelope hunts and tags have been authorized for the current year.

(3) Raffle Requirements:

(a) There is no limit on the number of tickets that a person may purchase.

(A) One ticket package at a cost of \$9.50 (plus a \$2.00 license agent fee).

(B) Six ticket package at a cost of \$49.50 (plus a \$2.00 license agent fee).

(C) Thirteen ticket package at a cost of \$99.50 (plus a \$2.00 license agent fee).

(b) Raffle tickets will be made available during the dates specified in the current Big Game Regulations to the public through the authorized license agents in the state or through licensing in the Salem headquarters office or may be purchased through the mail using Oregon Department of Fish and Wildlife accepted forms. Tickets may be sold by Department representatives at various gatherings of sportsmen's groups.

(c) Residents and nonresidents shall be eligible to purchase tickets.

(d) There shall be no refunds on any purchases of raffle tickets.

(e) Tickets purchased through license agents and handled by mail shall be received in the Salem headquarters office of the Department by the date specified in the current Big Game Regulations. Hand delivered tickets submitted for the drawing must be received by 5 p.m. at the Salem headquarters office no later than two days before the drawing event. Completed tickets delivered to the drawing event must be turned in by the time specified in the current Big Game Regulations. Additional tickets may be purchased at the actual raffle site prior to the drawing.

(f) All tickets submitted for the drawing must be complete with a name, address, and phone number.

(g) One winner and two alternate winners will be drawn at a public drawing; time and location to be announced by the Department.

(h) The Department will mail notification to the winner and two alternates. If the winner does not claim the tag by 5 p.m., July 1, the winner shall be disqualified and the Department will offer the tag to the first alternate. If the first alternate does not claim the tag within 10 business days of July 1, the second alternate will be contacted. If the tag is not claimed by 5 p.m., July 31, it will not be issued.

(i) License and Tag Requirements: A valid pronghorn antelope tag will be provided to the winner of the raffle and a valid hunting license will be provided if the winner has not already purchased one, so long as the winner is eligible to purchase an adult Oregon hunting license or a juvenile Oregon hunting license.

(j) The pronghorn antelope tag shall be issued in the name of the person on the winning ticket provided that person meets all criteria outlined above. The tag may not be sold, assigned, or otherwise transferred.

Stat. Auth.: ORS 496.012, 496.138 & 496.146
Stats Implemented: ORS 496.012, 496.138 & 496.146

Hist.: DFW 118-2003, f. 12-4-03, cert. ef. 1-1-04; DFW 122-2004, f. 12-21-04, cert. ef. 1-1-05; DFW 130-2006(Temp), f. & cert. ef. 12-15-06 thru 6-13-06; Administrative Correction, 6-16-07; DFW 140-2009, f. 11-3-09, cert. ef. 1-1-10; DFW 142-2009, f. 11-12-09, cert. ef. 1-1-10

635-067-0034

Bighorn Sheep Raffle Tag

(1) One bighorn sheep tag will be raffled during the current year to an individual selected at a public drawing. The Department may contract with a sportsmen's group or organization to conduct the raffle.

(2) The bighorn sheep raffle tag shall be limited as follows:

(a) Bag Limit: One bighorn sheep ram.

(b) Hunting Hours: One-half hour before sunrise to one-half hour after sunset.

(c) Open Season: The season shall begin on the opening day of the first regularly scheduled bighorn sheep season for the current year and shall end on the last day of the last regularly scheduled bighorn sheep season for the current year.

ADMINISTRATIVE RULES

(d) Open Area: Any area where bighorn sheep hunts and tags have been authorized for the tube current year. The remainder of the state is closed to bighorn sheep hunting.

(3) Raffle Requirements:

(a) There is no limit on the number of tickets that a person may purchase. Raffle tickets shall be available for purchase in the following denominations:

(A) One ticket package at a cost of \$9.50 (plus a \$2.00 license agent fee).

(B) Six ticket package at a cost of \$49.50 (plus a \$2.00 license agent fee).

(C) Thirteen ticket package at a cost of \$99.50 (plus a \$2.00 license agent fee).

(b) Raffle tickets will be made available during the dates specified in the current Big Game Regulations to the public through the authorized license agents in the state or through licensing in the Salem headquarters office or may be purchased through the mail using Oregon Department of Fish and Wildlife accepted forms. Tickets may be sold by Department representatives at various gatherings of sportmen's groups.

(c) Residents and nonresidents shall be eligible to purchase tickets.

(d) There shall be no refunds on any purchases of raffle tickets.

(e) Tickets purchased through license agents and handled by mail shall be received in the Salem headquarters office of the Department by the date specified in the current Big Game Regulations. Hand delivered tickets submitted for the drawing must be received by 5 p.m. at the Salem headquarters office no later than two days before the drawing event. Completed tickets delivered to the drawing event must be turned in by the time specified in the current Big Game Regulations. Additional tickets may be purchased at the actual raffle site prior to the drawing.

(f) All tickets submitted for the drawing must be complete with a name, address, and phone number.

(g) One winner and two alternate winners will be drawn at a public drawing; time and location to be announced by the Department.

(h) The Department will mail notification to the winner and two alternates. If the winner does not claim the tag by 5 p.m., July 1, the winner shall be disqualified and the Department will offer the tag to the first alternate. If the first alternate does not claim the tag within 10 business days of July 1, the second alternate will be contacted. If the tag is not claimed by 5 p.m., August 18, it will not be issued.

(i) License and Tag Requirements: A valid bighorn sheep tag will be provided to the winner of the raffle and a valid hunting license will be provided if the winner has not already purchased one, so long as the winner is eligible to purchase an adult Oregon hunting license or a juvenile Oregon hunting license.

(j) The bighorn sheep tag shall be issued in the name of the person on the winning ticket provided that person meets all criteria outlined above. The tag may not be sold, assigned, or otherwise transferred.

(k) The winner of the bighorn sheep tag may be required to complete a bighorn sheep hunting orientation course prior to their hunt. The hunter shall inform the Department as to where and when the hunt will be conducted.

(l) If the holder of the raffle bighorn sheep tag is successful in taking a bighorn sheep ram, that person shall present the ram to the Department for permanent marking within five days of taking of the ram.

Stat. Auth.: ORS 496.012, 496.138 & 496.146

Stats. Implemented: ORS 496.012, 496.138 & 496.146

Hist.: FWC 127-1991, f. & cert. ef. 10-28-91; FWC 61-1992, f. & cert. ef. 7-30-92; FWC 45-1993, f. & cert. ef. 8-4-93; FWC 91-1994, f. & cert. ef. 12-15-94; FWC 53-1995, f. & cert. ef. 6-20-95; FWC 39-1996, f. 6-17-96, cert. ef. 11-1-96; FWC 71-1997, f. & cert. ef. 12-29-97; DFW 49-1998, f. & cert. ef. 6-22-98; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 92-1999, f. 12-8-99, cert. ef. 1-1-00; DFW 1-2000(Temp), f. & cert. ef. 1-3-00 thru 6-30-00; DFW 30-2000, f. & cert. ef. 6-14-00; DFW 82-2000, f. 12-21-00, cert. ef. 1-1-01; DFW 121-2001, f. 12-24-01, cert. ef. 1-1-02; DFW 2-2003, f. & cert. ef. 1-17-03; DFW 118-2003, f. 12-4-03, cert. ef. 1-1-04; DFW 122-2004, f. 12-21-04, cert. ef. 1-1-05; DFW 130-2006(Temp), f. & cert. ef. 12-15-06 thru 6-13-06; Administrative Correction, 6-16-07; DFW 140-2009, f. 11-3-09, cert. ef. 1-1-10; DFW 142-2009, f. 11-12-09, cert. ef. 1-1-10

635-075-0005

Registration, Application and Tag Issuance Procedures and Limits for All Controlled Hunts

(1) A landowner shall submit a landowner preference registration form to be eligible for a landowner preference tag. A one time fee of \$30.00 at the time of registration for new program participants. A landowner can have only one registration form on file with the Department. However, an individual who owns (through business entities, in the individual's own name or a combination thereof) more than one property eligible for the landowner preference program may register each such property. The registration form is an affidavit certifying ownership, number of acres owned,

the county and Wildlife Management Unit where the property is located. This registration form registers the individual and remains valid until the individual registered no longer qualifies as a landowner as defined under OAR 635-045-0002, writes to the Department requesting the registration form be deleted, or the Department notifies the landowner that a renewal is required.

(2) In addition to having a landowner preference registration form on file with the Department, a landowner shall submit a tag distribution form annually. The tag distribution form shall list the names of the landowner, stockholder(s), partner(s), and their immediate family members to receive tags for pronghorn antelope, and the names of the landowner, stockholder(s), partner(s), their immediate family members, and those persons of the landowners' choosing to receive landowner preference tags for deer and elk.

(3) Landowners shall submit registration forms and tag distribution forms prior to September 15 for all controlled 100 series buck deer and bull elk hunts, and through the day prior to the season openings for 600 series antlerless deer, antlerless elk, and doe/fawn pronghorn antelope hunts. A Landowner Preference Tag Redistribution fee \$15.00 will be charged per species for amendments made to the original tag distribution forms.

(4) Registration forms and tag distribution forms are available at no charge in any office of the Department.

(5) Registration forms, tag distribution forms, and applications shall be received at the Salem headquarters office of the Department prior to issuance of any landowner preference tag, except as provided for in OAR 635-075-0007. Landowners are not required to submit proof of ownership with their registration form. Landowners shall be required to submit proof of ownership at the request of the Department or the Oregon State Police acting on behalf of the Department.

(6) A landowner, stockholder(s), partner(s), and immediate family and those persons of the landowners' choosing wishing to also apply for controlled hunt tags shall apply by the May 15 controlled hunt deadline. Listing a hunt choice other than a landowner preference choice is not required.

(7) Everyone shall follow controlled hunt application procedures and regulations as described in OAR Division 060.

(8) The number of landowner preference tags issued is based upon a landowner's acreage. Landowner Preference tags shall be allocated by the following minimum acreage requirements:

TAGS — MINIMUM ACREAGE — HUNT TYPE

2 — 40 — all hunts except eastern Oregon buck deer, Eastern Oregon bull elk, either-sex elk, and doe/fawn pronghorn antelope hunts

2 — 160 — all hunts

3 — 1,200 — all hunts

4 — 2,500 — all hunts

5 — 5,000 — all hunts

6 — 10,000 — all hunts

8 — 20,000 — all hunts

10 — 40,000 — all hunts

12 — 80,000 — all hunts

14 — 160,000 and greater — all hunts

(9) Landowner preference tags for the hunting of deer or elk may be issued to any person of the landowner's choosing, and shall be used for the taking of antlerless animals except as described in OAR 635-075-0005 (8). Season dates of the transferred landowner preference tags shall be the same dates as the original tag.

(10) Landowner preference tags for the hunting of antlered deer or elk that are issued to a person of the landowner's choosing who is not a member of the landowner's, partner's, or stockholder's immediate family may be used to take an antlered animal only as follows:

(a) If the landowner is eligible for two, three, or four preference tags, one of those tags may be so used.

(b) If the landowner is eligible for five, six or seven preference tags, two of those tags may be so used.

(c) If the landowner is eligible for eight, nine or 10 preference tags, three of those tags may be so used.

(d) If the landowner is eligible for 11 or 12 preference tags, four of those tags may be so used.

(e) If the landowner is eligible for 13 or 14 preference tags, five of those tags may be so used.

(11) A landowner who is qualified to receive landowner hunting preference tags may request two additional tags for providing public access and/or two additional tags for wildlife habitat programs. This request shall be made to the Access and Habitat Board with supporting evidence that the access is significant and the habitat programs benefit wildlife. The board may recommend that the commission grant the request. These tags may not be applied to the options as defined in OAR 635-075-0005(8).

ADMINISTRATIVE RULES

(12) No one shall receive both a controlled hunt tag and a landowner preference tag for the same type of hunt. Landowner hunting preference tags shall not be issued to any person successful in the controlled hunt drawing for the same type of hunt.

(13) Landowner preference tags, except as described in OAR 635-075-0007, 635-075-0010, and 635-075-0015 shall only be issued from the headquarters office of the Department following the controlled hunt drawings.

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

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

Hist.: FWC 35-1982, f. & ef. 6-7-82; FWC 43-1985, f. & ef. 8-22-85; FWC 35-1986, f. & ef. 8-7-86; FWC 48-1987, f. & ef. 7-6-87; FWC 20-1988, f. & cert. ef. 3-10-88; FWC 45-1988, f. & cert. ef. 6-13-88; FWC 98-1988, f. & cert. ef. 10-6-88; FWC 14-1990, f. & cert. ef. 2-2-90; FWC 99-1992, f. & cert. ef. 9-25-92; FWC 10-1994, f. & cert. ef. 2-24-94; FWC 14-1994(Temp), f. & cert. ef. 3-1-94; FWC 40-1994, f. & cert. ef. 6-28-94; FWC 7-1996, f. & cert. ef. 2-12-96; FWC 38-1997, f. & cert. ef. 6-17-97; DFW 49-1998, f. & cert. ef. 6-22-98; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 47-1999, f. & cert. ef. 6-16-99; DFW 82-2000, f. 12-21-00, cert. ef. 1-1-01; DFW 121-2001, f. 12-24-01, cert. ef. 1-1-02; DFW 118-2003, f. 12-4-03, cert. ef. 1-1-04; DFW 122-2004, f. 12-21-04, cert. ef. 1-1-05; DFW 53-2005, f. & cert. ef. 6-14-05; DFW 131-2008, f. & cert. ef. 10-14-08; DFW 42-2009(Temp), f. 5-4-09, cert. ef. 5-5-09 thru 10-31-09; DFW 66-2009, f. & cert. ef. 6-10-09; DFW 140-2009, f. 11-3-09, cert. ef. 1-1-10; DFW 142-2009, f. 11-12-09, cert. ef. 1-1-10

635-075-0026

Application Requirements

(1) A valid controlled hunt Outfitter and Guide application shall be purchased from the Department. The purchase price of the application is set forth in OAR 635-060-0005(2) (\$6.00 plus a \$2.00 agent fee).

(a) Only one hunt number and one species type may be included on a single application. No more than 50% of the available tags for a specific hunt number and species may be applied for, except in cases where only one person applies for tags and/or an odd number of tags exists in particular hunt.

(b) Tags will only be issued for specific hunt units in which the Outfitter and Guide is certified.

(c) Applications must be complete and include such information as required which will include the six-digit State Marine Board Registration number required under ORS 704.020 or they may be disqualified from the tag allocation drawing.

(d) Applications, along with the proper fees, must be received by midnight December 1, of each year, at the Department headquarters office. Applications received after the specified deadline dates shall be disqualified.

(2) No outfitter or guide may receive more than 25 tags per year for any single species of big game from the December Outfitter and Guide tag drawing. Tags received in the first-come, first-serve remaining tag process are in addition to tags drawn by an outfitter and guide in the December Outfitter and Guide tag drawing.

Stat. Auth.: ORS 496.012, 496.138 & 497.112

Stats. Implemented: ORS 496.012, 496.138 & 497.112

Hist.: FWC 73-1997, f. & cert. ef. 12-29-97; DFW 49-1998, f. & cert. ef. 6-22-98; DFW 47-1999, f. & cert. ef. 6-16-99; DFW 82-2000, f. 12-21-00, cert. ef. 1-1-01; DFW 114-2004(Temp), f. & cert. ef. 11-23-04 thru 5-20-05; Administrative correction 6-17-05; DFW 128-2005, f. 12-1-05, cert. ef. 1-1-06; DFW 6-2006, f. & cert. ef. 1-25-06; DFW 142-2009, f. 11-12-09, cert. ef. 1-1-10

635-075-0035

Remaining Tags

(1) Any remaining Outfitter and Guide tags not sold on or before March 31st will become available on a first-come, first-serve basis. The Department will publish a list of available tags two business days after March 31st.

(2) First-come, first-serve tags will become available for purchase starting at 8:00 AM on the third business day after March 31st and ending at 5:00 PM on April 15th. Any applications received prior to 8:00 AM on the third business day after March 31st will not be accepted.

(3) Up to five first-come, first-serve tags can be sold to outfitters and guides for unnamed clients.

(a) The non-refundable tag fee for unnamed client tags is \$495.25 (plus a \$2.00 license agent fee) for deer and \$731.75 (plus a \$2.00 license agent fee) for elk.

(b) The deadline to identify a hunter for tags sold with unnamed clients is one week before the hunt begins.

(4) An unlimited number of first-come, first-serve tags can be sold to an outfitter or guide when the client is identified.

(5) Any unsold Outfitter and Guide Tags remaining after 5:00 PM on April 15th will be included in the June public controlled hunt drawing.

Stat. Auth.: ORS 496.012, 496.138, 497.112

Stats Implemented: ORS 496.012, 496.138, 497.112

Hist.: DFW 6-2006, f. & cert. ef. 1-25-06; DFW 142-2009, f. 11-12-09, cert. ef. 1-1-10

635-090-0140

Deer and Elk Tag Auction and Raffle

(1) Notwithstanding ORS 496.146(10), upon the recommendation of the Access and Habitat Board, the commission may issue each year up to ten elk and ten deer tags to hunt deer or elk. Recommendations from the board shall include:

(a) The land on which each tag shall be used;

(b) The percentage of funds (not to exceed 50 percent) received from the tags that may revert to the landowner if the tag is limited to private land; and

(c) A written agreement with the commission which provides public access and habitat improvements.

(2) The board may contract with a sportsman's group or other organization to conduct a raffle or an auction to issue the access and habitat deer and elk tags.

(3) The access and habitat raffle and/or auction deer and elk tags are in addition to all other tags and permits approved by the commission.

(a) In addition to the number of deer and elk tags legally available to an individual, an individual is allowed one additional elk and one additional deer tag annually, provided these tags are Access and Habitat auction or raffle tags.

(b) Hunting hours, open season, and open area will be determined by the board specific to the tag.

(c) Bag limit: one deer or one elk.

(4) Access and habitat deer/elk tag raffle requirements:

(a) There is no limit on the number of tickets a person may purchase. Raffle tickets shall be available for purchase in the following denominations with the addition of a \$2.00 license agent fee:

(A) Deer Tags

(i) One ticket at a cost of \$2.50.

(ii) Six tickets at a cost of \$9.50.

(iii) Fifteen tickets at a cost of \$19.50.

(iv) Forty tickets at a cost of \$49.50.

(v) One hundred tickets at a cost of \$99.50.

(B) Elk tags

(i) One ticket at a cost of \$4.50.

(ii) Six tickets at a cost of \$19.50.

(iii) Fifteen tickets at a cost of \$39.50.

(iv) Forty tickets at a cost of \$99.50.

(C) Combination Elk and Deer Tags

(i) One ticket at a cost of \$9.50.

(ii) Six tickets at a cost of \$29.50.

(iii) Fifteen tickets at a cost of \$59.50.

(iv) Forty tickets at a cost of \$149.50.

(b) Raffle tickets in denominations of 1, 6, and 15 will be available to the public through authorized POS license vendors or through the Department's Salem headquarters office during the dates specified in the current Big Game Regulations. Tickets in denominations of forty and one hundred will be available only through the Department's Salem headquarters office. Tickets also may be sold by Department representatives at various public events or meetings of sportsmen and landowners.

(c) Residents and nonresidents shall be eligible to purchase tickets.

(d) There shall be no refunds for any raffle ticket purchases.

(e) Tickets purchased through license agents and submitted for the drawing by mail must be received at the Department's Salem headquarters office by the date specified in the current Big Game Regulations. Hand delivered tickets submitted for the drawing must be received by 5pm at the Salem headquarters office no later than two days before the drawing event. Completed tickets delivered to the drawing event must be turned in by the time specified in the current Big Game Regulations. Additional tickets may be purchased at the raffle site prior to the drawing.

(f) All tickets submitted for the drawing must be complete with a name, address, phone number, and hunt number (if applicable).

(g) One winner and a minimum of two alternate winners shall be drawn at a public drawing; time and location to be determined by the board and Department.

(h) If a person is drawn as the winner of more than one hunt for the same species, the Department will issue the first Access and Habitat raffle deer/elk tag drawn by the person who meets all criteria specified herein.

(i) The order in which the winner and alternate winners for the deer/elk raffle hunts shall be drawn at the public drawing is as follows:

(i) Statewide Combination Elk and Deer- #AH002

(ii) Statewide Deer Hunt- #AH001

(iii) Southeast Oregon Deer Hunt- #AH004

(iv) Central Oregon Deer Hunt- #AH005

ADMINISTRATIVE RULES

- (v) Northeast Oregon Deer Hunt- #AH003
- (vi) Statewide Elk Hunt- #AH009
- (vii) Northeast Oregon Elk Hunt- #AH006
- (viii) Central/Southeast Elk Hunt- #AH007
- (ix) Western Oregon Elk Hunt- #AH008

(j) The Department will notify the winner and two alternates by mail.

The winner must claim the tag during regular business hours within 30 days of the drawing or he/she shall be disqualified and the Department will offer the tag to the first alternate. The first alternate must claim the tag within 10 business days of notification or he/she shall be disqualified and the Department will notify the second alternate. The second alternate will be contacted in the same manner and with the same deadlines as the first alternate if the winner or first alternate have not claimed the tag as required. The tag will not be issued if not claimed during regular business hours within 90 days following the drawing.

(k) The access and habitat raffle deer/elk tag winners must have a valid hunting license.

(l) The Department will issue an access and habitat raffle deer/elk tag to the person whose name appears on the winning ticket and who meets all criteria specified herein. The tag is not transferable.

(5) Access and habitat deer/elk tag auction requirements:

(a) Residents and nonresidents shall be eligible to bid.

(b) The minimum acceptable bid for an access and habitat auction tag shall be \$2,000.00 for deer and \$5,000.00 for elk. The bid price includes the tag fee.

(c) Individuals, agents, corporations, or others that submit the highest bid shall provide the name, address, phone number, and affiliation of the individual to whom the access and habitat auction deer/elk tag shall be issued to a Department representative or a representative of the organization authorized to conduct the auction immediately upon the conclusion of the auction of such tag.

(d) Submittal of the winning bid shall be made to the Department by cashiers check or certified check within 20 working days of the date of the auction (whether conducted by the Department or by a sportsman's group or organization authorized to do so).

(e) If the full amount of the bid is not paid as required by OAR 635-090-140(5)(d), the Department may, at its discretion, reject the bid and offer the access and habitat auction deer/elk tag to the next highest bidder. Such next highest bidder must make payment to the Department by cashiers check or certified check within five working days of notification.

(f) The access and habitat auction deer/elk tag winner must have a valid hunting license.

(g) The Department will issue an access and habitat auction deer/elk tag to the winner who meets all criteria specified herein. The tag is not transferable.

(h) The Department reserves the right to accept or reject any or all access and habitat auction deer/elk tag bids.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.232 & 496.242
Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.232 & 496.242
Hist.: FWC 17-1994, f. & cert. ef. 3-10-94; FWC 87-1994, f. & cert. ef. 11-22-94, FWC 52-1995, f. & cert. ef. 6-16-95; FWC 36-1996, f. & cert. ef. 6-7-96; DFW 48-1998, f. & cert. ef. 6-22-98; DFW 46-1999, f. & cert. ef. 6-15-99; DFW 1-2000(Temp), f. & cert. ef. 1-3-00 thru 6-30-00; DFW 40-2000, f. & cert. ef. 7-25-00; DFW 62-2001, f. & cert. ef. 7-25-01; DFW 106-2003, f. & cert. ef. 10-16-03; DFW 68-2004, f. & cert. ef. 7-13-04; DFW 48-2006, f. & cert. ef. 6-21-06; DFW 130-2006(Temp), f. & cert. ef. 12-15-06 thru 6-13-06; Administrative Correction, 6-16-07; DFW 142-2009, f. 11-12-09, cert. ef. 1-1-10

635-200-0050

Deer, Elk, and Antelope (Pronghorn)

(1) Any person may purchase, sell, or exchange processed hides, hooves, dewclaws, sinews, or capes of deer (*Odocoileus hemionus* or *O. virginianus*), elk (*Cervus canadensis*) or antelope (pronghorn) (*Antilocapra americana*).

(2) Any person may sell or exchange the unprocessed hides, hooves, dewclaws, sinews, or capes of a deer, elk, or antelope legally taken during an authorized hunting season.

(3) Any person may sell, purchase, or exchange any bone, elk ivory "buglers" or other part of the skeletal structure of a deer or elk, except the skull.

(4) Any person may sell or exchange lawfully taken antlers which are detached from the skull, skull is split apart between the antlers or naturally shed antlers to a licensed antler dealer for use only in manufacturing handcrafted items from parts of these antlers. Handcrafted items do not include complete sets of antlers or whole heads and antlers which are mounted for display or other purposes. Any person may purchase such lawfully manufactured handcrafted items.

(5) Except as provided in subsection 6, any person desiring to purchase or exchange unprocessed deer, elk, and antelope hides, hooves, dew-

claws, or sinews must first secure a Hide Dealer Permit. Clients of a taxidermist do not need this permit when a taxidermist provides the hide for mounting a client's legally taken antler or horn.

(a) Any person desiring to purchase or exchange antlers for use in the manufacture of handcrafted items must first secure an Antler Dealers Permit. Antlers may not be purchased unless antlers are detached from the skull, the skull is split apart between antlers, or the antlers are naturally shed;

(b) Hide and Antler Dealer Permits may be obtained by applying to the Oregon Department of Fish and Wildlife.

(6) Any person may purchase the following for their personal use (not resale):

(a) Unprocessed deer, elk and antelope hides; and

(b) Deer and elk antlers (if detached from the skull, if skull is split apart between the antlers, or if naturally shed).

(7) Hide Dealer and Antler Dealer Permit shall cost \$15.00 (plus a \$2.00 license agent fee) and shall expire on December 31 of the year issued.

(8) At the time of purchase or exchange for unprocessed deer and elk hides and antlers, and for antelope hides, every dealer shall maintain a record. Such record shall:

(a) Include the date of the transaction, numbers and kinds of hides or antlers purchased or exchanged, and the name and address of the person from whom acquired;

(b) Be maintained at the business address of the hide dealer or antler dealer for a three-year period.

(9) Hide and antler dealer records are subject to inspection at any time by any State Police officer or Department of Fish and Wildlife representative.

(10) Any person may sell, purchase or exchange any bone or other part of the skeletal structure of pronghorn antelope, except the skull and horn sheaths.

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 90-2002(Temp), f. & cert. ef. 8-16-02 thru 2-11-03; DFW 114-2002(Temp), f. & cert. ef. 10-18-02 thru 2-11-03; DFW 127-2002(Temp), f. & cert. ef. 11-14-02 thru 2-11-03; DFW 31-2004, f. 4-22-04, cert. ef. 5-1-04; DFW 142-2009, f. 11-12-09, cert. ef. 1-1-10

635-200-0030

Fur Dealer and Taxidermy

(1) Fur Dealer License shall cost \$50.00 (plus a \$2.00 license agent fee) and shall expire on December 31 of the year issued.

(2) Whenever a fur dealer purchases, possesses, sells, or disposes of the pelt of any furbearing mammal, the dealer must record:

(a) The date, numbers and types of pelts;

(b) For furbearing mammals requiring tags, the tag number, the state issuing the tag, the species, and the year the tag was issued; and

(c) The name and address of those from whom the pelts were obtained, and to whom they were sold or otherwise transferred;

(d) This record must be maintained at the business address of the fur dealer for a period of three years.

(3) No fur dealer may purchase, sell, or possess any raw pelt requiring a tag or seal without having a proper tag or seal affixed to the pelt.

(4) Fur buyers who are agents for companies shall have a fur dealer's license and record the company whom they represent on the fur dealer's license application.

(5) Fur dealer records and pelts are subject to inspection at any time by any Oregon State Police officer or Department representative.

(6) Failure to comply with the record keeping criteria in OAR 635-200-0030(1) or to permit inspection of such records may result in a two year license suspension.

(7) Taxidermy License shall cost \$50.00 (plus a \$2.00 license agent fee) and shall expire on December 31 of the year issued.

(8) Licensed taxidermists may sell a client's unclaimed, legally taken, mounted wildlife, except migratory birds protected by Federal Law 16 USC 703, provided that:

(a) Upon completion, at least two written notices of intent to sell are sent to the client;

(b) Two months have passed since completion of mount;

(c) The amount realized by the sale of a mount is not to exceed the original quoted price stated contemporaneously in writing, less any deposit received;

(d) Taxidermists may mount and sell legally taken furbearing animals with a fur dealer's license.

(9) At the time of receiving wildlife for mounting, every licensed taxidermist shall:

(a) Record the date, number and kinds of wildlife received;

ADMINISTRATIVE RULES

(b) Record the tag number and year of issuance of those furbearing mammals requiring tags;

(c) Record the date taken and county or hunting unit and state where taken and the name and address of the person who killed the wildlife;

(d) Record the name and address of the person from whom received and the quoted price for the taxidermy work;

(e) Maintain this record at the business address of the taxidermist for a three-year period;

(f) Maintain copies of the written notices, as described in 635-200-0030 (6), date of sale, amount of sale and name and address of the person purchasing the mount at the business address of the taxidermist for a three-year period.

(10) Taxidermy records are subject to inspection at any time by any Oregon State Police officer or Department representative.

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 142-2009, f. 11-12-09, cert. ef. 1-1-10

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 14-2009

Filed with Sec. of State: 11-3-2009

Certified to be Effective: 11-3-09

Notice Publication Date: 10-1-2009

Rules Adopted: 413-010-0175

Rules Amended: 413-010-0170, 413-010-0180

Subject: OAR 413-010-0170 and OAR 413-010-0180 about the rights and protection of children placed into Department custody are being amended to state a child's right to participate in his or her case plan development and reflect current Department terminology, policy, and practices. OAR 413-010-0175 about the definitions used in these rules, OAR 413-010-0170 to 413-010-0180, is being adopted to state definitions of terms used throughout these rules. OAR 413-010-0180 about the rights of children placed in the legal custody of the Department also is being amended to state the rights the child has.

Rules Coordinator: Annette Tesch—(503) 945-6067

413-010-0170

Purpose

The purpose of these rules, OAR 413-010-0170 to 413-010-0180, is to describe the rights and protection each *child* placed in the legal custody of the Department is entitled to receive from the Department. These rules supplement the statement of clients' rights established in Child Welfare Policy I-A.1, "Client Rights".

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005 & 419B.343

Hist.: SOSCF 6-1998, f. 2-10-98, cert. ef. 2-15-98; CWP 14-2009, f. & cert. ef. 11-3-09

413-010-0175

Definitions

(1) "Case plan" means a written, goal oriented, and time limited individualized plan for the *child* and the child's family, developed by the Department and the parents or legal guardians, to achieve the child's safety, permanency, and well being.

(2) "Child" means a person under 18 years of age.

(3) "Department" means the Department of Human Services, Child Welfare.

(4) "Discipline" means a training process a family uses to help a *child* or *young adult* develop the self control and self direction necessary to assume responsibilities, make daily living decisions, and learn to conform to accepted levels of social behavior.

(5) "Legal guardian" means a person or agency that has the duties and authority of a *parent* with legal custody to make decisions concerning a *child*, including but not limited to the following:

(a) Authorize surgery and other extraordinary treatment for the *child*;

(b) Authorize the *child* to enlist in the armed forces of the United States;

(c) Consent to child's adoption; and

(d) Make other decisions of substantial legal significance concerning the *child*, (but a guardian is not a conservator of the child's property or estate).

(6) "Parent" means the biological or adoptive mother or the legal father of the *child* or *young adult*. A legal father is a man who has adopted the *child* or *young adult* or whose paternity has been established or declared under ORS 109.070, 416.400 to 416.465, or by a juvenile court. In cases involving an Indian *child* under the Indian Child Welfare Act (ICWA), a legal father includes a man who is a father under applicable tribal law. "Parent" also includes a putative father who has demonstrated a direct and significant commitment to the *child* or *young adult* by assuming or attempting to assume responsibilities normally associated with parenthood unless a court finds that the putative father is not the legal father.

(7) "Young adult" means a person 18 to 20 years of age who remains in the care and custody of the Department, and lives in substitute care or lives independently through the Department's Independent Living Subsidy Program.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

Hist.: CWP 14-2009, f. & cert. ef. 11-3-09

413-010-0180

Rights of a Child

Each *child* placed in the legal custody of the Department has the following rights:

(1) To be placed in the least physically restrictive environment that appropriately meets the child's needs;

(2) To be provided basic needs such as adequate food, clothing, and shelter;

(3) To receive care, supervision, and *discipline*, and to be taught to act responsibly and respect the rights of others;

(4) To be provided ordinary medical, dental, and mental health care and treatment;

(5) To be provided with free and appropriate public education;

(6) To be protected from physical and sexual abuse, emotional abuse, neglect, and exploitation;

(7) To be provided services designed to reunite the *child* with his or her *parent* or *legal guardian* except when there is clear evidence that the *parent* or *legal guardian* may not protect the child's welfare;

(8) To be provided services to develop a safe permanent alternative to the child's own family, when family resources are not available;

(9) To be accorded the least restrictive legal status that is consistent with the child's need for protection, to have the Department present its position on the child's best interests to the court, and to attend court hearings and speak directly to the judge;

(10) To receive respect, be nurtured, and attend activities in accordance with his or her background, religious heritage, race, and culture within reasonable guidelines as set by the case plan, the visitation plan, and the court;

(11) To visit and communicate with a *parent* or *legal guardian*, siblings, members of his or her family, and other significant people in the child's life within reasonable guidelines as set by the *case plan*, the visitation plan, and the court;

(12) To be involved, in accordance with his or her age and ability and with the law, in making major decisions that affect his or her life, to participate in the development of his or her *case plan*, permanency plan, and comprehensive transition plan and to discuss his or her views about the plans with the judge;

(13) To receive encouragement and be afforded reasonable opportunities to participate in extracurricular, cultural, and personal enrichment activities consistent with his or her age and developmental level;

(14) To earn and keep his or her own money and to receive guidance in managing resources to prepare him or her for living independently.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005 & 419B.343

Hist.: SOSCF 6-1998, f. 2-10-98, cert. ef. 2-15-98; CWP 14-2009, f. & cert. ef. 11-3-09

Rule Caption: Changing OARs affecting Child Welfare programs.
Adm. Order No.: CWP 15-2009

Filed with Sec. of State: 11-3-2009

Certified to be Effective: 11-3-09

Notice Publication Date: 10-1-2009

Rules Adopted: 413-015-0214, 413-015-0403

Rules Amended: 413-015-0211, 413-015-0420

Subject: OAR 413-015-0211 about the additional steps undertaken by a Child Protective Services screener when determining the Department response to received information alleging abuse or neglect of a child is being amended to state that when a minor parent is

ADMINISTRATIVE RULES

an alleged perpetrator of abuse or neglect the screener must attempt to determine if there is a report of abuse or neglect with the minor parent as an alleged victim and if so, how to document both allegations in the Department's information system.

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

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

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

Rules Coordinator: Annette Tesch—(503) 945-6067

413-015-0211

Additional Screening Activities

In the specific circumstances described below, the screener must complete additional activities to complete the screening process.

(1) The screener receives information on an open CPS assessment.

(a) When a screener receives duplicate information (same alleged victim, same alleged perpetrator, same allegation of child abuse or neglect, and same incident dates) on an open CPS assessment, the screener must:

(A) Inform the reporter that a new report will not be assigned because the information has already been received;

(B) Provide the reporter with the assigned caseworker's name and phone number; and

(C) Provide contact information about the reporter and any information the screener received to the assigned caseworker.

(b) When a screener receives information that constitutes a new report of child abuse or neglect as defined in ORS 419B.005 on an open CPS assessment:

(A) The screener must document the information in a new GAP screening form unless paragraph (B) of this subsection applies.

(B) If a CPS worker assigned to an open CPS assessment reports child abuse or neglect in the household that is the subject of the open CPS assessment, the screener must direct the CPS worker to incorporate the new information into the existing, open CPS assessment.

(2) The screener receives new information on an open Child Welfare case.

(a) When a screener receives new information on an open Child Welfare case, the screener must:

(A) Consult with a CPS supervisor;

(B) Notify each assigned case worker and their respective supervisors of all new information received on the same day the information is received, and document this notification in FACIS case notes; and

(C) Complete notification on the same day the information is received.

(b) When a screener receives a new report of child abuse or neglect, as defined in ORS 419B.005, but there is no open CPS assessment, the screener must document the information in a new GAP screening form.

(c) The information received by a screener on an open Child Welfare case that will not be documented in the GAP but must be documented in FACIS case notes includes:

(A) Additional information on an open case that does not meet the criteria for a new CPS assessment or closed at screening;

(B) When an in-home ongoing safety plan is violated, but the violation is not a new incident of child abuse or neglect;

(C) Reports of an ongoing concern in an open case, which Child Welfare is currently addressing;

(D) Reports of child runaways; and

(E) Any requests for case information received by the screener.

(3) When a screener receives information related to the home of a Department certified foster parent or relative caregiver, the screener must notify and document that the screener has notified each assigned case work-

er, assigned certifier, and their respective supervisors of all information received (see Child Welfare Policy I-B.2.2.3, "Department Responsibilities During Screening and Assessment of a Child Abuse or Neglect Report Involving the Home of a Department Certified Foster Parent or Relative Caregiver", OAR 413-200-0404 to 413-200-0424).

(4) When a screener receives information related to a minor parent as an alleged perpetrator:

(a) The screener must gather information to determine if there is a report of abuse or neglect with the minor parent as an alleged victim.

(b) If the screener determines there is a report of abuse or neglect of the child of the minor parent with the minor parent as an alleged perpetrator and another report with the minor parent as an alleged victim, the screener must document the information in the following manner (refer to Child Welfare Policy I-1.1, "Creating and Maintaining Case Records" to determine when to use the mother or father's name as the case name):

(A) The allegation with the minor parent as an alleged perpetrator must be documented with the mother or father of the alleged victim as the case name (the mother or father being a minor does not preclude them from being the case name); and

(B) The allegation with the minor parent as an alleged victim must be documented with the mother or father of the minor parent as the case name.

(5) When a screener receives the report of a child fatality alleged to be the result of abuse or neglect or involving a child known to the Department, the screener must:

(a) Consult with a CPS supervisor;

(b) Refer to the Child Welfare "Fatality Protocol";

(c) Complete a GAP screening form documenting the "allegation" as a "fatality" in addition to other allegations that apply;

(d) Notify the CPS consultant; and

(e) Complete subsections (a) through (d) of this section even when there are no siblings to the deceased child and no other children in the home where the fatality occurred.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

Hist.: CWP 16-2005, f. & cert. ef. 12-1-05; CWP 3-2007, f. & cert. ef. 3-20-07; CWP 25-2007(Temp), f. 12-31-07, cert. ef. 1-1-08 thru 6-27-08; CWP 7-2008, f. 6-27-08, cert. ef. 6-28-08; CWP 15-2009, f. & cert. ef. 11-3-09

413-015-0214

Assignment of the CPS Assessment

Whenever possible, separate CPS workers must be assigned to complete the assessments of allegations when a minor parent is an alleged perpetrator and alleged victim.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

Hist.: CWP 15-2009, f. & cert. ef. 11-3-09

413-015-0403

Assignment of CPS Assessment

Whenever possible, separate CPS workers must be assigned to complete the assessments of allegations when a minor parent is an alleged perpetrator and alleged victim.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 409.185, 418.005, 418.015 & 419B.005 - 419B.050

Hist.: CWP 15-2009, f. & cert. ef. 11-3-09

413-015-0420

Make Initial Contact

The CPS worker must make an initial contact within the assigned response time line.

(1) To make an initial contact, the CPS worker must:

(a) Have face-to-face contact with and interview the alleged victim, his or her siblings, and other children living in the home. The purpose of the face-to-face contact and interview with the alleged victim, his or her siblings, and other children living in the home is to gather information regarding possible child abuse and neglect, assess if the children are vulnerable to identified safety threats, and assess the children's immediate safety. If it is not possible during the initial contact for the CPS worker to make a face-to-face contact with and interview the siblings or other children living in the home, the CPS worker must document why contact was not made and must complete the face-to-face contact and interview as soon as possible.

(b) Interview and observe children as follows:

(A) The CPS worker must notify parents of the intent to interview a child, unless notification could compromise the child's safety or a criminal investigation.

(B) The CPS worker must make diligent efforts to contact the child at home, school, day care, or any other place where the worker believes the child may be found. If the CPS worker is unsuccessful, the CPS worker

ADMINISTRATIVE RULES

must document in the assessment activities section of the GAP all attempts made to contact the child and the dates of those attempted contacts.

(C) When the CPS worker contacts the child at home and the parent or caregiver is not present:

(i) The CPS worker must consult with a CPS supervisor and seek assistance from LEA if the referral indicates that: there may be severe harm or threat of severe harm to the child; there is reasonable cause to believe the child's health or safety is endangered by the conditions of the dwelling; or the child is inadequately supervised and there is an immediate need to evaluate the child's health and safety.

(ii) The CPS worker must wait until the parent is present in the home to complete a child interview in the home if the referral does not indicate severe harm or threat of severe harm to the child or if there is not reasonable cause to believe the child's health or safety is endangered by the conditions of the dwelling or that the child is inadequately supervised.

(D) When the CPS worker is denied access to the child or to the child's residence, the CPS worker must:

(i) If the referral indicates that the child may be unsafe, request assistance from LEA in assessing the situation and in taking the child into protective custody if needed.

(ii) If the referral indicates that the child is presently safe, the CPS worker must do the following:

(I) Attempt to contact other persons who may have relevant information regarding the referral;

(II) Persist in attempts to gain cooperation from the family or caregivers, depending on the known child safety information; and

(III) Seek LEA assistance.

(iii) Consult with the CPS supervisor, the district attorney, assistant attorney general, or the county juvenile department to discuss possible juvenile court action; or

(iv) Seek a protective custody order from the juvenile court.

(E) The CPS worker must notify the parents or caregivers the same day a child is interviewed. If the same day notification could make a child or adult unsafe, a CPS supervisor may authorize an extension for one day to allow a planned notification that is less likely to compromise safety. The CPS worker must document the supervisory approval and an explanation describing the basis for the approval.

(F) The CPS worker must conduct interviews in a manner that assures privacy for the child.

(G) If the parent or caregiver is the alleged perpetrator or if the presence of the parent or caregiver might impede the interview, the CPS worker must attempt to interview children outside the presence of their parents or caregivers.

(H) A CPS worker must allow a child who is the victim of a person crime as defined in ORS 147.425 and is at least 15 years of age at the time of the abuse to have a personal representative be present during an interview. If a CPS worker believes that the personal representative would compromise the CPS assessment, the CPS worker may prohibit a personal representative from being present during the interview.

(I) The CPS worker must observe the child's injuries or signs of neglect. The CPS worker may need to remove a child's clothing to make adequate observations. In that event, the CPS worker must:

(i) Use discretion and make the child as comfortable as possible.

(ii) Seek parental consent and assistance, when possible and appropriate.

(iii) Consider requesting a worker or other support person, who is the same gender as the child, be present to serve as a witness and provide comfort for the child.

(J) The CPS worker may observe injuries to a child's anal or genital region if the child is not school aged and if the injury can be observed without the CPS worker touching the child's anal or genital region.

(c) Have face-to-face contact with and interview the non-offending parent or caregiver and all adults living in the home. The purpose of this face-to-face contact and interview is to find out what the non-offending parent or caregiver and other adults living in the home know about the alleged child abuse or neglect, gather information related to the safety of the child, and gather information to determine if the parent or caregiver can or cannot and will or will not protect the child. If it is not possible during the initial contact for the CPS worker to make face-to-face contact with and interview the non-offending parent or caregiver and other adults living in the home, the CPS worker must document why the contact was not made and must complete the face-to-face contact and interview as soon as possible.

(A) Whenever practicable, the CPS worker must interview both parents and caregivers in person, as follows:

(i) Interview each person individually;

(ii) Ask questions about domestic violence in separate interviews only; and

(iii) Provide all adults living in the home with a written notice that a criminal records check may be conducted on them.

(B) The CPS worker must provide the parent or caregiver with a "What you need to know about a Child Protective Services assessment" pamphlet, which includes written information regarding the CPS assessment process, including the court process and the rights of the parent and caregiver.

(C) The CPS worker must interview the non-custodial legal parent during the CPS assessment. This is not required during the initial contact, but must be completed as part of the assessment process because the non-custodial parent may have essential information or be a placement resource. If the interview of the non-custodial legal parent may make a child or adult unsafe, a CPS supervisor may authorize an exception to this requirement based on written documentation that supports the conclusion that an interview with a non-custodial legal parent should not be conducted.

(d) Have face-to-face contact with and interview the alleged perpetrator. Except as provided in this subsection, the CPS worker must make face-to-face contact with and interview the alleged perpetrator during the initial contact when he or she is the child's custodial parent, caregiver, any person living in the home, or is present in the home when the CPS worker makes contact. The purpose of this interview is to evaluate the alleged perpetrator's reaction to allegations of abuse or neglect as well as to the child and his or her condition, and to gather further information about the alleged perpetrator and the family in relation to the safety of the child. When the alleged perpetrator is a minor parent, the purpose is also to determine if the minor parent is an alleged victim of abuse (under paragraph (D) of this subsection).

(A) The CPS worker is not required to make face-to-face contact with or interview the alleged perpetrator during the initial contact if:

(i) The alleged perpetrator is not a custodial parent, caregiver, anyone living in the home, or is not present in the home when the CPS worker makes contact. The CPS worker still must interview the alleged perpetrator, but may complete the interview during the course of the CPS assessment; or

(ii) There is a criminal investigation and the interview cannot be coordinated with an LEA within the time lines for initial contact.

(B) The decision not to interview an alleged perpetrator as provided in subparagraphs (A)(i) or (ii) of this subsection must be approved by a CPS supervisor, and the CPS worker must document both the approval and the reason for not completing the interview.

(C) When interviewing the alleged perpetrator, the CPS worker must:

(i) Coordinate the interviews of the alleged perpetrator with LEA when law enforcement is conducting an investigation;

(ii) Consult with a CPS supervisor if an interview with the alleged perpetrator could make a child or adult unsafe;

(iii) Provide the alleged perpetrator with a written notice that a criminal records check may be conducted on them; and

(iv) Make inquiries about the employment status of the alleged perpetrator. If the CPS worker has reasonable cause to believe the alleged perpetrator is an employee of any program, office, or division of the Department or OYA, the CPS worker must notify a CPS supervisor. The CPS supervisor must confirm the person's employee status by contacting a Central Office Field Services representative. If the CPS supervisor determines the alleged perpetrator is an employee of the Department or OYA, the CPS supervisor must notify the Department Office of Human Resources at the time of the assessment and at the time the assessment is reviewed as required in OAR 413-015-0475. The CPS supervisor must document the notifications in FACIS.

(D) When interviewing the alleged perpetrator who is a minor and the parent of the alleged victim, the CPS worker must ask questions to determine if there is an allegation of abuse or neglect with the minor parent as an alleged victim. If it is determined that there is an allegation of abuse or neglect with the minor parent as an alleged victim, the information must be reported to a screener.

(E) When interviewing an alleged perpetrator who is the parent or caregiver, the CPS worker must provide the parent or caregiver with a "What you need to know about a Child Protective Services assessment" pamphlet, which includes written information regarding the CPS assessment process, including the court process and the rights of the parent and caregiver.

(e) Gather safety-related information through interviews and observation.

ADMINISTRATIVE RULES

(A) The CPS worker must gather relevant information and facts necessary to complete all parts of the CPS assessment. The CPS worker must gather information through interview and observation about the following:

- (i) The extent of the child abuse or neglect;
- (ii) The circumstances surrounding the child abuse or neglect;
- (iii) Child functioning;
- (iv) Adult functioning;
- (v) Parenting practices and skills; and
- (vi) Disciplinary practices.

(B) Interview. If possible, family members should be interviewed separately in the following order, using information gathered from one interview to assist in the next interview:

- (i) Alleged victim.
- (ii) Siblings and other children in the home.
- (iii) Non-offending parents and caregivers, including all of the non-offending adults in the home.

- (iv) Non-custodial legal parent.
- (v) Alleged perpetrator.

(C) The CPS worker must, to the extent possible, do the following during interviews with family members:

(i) Present identification to the family at the beginning of the interview and provide a business card or other document to the parents and caregivers containing the CPS worker's name and phone number.

(ii) Clearly state the reason for the interview, provide statutory authority to assess reports of child abuse and neglect, and give an explanation of the alleged child abuse or neglect.

(iii) Allow the parent or caregiver to respond to each allegation.

(iv) Assure the privacy of the persons being interviewed.

(v) Focus the interview on the safety of the children.

(vi) Assess whether the parents or caregivers are involved in domestic violence.

(vii) Summarize and discuss the initial impressions and intentions resulting from the interview with appropriate family members or caregivers.

(viii) Obtain from the parents or caregivers the names of persons who can provide additional information in determining child safety and completing the CPS assessment.

(ix) Ask the parents and caregivers to sign an authorization to release information to enable Child Welfare to obtain confidential information from physicians, mental health providers, school employees, or other service or treatment providers.

(x) Inform the parents and caregivers about the Child Welfare grievance procedure.

(D) Observation. The CPS worker must observe the identified child, parent or caregiver, and the home environment. Specific areas for observation are:

(i) Physical condition of the child, including any observable effects of child abuse or neglect;

(ii) Emotional status of the child, including mannerisms, signs of fear, and developmental status;

(iii) Reactions of the parents or caregivers to the Department concerns;

(iv) Emotional and behavioral status of the parents or caregivers during the interviewing process;

(v) Interactions between family members, including verbal and body language;

(vi) Condition of the child's living space, including where the child sleeps; and

(vii) Physical condition of the home.

(f) **Determine if there is a safety threat.** During the initial contact, the CPS worker must determine, based on the information obtained at that time, if there is a safety threat to the child.

(A) To determine that there is a safety threat, the CPS worker must analyze the information gathered and conclude that:

(i) A specific, observable, describable family behavior, condition, or circumstance is present; and

(ii) The specific, observable, describable family behavior, condition, or circumstance reasonably could result in harm to a child.

(B) If the CPS worker determines during the initial contact that there is no safety threat and the child is safe, then the CPS worker must continue the activities required to sufficiently complete the CPS assessment.

(C) If the CPS worker determines there is a safety threat to the child, the CPS worker must determine if, because of the safety threat, the child is unsafe and a protective action is required. The CPS worker must then continue the activities required to sufficiently complete the CPS assessment.

(g) **Determine if the child is unsafe.** If the CPS worker determines, based on the available information, that there is a safety threat to the child, the CPS worker must determine if the safety threat makes the child unsafe.

(A) To assess the child's safety, the CPS worker must analyze the information gathered, and

(i) Determine if the child is vulnerable to harm resulting from the identified family behavior, condition, or circumstance, as described in OAR 413-015-0425.

(ii) Determine if the child's parent or caregiver can or cannot and will or will not protect the child from harm resulting from the identified family behavior, condition, or circumstance, as described in OAR 413-015-0430.

(B) If the CPS worker determines that the child is not vulnerable to harm resulting from the identified safety threat, then the child is safe and the CPS worker must continue the activities required to sufficiently complete the CPS assessment.

(C) If the CPS worker determines that the child's parent or caregiver can and will protect the child from harm resulting from the identified safety threat, then the child is safe. The CPS worker must continue the activities required to sufficiently complete the CPS assessment.

(D) If the CPS worker determines that the child is vulnerable to the identified safety threat and the child's parent or caregiver cannot or will not protect the child from harm resulting from the identified safety threat, the child is unsafe and the CPS worker must initiate a protective action as described in OAR 413-015-0435. The CPS worker must then continue the activities required to sufficiently complete the CPS assessment.

(2) **Documentation of the Initial Contact.** The CPS worker must document the dates of the initial contact using the GAP. The CPS worker must document attempted and successful contacts.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 147.425, 409.185, 418.005, 418.015, 418.747, 418.785, 419B.005 - 419B.050 & 2007 OL Ch. 674

Hist.: CWP 3-2007, f. & cert. ef. 3-20-07; CWP 16-2007(Temp), f. & cert. ef. 10-16-07 thru 4-11-08; CWP 2-2008, f. & cert. ef. 4-1-08; CWP 15-2009, f. & cert. ef. 11-3-09

Rule Caption: Changing OARs affecting Child Welfare programs.

Adm. Order No.: CWP 16-2009

Filed with Sec. of State: 11-3-2009

Certified to be Effective: 11-3-09

Notice Publication Date: 10-1-2009

Rules Adopted: 413-030-0449, 413-030-0454, 413-030-0460

Rules Amended: 413-030-0400, 413-030-0405, 413-030-0410, 413-030-0430, 413-030-0445

Rules Repealed: 413-030-0405(T), 413-030-0410(T), 413-030-0415, 413-030-0420, 413-030-0425, 413-030-0435, 413-030-0440, 413-030-0445(T), 413-030-0450, 413-030-0455

Subject: These rules about Department responsibilities for comprehensive transition planning and the services the Department provides during a child or young adult's transition from the care and custody of the Department to living independently are being amended, adopted, and repealed because the Department is restructuring the program and renaming it Youth Transitions. These rules set the requirements and responsibilities for the Department around youth transition services and when a child or young adult achieves independence, the eligibility requirements for a child or young adult seeking youth transition services, the range of services available to the child or young adult, and the development and review of comprehensive transition plans. OAR 413-030-0405, 413-030-0410, 413-030-0415, 413-030-0445, and 413-030-0450 also are being amended and repealed to replace the temporary versions adopted on September 1, 2009.

OAR 413-030-0400, 413-030-0405, 413-030-0410, 413-030-0430, and 413-030-0445 about the Department's responsibilities in monitoring and managing the transition of a child or young adult from the care and custody of the Department to independent living are being amended to reflect current Department terminology, policy, and practices. OAR 413-030-0415, 413-030-0420, 413-030-0425, 413-030-0435, 413-030-0440, 413-030-0450, and 413-030-0455 about the Department's responsibilities in monitoring and managing the transition of a child or young adult from the care and custody of the Department to independent living are being repealed because their relevant provisions have been incorporated into other rules in this rule set and their remaining provisions do not reflect cur-

ADMINISTRATIVE RULES

rent Department terminology, policy, and practices. OAR 413-030-0405 about the definitions used in OAR 413-030-0400 to 413-030-0460 also is being amended to add current and remove outdated definitions of terms used throughout these rules. OAR 413-030-0410 about a child or young adult's eligibility for Youth Transition services is also being amended to state the eligibility requirements for life skills training, housing subsidies, education and training grants, discretionary funds and cross-reference which services a child or young adult may utilize during the transition to independent living, and to state that a former foster care youth must have been in foster care at or after 16 years of age (instead of 14 years of age) to be eligible to access Youth Transition services. OAR 413-030-0430 about the range of services available through the Department to an eligible child or young adult transitioning to independent living also is being amended to state the services include skill building services, independent living housing subsidies, Chafee housing subsidies, education and training grants, and discretionary funds. OAR 413-030-0445 about the development of a comprehensive transition plan is being amended to state when the Department develops the plan, what the plan must include, who is involved in developing the plan, and that the plan must identify goals and services for education, employment, health, housing, life skills, supportive relationships and community connections, and transportation. OAR 413-030-0449 about how the Department reviews, monitors, and documents a child or young adult's comprehensive transition plan, OAR 413-030-0454 about benchmark review of the comprehensive transition plan, and OAR 413-030-0460 about the Department's responsibilities when a child or young adult is achieving independence are being adopted to explain the comprehensive transition plan and independence processes for a child or young adult in the care and custody of the Department who is transitioning to independent living.

Rules Coordinator: Annette Tesch — (503) 945-6067

413-030-0400

Purpose

The purpose of these rules, OAR 413-030-0400 to 413-030-0460, is to describe the responsibilities of the Department for comprehensive transition planning with and providing services to a child or young adult to:

- (1) Obtain personal and emotional support and promote healthy relationships that can be maintained into adulthood;
- (2) Develop the personal life management skills necessary to function independently;
- (3) Receive education, training, and services necessary to lead to employment;
- (4) Attain academic or vocational education and prepare for post-secondary education or training;
- (5) Gain experience in taking responsibility and exercising decision-making control; and
- (6) Transition to living independently.

Stat. Auth.: ORS 418.005

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

Hist.: SOSCF 1-2002, f. & cert. ef. 1-22-02; CWP 16-2009, f. & cert. ef. 11-3-09

413-030-0405

Definitions

The following definitions apply to these rules (OAR 413-030-0400 to 413-030-0460):

(1) "APPLA" means Another Planned Permanent Living Arrangement, a *permanency* plan for a stable secure living arrangement for a *child* that includes building relationships with significant people in the child's life that may continue after *substitute care*. APPLA is the least preferred *permanency plan* of the four *permanency plan* options for a *child* and is appropriate only in very limited circumstances.

(a) "Planned" means the arrangement is intended, designed, and deliberate.

(b) "Permanent" means enduring and stable.

(2) "Case plan" means a written, goal oriented, time limited individualized plan for the *child* and the child's family, developed by the Department and the parents or legal guardians, to achieve the child's safety, permanency, and well being.

(3) "Chafee housing" means a payment to assist in covering the costs of room and board made to an eligible individual between 18 and 20 years

of age who was discharged from the care and custody of the Department or one of the federally recognized tribes on or after reaching 18 years of age.

(4) "Child" means a person under 18 years of age.

(5) "Department" means the Department of Human Services, Child Welfare.

(6) "Former foster child" means a person under 21 years of age who was in *substitute care* at or after 16 years of age, including substitute care provided by federally recognized tribes, and had been in *substitute care* for at least 180 cumulative days after 14 years of age.

(7) "GED" means a General Educational Development certificate issued pursuant to ORS 326.550.

(8) "Independent living housing subsidy" means a payment to assist in covering the cost of room, board, or other monthly expenses made to an eligible individual who is in the care and custody of the Department and living independently.

(9) "Legal custody" means a legal relationship between a person, agency, or institution and a *child* that imposes on the person, agency, or institution the duties and authority of the child's legal custodian.

(10) "Legal guardian" means a person or agency that has the duties and authority of a *parent* with *legal custody* to make decisions concerning a *child*, including but not limited to the following:

(a) Authorize surgery and other extraordinary treatment for the *child*;

(b) Authorize the *child* to enlist in the armed forces of the United States;

(c) Consent to the adoption of the *child*; and

(d) Make other decisions of substantial legal significance concerning the *child*, but a guardian is not a conservator of the child's property or estate.

(11) "Parent" means the biological or adoptive mother or the legal father of the *child*. A legal father is a man who has adopted the *child* or whose paternity has been established or declared under ORS 109.070, ORS 416.400 to 416.465, or by a juvenile court. In cases involving an Indian *child* under the Indian Child Welfare Act (ICWA), a legal father includes a man who is a father under applicable tribal law. "Parent" also includes a putative father who has demonstrated a direct and significant commitment to the *child* by assuming or attempting to assume responsibilities normally associated with parenthood unless a court finds that the putative father is not the legal father.

(12) "Permanency plan" means a written course of action for achieving safe and lasting family resources for the *child* through the parents, relatives, or others who may assume legal responsibility for the *child* during the child's remaining years of dependency and be accessible and supportive to the *child* when the *child* is 18 years of age or older.

(13) "Registered domestic partner" means an individual joined in a civil contract entered into in person between two individuals of the same sex who are at least 18 years of age, who are otherwise capable and at least one of whom is a resident of Oregon.

(14) "Sibling" means one of two or more children or young adults related:

(a) By blood or adoption through a common legal *parent*;

(b) Through the marriage of the children's or young adults' legal or biological parents; or

(c) Through a legal or biological *parent* who is the *registered domestic partner* of the child's legal or biological parent.

(15) "Substitute care" means the out-of-home placement of a *child* or *young adult* who is in the legal or physical custody of the Department.

(16) "Young adult" means a person 18 to 20 years of age who remains in the care and custody of the Department, and lives in *substitute care* or lives independently through the Department's Independent Living Subsidy Program.

Stat Auth: ORS 418.005

Stats. Implemented: ORS 418.005

Hist.: SOSCF 1-2002, f. & cert. ef. 1-22-02; CWP 10-2009(Temp), f. & cert. ef. 9-1-09 thru 12-28-09; CWP 16-2009, f. & cert. ef. 11-3-09

413-030-0410

Eligibility for Youth Transition Services

A *child* or *young adult* must meet the following eligibility criteria for youth transition services, however a *child* or *young adult* enrolled in an Oregon youth transition service prior to September 1, 2009 is eligible to continue to receive that service until the *child* or *young adult* has achieved independence, reaches 21 years of age, or otherwise is no longer eligible for the specific service.

(1) Life skills training.

(a) A *child* 14 years of age or older who is in *substitute care* through the Department or one of the nine federally recognized Oregon tribes; or

ADMINISTRATIVE RULES

(b) A *former foster child*.

(2) Independent living housing subsidy.

(a) The *child* or *young adult* must:

(A) Be 16 years of age or older;

(B) Be in the care and custody of the Department;

(C) Be engaged in 40 hours of productive time per week, including a combined total of 25 hours or more of work and education activities;

(D) Have had at least one prior *substitute care* placement; and

(E) Have the approval of the court to participate in the *independent living housing subsidy* service.

(b) If a high school diploma has not been achieved, the *child* or *young adult* must be working actively to achieve a high school diploma or GED.

(c) The *child* or *young adult* must be enrolled concurrently in skill building services.

(d) The *child* or *young adult* may not live with any of his or her parents.

(3) Chafee housing.

(a) To be eligible for *Chafee housing* an individual must meet all of the following requirements:

(A) Be 18 years of age or older but not yet 21 years of age;

(B) Have been discharged from the care and custody of the Department or one of the federally recognized tribes on or after reaching 18 years of age;

(C) Be engaged in 40 hours of productive time per week, including a combined total of 25 hours or more of work and education activities; and

(D) Have at least four hours of paid employment per week.

(b) If a high school diploma has not been achieved, the individual must be working actively to achieve a high school diploma or GED.

(c) The individual must be enrolled in skill building services.

(d) The individual may not live with any of his or her parents.

(e) The individual may not be eligible for *Chafee housing* when receiving an education and training grant.

(4) Education and training grant.

(a) To be eligible for an education and training grant the *child* or *young adult* must:

(A) Be 14 years of age or older and currently in *substitute care* through the Department or one of the federally recognized tribes; or

(B) Have been dismissed from *substitute care* after reaching 16 years of age and had 180 or more cumulative days of *substitute care*.

(b) The *child* or *young adult* initially must receive the grant prior to reaching 21 years of age.

(c) If the *child* or *young adult* is receiving the grant upon reaching 21 years of age, he or she may continue to receive the grant until he or she reaches 23 years of age.

(d) The *child* or *young adult* may not be eligible for an education and training grant when receiving *Chafee housing*.

(5) Youth Transition Discretionary Funds. A *child* or *young adult* must be eligible for and receiving skill building services as a prerequisite to eligibility for discretionary fund resources.

(6) Services that may be utilized in the transition to independent living, as appropriate and available, when the *child* or *young adult* meets all other eligibility requirements, include but are not limited to:

(a) Flex funds as described in Child Welfare Policy I-E.5.4, "Flex Fund";

(b) Payments made for special or extraordinary needs as described in Child Welfare Policy I-E.5.4, "Payments for Special and/or Extraordinary Needs" OAR 413-090-0300 to 413-090-0380;

(c) Housekeeping services as described in Child Welfare Policy I-C.1, "Housekeeping Services" OAR 413-050-0000 to 413-050-0050;

(d) Supportive or remedial day care as described in Child Welfare Policy I-C.3.1, "Supportive and Remedial Day Care" OAR 413-050-0200 to 413-050-0280;

(e) Other resources provided through the Department of Human Services such as Supplemental Nutrition Assistance Program and Temporary Assistance for Needy Families program benefits, vocational rehabilitation, teen pregnancy prevention, Seniors and People with Disabilities Division Developmental Disability services; and

(f) Other state or community health care programs.

Stat Auth: ORS 418.005

Stats. Implemented: ORS 418.005

Hist.: SOSCF 1-2002, f. & cert. ef. 1-22-02; CWP 10-2009(Temp), f. & cert. ef. 9-1-09 thru 12-28-09; CWP 16-2009, f. & cert. ef. 11-3-09

413-030-0430

Youth Transition Services Array

The range of services available through the Department to an eligible *child* or *young adult* transitioning to independent living includes:

(1) Skill building services, which may include the following:

(a) Instruction in basic living skills such as money management, home management, consumer skills, legal issues, parenting, health care, access to community resources, employment readiness, transportation, educational assistance, and housing options;

(b) Educational and vocational training support such as high school diploma or GED preparation, post-secondary education and academic support, job readiness, and job search assistance and placement programs;

(c) Training, workshops and conferences, individual and group skills building for improved self-esteem and self-confidence, and interpersonal and social skills training and development; and

(d) Development of community networks and supports to transition successfully to adulthood.

(2) The *independent living housing subsidy*.

(3) *Chafee housing*.

(4) Education and training grants to provide assistance with the costs of a post-secondary education or training program.

(5) Youth Transition discretionary funds to provide limited financial assistance in meeting the transition to adulthood.

Stat Auth: ORS 418.005

Stats. Implemented: ORS 418.005

Hist.: SOSCF 1-2002, f. & cert. ef. 1-22-02; CWP 16-2009, f. & cert. ef. 11-3-09

413-030-0445

Development of the Comprehensive Transition Plan

(1) Development of the comprehensive transition plan. The Department must initiate the development of the comprehensive transition plan for a:

(a) *Child* 16 years of age or older and in *substitute care* or a *young adult*;

(b) *Child* 14 years of age or older with an APPLA; or

(c) *Former foster child* who requests services as described in Child Welfare Policy, I-B.2.3.1, "Family Support Services" OAR 413-030-0000 to 413-030-0030 and would benefit from a comprehensive transition plan.

(2) The Department must ensure the comprehensive transition plan includes:

(A) The completion of a life skills assessment, which includes:

(A) Assessment of the skills and readiness of the *child* or *young adult* through interviews with substitute caregiver, *parent* or *legal guardian*, and any other significant adult; and

(B) Completion of a written independent living assessment in the format required by the Department.

(b) The written life skills assessment must include a description of:

(A) The strengths of the *child* or *young adult*; and

(B) His or her need for ongoing skill development in the following ability areas:

(i) Interaction with and connection to adults who can assist in the transition to independent living;

(ii) Transition successfully to independent living;

(iii) Engagement in educational and vocational interests;

(iv) Management of his or her physical and mental health; and

(v) Achievement of residential stability.

(3) After completing the activities in section (2) of this rule, the Department must convene a planning meeting to develop the comprehensive transition plan. The Department must:

(a) Ensure the *child* or *young adult* plays a central role in planning for and participating in the meeting, when developmentally appropriate; and

(b) Involve the *child* or *young adult* in determining who may participate in the planning meeting which may include a *parent* or *legal guardian*, substitute caregiver, other adult important to the *child* or *young adult*, service providers, a court appointed special advocate, representative of a tribe, or the attorney for the *child* or *young adult*.

(4) The comprehensive transition plan must identify goals and services in each of the following domains:

(a) Education;

(b) Employment;

(c) Health;

(d) Housing;

(e) Life skills;

(f) Supportive relationships and community connections; and

(g) Transportation.

ADMINISTRATIVE RULES

(5) The *child* age 14 or older, *young adult*, or *former foster child* must agree to the comprehensive transition plan and the plan is signed by each person who participated in the planning meeting.

(6) A Department supervisor must review and acknowledge the completion of the comprehensive transition plan in the Department's information system.

(7) When a *child* is placed in another state through the Interstate Compact on the Placement of Children (ICPC), and the Department is unable to complete the comprehensive transition planning process as described in this rule, the Department remains responsible for working with the receiving state and with the *child* in developing a comprehensive transition plan.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005, 419B.343, 419B.476

Hist.: SOSCF 1-2002, f. & cert. ef. 1-22-02; SOSCF 8-2002, f. & cert. ef. 5-6-02; CWP 10-2009(Temp), f. & cert. ef. 9-1-09 thru 12-28-09; CWP 16-2009, f. & cert. ef. 11-3-09

413-030-0449

Review of the Comprehensive Transition Plan

(1) The caseworker must monitor the implementation of the comprehensive transition plan and make reasonable efforts to ensure timely and appropriate services identified in the comprehensive transition plan are made available.

(2) The caseworker is responsible for regular review of the goals and services of the comprehensive transition plan during the following contacts:

(a) Regular 30-day, face-to-face contacts as required under Child Welfare Policy I-B.1, "Monitoring Child Safety" OAR 413-080-0040 to 413-080-0067; and

(b) The 90 day *case plan* review required under Child Welfare Policy I-B.3.1, "Developing and Managing the Case Plan" OAR 413-040-0016.

(3) Subsequent to the review of the comprehensive transition plan under subsection (2)(b) of this rule, the caseworker must document in the Department's information system:

(a) The progress in achieving the comprehensive transition plan goals;

(b) Any barriers and plans to address the barriers;

(c) Any changes in the comprehensive transition plan; and

(d) Notification to service providers of changes to the comprehensive transition plan.

(4) The supervisor must review and approve the documentation of the comprehensive transition plan review as a part of the required *case plan* review.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005, 419B.343, 419B.476

Hist.: CWP 16-2009, f. & cert. ef. 11-3-09

413-030-0454

Benchmark Review of the Comprehensive Transition Plan

(1) For a *child* with a comprehensive transition plan the caseworker must convene a meeting for the purpose of a benchmark review of the comprehensive transition plan six months prior to the *child* reaching 18 years of age.

(a) The meeting must include the *child*, unless the *child* developmentally is unable to participate, and may include a *parent* or *legal guardian* of the *child*, substitute caregiver, court appointed special advocate, the attorney for the *child*, service providers, and others the *child* determines are important to the meeting.

(b) The *child* plays a central role in the meeting appropriate with his or her developmental ability.

(c) At the meeting, the following are determined:

(A) Agreement on the person with decision-making authority for education services for the *child* after the *child* reaches 18 years of age;

(B) Arrangement of sustainable housing, including periods of time the *child* or *young adult* may be on break from college or other residential academic or vocational program after the *child* reaches 18 years of age;

(C) Identification of persons who may provide supportive relationships to the *child* after the *child* reaches 18 years of age;

(D) Identification of community resources available for the special or unique needs of the *child* after the *child* reaches 18 years of age;

(E) A plan for the employment, continued academic or vocational education, or specialized training of the *child* after the *child* reaches 18 years of age;

(F) Agreement on the person with decision-making authority for health and mental health services for the *child* and identification of health, mental health, and dental providers for the *child* after the *child* reaches 18 years of age; and

(G) The plan to meet life skill development needs of the *child* by the time the *child* reaches 18 years of age.

(d) The caseworker must document the determinations made under subsection (1)(c) of this rule and the documentation must be signed by the *child*, when developmentally able to do so, and the caseworker, and may be signed by other persons attending the meeting.

(2) The caseworker's supervisor must review and acknowledge the completion of the benchmark review of the comprehensive transition plan in the Department's information system.

(3) The caseworker must provide a copy of the comprehensive transition plan, including the documentation of the determinations made during the benchmark review of the comprehensive transition plan, to the court at the next scheduled permanency hearing.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005, 419B.343 & 419B.476

Hist.: CWP 16-2009, f. & cert. ef. 11-3-09

413-030-0460

Requirements at Independence

(1) At least 60 days prior to the date on which the Department is requesting relief of *legal custody* of a *child* or *young adult* reaching independence, the Department must inform the *child* or *young adult* of:

(a) The date, time, and location of the hearing;

(b) The right to attend the hearing, and the importance of attending; and

(c) The right to request assistance with transportation to and from the hearing.

(2) When the court relieves the Department of the custody of the *child* or *young adult* reaching independence, the Department must provide the *child* or *young adult* with the following written records:

(a) Unless the release is prohibited by law or the law requires the *child* or *young adult* to make a specific request for the records under ORS 432.420, and 109.425 to 109.507, information concerning the case of the *child* or *young adult*, including family and placement history, location and status of each *sibling*, and contact information the *child* or *young adult* may use to seek additional information about his or her case or family history.

(b) Health and education records, including:

(A) Health and immunization records; and

(B) Educational summary and records.

(c) A copy of each of the following, and documentation that each has been provided to the *child* or *young adult* in official form:

(A) The birth certificate of the *child* or *young adult*;

(B) Official proof of the citizenship or residence status of the *child* or *young adult* in a form acceptable to an employer required to verify immigration status;

(C) The social security card, or a copy of the original, of the *child* or *young adult*;

(D) A driver's license or another form of state identification, or a copy of the original, of the *child* or *young adult*;

(E) Where applicable, a death certificate of a *parent* of the *child* or *young adult*; and

(F) Written verification of placement in *substitute care* through the Department or one of the federally recognized tribes of the *child* or *young adult* when 14 years of age or older and 18 years of age and younger.

(3) When the Department is unable to provide the documentation and information described in section (2) of this rule prior to the court order by which the Department is relieved of *legal custody* of the *child* or *young adult*, the Department must prepare the written records and either deliver them to the *child* or *young adult* or, when the whereabouts of the *child* or *young adult* are unknown, retain the records in the case file of the *child* or *young adult* until requested by the *child* or *young adult*.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

Hist.: CWP 16-2009, f. & cert. ef. 11-3-09

Rule Caption: Changing OARs affecting Child Welfare programs.

Adm. Order No.: CWP 17-2009

Filed with Sec. of State: 11-3-2009

Certified to be Effective: 11-3-09

Notice Publication Date: 10-1-2009

Rules Adopted: 413-070-0550, 413-070-0565

Rules Amended: 413-070-0520, 413-070-0524, 413-070-0532, 413-070-0536, 413-070-0540, 413-070-0548, 413-070-0552, 413-070-0556

ADMINISTRATIVE RULES

Rules Repealed: 413-070-0528, 413-070-0544, 413-070-0560, 413-070-0700, 413-070-0710, 413-070-0720, 413-070-0730, 413-070-0740, 413-070-0750

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

OAR 413-070-0520 about the purpose of the Department's Another Planned Permanent Living Arrangement (APPLA) rules (OAR 413-070-0520 to 413-070-0565), OAR 413-070-0524 about the definitions used in these rules, OAR 413-070-0532 about the types of APPLA plans the Department develops, OAR 413-070-0536 about when the Department may consider using an APPLA as the permanency plan for a child in the Department's custody, OAR 413-070-0540 about how the Department determines an APPLA is the appropriate permanency plan for a child, OAR 413-070-0548 about what an APPLA case plan must include, OAR 413-070-0552 about the Department substitute caregiver's ongoing responsibilities once an APPLA plan has been undertaken, and OAR 413-070-0556 about when and how the Department reviews an APPLA case plan are being amended; OAR 413-070-0528 about the values underlying permanency planning, OAR 413-070-0544 about the categories of APPLA plans, and OAR 413-070-0560 about APPLA plan documentation requirements are being repealed; and OAR 413-070-0550 about how the Department reviews and approves an APPLA permanency plan and OAR 413-070-0565 about when an APPLA permanency plan must be terminated are being adopted to clarify the Department's policy for APPLA permanency plans, include definitions used throughout the APPLA rules, OAR 413-070-0520 to 413-070-0565, reflect current Department policy, practice, and terminology, and incorporate the relevant provisions of the repealed Permanent Foster/Kinship Care permanency plans rules (OAR 413-070-0700 to 413-070-0750).

OAR 413-070-0700 about the purpose of the Department's Permanent Foster/Kinship Care rules (OAR 413-070-0700 to 413-070-0750), OAR 413-070-0710 about the definitions used in these rules, OAR 413-070-0720 about the eligibility requirements for permanent foster/kinship care, OAR 413-070-0730 about how the Department approved a permanent foster/kinship placement for a child, OAR 413-070-0740 about the ongoing roles and responsibilities for foster/kinship care parents and the Department, and OAR 413-070-0750 about the termination of permanent foster/kinship care plans are

being repealed to streamline the administrative rules and remove redundant rules as their relevant provisions have been incorporated into the administrative rules around the Another Planned Permanent Living Arrangement (APPLA, OAR 413-070-0520 to 413-070-0565) permanency plans because permanent foster care is a type of APPLA plan and their remaining provisions do not reflect current Department terminology, policy, and practices.

Rules Coordinator: Annette Tesch—(503) 945-6067

413-070-0520

Purpose

The Department must develop, document, and implement a *permanency plan* for every *child* placed in the Department's *legal custody* for *substitute care* placement. The Department has four permanency plans from which to choose for a *child*. The four permanency plans, in order of preference, are: reunification with a *parent*; adoption, including adoption by a child's relative; legal guardianship, including guardianship with a child's relative; and APPLA. The purpose of these rules, OAR 413-070-0520 to 413-070-0565, is to describe the appropriate use of APPLA.

Stat. Auth.: ORS 418.005

Stats Implemented: ORS 418.005

Hist.: CWP 15-2006, f. 6-30-06, cert. ef. 7-1-06; CWP 17-2009, f. & cert. ef. 11-3-09

413-070-0524

Definitions

The following definitions apply to these rules, OAR 413-070-0520 to 413-070-0565:

(1) "APPLA" means Another Planned Permanent Living Arrangement, a *permanency plan* for a stable secure living arrangement for a *child* that includes building relationships with significant people in the child's life that may continue after *substitute care*. APPLA is the least preferred *permanency plan* of the four *permanency plan* options for a *child* and is appropriate only in very limited circumstances.

(a) "Planned" means the arrangement is intended, designed, and deliberate.

(b) "Permanent" means enduring and stable.

(2) "Caregiver relationship" means a relationship between a person and a *child* that has existed for the 12 months immediately preceding the initiation of a dependency proceeding, for at least six months during a dependency proceeding, or for half of the child's life if the *child* is less than six months of age — and the person had physical custody of the *child* or resided in the same household as the *child*; the person provided the child on a daily basis with the love, nurturing, and other necessities required to meet the child's psychological and physical needs; and the *child* depended on the relationship to meet the child's needs. "Caregiver relationship" does not include a relationship between a child and a person who is an unrelated *foster parent* of the *child* unless the relationship continued for a period of at least twelve consecutive months.

(3) "Case plan" means a written, goal oriented, time limited individualized plan for the *child* and the child's family, developed by the Department and the parents or legal guardians, to achieve the child's safety, permanency, and well being.

(4) "Certifier" means a Department employee who conducts assessments of applicants interested in providing relative or *foster care* to a *child* or *young adult* in the care or custody of the Department, determines whether to recommend approval of the operation of a relative care or foster home, and monitors the compliance of a relative care or foster care home with Child Welfare certification standards.

(5) "Child" means a person under 18 years of age.

(6) "Compelling reason" means a convincing and persuasive reason why it would not be in a child's best interests to be returned home, placed for adoption, placed with a guardian, or placed permanently with a fit and willing relative through adoption or guardianship.

(7) "Department" means the Department of Human Services, Child Welfare.

(8) "Foster parent" means a person who operates a home that has been approved by the Department to provide care for unrelated children or young adults who are placed in the home by the Department.

(9) "Independent living housing subsidy" means a payment to assist in covering the cost of room, board, or other monthly expenses made to an eligible individual who is in the care and custody of the Department and living independently.

(10) "Legal custody" means a legal relationship between a person, agency, or institution and a *child* that imposes on the person, agency, or institution the duties and authority of the child's legal custodian.

ADMINISTRATIVE RULES

(11) “Legal guardian” means a person or agency that has the duties and authority of a *parent* with *legal custody* to make decisions concerning a *child*, including but not limited to the following:

- (a) Authorize surgery and other extraordinary treatment for the *child*;
- (b) Authorize the *child* to enlist in the armed forces of the United States;
- (c) Consent to the adoption of the *child*; and
- (d) Make other decisions of substantial legal significance concerning the *child*, but a guardian is not a conservator of the *child*’s property or estate.

(12) “Parent” means the biological or adoptive mother or the legal father of the *child*. A legal father is a man who has adopted the child or whose paternity has been established or declared under ORS 109.070, 416.400 to 416.465, or by a juvenile court. In cases involving an Indian *child* under the Indian Child Welfare Act (ICWA), a legal father includes a man who is a father under applicable tribal law. “Parent” also includes a putative father who has demonstrated a direct and significant commitment to the *child* by assuming or attempting to assume responsibilities normally associated with parenthood unless a court finds that the putative father is not the legal father.

(13) “Permanency Committee” means a group of three persons, who are responsible for making a recommendation regarding a *child*’s *permanency plan* when the *child* likely is not returning to his or her *parent*.

(a) A *Permanency Committee* must:

- (A) Include two Department staff and may include a community partner, all of whom are approved by the District Manager or designee;
 - (B) When the *child* is an ICWA *child*, and a *Permanency Committee* is appropriate, identify a person from a federally recognized tribe as one of the three persons on the committee; and
 - (C) Have an identified chairperson approved by the District Manager or designee.
- (b) The *Permanency Committee* members must:
- (A) Be knowledgeable of permanency issues;
 - (B) Be knowledgeable of the importance of cultural connections;
 - (C) Have no personal or professional relationship to the *child* or prospective placement resource; and
 - (D) Represent multiple child welfare offices.

(14) “Permanency plan” means a written course of action for achieving safe and lasting family resources for the *child*. Although the plan may change as more information becomes available, the goal is to develop safe and permanent family resources with the parents, relatives, or other people who will assume legal responsibility for the *child* during the remaining years of dependency and be accessible and supportive to the *child* in adulthood.

(15) “Permanent foster care” means the out of home placement of a *child* in which there is a long-term foster care contract between each *substitute caregiver* and the Department approved by the juvenile court under which the *substitute caregiver* commits to raise a *child* in *substitute care* until the age of majority and be accessible to and supportive of the *child* into adulthood, until the court determines that APPLA — *permanent foster care* is no longer the appropriate *permanency plan* for the *child*.

(16) “Relative caregiver” means a person who operates a Department approved home providing care for a related *child* or *young adult* placed into the home by the Department.

(17) “Substitute care” means the out-of-home placement of a *child* who is in the legal or physical custody and care of the Department.

(18) “Substitute caregiver” means a *relative caregiver*, *foster parent*, or provider authorized to provide care to a *child* or *young adult* in the legal or physical custody of the Department.

(19) “Young adult” means a person 18 to 20 years of age who remains in the care and custody of the Department, and lives in *substitute care* or lives independently through the Department’s Independent Living Subsidy Program.

Stat. Auth.: ORS 418.005
Stats Implemented: ORS 418.005 & 419A.004(17)
Hist.: CWP 15-2006, f. 6-30-06, cert. ef. 7-1-06; CWP 17-2009, f. & cert. ef. 11-3-09

413-070-0532 Types of APPLA

The caseworker considers one of the following types of APPLA when considering APPLA as a *permanency plan* for a *child*:

(1) APPLA — *permanent foster care*. An APPLA — *permanent foster care* is a plan in which the *child* remains in a *substitute care* placement with a *substitute caregiver* who has:

- (a) Committed to the care and well being of the *child*; and
- (b) Entered into a *permanent foster care* agreement.

(2) APPLA — permanent connections and support. An APPLA — permanent connections and support plan is a plan in which:

(a) A *child* is in *substitute care* living with a *substitute caregiver* or living independently and receiving an *Independent Living housing subsidy* and the plan focus is not only on the *child*’s educational, vocational, health, and treatment needs, but also on the needs of the *child* to develop or maintain relationships with adults, including relatives and persons with a *caregiver relationship*, who can play a significant role in the *child*’s life after the *child* leaves *substitute care*; or

(b) A *child* is in a psychiatric residential facility, Developmental Disabilities placement, or residential treatment facility and is not going to be discharged from the facility while the Department maintains *legal custody* of the *child*.

Stat. Auth.: ORS 418.005
Stats Implemented: ORS 418.005 & 419A.004(17)
Hist.: CWP 15-2006, f. 6-30-06, cert. ef. 7-1-06; CWP 17-2009, f. & cert. ef. 11-3-09

413-070-0536 When APPLA May Be Considered

(1) The Department may consider APPLA as a *permanency plan* for a *child* or *young adult* only if the Department has determined that there is a *compelling reason* that it is not in the best interests of the *child* to implement one of the following preferred permanency plans, listed in order of preference:

- (a) Placement with a *parent*;
- (b) Placement in an adoptive home which includes permanent placement with a fit and willing relative through the adoption; or
- (c) Placement with a *legal guardian* which includes permanent placement with a fit and willing relative as a guardian.

(2) The Department considers and must develop a *permanency plan* based on the individual safety, well-being, and permanency needs of a *child*.

(3) For purposes of implementing an APPLA *permanency plan*, the Department must document and submit to the court the *compelling reason* that it is not in the best interests of the *child* to implement a more preferred *permanency plan* in circumstances that include, but are not limited to the following:

- (a) The *child* is an older teen, who has had an explanation and understands the *permanency plan* prior to rejecting all of the more preferred permanency plans.
- (b) The *child*’s tribe has identified an APPLA as the preferred plan for an Indian *child*.
- (c) The adult with whom the *child* has formed a permanent attachment currently is unable or unwilling to adopt the *child* or become the *child*’s guardian.
- (d) A *child* 14 years of age or older is unwilling to consent to adoption.

(4) The examples provided in section (3) of this rule are not intended to eliminate from consideration any more preferred *permanency plan* for a *child* in *substitute care*. Each *child*’s *permanency plan* is based on the best interests and individual needs and circumstances of the *child* and determined on an individual basis. A *child*’s age or disability is never a disqualifier for a more preferred *permanency plan*.

Stat. Auth.: ORS 418.005
Stats Implemented: ORS 109.328, 418.005
Hist.: CWP 15-2006, f. 6-30-06, cert. ef. 7-1-06; CWP 17-2009, f. & cert. ef. 11-3-09

413-070-0540 Consideration of APPLA as a Child’s Permanency Plan

The Department determines that an APPLA is the *permanency plan* for a *child* or *young adult* when all of the following requirements are met:

(1) The caseworker and supervisor review the APPLA plan and document:

- (a) The *compelling reason* why each of the more preferred permanency plans is not in the *child* or young adult’s best interests; and
- (b) The basis that an APPLA plan is the most appropriate *permanency plan* for the *child* or *young adult*.

(2) The caseworker must convene a team of individuals, knowledgeable about the *child* or young adult’s needs, to consider an APPLA permanency plan for the *child* or *young adult* when it appears that the *child* or *young adult* cannot be reunified with a *parent*, placed for adoption, or placed with a *legal guardian*.

- (a) The team must include:
 - (A) The *child* or *young adult*, unless the *child* or *young adult* refuses or is unable to participate in planning;
 - (B) The court appointed special advocate, if one has been appointed;
 - (C) A *child* or young adult’s attorney; and

ADMINISTRATIVE RULES

(D) The tribe, if the *child* is an ICWA *child*.

(B) In addition the team may include, but is not limited to:

(A) The *child* or young adult's parents (unless their parental rights have been terminated or their participation in the meeting would be harmful to the *child* or young adult);

(B) The *child* or young adult's *substitute caregiver*;

(C) The substitute caregiver's *certifier*;

(D) Relatives;

(E) Persons with a *caregiver relationship*; and

(F) Other persons with significant involvement in the *child* or young adult's life.

(3) The team must:

(a) Identify and consider how an APPLA *permanency plan* meets the *child* or young adult's needs and best interests and the requirements of OAR 413-070-0536(1);

(b) Provide the *child* or young adult and the *child* or young adult's parents an opportunity to identify available permanency resources;

(c) Consider the parents' acceptance of APPLA as a *child* or young adult and their desire for continued contact with the *child* or young adult;

(d) Consider how the *child* or young adult's *substitute caregiver* is able to meet the *child* or young adult's needs, and establish and continue cultural connections; and

(e) Consider each of the more preferred permanency plans described in OAR 413-070-0536(1).

(4) After the team has complied with section (3) of this rule, the team must document the recommended *permanency plan* and how the plan assures the safety and well-being of the *child* or young adult, achieves permanency for the *child* or young adult, and provides the *child* or young adult with support in adulthood. The recommended *permanency plan* may be one of the two APPLA permanency plans only when the plan is the most appropriate *permanency plan* for the *child* or young adult, and addresses the *child* or young adult's permanency, safety, and well being needs.

(5) When APPLA — *permanent foster care* is recommended as the most appropriate *permanency plan* for a *child* or young adult, the caseworker must meet separately with the *substitute caregiver* and the *child* to:

(a) Assess interest in and commitment to a *permanent foster care* agreement with each *substitute caregiver* as long as APPLA — *permanent foster care* is the *permanency plan* for the *child*; and

(b) Review the requirements, responsibilities, and approval process for the *permanent foster care* agreement with each *substitute caregiver*.

(6) The caseworker must meet with the child welfare program manager to review and approve the recommended APPLA *permanency plan*.

Stat. Auth.: ORS 418.005

Stats Implemented: ORS 418.005 & 419A.004(17)

Hist.: CWP 15-2006, f. 6-30-06, cert. ef. 7-1-06; CWP 17-2009, f. & cert. ef. 11-3-09

413-070-0548

Contents of APPLA Plan

(1) When the team described in OAR 413-070-0540(2) recommends APPLA as the most preferred *permanency plan*, the caseworker must document how the Department plans to address each subsection of this section in the *child* or young adult's *case plan*. The *case plan* must include the following information:

(a) Family composition, which includes the identifying information of each *parent* (unless parental rights have been terminated), *legal guardian*, and sibling.

(b) Except when parental rights have been terminated, safety threats identified in a CPS assessment under Child Welfare Policy I-AB.4, "CPS Assessment" OAR 413-015-0400 to 413-015-0485.

(c) Except when parental rights have been terminated, the ongoing safety plan as described in Child Welfare Policy I-AB.4, "CPS Assessment" OAR 413-015-0400 to 413-015-0485 and recorded in the Department's information system.

(d) A description of how the Department determined the APPLA is the most appropriate *permanency plan* for the *child* or young adult, and each *compelling reason* why the more preferred *permanency plan* options were not selected for the *child* or young adult.

(e) A description of how the *child* or young adult's attachments and relationships with each *parent*, sibling, other family member, advocate, *substitute caregiver*, and other person who provides continuity, belonging, stability, support, nurturing, and caring relationships and cultural connections for the *child* may be developed while the *child* is in *substitute care* and maintained when the *child* reaches the age of majority or the juvenile court relieves the Department of *legal custody* of the *child* or young adult. When appropriate, the description may include the following:

(A) A description of how each *parent* and sibling of the *child* or young adult may participate actively in the life of the *child* or young adult;

(B) For each existing relationship the *child* or young adult has with a permanent adult caregiver or adult parental figure who is capable of sustaining a significant relationship with the *child* or young adult, a description of how the relationship may be maintained;

(C) A description of how relationships with relatives and other persons involved in the *child* or young adult's life may be developed and maintained;

(D) Current placement information including the location of the *child* or young adult when the *substitute caregiver* authorizes release of the address, except when doing so would jeopardize the safety of the *child*.

(E) The *child* or young adult's record of visits with his or her parents or siblings.

(f) When applicable, a description of the plan to transition a developmentally delayed *child* to an appropriate program for adults who are developmentally delayed.

(g) The comprehensive transition plan required by Child Welfare Policy I-B.2.3.5, "Youth Transitions" OAR 413-030-0400 to 413-030-0460 for any *child* 14 years of age or older and services that prepare the *child* to transition to adulthood.

(h) A description of the reasonable efforts made by the Department to put the services and structures described in this rule in place to meet the needs of the *child* and to enhance the stability of the *child*'s living arrangement when the *child* is not living with a specified adult.

(i) A description of the services the Department must provide to ensure the emotional, medical, educational, cultural, and physical needs of the *child* or young adult are being met, including:

(A) The *child* or young adult's health information, which documents the *child* or young adult's specialized medical, dental, and mental health services; and

(B) The *child* or young adult's education services, including the school or educational placement history of the *child* or young adult, high school credits earned for a *child* over 14 years of age or a young adult, and any special educational needs.

(j) The services required to prepare the *child* or young adult to live in the least restrictive setting possible at the most appropriate time.

(k) The services that may make it possible to achieve a more preferred *permanency plan* listed in OAR 413-070-0536(1) for the *child* or young adult.

(1) The services the Department may continue to make available to the *child* or young adult's parents, upon request, that continue to be in the best interests of the *child* or young adult.

(2) Except when parental rights have been terminated or the Department is unable to obtain the signature of the *parent* or *legal guardian*, the *case plan* must include the signature of the caseworker, the supervisor, and each *parent* or *legal guardian* as described in Child Welfare Policy I-B.3.1, "Developing and Managing the Case Plan" OAR 413-040-0000 to 413-040-0032.

Stat. Auth.: ORS 418.005

Stats Implemented: ORS 418.005 & 419A.004(17)

Hist.: CWP 15-2006, f. 6-30-06, cert. ef. 7-1-06; CWP 17-2009, f. & cert. ef. 11-3-09

413-070-0550

Review and Approval of an APPLA Permanency Plan

(1) The caseworker must schedule a review of the recommended APPLA *permanency plan* with a *Permanency Committee* within 30 days of the approval of the team described in OAR 413-070-0540(2). At this review, the *Permanency Committee* must:

(a) Receive comments in person or in writing from the caseworker, *child*'s attorney, court appointed special advocate, *substitute caregiver*, and the *child* (when appropriate);

(b) Review the needs of the *child* or young adult;

(c) When the plan is APPLA — *permanent foster care*, review the substitute caregiver's certification record to ensure the family is able to meet the long-term needs of the *child*;

(d) Review the proposed APPLA plan for the *child* or young adult; and

(e) Determine whether to recommend the proposed APPLA plan to the court for approval.

(2) When the proposed APPLA plan is not approved by the *Permanency Committee*, and the caseworker, the supervisor, the *child* or young adult, or the *child* or young adult's *substitute caregiver*, attorney, or court appointed special advocate is opposed to the *Permanency Committee* decision, the caseworker, the supervisor, the *child* or young adult, or the *child* or young adult's *substitute caregiver*, attorney, or court appointed spe-

ADMINISTRATIVE RULES

cial advocate may submit a written request for a review of the decision to the District Manager within 30 days of the Permanency Committee's recommendation.

(a) Within 30 days of receipt of the written request for review of the *Permanency Committee* recommendation, the District Manager or designee must complete a review of all written materials submitted to the *Permanency Committee*.

(b) Upon completing the review, the District Manager or designee must provide written notice to the *child* or young adult's caseworker, supervisor, and any other party who requested the review that either:

(A) The *Permanency Committee* recommendation not to approve the APPLA plan is affirmed, and the caseworker is directed to reconvene the team described in OAR 413-070-0540(2) to reconsider the *child* or young adult's permanency options; or

(B) The Permanency Committee's decision not to approve the APPLA plan is reversed, the APPLA plan is recommended, and the caseworker is directed to proceed with the APPLA plan.

(3) After any review has been completed, within 30 days of approval of the recommended APPLA plan as the permanent plan, the caseworker must request a permanency hearing before the court, requesting the court to consider and approve the APPLA plan. At the court hearing the caseworker must:

(a) Recommend that the court issue an order approving the APPLA plan;

(b) Set forth the compelling reasons why it would not be in the best interests of the *child* or *young adult* to return home, be placed for adoption, or be placed with a guardian;

(c) Set forth a timetable for the *child* or young adult's placement in another planned permanent living arrangement;

(d) Set forth the reasonable services the Department may offer each *parent* to meet the best interests of the *child* or *young adult* until a more preferred *permanency plan* is achieved, the *child* reaches the age of majority, reaches independence, or the juvenile court relieves the Department of *legal custody* of the *child* or *young adult*; and

(e) Set forth the type and amount of *parent-child* and *child-sibling* contact and involvement until a more preferred *permanency plan* is achieved, the *child* reaches age of majority, reaches independence, or the juvenile court relieves the Department of *legal custody* of the *child* or *young adult*.

(f) When the court previously has ordered or the Department recommends that no contact be allowed between *parent* and *child* or *child* and sibling, the caseworker must request that the court issue a standing protective order, including the reasons why no contact is allowed.

(4) When the APPLA plan does not receive approval at any time during the process described in this rule, within 30 days the caseworker must:

(a) Inform the *child* or *young adult*, the *child* or young adult's substitute caregivers, the *child* or young adult's parents, the *child* or young adult's attorney, the child's court appointed special advocate, and other persons with significant involvement in the *child* or young adult's life; and

(b) Reconvene the team described in OAR 413-070-0540(2) to reconsider the *child* or young adult's other permanency options.

Stat. Auth.: ORS 418.005

Stats Implemented: ORS 418.005 & 419A.004(17)

Hist.: CWP 17-2009, f. & cert. ef. 11-3-09

413-070-0552

Ongoing Department Responsibilities

(1) When APPLA is the court approved *permanency plan* for a *child* or *young adult* in the Department's *legal custody*, the *child* or young adult's caseworker must:

(a) Discuss the *child* or young adult's needs with the *substitute caregiver* and the *child* or *young adult* during face to face and other contacts, and routinely discuss needs, benefits, barriers, and solutions towards achieving a more preferred permanency option;

(b) Have contact with the *child* or *young adult*, with the *substitute caregiver*, and monitor *child* or *young adult* safety as described in Child Welfare Policy I-B.1, "Monitoring Child Safety" OAR 413-080-0040 to 413-080-0067;

(c) Provide timely assessment and services for identified needs of the *child* or *young adult*, the *child* or young adult's *substitute caregiver*, or the *child* or young adult's parents;

(d) As soon as possible after the *child* reaches 14 years of age initiate comprehensive transition planning as described in Child Welfare Policy I-B.2.3.5, "Youth Transitions" OAR 413-030-0400 to 413-030-0460;

(e) Ensure an annual review of Department efforts to identify and contact a *child* or young adult's relatives and efforts to place with or devel-

op and maintain a *child* or young adult's connection and support with relatives is completed.

(f) Monitor the *case plan* and complete the required *case plan* reviews; and

(g) Submit to the court and to the citizen review board the *case plan* updates required in Child Welfare Policy I-I.2, "Narrative Recording", and, when the APPLA plan is APPLA — *permanent foster care*, submit a copy of the *permanent foster care* agreement.

(2) In addition to the requirements of section (1) of this rule, when the *child* or *young adult* has an approved APPLA — *permanent foster care* plan:

(a) The Department must continue to assess requirements for certification of a foster home pursuant to Child Welfare Policy II-B.1.1, "Department Responsibilities for Certification and Supervision of Relative Caregivers, Foster Parents, and Pre-Adoptive Parents" OAR 413-200-0270 to 413-200-0296; and

(b) The *substitute caregiver* must:

(A) Maintain a current Certificate of Approval and follow the requirements of the Department pursuant to Child Welfare Policy II-B.1, "Certification Standards for Foster Parents, Relative Caregivers, and Pre-Adoptive Parents" OAR 413-200-0301 to 413-200-0396;

(B) Follow the requirements of the Department regarding a *child* or young adult's education, medical care, mental health care, and other services requested by the Department to meet the needs of the *child* or *young adult*;

(C) Maintain residence in the state of Oregon unless the ICPC referral has been submitted to the receiving state and approval to move has been obtained from the Department and the court prior to the move outside of Oregon; and

(D) Maintain residence in the ICPC approved state if the *substitute caregiver* lives in another state.

Stat. Auth.: ORS 418.005

Stats Implemented: ORS 418.005 & 419A.004(17)

Hist.: CWP 15-2006, f. 6-30-06, cert. ef. 7-1-06; CWP 17-2009, f. & cert. ef. 11-3-09

413-070-0556

APPLA Permanency Plan Reviews

(1) The caseworker must review the APPLA *case plan* at least every six months and the review must occur prior to a review by the court or citizen review board as required by ORS 419B.470 and 419A.106(1) respectively.

(a) The review must take place in a face-to-face meeting with the *child* or *young adult*, and may include members of the team described in OAR 413-070-0540(2).

(A) When appropriate, the meeting may include a *parent* or *legal guardian*, unless the *parent* or *legal guardian* is not available for the review. When a *parent* or *legal guardian* is unavailable, the caseworker must document the reason the *parent* or *legal guardian* was unavailable and the efforts made to involve the *parent* or *legal guardian*.

(B) During the meeting the caseworker must consider input received from the *child* or *young adult*, other participants in the meeting, and other information received from service providers, substitute caregivers, a *child* or young adult's attorney, a *child* or young adult's court appointed special advocate, the tribe if the *child* is an ICWA *child*, persons with significant attachments to the *child* or *young adult*, and a *child* or young adult's relatives.

(b) After the meeting described in subsection (a) of this section, the caseworker must document in the case record:

(A) Whether the current placement continues to be the least restrictive setting available to meet the safety and permanency needs of the *child* or *young adult*; or

(B) Whether a more permanent *permanency plan*, such as reunification, adoption, or guardianship is more appropriate for the *child* or *young adult*.

(2) When an APPLA has been approved by the court as the *permanency plan* for a *child* or *young adult* in the *legal custody* of the Department, the Department must notify the court and request a review or permanency hearing:

(a) Not less frequently than once every 12 months while the *child* or *young adult* remains in *substitute care* in accordance with ORS 419B.470(2).

(b) Unless good cause is shown, at any time upon the request of the Department, a *substitute caregiver* directly responsible for the care of the *child* or *young adult*, a *parent* of the *child* or *young adult*, an attorney for the *child* or *young adult*, a court appointed special advocate, or a citizen review board in accordance with ORS 419B.470(5).

ADMINISTRATIVE RULES

(c) By the citizen review board no less frequently than every six months in accordance with ORS 419A.106(1)(a) unless the court has relieved the citizen review board of its responsibility to review a case in accordance with ORS 419A.106(1)(b).

(d) Within 90 days of a change of *substitute care* placement.

Stat. Auth.: ORS 418.005

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

Hist.: CWP 15-2006, f. 6-30-06, cert. ef. 7-1-06; CWP 17-2009, f. & cert. ef. 11-3-09

413-070-0565

Termination of APPLA

(1) The APPLA — Permanent Connections and Support must be terminated when:

(a) Court wardship is terminated;

(b) The court relieves the Department of *legal custody* of the *child* or *young adult*; or

(c) The court determines that APPLA — Permanent Connections and Support is no longer the appropriate *permanency plan* for the *child* or *young adult*.

(2) The APPLA — *permanent foster care* plan and agreement must be terminated when:

(a) The *child* reaches the age of majority under ORS 419A.004(17);

(b) Court wardship is terminated;

(c) The court determines that APPLA — *permanent foster care* is no longer the appropriate *permanency plan* for the *child*;

(d) One of the more preferred permanency plans described in OAR 413-070-0536(1) is achieved;

(e) The Department and the *substitute caregiver* mutually consent to termination;

(f) The *foster parent* or *relative caregiver* fails to maintain a current Certificate of Approval in accordance to Child Welfare Policies II-B.1, “Certification Standards for Foster Parents, Relative Caregivers, and Pre-Adoptive Parents” OAR 413-200-0301 to 413-200-0396 and II-B.1.1, “Department Responsibilities for Certification and Supervision of Relative Caregivers, Foster Parents and Pre-Adoptive Parents” OAR 413-200-0270 to 413-200-0296, including when the certificate has been revoked or denied;

(g) The *child* or *young adult* is removed from the *substitute caregiver* by the Department; or

(h) The *child* or *young adult* requests, and the Department approves, termination of the agreement because of serious or extraordinary circumstances.

(3) The Department must provide written notification to the court of any change in the placement of the *child* or *young adult*.

(4) If a *child* or *young adult* is removed from court approved APPLA — *permanent foster care*, the caseworker must request a permanency hearing within three months after the date of the change in placement to review the *permanency plan* for the *child* or *young adult* under ORS 419B.470(3).

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 419A.004(17) & 419B.470

Hist.: CWP 17-2009, f. & cert. ef. 11-3-09

.....
**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 32-2009(Temp)

Filed with Sec. of State: 10-29-2009

Certified to be Effective: 10-29-09 thru 1-28-10

Notice Publication Date:

Rules Amended: 461-125-0170

Rules Suspended: 461-125-0170(T)

Subject: OAR 461-125-0170 which was amended by temporary rule on August 1, 2009 and concerns how the Department determines if deprivation due to the underemployment or unemployment of a primary wage earner in a two parent household exists for clients in the Medical Assistance Assumed (MAA) and Temporary Assistance for Needy Families (TANF) programs is being amended to state that its provisions apply to MAA program clients, when a need group may not be denied TANF program benefits based on this rule, and cross-reference definitions for “good cause” and “misconduct” in OAR 461-135-0070. This rule also is being amended to maintain consistency among TANF program eligibility determinations for two parent households under this rule and those for single parent households under OAR 46-135-0070 that becomes permanent on October 29, 2009.

tency among TANF program eligibility determinations for two parent households under this rule and those for single parent households under OAR 46-135-0070 that becomes permanent on October 29, 2009.

Rules Coordinator: Annette Tesch—(503) 945-6067

461-125-0170

Deprivation Based on Unemployment or Underemployment of the Primary Wage Earner (PWE); TANF

(1) In the MAA and TANF programs, deprivation based on the unemployment or underemployment of the primary wage earner (PWE) exists if all the following are true:

(a) A child lives with two parents.

(b) The PWE is unemployed or underemployed.

(c) The PWE is not participating in a labor dispute.

(d) Except as provided otherwise under section (2) of this rule, the PWE is not separated from his or her *most recent employment* (see OAR 461-135-0070) for any of the following reasons:

(A) Discharged or fired for:

(i) *Misconduct* (see OAR 461-135-0070); or

(ii) Felony or theft.

(B) Voluntary quit:

(i) In anticipation of discharge; or

(ii) Without *good cause* (see OAR 461-135-0070).

(2) A *need group* (see OAR 461-110-0630) may not be denied TANF program benefits based on subsections (1)(c) and (d) of this rule if the PWE is one of the following:

(a) A Parents as Scholars (PAS) participant who temporarily becomes ineligible for TANF program benefits for four months or less due to income from a *paid work experience* (see OAR 461-190-0199).

(b) A teen parent returning to high school or equivalent.

(c) An individual fleeing from or at risk of domestic violence.

(d) An individual in the ninth month of pregnancy or experiencing a medical complication due to the pregnancy which is documented by a qualified and appropriate professional.

(e) An individual unable to work due to a disability or medical condition documented by a qualified and appropriate professional, and which is expected to last for 30 days or more from the *date of request* for TANF program benefits.

(f) An individual who is separated from his or her most recent employment for a reason the Department determines is *good cause*.

Stat. Auth.: ORS 411.060, 412.006, 412.016 & 412.049

Stats. Implemented: ORS 411.060, 411.070, 412.006, 412.016, 412.049 & 2009 OL Ch. 827

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 12-1990, f. 3-30-90, cert. ef. 4-1-90;

AFS 28-1992, f. & cert. ef. 10-1-92; AFS 23-1994, f. 9-29-94, cert. ef. 10-1-94; AFS 13-

1995, f. 6-29-95, cert. ef. 7-1-95; AFS 27-1996, f. 6-27-96, cert. ef. 7-1-96; AFS 3-1997, f.

3-31-97, cert. ef. 4-1-97; AFS 9-1997, f. & cert. ef. 7-1-97; AFS 8-1998, f. 4-28-98, cert. ef.

5-1-98; SSP 18-2009(Temp), f. 7-29-09, cert. ef. 8-1-09 thru 1-28-10; SSP 32-2009(Temp),

f. & cert. ef. 10-29-09 thru 1-28-10

.....

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

Adm. Order No.: SSP 33-2009

Filed with Sec. of State: 10-29-2009

Certified to be Effective: 10-29-09

Notice Publication Date: 8-1-2009

Rules Amended: 461-135-0070

Subject: OAR 461-135-0070 about the specific eligibility (decision as to whether an individual qualifies, under financial and nonfinancial requirements, to receive program benefits) requirements in the Medical Assistance Assumed (MAA), Medical Assistance to Families (MAF) and Temporary Assistance for Needy Families (TANF) programs is being amended to state the definition for the term “most recent employment” is the last job a caretaker relative in the need group held within the previous 12 months from the date of request for Temporary Assistance for Needy Families (TANF) program benefits and worked or was scheduled to work 100 or more hours in the last full calendar month of employment. This rule also is being amended to state that a need group is not eligible for TANF program benefits if a caretaker relative in the need group, was separated from his or her most recent employment because he or she was discharged for misconduct, a felony, or theft; due to a labor dispute; or voluntarily quit in anticipation of discharge or quitting or without good cause, unless the caretaker relative was a Parents as Scholars (PAS)

ADMINISTRATIVE RULES

program participant who temporarily became ineligible for TANF program benefits for four months or less due to income from a paid work experience. In addition, this rule is being amended to state that when the need group is not eligible for TANF program benefits solely under the job separation provisions noted above, the need group is still eligible for Medical Assistance Assumed MAA or MAF program benefits as long as the need group meets all other eligibility requirements.

Rules Coordinator: Annette Tesch—(503) 945-6067

461-135-0070

Specific Requirements; MAA, MAF, and TANF

(1) To be eligible for MAA, MAF, or TANF program benefits, a client must be one of the following:

(a) A *dependent child* (see OAR 461-001-0000). However, a dependent child for whom foster care payments are made for more than 30 days is not eligible while the payments are being made for the *dependent child*.

(b) A *caretaker relative* (see OAR 461-001-0000) of an eligible dependent child. However, a *caretaker relative* to whom foster care payments are made for more than 30 days is not eligible while the payments are being made to the *caretaker relative*.

(c) A *caretaker relative* of a *dependent child*, when the dependent child is ineligible for MAA, MAF, or TANF program benefits because of one of the following reasons:

(A) The child is receiving SSI.

(B) The child is in foster care, but is expected to return home within 30 days.

(C) The child is ineligible for MAA or MAF program benefits because citizenship has not been documented (see OAR 461-115-0705).

(d) An essential person. An essential person is a member of the *household group* (see OAR 461-110-0210) who:

(A) Is not required to be in the filing group;

(B) Provides a service necessary to the health or protection of a member of the *benefit group* (see OAR 461-110-0750) who has a mental or physical disability; and

(C) Is less expensive to include in the *benefit group* than the cost of purchasing this service from another source.

(e) A parent of an unborn, as follows:

(A) For the TANF and MAA programs, any parent whose only child is an unborn child once the mother's pregnancy has reached the calendar month before the month in which the due date falls.

(B) For the TANF and MAA programs, the father of an unborn child, if there is another *dependent child* in the filing group.

(C) For the MAF program, a mother whose only child is an unborn once the mother's pregnancy has reached the calendar month immediately before the month in which the due date falls.

(2) A client is eligible for MAA or MAF program benefits if the client is:

(a) Eligible for MAA or MAF program benefits under OAR 461-135-0010; or

(b) A *minor parent* (see OAR 461-001-0000) ineligible for TANF program benefits only because:

(A) The minor refuses to live with a parent or legal guardian as required by OAR 461-135-0080; or

(B) The income of the minor exceeds the income standards because the Department required the minor to return to live with a parent, if the *minor parent* meets the conditions in OAR 461-135-0080(2).

(3) As used in this rule and OAR 461-125-0170:

(a) "Good cause" means a reasonable person of normal sensitivity, exercising ordinary common sense, would leave work. For an individual with a physical or mental impairment (as defined at 29 CFR 1630.2(h)) *good cause* for voluntarily leaving work is such that a reasonable person with the characteristics and qualities of such individual would leave work.

(b) "Misconduct" means willful or wantonly negligent violation of the standards of behavior which an employer has the right to expect of an employee, including an act or series of actions that amount to a willful or wantonly negligent disregard of an employer's interest.

(c) "Most recent employment" means the last job held within the previous 12 months from the *date of request* (see OAR 461-115-0030) for TANF program benefits and for which the individual was hired to work 100 or more hours per month or worked or was scheduled to work 100 or more hours in the last full calendar month of employment.

(4) Except as provided under section (5) of this rule, a *need group* (see OAR 461-110-0630) is not eligible for TANF program benefits if a

caretaker relative in the *need group* was separated from his or her *most recent employment* for any of the following reasons:

(a) Discharged or fired for:

(A) *Misconduct*; or

(B) Felony or theft.

(b) Labor dispute; or

(c) Voluntary quit:

(A) In anticipation of discharge; or

(B) Without *good cause*.

(5) A *need group* (see OAR 461-110-0630) may not be denied TANF program benefits based on section (4) of this rule if the *caretaker relative* is one of the following:

(a) A Parents as Scholars (PAS) participant who temporarily becomes ineligible for TANF program benefits for four months or less due to income from a *paid work experience* (see OAR 461-190-0199).

(b) A teen parent returning to high school or equivalent.

(c) An individual fleeing from or at risk of domestic violence.

(d) An individual in the ninth month of pregnancy or experiencing a medical complication due to the pregnancy which is documented by a qualified and appropriate professional.

(e) An individual unable to work due to a disability or medical condition documented by a qualified and appropriate professional, and which is expected to last for 30 days or more from the *date of request* for TANF program benefits.

(f) An individual who is separated from his or her *most recent employment* for a reason the Department determines is *good cause*.

(6) If the *need group* is not eligible for TANF program benefits solely under section (4) of this rule, the *need group* is eligible for MAA or MAF program benefits as long as the *need group* meets all other *eligibility* (see OAR 461-001-0000) requirements.

(7) A client is eligible for MAF program benefits even while ineligible for TANF program benefits if the client is ineligible for TANF program benefits only because the client is:

(a) A family who would be eligible for the TANF program benefits if allowed the following deductions from income:

(A) The earned income deductions authorized by OAR 461-160-0190.

(B) The unearned income support deduction authorized by OAR 461-160-0200.

(b) A self-employed family who would be eligible for TANF program benefits if the cost of producing the self employment income was subtracted from the gross sales or receipts under OAR 461-145-0920.

(c) A family that includes an ineligible non citizen or the father of an unborn who would be eligible for TANF program benefits if the ineligible non citizen's or father's income is counted under OAR 461-160-0120.

(d) An individual who would be eligible for TANF program benefits if the assets of the following household members were not counted:

(A) An unmarried parent of a *dependent child* or unborn in the *eligibility group*.

(B) A child in common of parents in the *eligibility group*.

(C) The spouse and each child of a *caretaker relative* in the *need group*.

(e) The spouse of a *caretaker relative*, but only if the spouse is the parent of a *dependent child*.

(8) A family is ineligible for TANF program benefits if the family meets the requirements of all of the following subsections:

(a) The family lives in Klamath County.

(b) The family meets any of the following conditions:

(A) The family has a single custodial parent who is a member of the Klamath Tribes, or the single custodial parent is not a Klamath Tribes member and at least 50 percent of the dependent children are Klamath Tribes members;

(B) The family has two *custodial parents* (see OAR 461-001-0000) who are members of the Klamath Tribes, or only one of the two *custodial parents* is a Klamath Tribes member and at least 50 percent of the dependent children are Klamath Tribes members; or

(C) The family has a *caretaker relative* who is not the custodial parent and at least 50 percent of the dependent children are Klamath Tribes members.

(c) The family is eligible for the Klamath Tribes TANF program or would be eligible for the Klamath Tribes TANF program if not for the failure of the family to cooperate with program requirements.

(9) A family is ineligible for TANF program benefits if all of the following subsections apply to the family:

ADMINISTRATIVE RULES

(a) A parent, *caretaker relative*, or child is a member of the Siletz Tribe (Confederated Tribes of Siletz Indians of Oregon) and lives in one of the eleven service area counties: Benton, Clackamas, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Tillamook, Washington, or Yamhill counties.

(b) The family includes members who are living in the same household and at least one of the following paragraphs applies:

(A) A two-parent family with one enrolled Siletz tribal member with a shared dependent.

(B) A single-parent family with one enrolled Siletz tribal member.

(C) A non-needy caretaker relative or essential person with one enrolled Siletz tribal member who is a minor.

(D) A pregnant enrolled Siletz tribal member in her eighth month of pregnancy.

(c) The family is eligible for the Siletz Tribes TANF program or would be eligible for the Siletz Tribes TANF program if not for the failure of the family to cooperate with Siletz TANF program requirements.

(10) If a parent or *caretaker relative* covered by section (8) or (9) of this rule fails to follow through with a Department referral to the Klamath or Siletz Tribal TANF program, the entire filing group is ineligible for TANF program benefits.

Stat. Auth.: ORS 411.060, 411.070, 411.816, 412.006, 412.049, 412.064, 412.124 & 414.042
Stats. Implemented: ORS 411.060, 414.047, 412.049 & 2009 OR Laws Ch. 827
Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 9-1991, f. 3-29-91, cert. ef. 4-1-91; AFS 13-1991, f. & cert. ef. 7-1-91; AFS 19-1993, f. & cert. ef. 10-1-93; AFS 26-1996, f. 6-27-96, cert. ef. 7-1-96; AFS 9-1997, f. & cert. ef. 7-1-97; AFS 19-1997, f. & cert. ef. 10-1-97; AFS 25-1997(Temp), f. 12-31-97, cert. ef. 1-1-98 thru 4-30-98; AFS 8-1998, f. 4-28-98, cert. ef. 5-1-98; AFS 17-1998, f. & cert. ef. 10-1-98; AFS 26-1998(Temp), f. 12-30-98, cert. ef. 1-1-99 thru 3-31-99; AFS 2-1999, f. 3-26-99, cert. ef. 4-1-99; AFS 15-1999, f. 11-30-99, cert. ef. 12-1-99; AFS 34-2000, f. 12-22-00, cert. ef. 1-1-01; SSP 15-2006, f. 12-29-06, cert. ef. 1-1-07; 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 8-2009(Temp), f. 4-20-09, cert. ef. 5-1-09 thru 10-28-09; SSP 19-2009(Temp), f. 7-29-09, cert. ef. 8-1-09 thru 10-28-09; SSP 33-2009, f. & cert. ef. 10-29-09

.....

Department of Justice Chapter 137

Rule Caption: Temporary modifications, and manner in which child support and cash medical support is calculated.

Adm. Order No.: DOJ 13-2009

Filed with Sec. of State: 10-30-2009

Certified to be Effective: 10-30-09

Notice Publication Date: 9-1-2009

Rules Adopted: 137-050-0485

Rules Amended: 137-050-0320, 137-050-0330, 137-050-0340, 137-050-0360, 137-050-0420, 137-050-0430, 137-050-0475, 137-055-2140, 137-055-2165, 137-055-3420, 137-055-3430

Rules Repealed: 137-050-0320(T), 137-050-0330(T), 137-050-0340(T), 137-050-0360(T), 137-050-0420(T), 137-050-0430(T), 137-050-0475(T), 137-050-0485(T), 137-055-2140(T), 137-055-2165(T), 137-055-3420(T), 137-055-3430(T)

Subject: These rules replace the temporary rules filed in May of 2009, making the following amendments permanent:

OAR 137-050-0485 is adopted to say there is a rebuttal presumption that an obligor can pay \$100 per month, even when a support calculation falls below that amount. Exceptions are allowed: for obligors who are incarcerated and have no assets, obligors whose sole source of income is disability, obligors who receive public benefits, and parents who share 50/50 parenting time.

OAR 137-050-0320 is amended to change the definition of "modified gross income." If the parent is ordered to provide health care coverage under OAR 137-050-0410, the cost associated with enrolling the parent in an insurance plan is allowed to be deducted from "modified gross income."

OAR 137-050-0330 is amended to change the sequence in which cash medical support is calculated. Cash medical support is to be calculated after any ability to pay determination has been completed.

OAR 137-050-0340 is amended to move the presumption of income for a parent receiving Temporary Assistance to Needy Families (TANF) to the Imputing Income rule, OAR 137-050-0360, which is a more appropriate rule for this provision.

OAR 137-050-0360 is amended to shift the burden of proving whether a parent can earn income at a presumed level for temporary modifications. The presumption of ability to earn remains the same

for new orders and permanent modifications. Additionally, income presumptions for a TANF parent are moved to this rule from OAR 137-050-0340, Gross Income.

OAR 137-050-0420 is amended to place a cap on child care costs. A new table is added based on definitions and maximums in tables in the Department of Human Services Employment-Related Day Care standards rules.

OAR 137-050-0430 is amended to clarify that if obligor income is equal to or less than full time state minimum wage, cash medical support is not reasonable in cost. Additionally, if the ability to pay rule applies (OAR 137-050-0475), any reduction in support must first happen to cash medical support. An amendment is also made to clarify that the \$250 threshold for medical expenses applies regardless of whether private health care coverage is provided.

OAR 137-050-0475 is amended to clarify that if support is reduced, it is reduced first from cash medical support.

OAR 137-055-2140 is amended to clarify that the Office of Administrative Hearings (OAH) may enter default orders on cases in which temporary modifications have been initiated under OAR 137-055-3430. The rule is also amended to clarify that OAH may dismiss a temporary modification if the requesting party fails to appear for a scheduled hearing.

OAR 137-055-2165 is amended to clarify that a party will be denied a hearing reschedule request if it has been more than 60 days since notice of the hearing cancellation was issued.

OAR 137-055-3420 is amended to clarify that when an order is suspended and temporarily modified under ORS 416.425(13)(2009 HB 2275) the suspension and temporary modification do not affect whether an order may be reviewed for compliance with the guidelines. Procedural steps formerly outlined in rule are removed.

OAR 137-055-3430 is amended to define a temporary modification and employment-related change of income. Verbal requests for temporary modifications are allowed under the rule. Additionally, expedited consent and hearing processes are specifically allowed. Procedural steps formerly outlined in rule are removed.

Rules Coordinator: Vicki Tungate—(503) 986-6086

137-050-0320

Definitions

(1) OAR 137-050-0330 through 137-050-0490 constitute the formula for determining child support awards as required by ORS 25.275. For purposes of OAR 137-050-0320 to 137-050-0490, unless the context requires otherwise, the following definitions apply:

(2) "Adjusted gross income" means modified gross income minus deductions for the nonjoint child(ren) as allowed by OAR 137-050-0400 and plus Social Security or Veterans' benefits as allowed by OAR 137-050-0405.

(3) "Apportioned Veterans' benefits" means the amount the Veterans Administration deducts from the veteran's award and disburses to the child or his or her representative payee. The apportionment of Veterans' benefits is determined by the Veterans Administration and is governed by 38 CFR 3.450 through 3.458.

(4) Health care coverage, as defined in ORS 25.321, is "appropriate" when the coverage is:

(a) Reasonable in cost, as defined in OAR 137-050-0410;

(b) Accessible, as defined in OAR 137-050-0410; and

(c) Comprehensive, as defined in OAR 137-050-0410.

(5) "Basic child support obligation" means the support obligation determined by applying the parent's adjusted gross income, or if there are two parents, their combined adjusted gross income, to the scale in the manner set out in OAR 137-050-0490.

(6) "Cash medical support" means an amount ordered to be paid toward the cost of health care coverage, including premiums, provided by a government sponsored health care program or by another parent through employment or otherwise, and copayments, deductibles and other medical expenses not covered by a health benefit plan. See also section (12) of this rule.

(7) "Child attending school" has the meaning given in ORS 107.108 and OAR 137-055-5110.

(8) "Gross income" means the income of the parent calculated pursuant to OAR 137-050-0340, 137-050-0350 and 137-050-0360.

ADMINISTRATIVE RULES

(9) "Joint child" means the dependent child who is the son or daughter of both parents involved in the support proceeding. In those cases where support is sought from only one parent of a child, a joint child is the child for whom support is sought.

(10) "Low income adjustment" means the child support scale amount appropriate for a low income obligor under the provisions of OAR 137-050-0465, determined by applying the lesser of:

(a) The parents' pro rata share of the basic support obligation; or

(b) The support obligation determined by applying the parents' single modified gross income to the scale in the manner set out in OAR 137 050 0490.

(11) "Medical child support" includes health care coverage and cash medical support and is considered child support for purposes of establishing and enforcing child support orders.

(12) "Medical support" has the meaning given in ORS 25.321 and for purposes of OAR 137-050-0310 through 137-050-0490, 137-055-4620 and 137-055-4640 will be known as "cash medical support".

(13) "Modified gross income" means gross income:

(a) Minus any mandatory contribution to a labor organization;

(b) Plus or minus court ordered spousal support as allowed by OAR 137-050-0390; and

(c) If health care coverage is ordered under OAR 137-050-0410 and is appropriate, minus any cost associated with enrolling the providing party in the insurance if necessary to insure the child.

(14) "Nonjoint child" means:

(a) The legal child of one, but not both of the parents subject to this determination; or

(b) A legal child of the parent other than the child for whom support is being sought when establishing a one parent order as allowed by OAR 137-050-0490.

(c) Specifically excluded from this definition are stepchildren.

(15) "Parent A" means the parent who has more than 50 percent of the overall parenting time with the joint child(ren) as calculated in OAR 137-050-0450. If the child(ren) is in the physical custody of the Department of Human Services or the Oregon Youth Authority or another person who is not the child's parent, there will be no Parent A for purposes of calculating child support.

(16) "Parent B" means the parent who has less than 50 percent of the overall parenting time with the joint child(ren) as calculated in OAR 137-050-0450, or a parent whose child(ren) is in the physical custody of the Department of Human Services or the Oregon Youth Authority or another person who is not the child's parent.

(17) "Parenting time" means the amount of time the child(ren) is scheduled to spend with a parent according to a current written agreement between the parents or a court order.

(18) The parent having "primary physical custody" means the parent who provides the primary residence for the child(ren) and is responsible for the majority of the day-to-day decisions concerning the child(ren).

(19) "Providing party" has the meaning given in ORS 25.321 and for purposes of OAR 137-050-0310 through 137-050-0490, 137-055-3340, 137-055-4620 and 137-055-4640 includes a party ordered to provide cash medical support.

(20) "Public health care coverage" means health care coverage provided by a government sponsored health care program that provides medical benefits for children.

(21) "Social Security benefits" means the monthly amount the Social Security Administration pays to a joint child or his or her representative payee due solely to the disability or retirement of either parent. Specifically excluded from this definition are benefits paid to a parent due to the disability of a child.

(22) "Split custody" means that each parent in a two parent calculation has primary physical custody of at least one of the joint children.

(23) "Survivors' and Dependents' Educational Assistance" are funds disbursed by the Veterans Administration under 38 USC Chapter 35, to the child or his or her representative payee.

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

Stat. Auth.: ORS 25.270, 25.290 & 107.108 & 180.345

Stats. Implemented: ORS 25.270, 25.290 & 107.135

Hist.: JD 3-1989, f. 10-2-89, cert. ef. 10-3-89; JD 8-1990, f. 11-21-90, cert. ef. 1-1-91; JD 4-1994, f. 10-4-94, cert. ef. 10-15-94; DOJ 1-1999, f. 1-15-99, cert. ef. 3-1-99; DOJ 4-1999, f. 8-27-99, cert. ef. 9-1-99; DOJ 3-2003, f. 4-7-03 cert. ef. 5-12-03; DOJ 9-2003, f. 9-29-03, cert. ef. 10-1-03; DOJ 8-2007, f. 9-28-07, cert. ef. 10-1-07; DOJ 4-2009(Temp), f. 5-6-09, cert. ef. 5-7-09 thru 11-1-09; DOJ 13-2009, f. & cert. ef. 10-30-09

137-050-0330

Computation of Individual Child Support Obligations

To determine the amount of support owed by a parent follow the procedure set forth in this rule.

(1) Determine "Parent A" and "Parent B".

(2) Determine the "gross income" of each parent.

(3) Determine the "modified gross income" of each parent.

(4) Determine the "adjusted gross income" of each parent, and if there are two parents, the combined Aadjusted gross income."

(5) If there are two parents, determine the percentage contribution of each parent to the combined adjusted gross income by dividing the combined adjusted gross income into each parent's adjusted gross income.

(6) Determine the "basic child support obligation."

(7) Determine the basic child support obligation for joint *minor* children by dividing the "basic child support obligation" from section (6) by the total number of joint children and then multiply that figure by the number of joint minor children.

(8) Determine the basic child support obligation for children attending school, if any, by subtracting the figure from section (7) from the "basic child support obligation" figure in section (6).

(9) Determine each parent's share of the basic child support obligation for joint minor children by multiplying the percentage figure from section (5) by the "basic child support obligation" from section (7).

(10) Determine the parenting time credit for joint minor children, if any, and apply to the basic child support obligation as provided in OAR 137-050-0450.

(11) Apply the "low income adjustment", if appropriate, as provided in OAR 137-050-0465.

(12) Determine the monthly child support obligation for joint minor children by subtracting section (11), if any, from section (10).

(13) Determine the child care costs for each parent as allowed by OAR 137-050-0420. If child care costs are not equal each month, annual costs must be averaged to determine a monthly cost.

(14) Apply rebuttal(s), if any, as appropriate under OAR 137-050-0333 for joint minor children.

(15) Calculate the total costs owed by each parent to the other by applying the parent's percentage of income as determined in section (5) of this rule to the out-of-pocket costs incurred by the other parent. Subtract Parent A's costs from Parent B's costs.

(16) Determine each parent's share of the basic child support obligation for child(ren) attending school by multiplying the percentage figure from section (5) by the "basic child support obligation" from section (8).

(17) Apply the "low income adjustment", if appropriate, as provided in OAR 137-050-0465.

(18) Determine the monthly child support obligation before costs for child(ren) attending school by subtracting section (17), if any, from section (16).

(19) Apply rebuttal(s), if any, as appropriate under OAR 137-050-0333 for child(ren) attending school.

(20) Calculate the total costs, for child(ren) attending school, owed by each parent to the other by applying the parent's percentage of income as determined in section (5) of this rule to the out-of-pocket costs incurred by the other parent. Subtract Parent A's costs from Parent B's costs.

(21) Determine the monthly child support obligation for child(ren) attending school by adding section (20) and section (18) for each parent.

(22) Determine the net child support obligation by adding sections (12), (15) and (21) together for each parent.

(23) Calculate private health care coverage costs, if any, as provided in OAR 137-050-0410 and determine the net child support obligation.

(24) Calculate cash medical support, if any, as provided in OAR 137-050-0430.

(25) If Social Security benefits or Veterans' benefits are received by Parent A as a representative payee for a joint child due to Parent B's disability or retirement, subtract the amount of benefits from Parent B's child support obligation, if any.

(26) Determine the net child support obligation by adding sections (23) and (24) for each parent and subtracting section (25), if any, for each parent.

(27) Determine the portion of the calculated child support obligation the obligated parent has the ability to pay as provided in OAR 137-050-0475:

(a) Determine the difference between the amounts calculated in section (26) and (27). If the difference is a negative number, use zero;

(b) Subtract the amount determined in subsection (27)(a) from the amount in section (24); and

ADMINISTRATIVE RULES

(c) Determine the monthly child support by subtracting any remaining amounts from the amounts in section (26).

(28) Apply the minimum order rule, OAR 137-050-0485, if appropriate.

(29) Apply rebuttal(s), if any, as appropriate under OAR 137-050-0333.

(30) Determine the total monthly child support obligation by adding or subtracting section (29) from section (28).

Stat. Auth.: ORS 25.270, 25.290, 107.108 & 180.345

Stats. Implemented: ORS 25.270 & 25.290

Hist.: JD 3-1989, f. 10-2-89, cert. ef. 10-3-89; JD 8-1990, f. 11-21-90, cert. ef. 1-1-91; JD 3-1992, f. 3-3-92, cert. ef. 5-1-92; JD 7-1993, f. 11-3-93, cert. ef. 11-4-93; JD 4-1994, f. 10-4-94, cert. ef. 10-15-94; DOJ 1-1999, f. 1-15-99, cert. ef. 3-1-99; DOJ 4-1999, f. 8-27-99, cert. ef. 9-1-99; DOJ 8-1999(Temp), f. & cert. ef. 11-22-99 thru 3-10-00; DOJ 1-2000, f. 2-6-00, cert. ef. 2-7-00; DOJ 5-2001, f. 8-21-01, cert. ef. 9-4-01; DOJ 3-2003, f. 4-7-03 cert. ef. 5-12-03; DOJ 9-2003, f. 9-29-03, cert. ef. 10-1-03; DOJ 8-2007, f. 9-28-07, cert. ef. 10-1-07; DOJ 4-2009(Temp), f. 5-6-09, cert. ef. 5-7-09 thru 11-1-09; DOJ 13-2009, f. & cert. ef. 10-30-09

137-050-0340

Gross Income

(1) Except as excluded below, gross income includes income from any source including, but not limited to, salaries, wages, commissions, advances, bonuses, dividends, severance pay, pensions, interest, honoraria, trust income, annuities, return on capital, Social Security benefits, workers' compensation benefits, unemployment insurance benefits, disability insurance benefits, gifts, prizes, including lottery winnings, and alimony or separate maintenance received.

(2) Expense reimbursements or in kind payments received by a parent in the course of employment, self employment, or operation of a business must be counted as income if they are significant and reduce personal living expenses.

(3) Gross income may be calculated on either an annual or monthly basis. Weekly income must be translated to monthly income by multiplying the weekly income by 4.33.

(4) Excluded and not counted as income is any child support payment. It is a rebuttable presumption that adoption assistance payments, guardianship assistance payments and foster care subsidies are excluded and not counted as income.

Stat. Auth.: ORS 25.270, 25.290 & 180.345

Stats. Implemented: ORS 25.270 & 25.290

Hist.: JD 3-1989, f. 10-2-89, cert. ef. 10-3-89; JD 4-1994, f. 10-4-94, cert. ef. 10-15-94; JD 1-1996, f. 4-12-96, cert. ef. 5-1-96; DOJ 1-1999, f. 1-15-99, cert. ef. 3-1-99; DOJ 4-1999, f. 8-27-99, cert. ef. 9-1-99; DOJ 3-2003, f. 4-7-03 cert. ef. 5-12-03; DOJ 9-2003, f. 9-29-03, cert. ef. 10-1-03; DOJ 8-2007, f. 9-28-07, cert. ef. 10-1-07; DOJ 4-2009(Temp), f. 5-6-09, cert. ef. 5-7-09 thru 11-1-09; DOJ 13-2009, f. & cert. ef. 10-30-09

137-050-0360

Income Presumptions

(1) If a parent is unemployed, employed on less than a full time basis or there is no direct evidence of any income, the parent's income for purposes of the child support calculation is presumed to be the parent's potential income, except as provided in sections (2) and (3) of this rule. Determination of potential income will be made according to one of the following methods, as appropriate:

(a) The parent's probable full-time earnings level based on employment potential, relevant work history, and occupational qualifications in light of prevailing job opportunities and earnings levels in the community;

(b) If a parent is receiving unemployment compensation or workers' compensation, that parent's income may be calculated using the actual amount of the unemployment compensation or workers' compensation benefit received; or

(c) Notwithstanding any other provision of this section, the amount of income a parent could earn working full time at the current state minimum wage.

(2) If the parent of a joint child is a recipient of Temporary Assistance for Needy Families (TANF), the parent's gross income for purposes of the support calculation is presumed to be the amount which could be earned by full time work (40 hours a week) at the state minimum wage.

(3) In the following circumstances, the parent's gross income for purposes of the child support calculation is presumed to be the parent's actual income. This presumption may be rebutted by a finding that a different amount is appropriate under section (1) of this rule:

(a) A parent who is unable to work full-time due to a verified disability;

(b) An incarcerated obligor as defined in OAR 137-055-3300; or

(c) When performing a calculation for a temporary modification pursuant to ORS 416.425(13)(2009 HB 2275), except as provided in section (2) of this rule.

(4) As used in this rule, "full-time" means forty hours of work in a week except in those industries, trades or professions in which most employers due to custom, practice or agreement utilize a normal work week of more or less than 40 hours in a week.

Stat. Auth.: ORS 180.340 & 25.290

Stats. Implemented: ORS 25.270 & 25.290

Hist.: JD 3-1989, f. 10-2-89, cert. ef. 10-3-89; DOJ 1-1999, f. 1-15-99, cert. ef. 3-1-99; DOJ 7-2000, f. 8-4-00, cert. ef. 8-7-00; DOJ 3-2003, f. 4-7-03 cert. ef. 5-12-03; DOJ 9-2003, f. 9-29-03, cert. ef. 10-1-03; DOJ 4-2009(Temp), f. 5-6-09, cert. ef. 5-7-09 thru 11-1-09; DOJ 5-2009(Temp), f. & cert. ef. 5-12-09 thru 11-1-09; DOJ 13-2009, f. & cert. ef. 10-30-09

137-050-0420

Child Care Costs

(1) The child support obligation must be adjusted for child care costs for a joint child under the age of 13 or a child with disabilities in an amount equal to the annualized monthly child care costs, including government child care subsidies, less the estimated federal and state child care credit payable on behalf of a joint child.

(2) Child care costs are those costs incurred or to be incurred by either parent that are determinable and documentable and are due to the parent's employment, job search, or training or education necessary to obtain a job.

(3) Child care costs are allowable only to the extent that they are reasonable and do not exceed the maximums set out in table 1. For the purposes of applying the maximums, the location of the provider determines whether urban or suburban rates apply. [Table not included. See ED. NOTE.]

(4) Child care costs incurred or to be incurred by a parent include any amounts paid by government subsidies for that parent.

(5) As used in this rule, "child with disabilities" means a child who has a physical or mental disability that substantially limits one or more major life activities (self-care, walking, seeing, speaking, hearing, breathing, learning, working, etc.).

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

Stat. Auth.: ORS 25.270, 25.290 & 180.345

Stats. Implemented: ORS 25.270 & 25.290

Hist.: JD 3-1989, f. 10-2-89, cert. ef. 10-3-89; JD 8-1990, f. 11-21-90, cert. ef. 1-1-91; JD 16-1992, f. 10-20-92, cert. ef. 11-2-92; JD 4-1994, f. 10-4-94 cert. ef. 10-15-94; DOJ 1-1999, f. 1-15-99, cert. ef. 3-1-99; DOJ 4-1999, f. 8-27-99, cert. ef. 9-1-99; DOJ 3-2003, f. 4-7-03 cert. ef. 5-12-03; DOJ 8-2007, f. 9-28-07, cert. ef. 10-1-07; DOJ 4-2009(Temp), f. 5-6-09, cert. ef. 5-7-09 thru 11-1-09; DOJ 13-2009, f. & cert. ef. 10-30-09

137-050-0430

Cash Medical Support

(1) Cash medical support, as defined in OAR 137-050-0320, for the joint child(ren) must be added as part of the child support obligation amount, if any, if cash medical support:

(a) Is reasonable in cost as defined in section (2) of this rule; and

(b) Is ordered pursuant to ORS 25.323.

(2) "Reasonable in cost" for cash medical support means the amount, if any, of the cash medical support does not make the application of the formula established under ORS 25.275 unjust or inappropriate. Cash medical support is reasonable in cost if:

(a) The pro-rated portion of cash medical support is equal to or less than seven percent of the providing party's adjusted gross income; or

(b) Other compelling factors in the case support a finding of an amount greater than seven percent of the providing party's adjusted gross income.

(3) Cash medical support is not reasonable in cost if the providing party's adjusted gross income is equal to or less than Oregon minimum wage for full-time employment.

(4) When establishing or modifying a child support order to include cash medical support the resources of both parents must be considered.

(5) If a parent has been ordered to apply to enroll the child(ren) in public health care coverage under OAR 137-050-0410, a finding regarding cash medical support must be included in the order.

(6) If the child has access to public or private health care coverage but also has uncovered medical expenses, either or both parents may be required to contribute toward the cost of these expenses by an order for cash medical support to the extent the uncovered medical expenses exceed \$250 per year per child.

(7) If private or public health care coverage is not available and the child has uncovered medical expenses, cash medical support may be ordered to the extent the uncovered medical expenses exceed \$250 per year per child.

(8) Medical expenses are defined as those expenses that are not eligible for payment by health care coverage or other insurance and are reasonably expected to occur regularly and periodically in the future based on documented past experience or on substantial evidence of future need and include, but are not limited to, hospital, surgical, dental, optical, prescrip-

ADMINISTRATIVE RULES

tion drugs, office visits, counseling or any combination of these of any other comparable health care expenses.

(9) Notwithstanding the provisions of this rule or OAR 137-050-0410, if a party provides evidence of eligibility to receive medical assistance under ORS 414.032, or has adjusted gross income equal to or less than Oregon minimum wage for full-time employment, that party may not be ordered to provide cash medical support.

Stat. Auth.: ORS 25.270, 25.290, 25.323 & 180.345
Stats. Implemented: ORS 25.270, 25.290 & 25.321 - 25.343
Hist.: JD 3-1989, f. 10-2-89, cert. ef. 10-3-89; JD 1-1994, f. 1-26-94, cert. ef. 2-1-94; JD 4-1994, f. 10-4-94 cert. ef. 10-15-94; DOJ 1-1999, f. 1-15-99, cert. ef. 3-1-99; DOJ 3-2003, f. 4-7-03 cert. ef. 5-12-03; DOJ 8-2007, f. 9-28-07, cert. ef. 10-1-07; DOJ 4-2009(Temp), f. 5-6-09, cert. ef. 5-7-09 thru 11-1-09; DOJ 13-2009, f. & cert. ef. 10-30-09

137-050-0475

Ability to Pay

A child support order should not exceed the obligated parent's ability to pay. To determine the amount of child support the obligated parent has the ability to pay, follow the procedure set out in this rule:

(1) Calculate the obligated parent's income available for support by subtracting a self-support reserve of \$953.00 from the obligated parent's "modified gross income" as defined in OAR 137-050-0320.

(2) Compare the obligated parent's income available for support to the amount of support calculated as per OAR 137-050-0330 sections (1) through (26). The amount of child support that is presumed to be correct as defined in 137-050-0333 is the lesser of these two amounts. Any reduction in support resulting from this calculation must be applied first to any cash medical support calculated under 137-050-0430.

(3) This rule does not apply to an incarcerated obligor as defined in OAR 137-055-3300.

Stat. Auth.: ORS 25.275, 25.280 & 180.345
Stats. Implemented: ORS 25.275 & 25.280
Hist.: DOJ 5-2001, f. 8-21-01, cert. ef. 9-4-01; DOJ 3-2003, f. 4-7-03 cert. ef. 5-12-03; DOJ 9-2003, f. 9-29-03, cert. ef. 10-1-03; DOJ 8-2007, f. 9-28-07, cert. ef. 10-1-07; DOJ 4-2009(Temp), f. 5-6-09, cert. ef. 5-7-09 thru 11-1-09; DOJ 13-2009, f. & cert. ef. 10-30-09

137-050-0485

Minimum Order

(1) Notwithstanding any other provision of OAR 137-050-0320 to 137-050-0490, except as provided in section (2), it is rebuttably presumed that a parent has an ability to pay at least \$100 per month as child support.

(2) The presumption in this rule does not apply when parenting time, as determined by OAR 137-050-0450, is 50/50 or the parent from whom support is sought:

- (a) Has disability benefits as a sole source of income;
- (b) Is incarcerated and without ability to pay as described in OAR 137-055-3300(4); or

(c) Receives public benefits as defined in ORS 25.245.

Stat. Auth.: ORS 25.275, 25.280, 180.345
Stats. Implemented: ORS 25.275, 25.280
Hist.: DOJ 4-2009(Temp), f. 5-6-09, cert. ef. 5-7-09 thru 11-1-09; DOJ 13-2009, f. & cert. ef. 10-30-09

137-055-2140

Delegations to Administrative Law Judge

Administrative law judges of the Office of Administrative Hearings are authorized to do the following:

(1) Issue final orders without first issuing proposed orders.

(2) Issue final orders by default in cases described in OAR 137-003-0670 or 137-003-0672, except in a case authorized by ORS 416.415 or as authorized in section (3). An administrative law judge is authorized to issue a final order by default in a case authorized by 416.425(5) but not in any other case authorized by 416.425, unless section (4) of this rule applies.

(3) Issue final orders by default when the nonrequesting party(ies) fails to appear for a hearing conducted under ORS 25.020(13), or issue a dismissal with prejudice when the requesting party fails to appear for a hearing conducted under 25.020(13).

(4) Issue an order dismissing a temporary modification, as defined in OAR 137-055-3430, if the party seeking a temporary modification fails to appear for a scheduled hearing, without further action by the administrator.

(5) Determine whether a reschedule request should be granted pursuant to OAR 137-003-0670(2), based on whether the requester's failure to appear for a scheduled hearing was beyond the reasonable control of the party.

(6) Issue final orders granting or denying late hearing requests pursuant to OAR 137-003-0528.

(7) Provide to each party the information required to be given under ORS 183.413(2) or OAR 137-003-0510(1).

(8) Order and control discovery.

Stat. Auth.: ORS 25.020 & 180.345
Stats. Implemented: ORS, 25.020, 180.345, 416.415 & 416.425
Hist.: AFS 21-2000, f. & cert. ef. 8-1-00; AFS 32-2000, f. 11-29-00, cert. ef. 12-1-00, Renumbered from 461-195-0801; AFS 28-2001, f. 12-28-01, cert. ef. 1-1-02; DOJ 6-2003(Temp), f. 6-25-03, cert. ef. 7-1-03 thru 12-28-03, Renumbered from 461-200-2140; DOJ 10-2003, f. 9-29-03, cert. ef. 10-1-03, Renumbered from 461-200-2140; DOJ 7-2004, f. 3-30-04, cert. ef. 4-1-04; DOJ 16-2004, f. 12-30-04, cert. ef. 1-3-05; DOJ 5-2005, f. & cert. ef. 7-15-05; DOJ 1-2006, f. & cert. ef. 1-3-06; DOJ 4-2009(Temp), f. 5-6-09, cert. ef. 5-7-09 thru 11-1-09; DOJ 13-2009, f. & cert. ef. 10-30-09

137-055-2165

Requests to Reschedule Hearing

(1) When a party fails to appear for a hearing, the party may request that the hearing be rescheduled. A request to reschedule a hearing must be submitted in writing to the Child Support Program (CSP).

(2) When the CSP receives a written request to reschedule a hearing, the CSP will review its record to determine:

- (a) Whether a final order has been entered in the circuit court; or
- (b) If more than 60 days have passed since the notice of hearing cancellation was issued.

(3) After this review, the CSP will:

(a) Deny the request to reschedule if:

- (A) A final order has been entered in the circuit court; or
- (B) More than 60 days have passed since the notice of hearing cancellation was issued; or

(b) Forward the request to the Office of Administrative Hearings (OAH).

(4) When OAH receives the written request to reschedule, OAH will notify the parties that the request has been received and allow the parties 10 days to submit written testimony on whether or why the reschedule request should be accepted.

(5) Parties who submit written testimony to OAH must provide copies of the testimony to the other parties.

(6) After the time for response has expired, and after reviewing the request and any additional testimony received, OAH will make a determination whether the reschedule request should be allowed or denied.

(a) If the request is allowed, OAH will issue a final order allowing the request and scheduling the case for hearing; or

(b) If the request is denied, OAH will issue a final order denying the request.

(7) When the CSP receives an order from OAH which denies a reschedule request, the CSP may issue a final order by default on the underlying support issue.

(8) OAH will include notice of the process set out in this rule in its order dismissing a hearing when a party fails to appear.

Stat. Auth.: ORS 180.345
Stats. Implemented: ORS 180.345
Hist.: DOJ 16-2004, f. 12-30-04, cert. ef. 1-3-05; DOJ 6-2006, f. & cert. ef. 10-2-06; DOJ 4-2009(Temp), f. 5-6-09, cert. ef. 5-7-09 thru 11-1-09; DOJ 13-2009, f. & cert. ef. 10-30-09

137-055-3420

Periodic Review and Modification of Child Support Order Amounts

(1) In addition to the definitions found in ORS 25.321, OAR 137-050-0320, 137-050-0410 and 137-050-0430, for the purposes of this rule, the following definitions apply:

(a) "Determination" means an order resulting from a periodic review, which finds that the current order of support is in "substantial compliance" with the Oregon guidelines and appropriate health care coverage or cash medical support is ordered against one or both parties.

(b) "Guidelines" means the formula, the scale, and related provisions in OARs 137-050-0320 through 137-050-0490.

(c) "Periodic Review" means proceedings initiated under ORS 25.287.

(d) "Review" means an objective evaluation by the administrator of the information necessary for application of the guidelines to determine:

- (A) The presumptively correct child support amount; and
- (B) The need to provide in the order for the child's health care needs through appropriate health care coverage or cash medical support regardless of whether an adjustment in the amount of child support is necessary.

(e) "Substantial compliance" means that the current support order is within at least 15 percent or \$50, whichever is less, of the presumptively correct child support amount as calculated using the guidelines. When making this determination, the 15 percent or \$50 formula will be applied to the currently ordered support amount.

(2) For all child support cases receiving support enforcement services under ORS 25.080, the Child Support Program (CSP) will annually notify the parties:

(a) Of their right to request a periodic review of the amount of support ordered; and

ADMINISTRATIVE RULES

(b) That the CSP will perform a mandatory periodic review and adjustment if the family is currently receiving TANF.

(3) The purpose of a periodic review is to determine, based on information from the parties and other sources as appropriate, whether the current child support order should be modified to ensure substantial compliance with Oregon's child support guidelines, or to order appropriate health care coverage or cash medical support for the child(ren).

(4) The administrator will initiate a periodic review if a written request is received from any party and 35 months have passed since the date the most recent support order took effect, or the date of a determination that the most recent support order should not be adjusted. For purposes of calculating the 35-month time period, a suspension and temporary modification order entered pursuant to ORS 416.425(13) (2009 HB 2275) will not be considered.

(5) The administrator will initiate a periodic review when 35 months have passed since the date the most recent support order took effect, or the date of a determination that the most recent support order should not be adjusted, and the family is currently receiving TANF. For purposes of calculating the 35-month time period, any suspension and temporary modification order entered pursuant to ORS 416.425(13) (2009 HB 2275) will not be considered.

(6) The administrator must complete the determination that the order is in substantial compliance with the guidelines and appropriate health care coverage or cash medical support is ordered, or complete the modification of the existing order within 180 days of receiving a written request for a periodic review, initiating the mandatory review, or locating the non-requesting party(ies), if necessary, whichever occurs later.

(7) The administrator is responsible for conducting a periodic review in this state or for requesting that another state conduct a review pursuant to OAR 137-055-7190. As provided in ORS 110.429 and 110.432, the law of the state reviewing the order applies in determining if a basis for modification exists.

(8) Upon receipt of a written request for a periodic review or when a mandatory periodic review is required, the administrator will notify the parties of the review in writing, allowing the parties 30 days to provide information which may affect the support calculation.

(9) The administrator will notify the parties in writing of the presumed correct support amount under the child support guidelines and the need to order appropriate health care coverage or cash medical support. Notification may be by motion for modification or a proposed determination that the existing order is in substantial compliance and appropriate health care coverage or cash medical support is already ordered, and will include a request for hearing form.

(10) If the administrator determines that the support order should be modified and there is an adult child on the case, the proposed modification will be a tiered order as defined in OAR 137-055-1020.

Stat. Auth.: ORS 180.345 & 416.455

Stats. Implemented: ORS 25.080, 25.287, 25.321 - 25.343, 107.135 & 416.425

Hist.: AFS 65-1989, f. 10-31-89, cert. ef. 11-1-89; AFS 11-1992(Temp), f. & cert. ef. 4-30-92; AFS 26-1992, f. & cert. ef. 9-30-92; AFS 20-1993, f. 10-11-93, cert. ef. 10-13-93; AFS 21-1994, f. 9-13-94, cert. ef. 12-1-94; AFS 17-1997(Temp), f. & cert. ef. 9-16-97; AFS 17-1997(Temp) Repealed by AFS 23-1997, f. 12-29-97, cert. ef. 1-1-98; AFS 23-1997, f. 12-29-97, cert. ef. 1-1-98; AFS 75-1998, f. 9-11-98, cert. ef. 9-15-98; AFS 13-1999, f. 10-29-99, cert. ef. 11-1-99; AFS 9-2000, f. 3-13-00, cert. ef. 4-1-00; AFS 21-2000, f. & cert. ef. 8-1-00; AFS 32-2000, f. 11-29-00, cert. ef. 12-1-00, Renumbered from 461-195-0072; AFS 23-2001, f. 10-2-01, cert. ef. 10-6-01; AFS 28-2001, f. 12-28-01, cert. ef. 1-1-02; SSP 4-2003, f. 2-25-03, cert. ef. 3-1-03; DOJ 6-2003(Temp), f. 6-25-03, cert. ef. 7-1-03 thru 12-28-03, Renumbered from 461-200-3420; DOJ 10-2003, f. 9-29-03, cert. ef. 10-1-03, Renumbered from 461-200-3420; DOJ 2-2004, f. 1-2-04 cert. ef. 1-5-04; DOJ 10-2004, f. & cert. ef. 7-1-04; DOJ 4-2005, f. & cert. ef. 4-1-05; DOJ 8-2005(Temp), f. & cert. ef. 9-1-05 thru 2-17-06; DOJ 1-2006, f. & cert. ef. 1-3-06; DOJ 5-2006, f. 6-29-06, cert. ef. 7-3-06; DOJ 8-2007, f. 9-28-07, cert. ef. 10-1-07; DOJ 11-2008(Temp), f. & cert. ef. 7-15-08 thru 9-30-08; DOJ 12-2008(Temp), f. & cert. ef. 10-1-08 thru 3-29-09; DOJ 14-2008(Temp), f. & cert. ef. 10-7-08 thru 3-29-09; DOJ 1-2009, f. & cert. ef. 1-2-09; DOJ 4-2009(Temp), f. 5-6-09, cert. ef. 5-7-09 thru 11-1-09; DOJ 13-2009, f. & cert. ef. 10-30-09

137-055-3430

Substantial Change in Circumstance Review and Modification of Child Support Order Amounts

(1) For purposes of this rule:

(a) The definitions provided in ORS 25.321, OAR 137-050-0320, 137-050-0410, 137-050-0430 and 137-055-3420 apply;

(b) A "temporary modification" is an order entered under ORS 416.425(13) (2009 HB 2275), which suspends and temporarily modifies a support order based on a party's employment-related change of income; and

(c) "Employment-related change of income" includes but is not limited to reduced work hours, unpaid furloughs, loss of job and wage reductions. Employment-related change of income does not include a voluntary reduction of income or self-imposed curtailment of earning capacity, if it is

shown that such action was not taken in good faith but was for the primary purpose of avoiding the support obligation. A party's employment-related change of income is considered to take place "during a period of significant unemployment" even if the change occurred prior to the Attorney General's determination under ORS 416.425(13)(b) (2009 HB 2275), as long as the effects of the employment-related change of income continue into the time period covered by the determination.

(2) Notwithstanding OAR 137-055-3420, proceedings may be initiated at any time to review and modify a support obligation based upon a substantial change in circumstance.

(3) The administrator will conduct a review based upon a request for a change of circumstance modification when:

(a) Oregon has jurisdiction to modify;

(b) The administrator:

(A) Receives a request for modification based upon a change of circumstance and at least 60 days have passed from the date the existing support order was entered, except for those cases where a review is requested pursuant to paragraphs (3)(c)(H) or (I);

(B) Determines that a temporary modification should be initiated based on receipt of a request from a party who has experienced an employment-related change of income; or

(C) Determines that a modification should be initiated based on the administrator's own motion; and

(c) At least one of the following criteria are met:

(A) A change in the written parenting time agreement or order has taken place;

(B) The financial or household circumstances of one or more of the parties are different now than they were at the time the order was entered;

(C) Social Security benefits received on behalf of a child due to a parent's disability or retirement were not previously considered in the order or they were considered in an action initiated before May 12, 2003;

(D) Veterans' benefits received on behalf of a child due to a parent's disability or retirement were not previously considered in the order or they were considered in an action initiated before May 12, 2003;

(E) Survivors' and Dependents' Education Assistance benefits received by the child or on behalf of the child were not previously considered in the order;

(F) Since the date of the last order, the obligor has been incarcerated, as defined in OAR 137-055-3300;

(G) The needs of the child(ren) have changed;

(H) There is a need to order health care coverage or cash medical support for the child(ren) pursuant to OAR 137-050-0410, 137-050-0430 or 137-055-3340;

(I) A change in the physical custody of the minor child(ren) has taken place;

(J) An order is being modified to include a subsequent child of the parties; or

(K) A child no longer qualifies as a child attending school under ORS 107.108 and OAR 137-055-5110 and the order is being modified pursuant to ORS 107.108(10) as a tiered order. Tiered order has the meaning given in OAR 137-055-1020.

(d) And the requesting party (if other than the administrator):

(A) Completes a written or verbal request for modification based upon a substantial change of circumstance;

(B) Pursuant to ORS 416.425, provides appropriate documentation for the criteria in subsection (c) of this section showing that a substantial change of circumstance has occurred; and

(C) Completes a Uniform Income Statement or Uniform Support Affidavit or, if a temporary modification, provides employment status and income information sufficient to permit the administrator to have a reasonable basis to make a determination.

(4) Sections (5) through (8) do not apply to temporary modifications.

(5) Upon receipt of a request for a review and modification, or upon the administrator's own initiative, the administrator will notify the parties of the review in writing, allowing the parties 30 days to provide information which may affect the support calculation.

(6) A request for review will be granted unless:

(a) The conditions in section (3) have not been met; or

(b) The review was requested due to one of the criteria in paragraphs (3)(c)(A) through (3)(c)(G), and the order is in substantial compliance with the guidelines. The determination of substantial compliance will be made as outlined in OAR 137-055-3420(1)(e).

(7) If the request for review is granted, the administrator will advise the parties of the presumed correct support amount. Notification may be by motion for modification and will include a request for hearing form. If there

ADMINISTRATIVE RULES

is an adult child on the case, the proposed modification will be a tiered order as defined in OAR 137-055-1020.

(8) If the order is found to be in substantial compliance, and at least 35 months have passed since the date the most recent support order took effect, the administrator will complete the request as provided in OAR 137-055-3420(9).

(9) Sections (10) and (11) apply only to temporary modifications.

(10) The administrator will, to the extent possible, gather information from the parties which could affect the support calculation by phone or other electronic means, including facsimile and e-mail. Parties may agree to accept service by e-mail, regular mail or any other method.

(11) The administrator will advise the parties of the presumed correct support amount and may seek a consent order. Notification may be by motion for modification and will include a request for hearing form.

(12) If a request under this rule is denied, the administrator will notify the requesting party of the denial in writing within 30 days and inform the party of their right to file a motion for modification as provided in ORS 416.425. The administrator will advise the party on how to obtain the Oregon Judicial Department packet that has been prescribed for this purpose.

(13) No provision of this rule precludes the parties from obtaining the services of private legal counsel at any time to pursue modification of the support order pursuant to all applicable laws.

(14) If a request for review and modification is received because a change in the physical custody of the minor child(ren) has taken place, a party may also request a credit back to the date the change in physical custody took place in accordance with OAR 137-055-5510.

Stat. Auth.: ORS 180.345 & 416.455

Stats. Implemented: ORS 25.080, 25.287, 25.321 - 25.343, 107.108, 107.135 & 416.425
Hist.: DOJ 10-2004, f. & cert. ef. 7-1-04; DOJ 16-2004, f. 12-30-04, cert. ef. 1-3-05; DOJ 4-2005, f. & cert. ef. 4-1-05; DOJ 8-2005(Temp), f. & cert. ef. 9-1-05 thru 2-17-06; DOJ 1-2006, f. & cert. ef. 1-3-06; DOJ 5-2006, f. 6-29-06, cert. ef. 7-3-06; DOJ 8-2007, f. 9-28-07, cert. ef. 10-1-07; DOJ 4-2009(Temp), f. 5-6-09, cert. ef. 5-7-09 thru 11-1-09; DOJ 6-2009(Temp), f. & cert. ef. 5-14-09 thru 11-1-09; DOJ 13-2009, f. & cert. ef. 10-30-09

Department of State Lands Chapter 141

Rule Caption: Rules Governing the Issuance of Forage Leases and Livestock Training Permits.

Adm. Order No.: DSL 7-2009

Filed with Sec. of State: 10-20-2009

Certified to be Effective: 10-20-09

Notice Publication Date: 4-1-2009

Rules Adopted: 141-110-0045, 141-110-0085, 141-110-0135, 141-110-0145

Rules Amended: 141-110-0000, 141-110-0010, 141-110-0040, 141-110-0060, 141-110-0080, 141-110-0100, 141-110-0110, 141-110-0120, 141-110-0150

Rules Repealed: 141-110-0030, 141-110-0070, 141-110-0090, 141-110-0130, 141-110-0140

Rules Ren. & Amend: 141-110-0020 to 141-110-0005, 141-110-0050 to 141-110-0035

Subject: These rules apply to the grazing of livestock on Common School grazing lands. The rules reflect changes to the grazing fee formula based on the results of an audit conducted by the Secretary of State's office in 2004 as well as requirements for leasing and livestock trailing on state-owned land.

Rules Coordinator: Elizabeth Martino—(503) 986-5239

141-110-0000

Applicability

(1) These rules:

(a) Apply to the management of state land for the grazing of livestock; and

(b) Establish a process for authorizing grazing of livestock through the granting of leases and trailing permits.

(2) These rules do not apply to:

(a) The granting of proprietary authorizations for other, non-grazing-related rangeland such as wind farms, quarries, power lines, or roads that are specifically governed by other Department administrative rules; or

(b) Existing valid leases granted prior to the adoption of these rules.

Stat. Auth.: ORS 274.045, 273.051 & 273.805 - 273.825

Stats. Implemented: ORS 273.805, 273.815 & 273.825
Hist.: LB 4-1994, f. & cert. ef. 8-2-94; DSL 1-1999, f. & cert. ef. 3-2-99; DSL 7-2009, f. & cert. ef. 10-20-09

141-110-0005

Definitions

(1) "Animal Gain" is the number of pounds gained by an animal over a specific period while grazing.

(2) "Animal Unit" or "AU" is one mature cow of approximately 1,000 pounds and a calf up to weaning, usually 6 months of age, or their equivalent as determined by the Department. For example: one yearling is 0.7 of an animal unit; one bull is 1.35 of an animal unit; one dry cow is 0.92 of an animal unit; one horse is 1.25 of an animal unit, or one sheep is 0.20 of an animal unit.

(3) "Animal Unit Month" or "AUM" is the amount of forage (approximately 800 pounds of air-dried material) necessary to feed one animal unit for one month.

(4) "Annual Operating Plan" or "AOP" is a plan developed every year by the Department following consultation by Department staff with a lessee to guide the grazing of livestock on a particular leasehold for a grazing year to meet the objectives outlined in an approved Leasehold Management Plan ("LMP").

(5) "Applicant" is any person applying for a livestock forage grazing lease or a livestock trailing permit who meets the following qualifications:

(a) Be a "person" as defined in these rules and if an individual, be at least 18 years old; and

(b) Be able to demonstrate the ability to fully meet all terms and conditions of the lease, including all provisions of an approved LMP applicable to the lease.

(6) "Asset Management Plan" or "AMP" is the plan adopted by the State Land Board that provides the policy direction and management principles to guide both the short- and long-term management by the Department of State Lands of the Common School Fund's real estate assets.

(7) "Carrying Capacity" is the number of AUMs the Department determines can be obtained from a specific pasture or leasehold for a specific period of time without compromising the long-term sustainability of the forage resource or watershed, or adversely affecting ecosystem health or grazing animal response.

(8) "Compensation" or "Compensatory Payment" is the amount of money paid for a lease or permit to the Department for the use of Department-managed land for grazing.

(9) "Common School Grazing Lands" as defined in ORS 273.805, are Trust Lands and Non-Trust Lands owned by the State of Oregon under the control of the Department of State Lands that are chiefly suitable for the grazing of animals, as determined by the Department, and which are within, but not limited to, the following land classifications:

(a) Lands defined by ORS 273.251 as indemnity lands, school lands, or farmlands; and

(b) Lands that have escheated to the state.

(10) "Department" means the Oregon Department of State Lands.

(11) "Director" means the Director of the Oregon Department of State Lands or designee.

(12) "Ecosystem Health" is the degree to which the integrity of the soil, vegetation, water and air, as well as the ecological processes of rangeland ecosystems, are balanced and sustained.

(13) "Grazing Schedule" is a planned sequence of grazing or resting designed for a particular leasehold.

(14) "Hazardous or Waste Material" means items that may pose a danger to the public, wildlife or its habitat, or which do not enhance the usefulness or value of a leasehold including, but not limited to, waste or scrap items used in construction, hazardous substances (as defined in 42 USC 9601(14), chemicals and insecticides, garbage or other debris, and non-working motor vehicles and other mechanical equipment.

(15) "Improvement" is any structural project or non-structural activity undertaken by either the Department or a lessee that typically benefits the use or condition of a leasehold. An improvement may either be structural in nature (for example, the placement or construction of fencing, buildings, ponds, pipelines, watering troughs, power lines, etc.), or consist of non-structural activities or treatments to improve the land (for example, seeding or brush control).

(16) "Lease" for the purposes of these rules, is a valid enforceable contract executed by the Department and signed by the lease applicant (called lessee) allowing the use of a specific area of state land for livestock grazing under terms and conditions specified in the lease contract and these rules.

(17) "Leasehold" is a particular area of rangeland subject to a lease.

(18) "Leasehold Management Plan" or "LMP" is a multi-year plan to guide the livestock grazing activities on a specific leasehold in relationship

ADMINISTRATIVE RULES

to other uses and resources, such as recreation uses, cultural resources, watershed resources, vegetation resources, and fish and wildlife habitat.

(19) "Lessee" refers to any person having a valid rangeland forage lease issued by the Department.

(20) "Livestock" are domestic animals used for the production of goods and services.

(21) "Livestock Trailing" means the moving of livestock across state-owned land that is not leased to the person owning or moving the livestock.

(22) "Marketable Calf Crop" means the estimated number of marketable beef calves available for sale over a one-year period expressed as a percent of stock cow herd.

(23) "Non-Trust Land" is state land managed by the Department other than Trust Land. Examples of Non-Trust Land include state-owned Swamp Land Act Land, and submerged and submersible land (land below ordinary high water) under navigable waterways.

(24) "Pasture" is a specific area of rangeland, usually enclosed and separated from other areas by a fence, or isolated by some physical feature. A leasehold may contain numerous pastures.

(25) "Person" includes individuals, corporations, associations, firms, partnerships, limited liability companies and joint stock companies as well as any state or other governmental or political subdivision or agency, public corporation, public authority, or Indian Tribe.

(26) "Specific Area Management Plan" or "SAMP" means a plan to carry out the goals and strategies of the Asset Management Plan for land tracts or parcels usually related by geography or use.

(27) "State Land" is land owned and managed by the Department and includes Trust Land and Non-Trust Land.

(28) "State Share" is the percent of net livestock weight gain designated to the Department for the use of rangeland forage.

(29) "Sublease" is an agreement between the lessee and another party for the use of the lessee's leasehold for the same purposes of the lease.

(30) "Trailing Permit" is an authorization granted by the Department to a person allowing them to move livestock across state-owned land for which they do not have a lease.

(31) "Trust Land" is state land granted to the state upon its admission into the Union, or obtained by the state as a result of an exchange of Trust Land, or obtained in lieu of originally granted Trust Land, or purchased with trust funds, or obtained through foreclosure of loans using trust funds. Common School Grazing Lands are Trust Lands.

Stat. Auth.: ORS 273.045 & 273.051

Stats. Implemented: ORS 273.805, 273.815 & 273.825

Hist.: LB 4-1994, f. & cert. ef. 8-2-94; LB 3-1995, f. & cert. ef. 10-13-95; DSL 1-1999, f. & cert. ef. 3-2-99; Renumbered from 141-110-0020, DSL 7-2009, f. & cert. ef. 10-20-09

141-110-0010 Policies

The following policies will guide the Department in managing state land for grazing including those lands referred to as Common School Grazing Lands for livestock use under these rules:

(1) All Trust Land will be managed in accordance with the need to maximize long-term financial benefit to the Common School Fund.

(2) All Trust and Non-Trust Land will be managed with the objective of obtaining the greatest benefit for the people of this state consistent with the conservation of this resource under sound techniques of land management.

(3) The Department will honor the terms and conditions of any existing valid forage lease including any that entitle the lessee to compensation or renewal.

(4) The Department will manage state lands used for livestock grazing to prevent human-induced loss of ecosystem health. Toward this end, the Department will assist in implementing leasehold improvements and practices that maintain, achieve or restore healthy, properly functioning ecosystems and maintain, restore, or enhance water quality.

(5) The Department will, to the best of its ability, monitor and assess ecosystem health. The Department may use assessments and routine monitoring as the basis for management decisions.

(6) The Department may authorize other, non-forage-related uses for a leasehold, even if the leasehold is already subject to a forage lease, pursuant to these regulations and the terms and provisions of the forage lease.

(7) The Department will manage all lands leased for livestock grazing or permitted for livestock trailing in accordance with the applicable land classification as guided by the AMP and any applicable SAMP or LMP.

(8) The Department may, at its discretion, deny a lease application or lease renewal to use state-owned land if the applicant's financial status or past business or management practices indicate that they may not:

(a) Be able to fully meet the terms and conditions of a lease or other form of authorization offered by the Department; or

(b) Use the land applied for in a way that is consistent with the policies of OAR 141-110-0010, listed above.

Stat. Auth.: ORS 273.045 & 273.051

Stats. Implemented: ORS 273.805, 273.815 & 273.825

Hist.: LB 4-1994, f. & cert. ef. 8-2-94; LB 3-1995, f. & cert. ef. 10-13-95; DSL 1-1999, f. & cert. ef. 3-2-99; DSL 7-2009, f. & cert. ef. 10-20-09

141-110-0035

Application Requirements

(1) All persons applying to lease rangeland forage, or renew an expiring lease having a renewal provision must:

(a) Apply to the Department using a form provided by the Department. One application form shall be submitted for each leasehold for which a lease is requested;

(b) Submit a non-refundable application fee for each application as provided in OAR 141-110-0045

(c) Provide copies of the relevant corporate or partnership organizing documents; and

(d) Provide documentation of brand certification.

(2) The Department reserves the right to deny an application if the Department determines that issuance or renewal of a lease is contrary to local, state, or federal law, or to these rules; or is inconsistent with the fiduciary responsibilities of the Department; or will not result in the greatest public benefit consistent with the conservation of the resource under sound techniques of land management; or if the land is reclassified to a land classification other than rangeland.

Stat. Auth.: ORS 273.045 & ORS 273.051

Stats. Implemented: ORS 273.805, ORS 273.815 & ORS 273.825

Hist.: LB 4-1994, f. & cert. ef. 8-2-94; LB 3-1995, f. & cert. ef. 10-13-95; DSL 1-1999, f. & cert. ef. 3-2-99; Renumbered from 141-110-0050, DSL 7-2009, f. & cert. ef. 10-20-09

141-110-0040

Leasing Process for Vacant Rangelands

(1) Upon receipt of a fully completed application, the Department will determine in a timely manner if the applicant is eligible to lease, and if the requested state land is available for a forage lease.

(2) If the Department determines that:

(a) The applicant is ineligible to enter into a forage lease, the Department will notify the applicant in writing and state the reason for the ineligibility determination.

(b) The requested state land is not available for a forage lease, the Department will notify the applicant in writing and state the reason the state land is not available.

(3) If the applicant is eligible and the requested state land is available for a lease, the Department will issue a Notice of Leasehold Availability to solicit applications from interested persons. This notice will be published not less than once each week for two successive weeks in a newspaper of general circulation in the area in which the leasehold is located, and sent to adjacent property owners and to persons who request such notices including the original applicant.

(4) The Department will review and evaluate the applications received in response to the Notice of Leasehold Availability. This evaluation will determine which applicants, if any, are qualified to obtain a forage lease.

(5) If more than one application for a lease is received from qualified applicants, selection of the applicant to be awarded the lease will be determined by:

(a) Ownership or control of adjacent or intermingled land which will best enhance, or facilitate proper management of the leasehold parcel;

(b) Willingness of the applicant to execute the terms of the applicable LMP or SAMP or enter into cooperative agreements for needed maintenance and desired construction of new improvements to enhance overall management of the leasehold parcel; and

(c) Any additional factors the Department decides are pertinent in the selection process to a particular forage leasehold parcel including, but not limited to, any bonus bid offered by an applicant.

(6) Preference to obtain a new lease will be given to applicants who are current lessees in good standing with their existing lease and landowners engaged in the livestock business that seek to use state land for the grazing of livestock. For the purposes of this section, "landowner" means an individual or legal entity that is the owner of the land, or water rights necessary to permit the proper use of the leased Common School Grazing Lands in combination with the landowner's privately-owned or controlled land or water.

Stat. Auth.: ORS 273.045 & 273.051

Stats. Implemented: ORS 273.805, 273.815 & 273.825

ADMINISTRATIVE RULES

Hist.: LB 4-1994, f. & cert. ef. 8-2-94; LB 3-1995, f. & cert. ef. 10-13-95; DSL 1-1999, f. & cert. ef. 3-2-99; DSL 7-2009, f. & cert. ef. 10-20-09

141-110-0045

Application Fees

(1) Each application for a forage lease (including renewals) must be accompanied by a non-refundable fee payable to the Department in the amount of \$250.

(2) An application for the Department's approval of a sublease or assignment of a forage lease must be accompanied by a non-refundable application fee of \$250 payable to the Department.

(3) An application for a livestock-trailing permit must be accompanied by a non-refundable application fee of \$50.

Stat. Auth.: ORS 273.045 & 273.051

Stats. Implemented: ORS 273.805, 273.815 & 273.825

Hist.: DSL 7-2009, f. & cert. ef. 10-20-09

141-110-0060

General Lease Terms and Conditions

(1) A forage lease grants a lessee the right to use a leasehold for livestock grazing purposes in accordance with the lease terms and conditions; applicable local, state and federal laws; an approved LMP or SAMP, if applicable; and these rules.

(2) The Department or its authorized representative(s) may enter upon any leasehold at any reasonable time to make any necessary examinations or investigations, or to conduct noxious weed or pest abatement, or for wildfire control.

(3) Each forage lessee must maintain and make available to the Department upon request all records and accounts related to the leasehold. These records shall accurately reflect the period of time each leasehold was used.

(4) A forage lessee shall obtain prior written authorization from the Department before using, placing, or storing, or allowing another person to use, place or store any hazardous, waste or other material on the leasehold. Additionally, a forage lessee, when authorized by the Department to use a pesticide, chemical or insecticide must only do so in strict compliance with all laws and manufacturer's instructions and shall take all necessary precautions to protect the leasehold and its soil and vegetation. The lessee shall keep and maintain accurate and complete records of the amount of such materials stored or used on the leasehold and shall immediately notify the Department of any potential risk to the leasehold.

(5) The lessee must cooperate and comply with:

(a) Appropriate county agencies and the Oregon Department of Agriculture in the detection, prevention and control of noxious weeds;

(b) The Oregon Department of Agriculture and the Department in the management of plant pests and diseases; and

(c) The Department and other agencies in the detection, prevention and control of wildfires on a leasehold.

(6) State lands leased for grazing purposes must be open and available to the public for recreational uses unless closed by the state to public entry pursuant to applicable Oregon Administrative Rules. A lessee may request that the state close all or portions of the state land to public entry or restrict their recreational uses by the public in order to protect crops, other land cover, improvements on the land, livestock, the lessee or the general public. Public use must be compatible with the lease purpose and shall not interfere with lessee operations.

Stat. Auth.: ORS 273.045 & 273.051

Stats. Implemented: ORS 273.805, 273.815 & 273.825

Hist.: LB 4-1994, f. & cert. ef. 8-2-94; LB 3-1995, f. & cert. ef. 10-13-95; LB 8-1996, f. & cert. ef. 12-13-96; DSL 1-1999, f. & cert. ef. 3-2-99; DSL 7-2009, f. & cert. ef. 10-20-09

141-110-0080

Compensation

(1) The annual compensation for livestock forage is the greatest of:

(a) \$250;

(b) \$4.25 per AUM; or

(c) The carrying capacity of the leasehold in AUMs multiplied by the annual AUM rate (expressed in dollars per AUM). The Department will establish the carrying capacity for each leasehold, which will be periodically reviewed. For those leaseholds that have highly variable annual forage production, their carrying capacity may be determined based on reliable actual grazing use records for a given year. As a result, the annual rental rate may vary from year to year for such leaseholds.

(2) Each year the Department will calculate the annual AUM compensation rate using the following formula:

AUM Compensation Rate = $G \times CC \times S \times P$

G = Animal gain per month

CC = Marketable calf crop

S = State share

P = Average weighted calf price

(3) For the purpose of determining the base AUM compensation rate, the following formula factors shall be used:

(a) Pounds of gain per animal unit month (G) shall be fixed at 30 pounds through 2009, increasing on January 1, 2010 to 35 pounds.

(b) Marketable calf crop (CC) shall be fixed at 80 percent.

(c) State share of calf gain (S) shall be fixed at 20 percent through 2010, increasing on January 1, 2011 to 22.5 percent, then increasing on January 1, 2012 to 25 percent.

(d) Average weighted calf price (P) shall be based on USDA Oregon agriculture price data indicating the average statewide sales price of calves for the preceding one year period based on an October through September year.

(4) The compensation due to the Department for a livestock trailing permit will be based on the total number of animals crossing the state land in a single "round trip" per year as follows:

(a) For 500 animal units or less the required compensation is \$150;

(b) For 501 to 999 animal units the required compensation is \$250; and

(c) For 1,000 or more animal units the required compensation is \$350.

(5) In addition to any other remedies available, the Department will impose the legal rate of interest and any applicable late fees on unpaid balances owed the Department pursuant to ORS 82.010.

(6) Unless otherwise authorized by the Department, annual compensation due must be paid to the Department each year within 30 calendar days of the date of the Department's billing notice.

Stat. Auth.: ORS 274.045, 273.051 & 273.805 - 273.825

Stats. Implemented: ORS 273.805, 273.815 & 273.825

Hist.: LB 4-1994, f. & cert. ef. 8-2-94; DSL 1-1999, f. & cert. ef. 3-2-99; DSL 7-2009, f. & cert. ef. 10-20-09

141-110-0085

Lease Renewals

(1) At least 180 calendar days prior to the current lease expiration date, the Department will send the lessee of record a notice by certified mail indicating the date of expiration along with a lease renewal application form. The lease renewal application form must be received by the Department not less than 90 calendar days prior to the expiration of the lease.

(2) The Department may review the lands incorporated in the leasehold prior to expiration of the lease to determine their continued suitability for grazing.

(3) Upon receipt of a completed lease renewal application form, the lease will be renewed for a term of up to 10 calendar years unless:

(a) Otherwise specified in the applicable forage lease;

(b) The land has been reclassified according to the Asset Management Plan to a land classification other than rangelands;

(c) The lessee has not complied with the terms of the lease, related statutes, these rules, or any applicable LMP and amendments thereto; or

(d) The Department determines that the renewal of the lease for all or portions of the leasehold is contrary to local, state, or federal law; or inconsistent with the Land Board's fiduciary responsibilities; or will not result in the greatest public benefit, consistent with the conservation of the resource under sound techniques of land management as required by Article VIII, Section 5, of the Oregon Constitution.

Stat. Auth.: ORS 273.045 & 273.051

Stats. Implemented: ORS 273.805, 273.815 & 273.825

Hist.: DSL 7-2009, f. & cert. ef. 10-20-09

141-110-0100

Leasehold Management Plan (LMP)

(1) A leasehold management plan consists, at a minimum, of the following:

(a) Identification of the leasehold area;

(b) Identification of the presence and condition of the natural (for example, wildlife or water), recreational, cultural and historic resources within the leasehold affected by the lease;

(c) Identification of existing leasehold improvements;

(d) Identification of condition of the leasehold's forage resources;

(e) Determination of the carrying capacity (in AUMs) and forage production capabilities;

(f) Identification of leasehold management issues and concerns as they relate to livestock grazing;

(g) Establishment of leasehold management objectives and monitoring methods;

(h) Establishment of leasehold management schedules including but not limited to grazing use or review of annual operating plans (AOPs); and

ADMINISTRATIVE RULES

(1) Identification of new treatments or improvements designed to achieve leasehold management objectives.

(2) LMPs will be developed by the Department in consultation with the lessee, other affected landowners, and applicable local, state, and federal agencies, tribal interests, and any interested persons.

(3) The Department will prepare a written LMP for each leasehold unless it is determined by the Department that doing so would be inefficient or uneconomical. All LMPs will be periodically reviewed and revised.

(4) The Department will send a notice of the availability of a draft LMP to:

- (a) Persons indicating an interest in the leasehold;
- (b) Affected state or federal agencies, and tribal interests; and
- (c) Affected local governments.

(5) Recipients of the notice of availability of the draft LMP shall have 30 calendar days from the date of the notice to submit comments to the Department.

(6) Upon receipt of comments the Department will:

- (a) Review the comments;
- (b) Revise the draft LMP as applicable;
- (c) Inform interested persons of significant revisions to the LMP; and
- (d) Issue the LMP.

(7) Provided that they substantially conform to the provisions of OAR 141-110-0100, the Department will accept any one of the following in lieu of an LMP:

(a) An Allotment Management Plan approved by the Bureau of Land Management or the U.S. Forest Service; or

(b) A coordinated Resource Management Plan previously developed by the Department.

(8) The Department will periodically review each LMP to:

- (a) Determine the lessee's compliance with the LMP;
- (b) Assess the effectiveness of the LMP; and
- (c) Decide if the LMP needs to be revised to reflect changes in use, ecosystem health, or other factors.

(9) The Department reserves the right to modify the LMP as necessary after prior consultation with the lessee.

(10) The Department may, after consultation with the lessee, make periodic changes in the carrying capacity of a leasehold due to seasonal climatic or adverse conditions without public notification as required in OAR 141-110-0100.

(11) The LMP, to the extent allowable under the Asset Management Plan and the Department's SAMP, will be consistent with local, state and federal laws and rules, and approved state or federal coordinated resource plans or watershed management plans or strategies.

(12) Any person may request that the Department review or revise an LMP if plan objectives are not being met. Such a request shall be in writing and state the reason(s) why, or present evidence indicating that a review or revision is necessary.

Stat. Auth.: ORS 273.045 & 273.051

Stats. Implemented: ORS 273.805, 273.815 & 273.825

Hist.: LB 4-1994, f. & cert. ef. 8-2-94; LB 3-1995, f. & cert. ef. 10-13-95; DSL 1-1999, f. & cert. ef. 3-2-99; DSL 7-2009, f. & cert. ef. 10-20-09

141-110-0110

Subleases and Assignment of Leases

(1) Any lessee wanting to sublease or assign a lease to another person must:

(a) Apply to the Department for prior written authorization on a form provided by the Department; and

(b) Submit a non-refundable application fee as provided for in OAR 141-110-0045(2).

(2) Subleases shall not be approved for more than 5 calendar years and are not to be renewed or assigned.

(3) All such requests must be received by the Department at least 30 calendar days prior to the requested date of transfer.

(4) No sublease or assignment shall occur without the prior written approval of the Department. The Department may condition its approval of any sublease or assignment.

(5) Under an approved sublease, in addition to the annual compensation required under a lease, the lessee must pay to the Department an additional amount equal to 50 percent of the annual lease rental payment for those AUMs approved in the sublease agreement.

(6) The Department will terminate the lease of any lessee who subleases or assigns any part or all of their leasehold to another person without the prior written approval of the Department.

(7) A lessee entering into a sublease approved by the Department will continue to be bound by all terms and conditions of their lease, including the requirements of the LMP.

(8) Assignments, if approved by the Department will be no longer than the remaining unexpired term of the lease. An assignee of a rangeland lease shall be bound by the existing lease and, if applicable, the LMP.

(9) Assignees must meet all applicable requirements as set forth in OAR 141-110-0035.

Stat. Auth.: ORS 273.045 & 273.051

Stats. Implemented: ORS 273.805, 273.815 & 273.825

Hist.: LB 4-1994, f. & cert. ef. 8-2-94; LB 3-1995, f. & cert. ef. 10-13-95; LB 8-1996, f. & cert. ef. 12-13-96; DSL 1-1999, f. & cert. ef. 3-2-99; DSL 7-2009, f. & cert. ef. 10-20-09

141-110-0120

Improvements by Lessee

(1) No improvement may be constructed or placed upon leased land unless the lessee has obtained the prior written authorization of the Department.

(2) The Department will consider the following factors before deciding whether to authorize a proposed improvement on a leasehold:

- (a) Need for the proposed improvement;
- (b) Benefits of the proposed improvement;
- (c) Impacts of the proposed improvement on the leasehold, fish and wildlife habitat, recreational resources, historical resources and cultural resources; and
- (d) Whether the proposed improvement is permitted by the local jurisdiction's acknowledged comprehensive plan and land use regulations.

(3) All improvements must be maintained by the lessee in good working order as appropriate to the type of improvement.

(4) The lessee must take all reasonable and prudent efforts to ensure that an improvement does not pose a danger to public safety.

(5) All improvements to the leasehold become the property of the Department.

(6) If water permits or rights are required for the proposed improvement, such permits or rights are to be applied for and issued in the name of the Department in accordance with applicable statutes governing the appropriation and use of water.

Stat. Auth.: ORS 273.045 & 273.051

Stats. Implemented: ORS 273.805, 273.815 & 273.825

Hist.: LB 4-1994, f. & cert. ef. 8-2-94; LB 3-1995, f. & cert. ef. 10-13-95; DSL 1-1999, f. & cert. ef. 3-2-99; DSL 7-2009, f. & cert. ef. 10-20-09

141-110-0135

Livestock Trailing

(1) Livestock trailing by any person other than the forage lessee operating within their leasehold requires a livestock trailing permit.

(2) Any person applying for a livestock trailing permit must do so in writing on a form provided by the Department and include the application fee as provided in OAR 141-110-0045(3).

(3) The application must be received (unless otherwise agreed to by the Department) at least 30 calendar days prior to the intended livestock trailing.

(4) Upon receipt of a completed application the Department will determine whether or not to issue the livestock trailing permit.

(5) The Department may issue, deny, or issue with conditions the livestock trailing permit only after a determination that the applicant has shown that the proposed livestock trailing will not:

- (a) Substantially interfere with the activities of the forage lessee or any other authorized uses of the area subject to the livestock trailing;
- (b) Substantially impact fish, wildlife, recreational, cultural or other resources; or
- (c) Pose a public safety hazard.

(6) A livestock trailing permit will be issued for a specific time period and with specific terms, including compensation and conditions. The livestock trailing permit is not renewable.

(7) Compensation due to the Department for a livestock trailing permit will be based on the total number of animals crossing the state land in a single "round trip" per year as provided in OAR 141-110-0080(4).

Stat. Auth.: ORS 273.045 & 273.051

Stats. Implemented: ORS 273.805, 273.815 & 273.825

Hist.: DSL 7-2009, f. & cert. ef. 10-20-09

141-110-0145

Livestock Trespass

(1) Any unauthorized livestock found on state land will be considered in trespass.

(2) The Department will identify and notify the owner of all livestock found in trespass.

ADMINISTRATIVE RULES

(3) The Department may pursue all appropriate legal remedies to assure that the Department is fairly compensated by the livestock owner for the impacts (including resource damages) of the trespassing livestock and that future trespass is deterred.

Stat. Auth.: ORS 273.045 & 273.051
Stats. Implemented: ORS 273.805, 273.815 & 273.825
Hist.: DSL 7-2009, f. & cert. ef. 10-20-09

141-110-0150

Appeals

An applicant for an authorization or any other person adversely affected by a decision of the Department concerning an authorization, closure or restriction to the use of state-owned lands may appeal the decision to the Director.

(1) Such an appeal must be received by the Director no later than 30 calendar days after the date of delivery of the decision.

(2) The Director will decide the appeal within 60 calendar days after the date of delivery of the appeal.

(3) The Director may affirm the decision, issue a new or modified decision, or request the appellant to submit additional information to support the appeal.

(4) If the appeal is regarding a decision made by the Land Board, the Director may recommend to the Land Board either that the authorization issuance or denial be affirmed based on the merits of the request, or that the Land Board authorize initiation of a contested case proceeding.

Stat. Auth.: ORS 273.045 & 273.051
Stats. Implemented: ORS 273.805, 273.815 & 273.825
Hist.: LB 4-1994, f. & cert. ef. 8-2-94; LB 3-1995, f. & cert. ef. 10-13-95; DSL 1-1999, f. & cert. ef. 3-2-99; DSL 7-2009, f. & cert. ef. 10-20-09

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

Rule Caption: Persons with a Limited Vision Condition Must Qualify Every Two Years and Definitions Used.

Adm. Order No.: DMV 20-2009

Filed with Sec. of State: 10-27-2009

Certified to be Effective: 10-27-09

Notice Publication Date: 9-1-2009

Rules Adopted: 735-062-0385

Rules Amended: 735-062-0310

Subject: The 2003 Legislature created a program for issuing driving privileges to persons who otherwise do not qualify because they have a limited vision condition. To qualify for driving privileges, a person with a limited vision condition must meet certain requirements, including a drive test and examination by a licensed vision specialist every two years. DMV adopted OAR 735-062-0385 to set forth the conditions and requirements for obtaining a certification from a licensed vision specialist and passing a drive test, including: (1) how requirements must be met; (2) when DMV will send a notification to the driver that a vision certification and drive test is required; (3) when DMV will cancel the driving privileges of a person who does not comply with the requirements; and (4) how DMV will calculate the dates for the next vision certification and drive test. The amendment to OAR 735-062-0310 adds a definition for the term "report of limited vision examination."

Rules Coordinator: Lauri Kunze—(503) 986-3171

735-062-0310

Definitions

The following definitions apply to OAR 735-062-0300 through 735-062-0380:

(1) "Biotopic telescopic lens" means an optical system used to magnify distant objects by including a small telescope that is mounted in or above a spectacle lens in a manner to allow an unobstructed view of the horizontal visual field through a person's normal distance corrective lens;

(2) "DMV" means the Driver and Motor Vehicle Services Division of the Oregon Department of Transportation;

(3) "Daylight hours" means the period of time from sunrise to sunset but does not include periods where adverse weather or other conditions significantly reduce visibility on the roadway;

(4) "Educational facility" includes any public school district, education service district, community college district, any facility for the deaf operated under ORS 346.010, the Hillcrest School of Oregon, MacLaren

School for Boys, tribal schools, state and federal schools, public agencies, and any parochial, private-or home-school facility meeting the requirements of OAR 581-045-0535 and ORS 345.505.

(5) "Limited vision condition" means visual acuity in the better eye with best lens correction that is no better than 20/80 and no worse than 20/200.

(6) "Rehabilitation training program" means a program designed to train a person with a limited vision condition to use a biopic telescopic lens while operating a motor vehicle.

(7) "Rehabilitation training specialist" or "specialist" means a person certified by the Department of Transportation to provide a rehabilitation training program;

(8) "Report of Limited Vision Examination" (DMV Form Number 735-24A) means a certification completed by a licensed vision specialist (ophthalmologist or optometrist) that a person with a limited vision condition meets the requirements under ORS 807.359.

(9) "Special limited vision condition learner's permit" means a permit issued by the department to a person with a limited vision condition that allows the person to enroll in a rehabilitation training program; and

(10) "TSD" means the Oregon Department of Transportation, Transportation Safety Division.

Stat. Auth.: ORS 184.616, 184.619 & 807.368
Stats. Implemented: ORS 807.355, 807.359, 807.363, 807.368 & 2007 OL Ch. 588, Sec. 8
Hist.: DMV 15-2004, f. 6-24-04, cert. ef. 7-1-04; DMV 20-2009, f. & cert. ef. 10-27-09

735-062-0385

A Person with a Limited Vision Condition Must Qualify Every Two Years

(1) Beginning two years from the date of issuance and at least every two years thereafter, a person issued a license under ORS 807.363 must:

(a) Be examined by a licensed vision specialist and submit a Report of Limited Vision Examination form showing the person meets the vision requirements under ORS 807.359. If the person's driving privileges are not restricted to daylight driving only, the Report of Limited Vision Examination form must include the nighttime driving vision specialist certification; and

(b) Successfully pass a drive test as described in OAR 735-062-0070. The person must wear a biopic telescopic lens device during the test.

(2) Approximately 90 days before it is due, DMV will send the person a requirement letter and Report of Limited Vision Examination form. The Report of Limited Vision Examination form must be completed by the person's licensed vision specialist and returned to DMV no later than the return date on the requirement letter.

(3) Approximately 60 days before the date by which the person must successfully pass a drive test, DMV will send a requirement letter. The person must successfully pass a drive test by the completion date on the requirement letter.

(4) DMV will cancel the person's driving privileges if:

(a) The Report of Limited Vision Examination form is not completed and returned to DMV by the return date set forth in the requirement letter described in section (2) of this rule;

(b) The person does not successfully pass a drive test by the completion date set forth in the requirement letter described in section (3) of this rule; or

(c) The person fails to qualify for driving privileges as set forth in section (1) of this rule.

(5) If the person's driving privileges are not restricted to daylight driving only, DMV will issue a driver license with a daylight driving only restriction if the Report of Limited Vision Examination report submitted pursuant to section (1)(a) of this rule does not include the nighttime driving vision specialist certification.

(6) The two-year time period set forth in this rule is calculated as follows:

(a) A Report of Limited Vision Examination must be received by DMV no later than two years from the date the most recently submitted report was signed by the licensed vision specialist; and

(b) The person must successfully pass a drive test no later than two years from the date the person most recently passed the drive test.

Stat. Auth.: ORS 184.616, 184.619 & 802.010
Stats. Implemented: ORS 807.363 & 809.310(1)
Hist.: DMV 20-2009, f. & cert. ef. 10-27-09

.....
**Employment Department
Chapter 471**

Rule Caption: Defines "Standard Base Year" as used in ORS 657.010(1)(b).

ADMINISTRATIVE RULES

Adm. Order No.: ED 5-2009

Filed with Sec. of State: 10-30-2009

Certified to be Effective: 11-1-09

Notice Publication Date: 8-1-2009

Rules Adopted: 471-030-0012

Subject: This rule defines "Standard Base Year" as used in ORS 657.010 to clarify the agency's definition of a "Standard Base Year."

Rules Coordinator: Janet Orton—(503) 947-1679

471-030-0012

Standard Base Year Defined

As used in ORS 657.010(1)(b), "standard base year" means a regular base year or period that is not expanded in any way.

Stat. Auth.: ORS 657.610

Stats. Implemented: ORS 657.610

Hist.: ED 3-2009(Temp), f. & cert. ef. 7-1-09 thru 12-28-09; ED 5-2009, f. 10-30-09, cert. ef. 11-1-09

.....

Rule Caption: Amends language regarding compelling family reasons for work separations.

Adm. Order No.: ED 6-2009

Filed with Sec. of State: 10-30-2009

Certified to be Effective: 11-1-09

Notice Publication Date: 8-1-2009

Rules Amended: 471-030-0038

Subject: Amends language to include "compelling family reasons" as good cause for a work separation.

Rules Coordinator: Janet Orton—(503) 947-1679

471-030-0038

Work Separations, Job Referrals and Job Refusals

(1)(a) As used in ORS 657.176(2)(a), (b) and (c) and sections (1) through (5) of this rule the term "work" means the continuing relationship between an employer and an employee. An employment relationship exists even in circumstances where the work performed is not subject employment as set forth in ORS Chapter 657. This section does not apply where no employment relationship exists because the worker is an independent contractor or operating an independently established business. With the exception of the provisions of ORS 657.221(2)(a), the date an individual is separated from work is the date the employer-employee relationship is severed. In the case of individuals working for temporary agencies or employee leasing companies, the employment relationship shall be deemed severed at the time that a work assignment ends.

(b) In the case of absence due to labor dispute, the employee is separated from work on the date there is a complete dissociation from all participation in the labor dispute and no re-employment rights are claimed.

(c) As used in this rule, "wantonly negligent" means indifference to the consequences of an act or series of actions, or a failure to act or a series of failures to act, where the individual acting or failing to act is conscious of his or her conduct and knew or should have known that his or her conduct would probably result in a violation of the standards of behavior which an employer has the right to expect of an employee.

(d) As used in this rule, the following standards apply to determine whether an "isolated instance of poor judgment" occurred:

(A) The act must be isolated. The exercise of poor judgment must be a single or infrequent occurrence rather than a repeated act or pattern of other willful or wantonly negligent behavior.

(B) The act must involve judgment. A judgment is an evaluation resulting from discernment and comparison. Every conscious decision to take an action (to act or not to act) in the context of an employment relationship is a judgment for purposes of OAR 471-030-0038(3).

(C) The act must involve poor judgment. A decision to willfully violate an employer's reasonable standard of behavior is poor judgment. A conscious decision to take action that results in a wantonly negligent violation of an employer's reasonable standard of behavior is poor judgment. A conscious decision not to comply with an unreasonable employer policy is not misconduct.

(D) Acts that violate the law, acts that are tantamount to unlawful conduct, acts that create irreparable breaches of trust in the employment relationship or otherwise make a continued employment relationship impossible exceed mere poor judgment and do not fall within the exculpatory provisions of OAR 471-030-0038(3).

(e) For purposes of this rule, "compelling family reasons" means:

(A) Domestic violence, as defined in OAR 471-30-0150, which causes the individual reasonably to believe that the individual's continued employment would jeopardize the safety of the individual or a member of the individual's immediate family; or

(B) The illness or disability of a member of the individual's immediate family necessitates care by another and the individual's employer does not accommodate the employee's request for time off; or

(C) The need to accompany the individual's spouse or domestic partner;

(i) To a place from which it is impractical for such individual to commute; and

(ii) Due to a change in location of the spouse's or domestic partner's employment.

(f) As used in OAR 471-030-0150 and this rule, "a member of the individual's immediate family" includes spouses, domestic partners, parents, and minor children under the age of 18, including a foster child, stepchild or adopted child.

(2) The distinction between voluntary leaving and discharge is:

(a) If the employee could have continued to work for the same employer for an additional period of time the separation is a voluntary leaving of work;

(b) If the employee is willing to continue to work for the same employer for an additional period of time but is not allowed to do so by the employer the separation is a discharge.

(3)(a) As used in ORS 657.176(2)(a) and (b) a willful or wantonly negligent violation of the standards of behavior which an employer has the right to expect of an employee is misconduct. An act or series of actions that amount to a willful or wantonly negligent disregard of an employer's interest is misconduct.

(b) Isolated instances of poor judgment, good faith errors, unavoidable accidents, absences due to illness or other physical or mental disabilities, or mere inefficiency resulting from lack of job skills or experience are not misconduct.

(c) The willful or wantonly negligent failure to maintain a license, certification or other similar authority necessary to the performance of the occupation involved is misconduct, so long as such failure is reasonably attributable to the individual.

(d) Discharge for "compelling family reasons," when the individual has made the attempt to maintain the employer-employee relationship, is not misconduct.

(4) Good cause for voluntarily leaving work under ORS 657.176(2)(c) is such that a reasonable and prudent person of normal sensitivity, exercising ordinary common sense, would leave work. For an individual with a permanent or long-term "physical or mental impairment" (as defined at 29 CFR §1630.2(h)) good cause for voluntarily leaving work is such that a reasonable and prudent person with the characteristics and qualities of such individual, would leave work. Except as provided in OAR 471-030-0038(5)(g), for all individuals, the reason must be of such gravity that the individual has no reasonable alternative but to leave work.

(5) In applying section (4) of this rule:

(a) If an individual leaves work to accept an offer of other work good cause exists only if the offer is definite and the work is to begin in the shortest length of time as can be deemed reasonable under the individual circumstances. Furthermore, the offered work must reasonably be expected to continue, and must pay:

(A) An amount equal to or in excess of the weekly benefit amount; or

(B) An amount greater than the work left.

(b) Leaving work without good cause includes, but is not limited to:

(A) Leaving suitable work to seek other work;

(B) Leaving work rather than paying union membership dues;

(C) Refusing to join a bona fide labor organization when membership therein was a condition of employment;

(D) Leaving to attend school, unless required by law;

(E) Willful or wantonly negligent failure to maintain a license, certification or other similar authority necessary to the performance of the occupation involved, so long as such failure is reasonably attributable to the individual;

(F) Resignation to avoid what would otherwise be a discharge for misconduct or potential discharge for misconduct;

(G) Leaving work for self employment.

(c) Good cause for voluntarily leaving work while on layoff status shall be determined solely under the provisions of section (4) of this rule without regard to the provisions of subsections (a) and (b) of this section;

(d) Reduction in rate of pay: If an individual leaves work due to a reduction in the rate of pay, the individual has left work without good cause

ADMINISTRATIVE RULES

unless the newly reduced rate of pay is ten percent or more below the average rate of pay for similar work in the individual's normal labor market area. The average rate of pay in the individual's labor market shall be determined by employees of the Employment Department adjudicating office using available research data compiled by the department.

(A) This section applies only when the employer reduces the rate of pay for the position the individual holds. It does not apply when an employee's earnings are reduced as a result of transfer, demotion or reassignment.

(B) An employer does not reduce the rate of pay for an employee by changing or eliminating guaranteed minimum earnings, by reducing the percentage paid on commission, or by altering the calculation method of the commission.

(C) An employer does not reduce the rate of pay by loss or reduction of fringe benefits.

(D) If the Employment Department cannot determine the average rate of pay, the provisions of OAR 471-030-0038(4) apply.

(e) Reduction in hours: If an individual leaves work due to a reduction in hours, the individual has left work without good cause unless continuing to work substantially interferes with return to full time work or unless the cost of working exceeds the amount of remuneration received;

(f) Where the gravity of the situation experienced by the individual results from his or her own deliberate actions, to determine whether good cause exists, the actions of the individual in creating the grave situation must be examined in accordance with the provisions of section (4) of this rule.

(g) Leaving work with good cause includes, but is not limited to, leaving work due to compelling family reasons.

(6) As used in ORS 657.176(2)(d) and (e), the term "work" means the performance of services for which remuneration, compensation or wages is intended to be received or earned. Good cause as used in ORS 657.176(2)(d) and (e) is such that a reasonable and prudent person, exercising ordinary common sense, would refuse to apply for available suitable work when referred by the employment office or accept suitable work when offered by the employer. For an individual with a permanent or long-term "physical or mental impairment" (as defined at 29 CFR §1630.2(h)) good cause is such that a reasonable and prudent person with the characteristics and qualities of such individual, would refuse to apply for available suitable work when referred by the employment office or accept suitable work when offered by the employer. In determining disqualification under this section, consideration shall be given to suitable work factors and exceptions as set forth in ORS 657.190 and 657.195.

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

Stat. Auth.: ORS 657.176, 657.260, 657.265 & 657.610

Stats. Implemented: ORS 657.176

Hist.: IDE 1-1979(Temp), f. & ef. 4-30-79; IDE 5-1979, f. & ef. 8-27-79; IDE 1-1984, f. & ef. 3-21-84; IDE 2-1986, f. & ef. 4-14-86; ED 5-1992, f. & cert. ef. 12-14-92; ED 2-1993(Temp), f. & cert. ef. 8-12-93; ED 4-1993, f. & cert. ef. 11-22-93; ED 6-1999, f. 9-23-99, cert. ef. 9-26-99; ED 7-2001(Temp), f. 5-17-01, cert. ef. 5-20-01 thru 11-11-01; ED 13-2001, f. 11-2-01, cert. ef. 11-4-01; ED 8-2004, f. 12-17-04, cert. ef. 12-19-04; ED 1-2009(Temp), f. 6-25-09, cert. ef. 6-29-09 thru 12-26-09; ED 6-2009, f. 10-30-09, cert. ef. 11-1-09

Rule Caption: Amends language regarding domestic violence and members of an individual's immediate family.

Adm. Order No.: ED 7-2009

Filed with Sec. of State: 10-30-2009

Certified to be Effective: 11-1-09

Notice Publication Date: 8-1-2009

Rules Amended: 471-030-0150

Subject: Amends language in the domestic violence rule to define "member of an individual's immediate family."

Rules Coordinator: Janet Orton—(503) 947-1679

471-030-0150

Domestic Violence

(1) As used in ORS 657.176(12) and for purposes of this rule, "a member of the individual's immediate family" has the same meaning as the term is defined in OAR 471-030-0038(1).

(2) As used in ORS 657.176(12), "domestic violence" means the physical injury, sexual assault or forced imprisonment, or threat thereof, of a person by another who is related by blood or marriage or has a significant relationship with the other person at the present, or who has been related or has had a significant relationship at some time in the past, to the extent that the person's health, safety or welfare is harmed or threatened thereby.

(3) As used in ORS 657.176(12), "stalking" means:

(a) The person intentionally, knowingly or recklessly engages in repeated and unwanted contact with the other person thereby alarming or coercing the other person;

(b) It is objectively reasonable for a person in the victim's situation to have been alarmed or coerced by the contact; and

(c) The repeated and unwanted contact causes the individual or a member of the individual's immediate family reasonable apprehension regarding the personal safety of the individual or the family member.

(4) As used in ORS 657.176(12), "sexual assault" means any unwanted touching of the sexual or other intimate parts of a person or causing such person to touch the sexual or other intimate parts of the actor for the purpose of arousing or gratifying the sexual desire of either party.

(5) The effective date for implementing this rule shall be June 29, 2009.

Stat. Auth.: ORS 657.176 & 657.610

Stats. Implemented: ORS 657.176 & HB 2767 (OL 2001)

Hist.: ED 13-2001, f. 11-2-01, cert. ef. 11-4-01; ED 3-2005(Temp), f. & cert. ef. 6-24-05 thru 12-17-05; ED 4-2005(Temp), f. & cert. ef. 7-5-05 thru 12-17-05; ED 7-2005, f. & cert. ef. 12-15-05; ED 2-2009(Temp), f. 6-25-09, cert. ef. 6-29-09 thru 12-26-09; ED 7-2009, f. 10-30-09, cert. ef. 11-1-09

Rule Caption: Economically Distressed Worker Training program rules.

Adm. Order No.: ED 8-2009(Temp)

Filed with Sec. of State: 10-30-2009

Certified to be Effective: 11-1-09 thru 4-30-10

Notice Publication Date:

Rules Adopted: 471-030-0220

Subject: This rule governs the administration of the Economically Distressed Worker training program which provides Unemployment Benefits to unemployed individuals considered to be Economically Distressed (making less than 110% of minimum wage in the base year) during retraining programs.

Rules Coordinator: Janet Orton—(503) 947-1679

471-030-0220

Economically Distressed Worker Training

(1) As used in House Bill 3483, Enrolled Oregon 2009 Regular Session, and this rule:

(a) A "high-demand occupation" means one for which there are, or are expected to be reasonable employment opportunities in the area, or opportunities to develop a self-employment enterprise, and which are likely to become full-time endeavors paying at least 110 per cent of the minimum wage established under ORS 653.025.

(b) "High-demand occupations," as defined in section (1) of this rule, will be determined by the Oregon Employment Department Workforce and Economic Research Section.

High-demand occupations for an individual will be based upon the labor market of the individual's permanent residence.

(c) "Attendance in economically distressed worker training" means attending training that is the equivalent of full-time status as defined by the training provider, and which begins with the starting date of the economically distressed worker training and ends with satisfactory completion of the training program. The period of time defined in this subsection includes customary academic recesses for holidays and between academic terms but does not include the customary academic summer recess.

(d) "Minimum wage" as used to determine gainful employment or self employment in HB 3483, Section 1, Subsection 1, is the minimum wage in effect at the beginning of the first week claimed under this program.

(e) "Minimum wage" as used to calculate an individual's eligibility for economically distressed worker training in HB 3483, Section 1, Subsection 2 is the highest minimum wage in effect during the individual's base year.

(f) "Minimum wage" as used to apply HB 3483, Section 2, is the minimum wage in effect at the time the work is offered.

(2) Application of Eligibility Criteria.

(a) The Employment Department will make the determination that an individual meets the definition of economically distressed worker for purposes of paying benefits under HB 3483. To determine whether an individual was employed in work paying less than 110 per cent of the minimum wage during the individual's entire base year, the individual's total base year wages will be divided by the number of hours the individual worked during the base year. The result will be compared to 110% of the applica-

ADMINISTRATIVE RULES

ble minimum wage, as defined in Section (1)(e) of this rule, to determine the individual's eligibility.

(3) To receive benefits for any week while attending economically distressed worker training, an economically distressed worker who is otherwise eligible for unemployment insurance benefits must:

(a) Submit a written application for approval of economically distressed worker training on forms approved for such purpose by the Director to the Employment Department within 90 days prior to the start of training or school; and

(b) Submit to the Employment Department a timely claim for such week in accordance with procedures established in OAR 471-030-0045(4); and

(c) Attend half or more of the scheduled class days during such week unless the days missed will not prevent satisfactory completion of the approved economically distressed worker training.

(4) Decisions of the Director to approve or disapprove an application for training approval or to discontinue such approval for one or more weeks during economically distressed worker training will be issued in accordance with OAR 471-030-0039.

Stat. Auth.: ORS 657.610

Stats. Implemented: ORS 657.610 & HB 3483 (2009)

Hist.: ED 8-2009(Temp), f. 10-30-09, cert. ef. 11-1-09 thru 4-30-10

Landscape Contractors Board Chapter 808

Rule Caption: Updates and clarifies bond, letter of credit and cash deposit requirements.

Adm. Order No.: LCB 7-2009

Filed with Sec. of State: 10-28-2009

Certified to be Effective: 10-28-09

Notice Publication Date: 9-1-2009

Rules Adopted: 808-002-0155, 808-002-0205, 808-002-0278, 808-003-0610, 808-003-0611, 808-003-0612, 808-003-0613, 808-003-0614, 808-003-0615, 808-003-0616

Rules Amended: 808-002-0495

Rules Repealed: 808-003-0110

Subject: 808-002-0155 – Defines Bid.

808-002-0205 – Defines Charges.

808-002-0278 – Defines Project.

808-002-0495 – Revises definition of Landscape Job to show the bond must be increased to a higher amount at the time of a bid for a landscape job that exceeds the current bond requirement amount.

808-003-0110 – Repealed; items dispersed to other rules being adopted.

808-003-0610 – Clarifies bond language and submittal of the bond to the agency.

808-003-0611 – Clarifies letter of credit or deposit form, submittal to the agency and annual renewal of the letter of credit or deposit.

808-003-0612 – Clarifies entity name required on bond, letter of credit or deposit.

808-003-0613 – Clarifies requirements for bond, letter of credit or deposit amounts.

808-003-0614 – Clarifies effective and cancellation dates of the bond, letter of credit or deposit.

808-003-0615 – Clarifies when a new bond, letter of credit or deposit is required for a change in an entity type.

808-003-0616 – Clarifies the restoration of the bond, letter of credit or deposit amount after a payment is made.

Rules Coordinator: Kim Gladwill-Rowley—(503) 378-5909

808-002-0155

Bid

“Bid” means offering to perform landscaping work on a given job site in return for compensation.

Stat. Auth.: ORS 670.310 & 671.670

Stats. Implemented: ORS 671.520

Hist.: LCB 7-2009, f. & cert. ef. 10-28-09

808-002-0205

Charges

“Charges” as used in ORS 671.690 means any compensation that a landscape contracting business asks for to perform landscaping work.

Stat. Auth.: ORS 670.310 & 671.670

Stats. Implemented: ORS 671.690

Hist.: LCB 7-2009, f. & cert. ef. 10-28-09

808-002-0278

Project

“Project” as used in ORS 671.690 means the landscape job as defined in OAR 808-002-0495.

Stat. Auth.: ORS 670.310 & 671.670

Stats. Implemented: ORS 671.690

Hist.: LCB 7-2009, f. & cert. ef. 10-28-09

808-002-0495

Landscape Job

“Landscape job”, means the performance of, bidding on, contracting for, or arranging for landscaping work on a given job site with the same owner in any 12-month period, regardless of the number of contracts or bids submitted.

Stat. Auth.: ORS 670.310 & 671.670

Stats. Implemented: ORS 671.690

Hist.: LCB 6-2005, f. 12-30-05, cert. ef. 1-1-06; LCB 7-2009, f. & cert. ef. 10-28-09

808-003-0610

Bonds, Generally

(1) A properly executed Landscape Contractors Board bond issued after January 1, 2010 must:

(a) Be in the form adopted by the Landscape Contractors Board as the Landscape Contractors Board Surety Bond revised January 1, 2010.

(b) Be signed by an authorized agent of the surety or by one having power of attorney; must bear a bond number; and must be filed within the time stated on the bond. Additionally, the agency may require the licensee and surety to use the most recent revision of the surety bond form.

(c) If issued after January 1, 2010 include the following:

(A) “NOW THEREFORE, the conditions of the foregoing obligation are that if said principal with regard to all work done by the principal as a “contractor” as defined by ORS 671.520, shall pay all amounts that may be ordered by the Landscape Contractors Board against the principal by reason of negligent or improper work or breach of contract in performing any of said work, in accordance with ORS Chapter 671 and OAR chapter 808, then this obligation shall be void; otherwise to remain in full force and effect.

(B) This bond is for the exclusive purpose of payment of final orders of the Landscape Contractors Board in accordance with ORS chapter 671.

(C) This bond shall be one continuing obligation, and the liability of the surety for the aggregate of any and all claims, which may arise hereunder, shall in no event exceed the amount of the penalty of this bond.

(D) This bond shall become effective on the date the principal meets all requirements for licensing or renewal and shall continuously remain in effect until depleted by claims paid under ORS Chapter 671, unless the surety sooner cancels the bond. This bond may be canceled by the surety and the surety be relieved of further liability for work performed on contracts entered after cancellation by giving 30 days’ written notice to the principal and the Landscape Contractors Board of the State of Oregon. Cancellation shall not limit the responsibility of the surety for final orders relating to work performed during the work period of a contract entered into prior to the cancellation.

(E) This bond shall not be valid for purposes of licensing in accordance with ORS Chapter 671 unless filed with the Landscape Contractors Board within sixty (60) days of the date shown below.”

(2) Bond documents received at the agency office from a surety company or agent via electronic facsimile may be accepted as original documents. The surety must provide the original bond document to the agency upon request.

Stat. Auth.: ORS 670.310 & 671.670

Stats. Implemented: ORS 671.690

Hist.: LCB 7-2009, f. & cert. ef. 10-28-09

808-003-0611

Letters of Credit or Deposits, Generally

(1) A properly executed Landscape Contracting Business Assignment of Savings or Deposit issued after January 1, 2010 must:

(a) Be in the form adopted by the Landscape Contractors Board as the Landscape Contracting Business Assignment of Savings Account or Deposit revised January 1, 2010. If issued prior to January 1, 2010, the revised form must be used upon the renewal of the document as required by subsection 3 of this rule.

(b) Be signed by an owner or officer of the landscape contracting business;

ADMINISTRATIVE RULES

(c) Be signed by an authorized agent of the bank or financial institution or by one having power of attorney and must bear an account number. Additionally, the agency may require the licensee and bank or financial institution to use the most recent revision of the Assignment of Savings Account or Deposit form; and

(2) Letters of credit or cash assignment documents received at the agency office from a bank or financial institution via electronic facsimile may be accepted as original documents. The bank or financial institution must provide the original documents to the agency upon request.

(3) Letters of credit or cash assignment documents must be renewed every year upon renewal of the landscape contracting business license.

Stat. Auth.: ORS 670.310 & 671.670
Stats. Implemented: ORS 671.690
Hist.: LCB 7-2009, f. & cert. ef. 10-28-09

808-003-0612

Entity Name Required on Bond, Letter of Credit or Cash Deposit

(1) The name of the entity as it appears on the bond, letter of credit or cash deposit must be the same as the name on the landscape contracting business license application or license of record with the agency and the same entity name filed at the Oregon Corporation Division (if applicable).

(a) If the entity is a sole proprietorship, the bond, letter of credit or cash deposit must include the name of the sole proprietor;

(b) If the entity is a partnership, or joint venture, the bond, letter of credit or cash deposit must include the names of all partners (except limited partners);

(c) If the entity is a limited liability partnership, the bond, letter of credit or cash deposit must be issued in the name of all partners and the name of the limited liability partnership;

(d) If the entity is a limited partnership, the bond, letter of credit or cash deposit must be issued in the name of all general partners and the name of the limited partnership and any other business names(s) used. Limited partners do not need to be listed on the bond, letter of credit or cash deposit;

(e) If the entity is a corporation or trust, the bond, letter of credit or cash deposit must be issued showing the corporate or trust name; or

(f) If the entity is a limited liability company, the bond, letter of credit or cash deposit must be issued in the name of the limited liability company.

(2) The inclusion or exclusion of business name(s) on a bond, letter of credit or cash deposit does not limit the liability of a landscape contracting business. Claims against a licensed landscape contracting business will be processed regardless of business names used by an entity.

(3) If the bond, irrevocable letter of credit or deposit is reduced to less than the amount required by ORS 671.690 or OAR 808-003-0113, the landscape contracting business shall immediately file a replacement bond, a replacement irrevocable letter of credit, a rider on the existing bond, an amended irrevocable letter of credit, or increase the deposit permitted by ORS 671.690(3), if applicable, so that the amount on deposit is equal to or greater than the amount required by ORS 671.690 or OAR 808-003-0613.

Stat. Auth.: ORS 670.310 & 671.670
Stats. Implemented: ORS 671.690
Hist.: LCB 7-2009, f. & cert. ef. 10-28-09

808-003-0613

Bond, Letter of Credit or Cash Deposit Amounts

(1) Except as provided in subsection (2) below, a surety bond, letter of credit or cash deposit required under ORS 671.690 must be in one of the following amounts:

(a) \$3,000 for an applicant, unless the applicant is described in subsections (b), (c), (d) or (e) of this rule.

(b) \$10,000 for an applicant, who not in conjunction with the performance of landscaping work, constructs fences, decks, arbors, patios, landscape edging, driveways, walkways or retaining walls, unless the applicant is made subject to paragraph (c) of this subsection by work on other jobs performed by the applicant.

(c) \$10,000 for an applicant who charges more than \$10,000, but less than \$25,000, for a landscape job.

(d) \$15,000 for an applicant who charges \$25,000 or more for a landscape job.

(e) \$15,000 for a Probationary All Phase Plus Backflow license phase.

(2) A landscape contracting business may obtain or maintain a bond, letter of credit or cash deposit in an amount that exceeds the amount required under section (1) of this rule if the bond, letter of credit or cash deposit obtained or maintained is in an amount that is equal to an amount required under section (1) of this rule.

(3) A landscape contracting business is subject to a higher bond, letter of credit or cash deposit before the landscape contracting business submits a bid or contract to a customer, whichever occurs first.

(4) A landscape contracting business must increase or file an additional bond, letter of credit or cash deposit when the cost of the landscape project makes the licensee subject to a higher bond, letter of credit or cash deposit.

Stat. Auth.: ORS 670.310 & 671.670
Stats. Implemented: ORS 671.690
Hist.: LCB 7-2009, f. & cert. ef. 10-28-09

808-003-0614

Effective and Cancellation Dates of the Bond, Letter of Credit or Cash Deposit

(1) The bond effective date is the date as stated on the Landscape Contracting Business Surety Bond form.

(2) The bond shall remain in effect and be continuous until cancelled by the surety or until the landscape contracting business no longer meets the requirements for licensing as determined by the agency, whichever comes first.

(3) A bond may be cancelled by the surety only after the surety has given 30 days' notice to the agency. Cancellation will be effective no less than 30 days after receipt of the cancellation notice.

(4) Upon cancellation of the bond, or cancellation without an authorized release by the agency of a letter of credit or cash deposit the agency may immediately suspend the landscape contracting business as provided for in ORS 671.610(2)(a).

(5) The letter of credit or cash deposit effective date is the date the landscape contracting business meets all requirements for licensing or renewal.

(6) The letter of credit or cash deposit shall remain in effect for one year after the expiration, suspension, termination or approval of inactive status and may only be released by the agency.

(7) The bond, letter of credit or cash deposit shall be subject to final orders as described in OAR 808-004-0600.

Stat. Auth.: ORS 670.310 & 671.670
Stats. Implemented: ORS 671.690, 671.707 & 671.710
Hist.: LCB 7-2009, f. & cert. ef. 10-28-09

808-003-0615

New Bond, Letter of Credit or Cash Deposit Required for Change in Entity

(1) If a landscape contracting business is licensed as a sole proprietorship, partnership, limited liability partnership, limited partnership, joint venture, corporation, limited liability company, business trust or any other entity and seeks to change the licensed entity to one of the other entity types and a new license is required, the application must be accompanied by a new:

(a) Bond separate from the bond held for the previous entity;

(b) Letter of credit separate from the letter of credit held for the previous entity; or

(c) Cash deposit separate from the previous cash deposit held for the previous entity.

(2) Riders to existing bonds issued for changing the type of business entity bonded will only be accepted if a new license is not required per OAR 808-003-0100(3). If a new license is required the landscape contracting business must file a new bond.

Stat. Auth.: ORS 670.310 & 671.670
Stats. Implemented: ORS 671.690
Hist.: LCB 7-2009, f. & cert. ef. 10-28-09

808-003-0616

Restoration of Bond, Letter of Credit or Cash Deposit after Payment on Claim

If a surety company or financial institution pays all or part of a claim against a licensed landscape contracting business, the agency must suspend or refuse to issue or reissue the landscape contracting business license until the landscape contracting business submits to the agency:

(1) A properly executed bond, letter of credit or cash deposit in the amount required under ORS 671.690 and OAR 808-003-0113; or

(2) A certificate from the landscape contracting businesses surety company or financial institution that the surety company or financial institution remains liable for the full original penal sum of the bond, letter of credit or cash deposit, notwithstanding the payment from the surety bond letter of credit or cash deposit.

Stat. Auth.: ORS 670.310 & 671.670
Stats. Implemented: ORS 671.690
Hist.: LCB 7-2009, f. & cert. ef. 10-28-09

ADMINISTRATIVE RULES

Rule Caption: Requires liability insurance to be continuously in effect during the license period.

Adm. Order No.: LCB 8-2009

Filed with Sec. of State: 10-28-2009

Certified to be Effective: 10-28-09

Notice Publication Date: 9-1-2009

Rules Amended: 808-003-0095

Rules Repealed: 808-030-0095(T)

Subject: Requires a landscape contracting business to continuously have in effect liability insurance coverage during the licensing period.

Rules Coordinator: Kim Gladwill-Rowley—(503) 378-5909

808-003-0095

Liability Insurance

(1) An applicant for the landscape contracting business license or renewal shall submit a "Certificate of Insurance" (certificate) from an insurance company authorized to do business in Oregon, as required by ORS 671.565 and subsection (2) of this section and will continue to meet those insurance requirements for as long as the applicant is licensed. The certificate shall include the name of the insurance company, policy number, and coverage amount, and state that the Oregon Landscape Contractors Board is the certificate holder.

(2) The certificate must be for an amount not less than \$100,000 and include public liability, personal injury and property damage insurance covering landscaping work.

(3) The name of the entity as it appears on the certificate must be the same as the name on the landscape contracting business license application or license of record with the agency and the same entity name filed at the Oregon Corporation Division (if applicable).

(a) If the entity is a sole proprietorship, the certificate must include the name of the sole proprietor;

(b) If the entity is a partnership, or joint venture, the certificate must include the names of all partners (except limited partners);

(c) If the entity is a limited liability partnership, the certificate must be issued in the name of all partners and the name of the limited liability partnership;

(d) If the entity is a limited partnership, the certificate must be issued in the name of all general partners and the name of the limited partnership and any other business names(s) used. Limited partners do not need to be listed on the certificate;

(e) If the entity is a corporation or trust, the certificate must be issued showing the corporate or trust name; or

(f) If the entity is a limited liability company, the certificate must be issued in the name of the limited liability company.

(4) A landscape contracting business must continuously have in effect public liability, personal injury and property damage insurance during the licensing period to maintain an active license.

(5) A new certificate must be on file with the agency prior to the expiration date on the previous certificate. If the policy as required in subsection 2 of this section expires and a new certificate is not received on or before 5 pm on the day of policy expiration, the agency may suspend the landscape contracting business license

(6) Upon cancellation of the insurance required under ORS 671.565 the agency may immediately suspend the landscape contracting business license as provided for in 671.610(2)(b).

(7) If a landscape contracting business is licensed as a sole proprietorship, partnership, limited liability partnership, limited partnership, joint venture, corporation, limited liability company, business trust or any other entity and seeks to change the licensed entity to one of the other entity types and a new license is required, the application must be accompanied by a new certificate.

Stat. Auth.: ORS 183.325 - 183.410, 670.310 & 671.670

Stats. Implemented: ORS 671.565

Hist.: LCB 2-1991(Temp), f. 9-27-91, cert. ef. 9-29-91; LCB 1-1992, f. 1-27-92, cert. ef. 2-1-92; LSCB 2-1997, f. & cert. ef. 11-3-97; LCB 1-2003, f. 1-31-03, cert. ef. 2-1-03; LCB 4-2007, f. 12-19-07, cert. ef. 1-1-08; LCB 5-2009(Temp), f. 6-3-09 cert. ef. 6-3-09 thru 11-30-09; LCB 8-2009, f. & cert. ef. 10-28-09

.....

Rule Caption: Eliminates the requirement for a licensee to pay when a new card is required to be issued.

Adm. Order No.: LCB 9-2009(Temp)

Filed with Sec. of State: 10-28-2009

Certified to be Effective: 10-28-09 thru 4-25-10

Notice Publication Date:

Rules Amended: 808-003-0130

Subject: Eliminates the requirement for a licensee to pay when a new card is required to be issued.

Rules Coordinator: Kim Gladwill-Rowley—(503) 378-5909

808-003-0130

Fees

(1) Initial license or renewal of active license:

(a) Landscape contracting business, \$260.

(b) Landscape construction professional, \$95.

(2) Renewal of inactive license:

(a) Landscape contracting business, \$260.

(b) Landscape construction professional, \$95.

(3) Late penalty fee:

(a) Landscape contracting business, \$35.

(b) Landscape construction professional, \$35.

(4) Landscape Construction Professional License Application fee: \$100.

(5) Landscape Contracting Business License Application fee: \$150.

(6) Probationary Landscape Construction Professional License Application: \$75.

(7) Owner or Managing Employee Application fee: \$60.

(8) Request from license holder for a license card: \$20.

(9) Reinstatement of suspended license: \$30.

(10) If a landscape construction professional license expires, the amount to be paid for reinstatement equals the required fee for each year of lapse (up to two years) plus a late penalty fee for each year.

(11) If a Landscape contracting business license expires, and the Landscape contracting business has continuously maintained its bond, irrevocable letter of credit or deposit together with required liability insurance, the amount to be paid for reinstatement equals the required fee for each year of expiration (up to two years) plus a late penalty fee for each year. The reinstatement will be retroactive to the expiration date.

(12) If a Landscape contracting business license expires, and no bond, irrevocable letter of credit or deposit, or required liability insurance, has been in effect during the interim, the amount to be paid for reinstatement equals the required fee for each year of expiration (up to two years) plus a late penalty fee for each year. The reinstatement date will be the date the required fee and documentation are received in the board office.

(13) Payments received after board deadlines, including, but not limited to payments for renewals, applications and civil penalties will be considered late and penalties shall be assessed.

(14) The board may waive the late fee if:

(a) The properly completed renewal form and correct fee are received by the agency prior to the expiration date and all other renewal requirements are met within one month after the expiration date; or

(b) The licensee's failure to meet the renewal date was caused entirely or in part by a board error or omission.

Stat. Auth.: ORS 670.310 & 671.670

Stats. Implemented: ORS 671.595, 671.650 & 671.660

Hist.: LC 3, f. & ef. 2-7-77; LC 1-1981, f. & ef. 10-8-81; LC 1-1983(Temp), f. 10-14-83, ef. 10-15-83; LC 1-1984, f. & ef. 7-17-84; LCB 1-1988, f. 1-26-88, cert. ef. 2-1-88; Renumbered from 808-010-0035; LCB 3-1988(Temp), f. 4-11-88, cert. ef. 5-1-88; LCB 4-1988, f. 11-23-88, cert. ef. 12-1-88; LCB 1-1989(Temp), f. 5-16-89, cert. ef. 7-1-89; LCB 2-1989, f. & cert. ef. 7-24-89; LSCB 1-1995, f. & cert. ef. 2-2-95; LSCB 1-1997(Temp), f. & cert. ef. 6-10-97; LSCB 2-1997, f. & cert. ef. 11-3-97; LCB 3-2002, f. & cert. ef. 7-1-02; LCB 1-2003, f. 1-31-03, cert. ef. 2-1-03; LCB 6-2003, f. & cert. ef. 10-1-03; LCB 1-2004, f. 1-27-04, cert. ef. 2-1-04; LCB 5-2004, f. & cert. ef. 10-4-04; LCB 6-2005, f. 12-30-05, cert. ef. 1-1-06; 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 9-2008, f. 9-29-08, cert. ef. 10-1-08; LCB 10-2008, f. & cert. ef. 11-6-08; LCB 4-2009, f. 6-1-09 cert. ef. 7-1-09; LCB 9-2009(Temp), f. & cert. ef. 10-28-09 thru 4-25-10

.....

Rule Caption: Allows education hours completed since January 1, 2008, more time for course approval and clarifies reinstatement requirements.

Adm. Order No.: LCB 10-2009

Filed with Sec. of State: 10-28-2009

Certified to be Effective: 10-28-09

Notice Publication Date: 9-1-2009

Rules Amended: 808-040-0020, 808-040-0050, 808-040-0080

Rules Repealed: 808-040-0020(T), 808-040-0050(T), 808-040-0080(T)

ADMINISTRATIVE RULES

Subject: 808-040-0020 – Allows a landscape construction professional to report continuing education hours completed since January 1, 2008.

808-040-0050 – Allows for more time to submit documentation for course approval.

808-040-0080 – Clarifies continuing education hour reinstatement requirements for a landscape construction professional.

Rules Coordinator: Kim Gladwill-Rowley — (503) 378-5909

808-040-0020

Continuing Education Biennial and Reporting Requirement

(1) Biennial CEH requirement. To maintain licensing, a landscape construction professional must complete 20 hours of continued education hours (CEH) every two years unless such requirement is waived by the Board under ORS 671.676(4)) and OAR 808-040-0070:

(a) Except as provided in subsection (c) of this rule the 20 CEH must be completed during the two-year period immediately preceding the renewal date of the landscape construction professional license.

(b) The 20 CEH must conform to OAR 808-040-0040 and include a minimum of 4 CEH in subjects related to landscape business practices and a minimum of 8 CEH in subjects related to the technical area of landscape construction. The remaining hours may be in either of the above subjects or in subjects including but not limited to workplace safety, environmental and sustainable landscape practices, and/or community service.

(c) All landscape construction professionals renewing on or before December 31, 2011 may complete and report CEH obtained since January 1, 2008.

(2) Reporting Requirement at Renewal. As a requirement of renewal of an active landscape construction professional license, licensees are required to certify that the licensee has fulfilled the CEH requirement by listing the CEH completed at the time of renewal. The listing must include:

- (a) The name of the program sponsor;
- (b) Program title;
- (c) Date(s) program attended;
- (d) Type of CEH claimed; and
- (e) The number of CEH claimed.

(3) Licensees with Even Numbered Licenses. All licensees holding even numbered licenses on or before January 1, 2009 shall complete and report ten (10) CEH requirement with the conditions of (1)(b) of this rule being prorated for their first renewal in 2010 and then report the full 20 CEH with the renewal every second (2nd) year thereafter.

(4) Licensees with Odd Numbered Licenses. All licensees holding odd-numbered licenses shall complete and report the 20 CEH requirement beginning with the renewal period in 2011 and every second (2nd) year thereafter. The 20 hour CEH requirement shall be completed as per (1)(b) of this rule.

(5) New Licensees. CEH requirements for new licensees are as follows:

(a) New licensees who receive an even numbered license in an odd numbered year after January 1, 2009 will report a 10 CEH requirement with the conditions of (1)(b) of this rule being prorated for their first renewal period and then report the full 20 CEH with the renewal every second (2nd) year thereafter. An example of this is an individual who receives an even numbered license in 2009 must report 10 CEH in 2010 and then 20 CEH in 2012.

(b) New licensees who receive an even numbered license in an even numbered year after January 1, 2009 will report the 20 CEH requirement every second (2nd) year thereafter.

(c) New licensees who receive an odd numbered license in an even numbered year after January 1, 2009 will report a 10 CEH requirement with the conditions of (1)(b) of this rule being prorated for their first renewal period and then report the full 20 CEH with the renewal every second(2nd) year thereafter. An example of this is an individual who receives an odd numbered license in 2010 must report 10 CEH in 2011 and then 20 CEH in 2013.

(d) New licensees who receive an odd numbered license in an odd numbered year after January 1, 2009 will report the 20 CEH requirement every second (2nd) year thereafter

(e) CEH obtained during any month of the prorated two year CEH requirement period will be eligible to the meet the initial CEH requirement.

Stat. Auth.: ORS 670.310 & 671.670

Stats. Implemented: 2007 OL Ch. 550

Hist.: LCB 8-2007, f. 12-24-07, cert. ef. 1-1-08; LCB 2-2009(Temp), f. & cert. ef. 5-13-09 thru 11-9-09; LCB 10-2009, f. & cert. ef. 10-28-09

808-040-0050

Program Approval Process

(1) Pre-approval Process. Programs offered by any institution, agency, professional organization or association, which conducts educational meetings, workshops, symposiums, seminars and other such activities where a CEH credit is desired must be approved by the Board prior to the presentation of the program and prior to the attendance by a licensee. The written request for the issuance of CEH credit must:

(a) Be received on a form provided by the Board at least 30 calendar days prior to the presentation date (unless otherwise approved by the agency Administrator) and include:

- (A) Name of sponsoring institution, association or organization;
- (B) Title of the presentation;
- (C) Date of presentation;
- (D) Topic covered from list in 808-040-0040;
- (E) A written outline of the program;
- (F) The length of the program in hours;
- (G) Name of instructor or presenter;
- (H) Type of CEH requested;
- (I) Copy of the certificate to be given to each attendee with the signature of the instructor or presenter or the official stamp of the sponsor on the certificate. If more than one presenter is authorized to sign, then the signatures of each presenter must be on the certificate or on copies of the certificate; and

(J) Contact information for the provider which must include the address, phone number, fax number and email (if available) for the provider.

(b) Upon receipt of all documentation required in subsection (1) of this rule the board will review the request and notify the provider by either email or regular mail the determination of the CEH allowed by the board.

(2) Other Approval Process. In the event a landscape construction professional attends a program that is not pre-approved as outlined in section (1) above,

(a) The landscape construction professional may request approval of the attended program by submitting written documentation no later than 30 days after the date the program was attended that includes:

- (A) Name of sponsoring institution, association or organization;
- (B) Topic of the presentation;
- (C) Title of the presentation;
- (D) Name of instructor or presenter;
- (E) Date of presentation;
- (F) Length of presentation in hours;
- (G) Type of CEH; and
- (H) Number of CEH claimed.

(I) Signature of the instructor or presenter or official stamp of the sponsor signifying attendance and completion of the course.

(b) The board, after reviewing the submitted documentation, will determine:

- (A) If the program meets the conditions for the CEH requirement; and
- (B) The number of CEH allowed for the program, if any.

Stat. Auth.: ORS 670.310 & 671.670

Stats. Implemented: 2007 OL Ch. 550

Hist.: LCB 8-2007, f. 12-24-07, cert. ef. 1-1-08; LCB 2-2009(Temp), f. & cert. ef. 5-13-09 thru 11-9-09; LCB 10-2009, f. & cert. ef. 10-28-09

808-040-0080

CEH Requirement for Reinstatement to Active Status

(1) Except as provided for in subsection (2) of this section any licensee that seeks to reinstate an inactive or expired landscape construction professional license to active status must:

(a) Comply with OAR 808-003-0255;

(b) Submit documentation as per the audit requirements of OAR 808-040-0060 for the 20 CEH obtained within the two years immediately preceding the renewal date of the landscape construction professional license; and

(c) Meet the CEH requirement for each subsequent renewal period.

(2) Any even numbered licensee that seeks to reinstate an inactive or expired landscape construction professional license to active status prior to December 31, 2011 must:

(a) Comply with OAR 808-003-0255

(b) Submit documentation as per the audit requirements of OAR 808-040-0060 for the 10 CEH obtained since January 1, 2008; and

(c) Meet the CEH requirement for each subsequent renewal period.

(3) Any odd numbered licensee that seeks to reinstate an inactive or expired landscape construction professional license to active status prior to December 31, 2011 must:

ADMINISTRATIVE RULES

- (a) Comply with OAR 808-003-0255;
- (b) Submit documentation as per the audit requirements of OAR 808-040-0060 for the 20 CEH obtained since January 1, 2008; and
- (c) Meet the CEH requirement for each subsequent renewal period.
- (4) Any licensee that seeks to reinstate an expired landscape construction professional license to active status more than 14 days after the expiration of the license and the license was subject to audit prior to its expiration, must submit documentation as per the audit requirement of OAR 808-040-0060.

Stat. Auth.: ORS 670.310 & 671.670
Stats. Implemented: 2007 OL Ch. 550
Hist.: LCB 8-2007, f. 12-24-07, cert. ef. 1-1-08; LCB 2-2009(Temp), f. & cert. ef. 5-13-09 thru 11-9-09; LCB 10-2009, f. & cert. ef. 10-28-09

Oregon Board of Dentistry
Chapter 818

Rule Caption: Adopt/amends/ repeals rules: Procedures, Standards of Practice, Examination/Licensing, Dental Hygiene, Dental Assisting.

Adm. Order No.: OBD 2-2009

Filed with Sec. of State: 10-21-2009

Certified to be Effective: 11-1-09

Notice Publication Date: 9-1-2009

Rules Adopted: 818-001-0090

Rules Amended: 818-001-0000, 818-001-0087, 818-012-0030, 818-021-0012, 818-021-0025, 818-021-0050, 818-021-0060, 818-021-0070, 818-035-0010, 818-035-0030, 818-035-0100, 818-042-0070, 818-042-0080

Rules Repealed: 818-007-0087(T), 818-035-0080, 818-035-0090
Subject: OAR 818-001-0000 Notice of Proposed Rule Making, is amended to update the correct names of some entities and to delete entities who receive Notices of Proposed Rulemaking.

OAR 818-001-0087 Fees, is amended to publish the correct fees for applicants and licensees that were adopted by the Oregon Legislature and signed into law by the Governor.

OAR 818-001-0087(T) Fees, was a temporary rule that was adopted by the Board so the collection of fees could begin July 1, 2009 and is repealed. OAR 818-001-0087 is amended and effective November 1, 2009.

OAR 818-001-0090 Board Member Compensation, is adopted which allows the Oregon Board of Dentistry to set by rule the compensation for Board members, in addition to the current Oregon Statute on Board member compensation that was adopted by the Oregon Legislature and signed into law by the Governor.

OAR 818-012-0030 Unprofessional Conduct, is amended to correct a typographical error that occurred when amending the rule previously.

OAR 818-021-0012 Specialties Recognized, is amended to update the title of a dental specialty that is defined by the American Dental Association.

OAR 818-021-0025 Application for License to Practice Dental Hygiene Without Further Examination, is amended allowing a dental hygienist to count the teaching of clinical dental hygiene toward the 3,500 hour requirement for Licensure Without Further Examination.

OAR 818-021-0050 Community Health Experience for Dental and Dental Hygiene Students, is amended allowing any Dental Hygiene student to participate in clinical studies as a result of a new law removing the word "full-time" adopted by the Oregon Legislature and signed into law by the Governor.

OAR 818-021-0060 Continuing Education – Dentists, is amended to update the current name of an examination listed in the rule.

OAR 818-021-0070 Continuing Education – Dental Hygienists, is amended to implement the changes regarding continuing education for Limited Access Permit Dental Hygienists that are a result of

a law adopted by the Oregon Legislature and signed into law by the Governor.

OAR 818-035-0010 Definitions, is amended to remove language that is considered not current by the Dental and Dental Hygiene Community.

OAR 818-035-0030 Additional Functions of Dental Hygienists, is amended to clarify the prescription authority for dental hygienists and to allow dental hygienists to perform all aspects of teeth whitening procedures.

OAR 818-035-0100 Record Keeping, is amended to remove the requirement that certain procedures be documented in a patient's file as a result of a law adopted by the Oregon Legislature and signed into law by the Governor.

OAR 818-035-0080 Continuing Education, is repealed as the result of a law adopted by the Oregon Legislature and signed into law by the Governor. The provision regarding continuing education for Limited Access Permit Dental Hygienists has been placed in another section of the Dental Hygiene rules.

OAR 818-035-0090 First Renewal – Continuing Education, is repealed as the result of a law adopted by the Oregon Legislature and signed into law by the Governor. The provision regarding continuing education for the first renewal of Limited Access Permit Dental Hygienists has been placed in another section of the Dental Hygiene rules.

OAR 818-042-0070 Expanded Function Dental Assistants (EFDA), is amended to allow Expanded Function Dental Assistants to perform all aspects of teeth whitening procedures.

OAR 818-042-0080 Certification – Expanded Function Dental Assistant (EFDA), is amended to add a provision for certification of Expanded Function Dental Assistants regarding teeth whitening procedures.

Rules Coordinator: Sharon Ingram—(971) 673-3200

818-001-0000

Notice of Proposed Rule Making

Prior to the adoption, amendment, or repeal of any permanent rule, the Oregon Board of Dentistry shall give notice of the proposed adoption, amendment, or repeal:

(1) By publishing a notice in the Secretary of State's Bulletin referred to in ORS 183.370 at least 21 days prior to the effective date.

(2) By mailing a copy of the notice to persons on the mailing list established pursuant to ORS 183.335 (8) at least 28 days before the effective date of the adoption, amendment, or repeal.

(3) By mailing a copy of the notice to the following persons and publications:

- (a) Oregon Dental Hygienists' Association;
- (b) Oregon Dental Assistants Association;
- (c) Oregon Association of Dental Laboratories;
- (d) Oregon Dental Association;
- (e) The Oregonian;
- (f) Oregon Health & Science University, School of Dentistry;
- (g) The United Press International;
- (h) The Associated Press;
- (i) The Capitol Building Press Room.

Stat. Auth.: ORS 183, 192, 670 & 679

Stats. Implemented: ORS 183.370 & 183.335(7)

Hist.: DE 24, f. & ef. 12-2-75; DE 2-1978, f. & ef. 5-4-78; DE 3-1982, f. & ef. 5-26-82; DE 11-1984, f. & ef. 5-17-84; DE 1-1988, f. 12-28-88, cert. ef. 2-1-89; DE 1-1989, f. 1-27-89, cert. ef. 2-1-89; DE 1-1997, f. & cert. ef. 1-2-97; OBD 2-2009, f. 10-21-09, cert. ef. 11-1-09

818-001-0087

Fees

(1) The Board adopts the following fees:

(a) Biennial License Fees:

- (A) Dental — \$275;
- (B) Dental — retired — \$0;
- (C) Dental Faculty — \$260;
- (D) Volunteer Dentist — \$0;
- (E) Dental Hygiene — \$115;
- (F) Dental Hygiene — retired — \$0;
- (G) Volunteer Dental Hygienist — \$0.

(b) Biennial Permits, Endorsements or Certificates:

- (A) Anesthesia Class 1 Permit (Nitrous Oxide) — \$40;

ADMINISTRATIVE RULES

- (B) Anesthesia Class 2 Permit (Conscious Sedation) — \$75;
 - (C) Anesthesia Class 3 Permit (Deep Sedation) — \$75;
 - (D) Anesthesia Class 4 Permit (General Anesthesia) — \$140;
 - (E) Radiology — \$75;
 - (F) Expanded Function Dental Assistant — \$50;
 - (G) Expanded Function Orthodontic Assistant — \$50;
 - (H) Instructor Permits — \$40;
 - (I) Dental Hygiene, Limited Access Permit — \$50;
 - (J) Dental Hygiene Restorative Functions Endorsement — \$50;
 - (K) Restorative Functions Dental Assistant — \$50;
 - (L) Anesthesia Dental Assistant — \$50.
- (c) Applications for Licensure:
- (A) Dental — General and Specialty — \$345;
 - (B) Dental Faculty — \$305;
 - (C) Dental Hygiene — \$180;
 - (D) Licensure Without Further Examination -- Dental and Dental Hygiene — \$790.

- (d) Examinations:
 - (A) Jurisprudence — \$0;
 - (B) Dental Specialty:
 - (i) \$750 at the time of application; and
 - (ii) If only one candidate applies for the exam, an additional \$1,250 due ten days prior to the scheduled exam date;
 - (iii) If two candidates apply for the exam, an additional \$250 (per candidate) due ten days prior to the scheduled exam date;
 - (iv) If three or more candidates apply for the exam, no additional fee will be required.
 - (e) Duplicate Wall Certificates — \$50.
- (2) Fees must be paid at the time of application and are not refundable.
- (3) The Board shall not refund moneys under \$5.01 received in excess of amounts due or to which the Board has no legal interest unless the person who made the payment or the person's legal representative requests a refund in writing within one year of payment to the Board.

Stat. Auth.: ORS 679 & 680
Stats. Implemented: ORS 293.445, 679.060, 679.120, 680.050, 680.200, 680.205
Hist.: DE 6-1985(Temp), f. & ef. 9-20-85; DE 3-1986, f. & ef. 3-31-86; DE 1-1987, f. & ef. 10-7-87; DE 1-1988, f. 12-28-88, cert. ef. 2-1-89, corrected by DE 1-1989, f. 1-27-89, cert. ef. 2-1-89; Renumbered from 818-001-0085; DE 2-1989(Temp), f. & cert. ef. 11-30-89; DE 1-1990, f. 3-19-90, cert. ef. 4-2-90; DE 1-1991(Temp), f. 8-5-91, cert. ef. 8-15-91; DE 2-1991, f. & cert. ef. 12-31-91; DE 1-1992(Temp), f. & cert. ef. 6-24-92; DE 2-1993, f. & cert. ef. 7-13-93; OBD 1-1998, f. & cert. ef. 6-8-98; OBD 3-1999, f. 6-25-99, cert. ef. 7-1-99; Administrative correction, 8-2-99; OBD 5-2000, f. 6-22-00, cert. ef. 7-1-00; OBD 8-2001, f. & cert. ef. 1-8-01; OBD 2-2005, f. 1-31-05, cert. ef. 2-1-05; OBD 2-2007, f. 4-26-07, cert. ef. 5-1-07; OBD 3-2007, f. & cert. ef. 11-30-07; OBD 1-2009(Temp), f. 6-11-09, cert. ef. 7-1-09 thru 11-1-09; OBD 2-2009, f. 10-21-09, cert. ef. 11-1-09

818-001-0090

Board Member Compensation

(1) Board members of the Oregon Board of Dentistry, who are authorized by law to receive compensation for time spent in performance of their official duties, shall receive compensation based on the amount fixed for the standard per diem allowance for the Continental United States which has been authorized by the United States Internal Revenue Service for each day or portion of each day during which the Board member is actually engaged in the performance of official duties. This compensation amount shall be in addition to the reimbursement of travel expenses per Oregon Statewide Travel Policy OAM 40.10.00 PO.

(2) No Board member shall be required to accept compensation or reimbursement of travel expenses while performing their official duties as a Board member.

Stat. Auth.: ORS 679.230
Stats. Implemented: HB 2058, OL Ch. 535 (2009 Laws)
Hist.: OBD 2-2009, f. 10-21-09, cert. ef. 11-1-09

818-012-0030

Unprofessional Conduct

The Board finds that in addition to the conduct set forth in ORS 679.140(2), a licensee engages in unprofessional conduct if the licensee does or permits any person to:

- (1) Attempt to obtain a fee by fraud or misrepresentation.
- (2) Obtaining a fee by fraud or misrepresentation.

(a) A licensee obtains a fee by fraud if the licensee obtains a fee by knowingly making or permitting any person to make a material, false statement intending that a recipient who is unaware of the truth rely upon the statement.

(b) A licensee obtains a fee by misrepresentation if the licensee obtains a fee through making or permitting any person to make a material, false statement.

(c) Giving cash discounts and not disclosing them to third party payors is not fraud or misrepresentation.

(3) Offer rebates, split fees, or commissions for services rendered to a patient to any person other than a partner, employee, or employer.

(4) Accept rebates, split fees, or commissions for services rendered to a patient from any person other than a partner, employee, or employer.

(5) Initiate, or engage in, with a patient, any behavior with sexual connotations. The behavior can include but is not limited to, inappropriate physical touching; kissing of a sexual nature; gestures or expressions, any of which are sexualized or sexually demeaning to a patient; inappropriate procedures, including, but not limited to, disrobing and draping practices that reflect a lack of respect for the patient's privacy; or initiating inappropriate communication, verbal or written, including, but not limited to, references to a patient's body or clothing that are sexualized or sexually demeaning to a patient; and inappropriate comments or queries about the professional's or patient's sexual orientation, sexual performance, sexual fantasies, sexual problems, or sexual preferences.

(6) Engage in an unlawful trade practice as defined in ORS 646.605 to 646.608.

(7) Fail to present a treatment plan with estimated costs to a patient upon request of the patient or to a patient's guardian upon request of the patient's guardian.

(8) Misrepresent any facts to a patient concerning treatment or fees.

(9)(a) Fail to provide a patient or patient's guardian within 14 days of written request:

(A) Legible copies of records; and

(B) Duplicates of study models and radiographs, photographs or legible copies thereof if the radiographs, photographs or study models have been paid for.

(b) The dentist may require the patient or guardian to pay in advance a fee reasonably calculated to cover the costs of making the copies or duplicates. The dentist may charge a fee not to exceed \$30 for copying 10 or fewer pages of written material and no more than \$0.50 per page for pages 11 through 50 and no more than \$0.25 for each additional page (including records copied from microfilm), plus any postage costs to mail copies requested and actual costs of preparing an explanation or summary of information, if requested. The actual cost of duplicating x-rays may also be charged to the patient. Patient records or summaries may not be withheld from the patient because of any prior unpaid bills, except as provided in (9)(a)(B) of this rule.

(10) Fail to identify to a patient, patient's guardian, or the Board the name of an employee, employer, contractor, or agent who renders services.

(11) Use prescription forms pre-printed with any Drug Enforcement Administration number, name of controlled substances, or facsimile of a signature.

(12) Use a rubber stamp or like device to reproduce a signature on a prescription form or sign a blank prescription form.

(13) Order drugs listed on Schedule II of the Drug Abuse Prevention and Control Act, 21 U.S.C. Sec. 812, for office use on a prescription form.

(14) Violate any Federal or State law regarding controlled substances.

(15) Becomes addicted to, or dependent upon, or abuses alcohol, illegal or controlled drugs, or mind altering substances.

(16) Practice dentistry or dental hygiene in a dental office or clinic not owned by an Oregon licensed dentist(s), except for an entity described under ORS 679.020(3) and dental hygienists practicing pursuant to ORS 680.205(1)(2).

(17) Make an agreement with a patient or person, or any person or entity representing patients or persons, or provide any form of consideration that would prohibit, restrict, discourage or otherwise limit a person's ability to file a complaint with the Oregon Board of Dentistry; to truthfully and fully answer any questions posed by an agent or representative of the Board; or to participate as a witness in a Board proceeding.

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

Stat. Auth.: ORS 679 & 680
Stats. Implemented: ORS 679.140(1)(c), 679.140(2), 679.170(6) & 680.100
Hist.: DE 6, f. 8-9-63, ef. 9-11-63; DE 14, f. 1-20-72, ef. 2-10-72; DE 5-1980, f. & ef. 12-26-80; DE 2-1982, f. & ef. 3-19-82; DE 5-1982, f. & ef. 5-26-82; DE 9-1984, f. & ef. 5-17-84; Renumbered from 818-010-0080; DE 3-1986, f. & ef. 3-31-86; DE 1-1988, f. 12-28-88, cert. ef. 2-1-89; DE 1-1989, f. 1-27-89, cert. ef. 2-1-89; Renumbered from 818-011-0020; DE 1-1990, f. 3-19-90, cert. ef. 4-2-90; DE 2-1997, f. & cert. ef. 2-20-97; OBD 3-1999, f. 6-25-99, cert. ef. 7-1-99; OBD 1-2006, f. 3-17-06, cert. ef. 4-1-06; OBD 1-2007, f. & cert. ef. 3-1-07; OBD 3-2007, f. & cert. ef. 11-30-07; OBD 1-2008, f. 11-10-08, cert. ef. 12-1-08; OBD 2-2009, f. 10-21-09, cert. ef. 11-1-09

818-021-0012

Specialties Recognized

(1) A dentist may advertise that the dentist is an endodontist, oral and maxillofacial pathologist, oral and maxillofacial surgeon, oral and maxillo-

ADMINISTRATIVE RULES

facial radiologist, orthodontist, pediatric dentist, periodontist, prosthodontist or public health dentist only if the dentist is licensed or certified by the Board in the specialty in accordance with Board rules.

(2) A dentist may advertise that the dentist specializes in or is a specialist in endodontics, oral pathology, oral and maxillofacial surgery, oral and maxillofacial radiology, orthodontics, pediatric dentistry, periodontics, prosthodontics or public health dentistry only if the dentist is licensed or certified by the Board in the specialty in accordance with Board rules.

Stat. Auth.: ORS 679

Stats. Implemented: ORS 679.140

Hist.: DE 5-1997, f. & cert. ef. 12-31-97; OBD 1-2006, f. 3-17-06, cert. ef. 4-1-06; OBD 2-2009, f. 10-21-09, cert. ef. 11-1-09

818-021-0025

Application for License to Practice Dental Hygiene Without Further Examination

(1) The Oregon Board of Dentistry may grant a license without further examination to a dental hygienist who holds a license to practice dental hygiene in another state or states if the dental hygienist meets the requirements set forth in ORS 680.040 and 680.050 and submits to the Board satisfactory evidence of:

(a) Having graduated from a dental hygiene program accredited by the Commission on Dental Accreditation of the American Dental Association; or

(b) Having graduated from a dental hygiene program located outside the United States or Canada, completion of not less than one year in a program accredited by the Commission on Dental Accreditation of the American Dental Association, and proficiency in the English language; and

(c) Evidence of having passed the dental hygiene examination conducted by a regional testing agency or by a state dental or dental hygiene licensing authority; and

(d) Holding an active license to practice dental hygiene, without restrictions, in any state; including documentation from the state dental board(s) or equivalent authority, that the applicant was issued a license to practice dental hygiene, without restrictions, and whether or not the licensee is, or has been, the subject of any final or pending disciplinary action; and

(e) Having conducted licensed clinical practice in Oregon, in other states or in the Armed Forces of the United States, the United States Public Health Service, the United States Department of Veterans Affairs, or teaching all disciplines of clinical dental hygiene at a dental hygiene education program accredited by the Commission on Dental Accreditation of the American Dental Association for a minimum of 3,500 hours in the five years immediately preceding application. For dental hygienists employed by a dental hygiene program, documentation from the dean or appropriate administration of the institution regarding length and terms of employment, the applicant's duties and responsibilities, the actual hours involved in teaching all disciplines of clinical dental hygiene, and any adverse actions or restrictions; and

(f) Having completed 24 hours of continuing education in accordance with the Board's continuing education requirements contained in these rules within the two years immediately preceding application.

(2) Applicants must pass the Board's Jurisprudence Examination.

Stat. Auth.: ORS 680

Stats. Implemented: ORS 680.040, 680.050, 680.060, 680.070 & 680.072

Hist.: OBD 4-1999, f. 6-25-99, cert. ef. 7-1-99; OBD 4-2001, f. & cert. ef. 1-8-01; OBD 12-2001(Temp), f. & cert. ef. 1-9-01 thru 7-7-01; OBD 14-2001(Temp), f. 8-2-01, cert. ef. 8-15-01 thru 2-10-02; OBD 15-2001, f. 12-7-01, cert. ef. 1-1-02; OBD 1-2002(Temp), f. & cert. ef. 7-17-02 thru 1-12-03; Administrative correction 4-16-03; OBD 1-2003, f. & cert. ef. 4-18-03; OBD 1-2004, f. 5-27-04, cert. ef. 6-1-04; OBD 3-2004, f. 11-23-04 cert. ef. 12-1-04; OBD 1-2006, f. 3-17-06, cert. ef. 4-1-06; OBD 2-2009, f. 10-21-09, cert. ef. 11-1-09

818-021-0050

Community Health Experience for Dental and Dental Hygiene Students

Dental hygiene students or full-time students of dentistry may participate in clinical studies off the premises of the school the student is attending if the clinical studies are part of the approved curriculum.

Stat. Auth.: ORS 679 & 680

Stats. Implemented: ORS 679.025(2)(b) & 680.020(2)(b)

Hist.: DE 1-1988, f. 12-28-88, cert. ef. 2-1-89; DE 1-1989, f. 1-27-89, cert. ef. 2-1-89; OBD 2-2009, f. 10-21-09, cert. ef. 11-1-09

818-021-0060

Continuing Education — Dentists

(1) Each dentist must complete 40 hours of continuing education every two years. Continuing education (C.E.) must be directly related to clinical patient care or the practice of dental public health.

(2) Dentists must maintain records of successful completion of continuing education for at least four licensure years consistent with the licensee's licensure cycle. (A licensure year for dentists is April 1 through March 31.) The licensee, upon request by the Board, shall provide proof of successful completion of continuing education courses.

(3) Continuing education includes:

(a) Attendance at lectures, study clubs, college post-graduate courses, or scientific sessions at conventions.

(b) Research, graduate study, teaching or preparation and presentation of scientific sessions. No more than 12 hours may be in teaching or scientific sessions. (Scientific sessions are defined as scientific presentations, table clinics, poster sessions and lectures.)

(c) Correspondence courses, videotapes, distance learning courses or similar self-study course, provided that the course includes an examination and the dentist passes the examination.

(d) Continuing education credit can be given for volunteer pro bono dental services; community oral health instruction at a public health facility located in the state of Oregon; authorship of a publication, book, chapter of a book, article or paper published in a professional journal; participation on a state dental board, peer review, or quality of care review procedures; successful completion of the National Board Dental Examinations taken after initial licensure; a recognized specialty examination taken after initial licensure; or test development for clinical dental, dental hygiene or specialty examinations. No more than 6 hours of credit may be in these areas.

(4) At least three hours of continuing education must be related to medical emergencies in a dental office. No more than four hours of Practice Management and Patient Relations may be counted toward the C.E. requirement in any renewal period.

(5) All dentists licensed by the Oregon Board of Dentistry will complete a one-hour pain management course specific to Oregon provided by the Pain Management Commission of the Department of Human Services. All applicants or licensees shall complete this requirement by January 1, 2010 or within 24 months of the first renewal of the dentist's license.

Stat. Auth.: ORS 679

Stats. Implemented: ORS 679.250(9)

Hist.: DE 3-1987, f. & ef. 10-15-87; DE 4-1987(Temp), f. & ef. 11-25-87; DE 1-1988, f. 12-28-88, cert. ef. 2-1-89; DE 1-1989, f. 1-27-89, cert. ef. 2-1-89; Renumbered from 818-020-0072; DE 1-1990, f. 3-19-90, cert. ef. 4-2-90; OBD 9-2000, f. & cert. ef. 7-28-00; OBD 16-2001, f. 12-7-01, cert. ef. 4-1-02; OBD 3-2007, f. & cert. ef. 11-30-07; OBD 2-2009, f. 10-21-09, cert. ef. 11-1-09

818-021-0070

Continuing Education — Dental Hygienists

(1) Each dental hygienist must complete 24 hours of continuing education every two years. A Limited Access Permit Dental Hygienist shall complete a total of 36 hours of continuing education every two years. Continuing education (C.E.) must be directly related to clinical patient care or the practice of dental public health.

(2) Dental hygienists must maintain records of successful completion of continuing education for at least four licensure years consistent with the licensee's licensure cycle. (A licensure year for dental hygienists is October 1 through September 30.) The licensee, upon request by the Board, shall provide proof of successful completion of continuing education courses.

(3) Continuing education includes:

(a) Attendance at lectures, study clubs, college post-graduate courses, or scientific sessions at conventions.

(b) Research, graduate study, teaching or preparation and presentation of scientific sessions. No more than six hours may be in teaching or scientific sessions. (Scientific sessions are defined as scientific presentations, table clinics, poster sessions and lectures.)

(c) Correspondence courses, videotapes, distance learning courses or similar self-study course provided, that the course includes an examination and the dental hygienist passes the examination.

(d) Continuing education credit can be given for volunteer pro bono dental hygiene services; community oral health instruction at a public health facility located in the state of Oregon; authorship of a publication, book, chapter of a book, article or paper published in a professional journal; participation on a state dental board, peer review, or quality of care review procedures; successful completion of the National Board Dental Hygiene Examination, taken after initial licensure; or test development for clinical dental hygiene examinations. No more than 6 hours of credit may be in these areas.

(4) At least three hours of continuing education must be related to medical emergencies in a dental office. No more than two hours of Practice Management and Patient Relations may be counted toward the C.E. requirement in any renewal period.

ADMINISTRATIVE RULES

(5) Dental hygienists who hold a Class 1 (nitrous oxide) Anesthesia Permit must meet the requirements contained in OAR 818-026-0040(9) for renewal of the Class 1 Permit.

(6) If the initial Limited Access Permit is issued more than 60 days after the renewal date of the applicant's Dental Hygiene license, the first 12-hour LAP continuing education requirement will be prorated based on a 24-month cycle.

Stat. Auth.: ORS 679
Stats. Implemented: ORS 279.250(9)
Hist.: DE 3-1987, f. & ef. 10-15-87; DE 1-1988, f. 12-28-88, cert. ef. 2-1-89; DE 1-1989, f. 1-27-89, cert. ef. 2-1-89; Renumbered from 818-020-0073; DE 1-1990, f. 3-19-90, cert. ef. 4-2-90; OBD 9-2000, f. & cert. ef. 7-28-00; OBD 2-2002, f. 7-31-02, cert. ef. 10-1-02; OBD 2-2004, f. 7-12-04, cert. ef. 7-15-04; OBD 3-2007, f. & cert. ef. 11-30-07; OBD 2-2009, f. 10-21-09, cert. ef. 11-1-09

818-035-0010

Definitions

All terms used in this Division shall have the meanings assigned under ORS 679.010 except that:

(1) "Limited Access Patient" means a patient who is unable to receive regular dental hygiene treatment in a dental office.

(2) "Long-Term Care Facility" shall have the same definition as that established under ORS 442.015(14)(b).

Stat. Auth.: ORS 679.250(7) & 680.150
Stats. Implemented: ORS 679.010 & 680.010
Hist.: DE 5-1984, f. & ef. 5-17-84; DE 2-1992, f. & cert. ef. 6-24-92; OBD 3-1998, f. & cert. ef. 7-13-98; OBD 2-2009, f. 10-21-09, cert. ef. 11-1-09

818-035-0030

Additional Functions of Dental Hygienists

(1) In addition to functions set forth in ORS 679.010, a dental hygienist may perform the following functions under the general supervision of a licensed dentist:

(a) Make preliminary intra-oral and extra-oral examinations and record findings;

(b) Place periodontal dressings;

(c) Remove periodontal dressings or direct a dental assistant to remove periodontal dressings;

(d) Perform all functions delegable to dental assistants and expanded function dental assistants providing that the dental hygienist is appropriately trained;

(e) Administer and dispense antimicrobial solutions or other antimicrobial agents in the performance of dental hygiene functions.

(f) Prescribe fluoride, fluoride varnish, antimicrobial solutions for mouth rinsing or other non-systemic antimicrobial agents.

(g) Use high-speed handpieces to polish restorations.

(h) Apply temporary soft relines to complete dentures for the purpose of tissue conditioning.

(i) Perform all aspects of teeth whitening procedures.

(2) A dental hygienist may perform the following functions at the locations and for the persons described in ORS 680.205(1) and (2) without the supervision of a dentist

Stat. Auth.: ORS 679 & 680
Stats. Implemented: ORS 679.025(2)(j)
Hist.: DE 5-1984, f. & ef. 5-17-84; DE 3-1986, f. & ef. 3-31-86; DE 2-1992, f. & cert. ef. 6-24-92; OBD 7-1999, f. 6-25-99, cert. ef. 7-1-99; OBD 1-2001, f. & cert. ef. 1-8-01; OBD 15-2001, f. 12-7-01, cert. ef. 1-1-02; OBD 1-2004, f. 5-27-04, cert. ef. 6-1-04; OBD 2-2005, f. 1-31-05, cert. ef. 2-1-05; OBD 3-2007, f. & cert. ef. 11-30-07; OBD 1-2008, f. 11-10-08, cert. ef. 12-1-08; OBD 2-2009, f. 10-21-09, cert. ef. 11-1-09

818-035-0100

Record Keeping

(1) A Limited Access Permit Dental Hygienist shall refer a patient annually to a dentist who is available to treat the patient, and note in the patient's official chart held by the facility that the patient has been referred.

(2) When a licensed dentist has authorized a Limited Access Permit Dental Hygienist to administer local anesthesia, temporary restorations or nitrous oxide, the permit holder shall document in the patient's official chart the name of the authorizing dentist and date the authorization was given.

Stat. Auth.: ORS 680
Stats. Implemented: ORS 680.205(2) & (3)
Hist.: OBD 1-1998, f. & cert. ef. 6-8-98; OBD 1-2008, f. 11-10-08, cert. ef. 12-1-08; OBD 2-2009, f. 10-21-09, cert. ef. 11-1-09

818-042-0070

Expanded Function Dental Assistants (EFDA)

The following duties are considered Expanded Function Duties and may be performed only after the dental assistant complies with the requirements of 818-042-0080:

(1) Polish the coronal surfaces of teeth with a brush or rubber cup as part of oral prophylaxis to remove stains if a licensed dentist or dental hygienist has determined the teeth are free of calculus;

(2) Remove temporary crowns for final cementation and clean teeth for final cementation;

(3) Preliminarily fit crowns to check contacts or to adjust occlusion outside the mouth;

(4) Place temporary restorative material (i.e., zinc oxide eugenol based material) in teeth providing that the patient is checked by a dentist before and after the procedure is performed;

(5) Place and remove matrix retainers for alloy and composite restorations;

(6) Polish amalgam or composite surfaces with a slow speed hand-piece;

(7) Remove excess supragingival cement from crowns, bridges, bands or brackets with hand instruments providing that the patient is checked by a dentist after the procedure is performed;

(8) Fabricate temporary crowns, and temporarily cement the temporary crown. The cemented crown must be examined and approved by the dentist prior to the patient being released;

(9) Under general supervision, when the dentist is not available and the patient is in discomfort, an EFDA may recement a temporary crown or recement a permanent crown with temporary cement for a patient of record providing that the patient is rescheduled for follow-up care by a licensed dentist as soon as is reasonably appropriate; and

Stat. Auth.: ORS 679 & 680
Stats. Implemented: ORS 679.020, 679.025 & 679.250
Hist.: OBD 9-1999, f. 8-10-99, cert. ef. 1-1-00; OBD 1-2004, f. 5-27-04, cert. ef. 6-1-04; OBD 3-2005, f. 10-26-05, cert. ef. 11-1-05; OBD 2-2009, f. 10-21-09, cert. ef. 11-1-09

818-042-0080

Certification — Expanded Function Dental Assistant (EFDA)

The Board may certify a dental assistant as an expanded function assistant:

(1) By credential in accordance with OAR 818-042-0120, or

(2) If the assistant submits a completed application, pays the fee and provides evidence of;

(a) Certification of Radiologic Proficiency (OAR 818-042-0060); and satisfactory completion of a course of instruction in a program accredited by the Commission on Dental Accreditation of the American Dental Association; or

(b) Certification of Radiologic Proficiency (OAR 818-042-0060); and passage of the Basic or CDA examination, and the Expanded Function Dental Assistant examination, or equivalent successor examinations, administered by the Dental Assisting National Board, Inc. (DANB), or any other testing entity authorized by the Board; and certification by a licensed dentist that the applicant has successfully polished 12 amalgam or composite surfaces, removed supra-gingival excess cement from six (6) crowns or bridges with hand instruments; placed temporary restorative material (i.e., zinc oxide eugenol based material) in six (6) teeth; preliminarily fitted six (6) crowns to check contacts or to adjust occlusion outside the mouth; removed six (6) temporary crowns for final cementation and cleaned teeth for final cementation; fabricated six (6) temporary crowns and temporarily cemented the crowns; polished the coronal surfaces of teeth with a brush or rubber cup as part of oral prophylaxis in six (6) patients; placed two matrix bands in each quadrant on teeth prepared for Class II restorations; and complete six (6) teeth whitening or bleach procedures.

Stat. Auth.: ORS 679
Stats. Implemented: ORS 679.250(7)
Hist.: OBD 9-1999, f. 8-10-99, cert. ef. 1-1-00; OBD 10-1999(Temp), f. 12-2-99, cert. ef. 1-1-00 thru 6-28-00; OBD 8-2000, f. 6-22-00, cert. ef. 6-29-00; OBD 1-2004, f. 5-27-04, cert. ef. 6-1-04; OBD 2-2009, f. 10-21-09, cert. ef. 11-1-09

Oregon Business Development Department Chapter 123

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

Adm. Order No.: EDD 17-2009

Filed with Sec. of State: 10-30-2009

Certified to be Effective: 11-1-09

Notice Publication Date: 10-1-2009

Rules Amended: 123-021-0000, 123-021-0010, 123-021-0015, 123-021-0020, 123-021-0040, 123-021-0050, 123-021-0060, 123-021-0070, 123-021-0080, 123-021-0090, 123-021-0100, 123-021-0110, 123-021-0120, 123-021-0130, 123-021-0140

Rules Repealed: 123-021-0030

ADMINISTRATIVE RULES

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

Rules Coordinator: Mindee Sublette—(503) 986-0036

123-021-0000

Purpose

The purpose of these rules is to provide procedures, standards, and criteria for making loan guarantees or other forms of credit guarantees from the Oregon Credit Enhancement Fund.

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

Stats. Implemented: ORS 285A.213

Hist.: EDD 5-1994(Temp), f. & cert. ef. 3-3-94; EDD 11-1994, f. & cert. ef. 7-29-94; EDD 17-2009, f. 10-30-09, cert. ef. 11-1-09

123-021-0010

Definitions

For the purposes of these rules additional definitions may be found in Procedural Rules, OAR 123-001. The following terms shall have the following definitions, unless the context clearly indicates otherwise:

(1) "Destination facilities other than retail or food service" means a qualified business which has a significant impact on the regional recreational or tourism economy. Incidental food service or retail facilities necessary to the operation of a destination facility are eligible. Sleeping accommodations without unique attraction capabilities are not qualified businesses.

(2) "Financial institution" means a financial institution defined in ORS 706.008.

(3) "Fund" means the Credit Enhancement Fund created by ORS 285B.215.

(4) "Loan insurance authorization" means a letter from the director or deputy director or their designees to a financial institution agreeing to insure a loan to a borrower on the terms and conditions and subject to the requirements stated therein.

(5) "Loan insurance agreement" means the agreement between the financial institution and the Department required by OAR 123-021-0100.

(6) "Working capital loan" means any loan for which proceeds are to be used for operating, maintenance and other costs and expenses, or for purposes other than acquiring real or personal property.

Stat. Auth.: ORS 285A.075

Stats. Implemented: ORS 285B.200 - 285B.218

Hist.: EDD 5-1994(Temp), f. & cert. ef. 3-3-94; EDD 11-1994, f. & cert. ef. 7-29-94; EDD 12-1997(Temp), f. & cert. ef. 10-7-97; EDD 11-1998, f. & cert. ef. 5-22-98; EDD 8-1999, f. & cert. ef. 10-1-99; EDD 4-2007(Temp), f. & cert. ef. 8-28-07 thru 2-22-08; EDD 5-2008(Temp), f. & cert. ef. 2-26-08 thru 8-1-08; EDD 24-2008, f. 7-31-08, cert. ef. 8-1-08; EDD 17-2009, f. 10-30-09, cert. ef. 11-1-09

123-021-0015

Qualified Business

A Qualified business is defined as any existing or proposed business that, except when located in a distressed area, sells goods or services in markets for which national or international competition exists. In a distressed area, any existing or proposed business is a qualified business. Any company that owns, occupies, operates, or has entered into an agreement to own, occupy or operate real property containing a Brownfield is a qualified business. Outside of a distressed area, any existing or prospective business entity that will result in or will aid, promote or facilitate the development of one or more of the following activities shall be a qualified business:

- (1) Manufacturing or other industrial production;
- (2) Food processing;
- (3) Aquaculture development or seafood processing;
- (4) Convention facilities or trade centers;
- (5) Destination facilities other than retail or food service;
- (6) Transportation or freight facilities;
- (7) Distribution facilities; or
- (8) Other activities, as approved by the Department, that represent new technology or diversifying activity but not including:

- (a) Construction of office buildings;
- (b) Retail businesses, shopping centers and food service facilities;
- (c) Motels or bed and breakfast hotels;
- (d) Professional services for medicine, law, dentistry or finance;
- (e) Athletic, racquetball, handball clubs, private membership clubs, and golf courses;
- (f) Sand and gravel facilities; or
- (g) Newspapers.
- (9) For the Evergreen Entrants Program, a Qualified business

includes persons or enterprises without, or about to be without, existing line of credit working capital loans. For the Evergreen Plus Program, a

Qualified business includes persons or enterprises with existing line of credit working capital loans.

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

Stats. Implemented: ORS 285A.213

Hist.: EDD 24-2008, f. 7-31-08, cert. ef. 8-1-08; EDD 17-2009, f. 10-30-09, cert. ef. 11-1-09

123-021-0020

Eligibility

(1) In order for a qualified business to be eligible its project must meet one of the following purposes; Eligible purposes means the acquisition, improvement, rehabilitation, or construction of real or personal property, working capital for operations, export transactions, maintenance and other costs and expenses which are used for purposes other than acquiring real or personal property, but not including:

(a) An insured loan used for any personal, family, or household expenses of the borrower or any guarantor;

(b) An insured loan used for construction financing;

(c) An insured loan for the construction of residential housing;

(d) An insured loan used to purchase an existing qualified business, except for:

(A) Expansions where the majority of loan proceeds are used to support expansion improvements;

(B) 100% Asset and Stock Purchase Acquisitions, including Employee Stock Ownership Plans, where jobs will be created or retained.

(2) The Department will consider refinancing requests on a case by case basis. In evaluating such requests, the Department will consider the financial benefits to the borrower, the prospects for success, public benefits such as jobs created or retained, the extent to which financial institutions agree to extend terms or provide other favorable financing to a borrower, and the extent to which collateral securing an insured loan is improved.

(3) The maximum term for an eligible loan guaranty per borrower project is the lesser of fifteen (15) years or the useful life of the assets being financed, or one year plus four annual renewals for the Evergreen Entrants or Evergreen Plus Programs.

(4) Eligible borrowers are defined in OAR 123-021-0015.

(5) Eligible financial institutions as defined by ORS 706.008

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

Stats. Implemented: ORS 285A.213

Hist.: EDD 5-1994(Temp), f. & cert. ef. 3-3-94; EDD 11-1994, f. & cert. ef. 7-29-94; EDD 8-1999, f. & cert. ef. 10-1-99; EDD 24-2008, f. 7-31-08, cert. ef. 8-1-08; EDD 17-2009, f. 10-30-09, cert. ef. 11-1-09

123-021-0040

Application Contents

(1) Required Contents. Unless waived by the Department, the financial institution shall submit to the Department an application containing the following:

(a) A completed General Information Sheet provided by the Department;

(b) A written narrative by the financial institution analyzing the borrower's application (i.e. credit analysis), including an identification of the proposed amount of the loan, the requested percentage of insurance and Department insurance program, the purpose, terms and conditions of the loan, a description of the collateral and basis for its valuation, a summary of the borrower's credit standing, and a description of other sources of financing;

(c) Complete resumes of the borrower, all partners, owners, officers and guarantors, as applicable;

(d) Historical business financial statements for the prior three years, including income statements and balance sheets (income tax returns may also be required), as applicable, if an existing borrower. Income tax returns may be sufficient if accountant prepared statements are unavailable. Interim financial statements must also be included if the most recent statements are beyond 90 days;

(e) Signed current personal financial statement(s) of owners with a minimum 20% ownership interest in the borrower. Federal tax returns may be required. This information may also be required of guarantors;

(f) Pro forma balance sheet and income statement with supporting assumptions. In some instances, monthly cash flow statements may also be required. Cash flow statements are required in cases where loan repayment is dependent on projections, and for borrowers seeking working capital financing;

(g) Completion of the Department's environmental questionnaire or a comparable one provided by the financial institution and approved by the Department for loans secured in whole or part by real property and for other insured loans, if requested by the Department;

ADMINISTRATIVE RULES

(h) Other information as the Department may require such as projected jobs created or jobs retained by a borrower.

(2) Supplemental Information. The Department may require, at its discretion:

(a) Appraisals of collateral or the financial institution's basis for determining collateral value;

(b) A business or marketing plan, including an analysis of competition;

(c) Certificates from the Oregon Department of Environmental Quality or any other governmental or regulatory agencies with jurisdiction, if applicable;

(d) Copies of leases or purchase agreements, as applicable;

(e) Any other information or certifications from the borrower or the financial institution deemed by the Department to be necessary or desirable in connection with an insured loan application.

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

Stats. Implemented: ORS 285.213

Hist.: EDD 5-1994(Temp), f. & cert. ef. 3-3-94; EDD 11-1994, f. & cert. ef. 7-29-94; EDD 24-2008, f. 7-31-08, cert. ef. 8-1-08; EDD 17-2009, f. 10-30-09, cert. ef. 11-1-09

123-021-0050

Application Procedure

(1) The Department shall determine when an application is complete.

(2) It shall be the responsibility of the financial institution to submit a complete application.

(3) The Department will review an application based on the following criteria and considerations:

(a) An application will not be approved unless the Department determines that there is a reasonable prospect that the borrower will repay a loan according to its terms.

(b) An application will only be approved to the extent, in terms of amount, percentage and period of insurance, that is necessary and prudent for the Department to provide to complete the financing.

(c) No application will be approved unless the Department determines that the insured loan will be serviced by a financial institution as required by the Department.

(d) No application will be approved unless the Department determines that the borrower is eligible and the insured loan proceeds will be used for an eligible purpose.

(e) No application will be approved unless the Department determines that the application is complete and that information sufficient to make an informed decision on the application has been received.

(f) In reviewing applications, the Department will consider the following, as applicable:

(A) The extent to which the borrower demonstrates a need for an insured loan.

(B) The economic feasibility of the business endeavor as evidenced by the borrower's present and past financial situation and business experience and the general reasonableness of the business proposal and financial projections for the future.

(C) Whether the borrower and any guarantors have satisfactory credit histories.

(D) Whether the borrower has sufficient capital and other resources to conduct the business as planned, and the amount and source of equity contributed.

(E) The adequacy of the security offered for the loan.

(F) The extent to which the risk of financial loss is shared by others.

(G) The viability of the industry of which the borrower is a part and the contribution of the borrower to that industry.

(H) The extent to which the borrower contributes to local economic development, market development and employment opportunities.

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

Stats. Implemented: ORS 285A.213

Hist.: EDD 5-1994(Temp), f. & cert. ef. 3-3-94; EDD 11-1994, f. & cert. ef. 7-29-94; EDD 12-1997(Temp), f. & cert. ef. 10-7-97; EDD 11-1998, f. & cert. ef. 5-22-98; EDD 4-2007(Temp), f. & cert. ef. 8-28-07 thru 2-22-08; EDD 5-2008(Temp), f. & cert. ef. 2-26-08 thru 8-1-08; EDD 24-2008, f. 7-31-08, cert. ef. 8-1-08; EDD 17-2009, f. 10-30-09, cert. ef. 11-1-09

123-021-0060

Application Approval or Rejection

(1) Upon approval of an application by the director, deputy director or their designees or members of the commission, a loan insurance authorization will be issued setting forth the terms and conditions upon which the loan will be insured.

(2) No loan insurance authorization shall become effective until the financial institution has paid the initial loan insurance premium required by OAR 123-021-0110. Such payment, along with an executed loan insurance

authorization, shall indicate the financial institution's acceptance of the terms of the loan insurance authorization.

(3) No loan insurance authorization shall be effective unless a loan insurance agreement has been executed by the financial institution and the Department and remains in effect.

(4) In the event the director or deputy director or their designees reject an application, upon written request, the Department will promptly send the financial institution a notice, including reasons for the rejection. The notice shall include a statement of the borrower's right to appeal the director's or deputy director's or their designees' decision to the commission.

Stat. Auth.: ORS 285.065 & 285.466 - 285.481

Stats. Implemented: ORS 285.474(3)

Hist.: EDD 5-1994(Temp), f. & cert. ef. 3-3-94; EDD 11-1994, f. & cert. ef. 7-29-94; EDD 24-2008, f. 7-31-08, cert. ef. 8-1-08; EDD 17-2009, f. 10-30-09, cert. ef. 11-1-09

123-021-0070

Appeal to the Commission

In the event that an application is rejected, the borrower or the financial institution shall have the right to appeal the decision to the commission. Notice of the appeal must be submitted in writing within twenty days of receiving notification of rejection to the Department. The notice of appeal must include the departmental rejection statement(s) together with a statement of why the decision should be reversed or modified. The Department shall inform the applicants of the time and location of the appeal hearing, and the financial institution and the borrower may be present to support the appeal through public comment.

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

Stats. Implemented: ORS 285A.213

Hist.: EDD 5-1994(Temp), f. & cert. ef. 3-3-94; EDD 11-1994, f. & cert. ef. 7-29-94; EDD 12-1997(Temp), f. & cert. ef. 10-7-97; EDD 11-1998, f. & cert. ef. 5-22-98; EDD 24-2008, f. 7-31-08, cert. ef. 8-1-08; EDD 17-2009, f. 10-30-09, cert. ef. 11-1-09

123-021-0080

Loan and Insurance Terms and Conditions

(1) Interest rate and term. The rate of interest on the insured loan and the term of the loan shall be agreed between the financial institution and a borrower provided that no term may exceed the lesser of fifteen years or the useful life of the assets being financed or one year plus four annual renewals for the Evergreen Entrants or Evergreen Plus Programs.

(2) Collateral. Repayment of an insured loan shall be secured by such collateral as the Department deems prudent.

(a) Insured loans may, at the discretion of the Department, be secured by collateral valued for collateral purposes at less than the amount of the insured loan, provided the borrower, its principals, and the guarantors, to the satisfaction of the Department, are of good character, have good credit histories, and exhibit the ability to service the proposed and existing debt;

(b) Real estate or unmovable machinery or equipment constituting a significant portion of collateral for repayment of an insured loan shall be located within the state. Mobile machinery or equipment, including vessels, constituting a significant portion of collateral for repayment of an insured loan shall be registered with and taxed by the state or municipal authorities, if the State or municipal authorities register or tax machinery or equipment of a type similar to the collateral, and shall be stored or berthed in the state when not in use.

(3) Covenants. The covenants and requirements of the loan shall be established by the financial institution in accordance with prudent lending practices. The Department may require such additional covenants and requirements as may be necessary, prudent or desirable. At a minimum, the loan documents should require the borrower to:

(a) Make periodic payments of principal and interest, with the exception of short term working capital loans or evergreen working capital loans or lines of credit where periodic interest payments with a balloon principal payment and/or term options may be acceptable, as determined by the Department;

(b) Make any lease payments;

(c) Maintain adequate insurance on collateral, and maintain books and records on the business;

(d) Pay any taxes or governmental charges assessed against the collateral and comply with all applicable laws and regulations;

(e) Keep the collateral free of liens and encumbrances except for as may be expressly accepted by the financial institution and Department;

(f) Provide for periodic financial reports to the financial institution;

(g) Pay advances necessary to protect the collateral and all expenses of protecting or enforcing the rights of the financial institution and Department.

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

Stats. Implemented: ORS 285A.213

ADMINISTRATIVE RULES

Hist.: EDD 5-1994(Temp), f. & cert. ef. 3-3-94; EDD 11-1994, f. & cert. ef. 7-29-94; EDD 24-2008, f. 7-31-08, cert. ef. 8-1-08; EDD 17-2009, f. 10-30-09, cert. ef. 11-1-09

EDD 6-2005(Temp), f. & cert. ef. 8-5-05 thru 1-31-06; EDD 1-2006, f. & cert. ef. 2-10-06; EDD 5-2008(Temp), f. & cert. ef. 2-26-08 thru 8-1-08; EDD 24-2008, f. 7-31-08, cert. ef. 8-1-08; EDD 17-2009, f. 10-30-09, cert. ef. 11-1-09

123-021-0090

Loan Insurance Programs

The Department shall offer the following insurance programs:

(1) Conventional Insurance, under which the Department may insure up to 90 percent of a loan to a maximum of \$700,000. Should a borrower which receives an insured loan default or otherwise be unable to make loan payments, the Department would pay the financial institution up to 90 percent of the deficiency. The balance of any loss is absorbed by the financial institution. Loan payments and the proceeds of collateral are applied pro rata to the insured and uninsured portion of a loan. The Department's obligation would be limited to a payment of the insured percentage of a loan times the amount of principal, accrued interest and the financial institution's reasonable costs of collection, exclusive of costs attributable to environmental problems, remaining unpaid after liquidation of collateral, up to the lesser of \$700,000 or an amount equal to the insured percentage of the original loan amount authorized in the loan authorization.

(2)(a) Evergreen Entrants Insurance, under which the Department may insure up to 75 percent, on a pro rata basis, of a line of credit working capital loan, not to exceed the lesser of \$500,000 or an amount equal to the insured percentage of the original loan amount authorized in the loan insurance authorization. Eligible borrowers include persons or enterprises without or about to be without existing line of credit working capital loans. To participate in the Evergreen Entrants Program, the Department must be satisfied the financial institution has the capacity to service the loan effectively, including monitoring compliance with any audit and control procedures prescribed by the Department or comparable procedures of the financial institution approved by the Department.

(b) To participate in the Evergreen Entrants program, a financial institution must have in place and operating a lending program specializing in line of credit loans secured by or with advances based upon eligible accounts receivable and inventory or other assets. The Department must be satisfied that the financial institution is sufficiently experienced and capable of operating such a lending program effectively.

(3) First Loss Insurance, under which the Department may insure 100 percent of any loss to a financial institution up to the lesser of 25 percent of the original loan amount or \$300,000. If a financial institution makes a payment request, the Department's obligation would be limited to 100 percent of the amount of principal, accrued interest and the financial institution's reasonable costs of collecting the loan, exclusive of costs attributable to environmental problems, remaining unpaid after liquidation of collateral, up to the lesser of: 25 percent of the outstanding balance of the loan, including accrued interest and reasonable costs and expenses of collection and liquidation of collateral, but not taking into account the proceeds of liquidation and payments by guarantors, or an amount equal to the insured percentage of the original loan, or \$300,000.

(4)(a) Evergreen Plus Insurance, under which the Department may insure up to 90 percent of a new increment of a line of credit, with maximum insurance of \$500,000. If a financial institution makes a payment request for any deficiency remaining after liquidation of collateral and payment by any guarantors, the Department's obligation would be limited to the lesser of:

(A) A ratable share of the total default charges; or

(B) 90 percent of the deficiency.

(b) The formula for calculating the Department's ratable share of total default charges is:

$$R = (G+T) \cdot P$$

R represents the ratable share of total default charges.

G represents the guaranteed loan amount as set out in the insurance authorization.

T represents the total credit facility made available.

P represents the principal outstanding upon default plus accrued interest and liquidation charges.

(c) To participate in the Evergreen Plus program, a financial institution must have in place and operating a lending program specializing in line of credit loans secured by or with advances based upon eligible accounts receivable and inventory or other assets. The Department must be satisfied that the financial institution is sufficiently experienced and capable of operating such a lending program effectively.

(5) The Conventional and First Loss Insurance Programs are available for all types of non-revolving loans with regular periodic payments of principal and interest no less often than annually for eligible purposes, including working capital loans that are secured by fixed assets.

Stat. Auth.: ORS 285.065 & 285.466 - 285.481

Stats. Implemented: ORS 285.474(4)

Hist.: EDD 5-1994(Temp), f. & cert. ef. 3-3-94; EDD 11-1994, f. & cert. ef. 7-29-94; EDD 13-2002(Temp), f. & cert. ef. 6-18-02 thru 12-13-02; Administrative correction 4-15-03;

123-021-0100

Loan Insurance Agreement

No loan authorization shall be effective unless the financial institution and the Department have executed a loan insurance agreement in a form acceptable to the Department setting forth the relative rights and responsibilities of the financial institution and the Department for all insured loans. The loan insurance agreement shall include without limitation the following:

(1) General conditions and provisions incorporating the requirements of this division of the rules and ORS 285.466 to 285.481.

(2) Provisions setting forth the responsibilities of the financial institution to prudently underwrite and service insured loans in such a manner as would be the normal and customary practice of a prudent lender making or servicing a loan without relying on loan insurance.

(3) A requirement that the financial institution notify the Department in writing within 5 business days after a borrower's payment is 30 days late and within fifteen business days of any other default or event or condition which indicates the loan may be difficult to collect in full. Upon default, the financial institution and/or Department shall take such action as may be prudent, including without limitation foreclosing on and liquidating collateral.

(4) A description of the Department's insurance programs and the method for paying insurance claims.

(5) The Department shall be entitled at its discretion to cancel or reduce its insurance obligation if the financial institution breaches its responsibilities under the loan insurance agreement.

Stat. Auth.: ORS 285.065 & 285.466 - 285.481

Stats. Implemented: ORS 285.474(4)

Hist.: EDD 5-1994(Temp), f. & cert. ef. 3-3-94; EDD 11-1994, f. & cert. ef. 7-29-94; EDD 24-2008, f. 7-31-08, cert. ef. 8-1-08; EDD 17-2009, f. 10-30-09, cert. ef. 11-1-09

123-021-0110

Insurance Premiums

(1) The Department shall charge a one-time (up-front) insurance premium. Premiums are due at the time financial institution's originate loans and execute loan authorizations with the Department. The Department's insurance is not effective until premiums are paid. It is expected that financial institutions will pass along the cost of premiums to borrowers. Premiums, expressed as a percentage of the insured loan amount, shall be charged in accordance with the following schedule for the programs indicated: [Schedule not included. See ED. NOTE.]

(2) The fee for the Evergreen Entrants Program is 1.25 percent annually; the fee for Evergreen Plus Program is 2.5 percent annually.

(3) For revolving lines of credit or evergreen facilities, the premium will be based on the total amount of the credit facility made available to a borrower, regardless of whether it is fully drawn down. Examples:

(a) The premium due on a \$200,000, five year loan with 85% Conventional insurance would be \$3,400 ($\$200,000 \times .85 \times .02$);

(b) The premium on a Evergreen Entrants 75% insured loan for \$200,000 would be \$1,875 ($\$200,000 \times .75 \times .0125$); this amount would be due every year thereafter for up to four additional years, assuming the loan and amount is renewed each year for the maximum term permitted under the Evergreen Entrants program (5 years);

(c) The premium due on a \$200,000, eight year, 25% First Loss insured loan would be \$2,500 ($\$200,000 \times .25 \times .05$);

(d) The premium due on a \$700,000, 25% insured Evergreen Plus loan would be \$4,375 ($\$700,000 \times .25 \times .025$); this amount would be due every year thereafter for up to four additional years, assuming the loan and amount is renewed each year for the maximum term permitted under the program (5 years).

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

Stat. Auth.: ORS 285.065 & 285.466 - 285.481

Stats. Implemented: ORS 285.474(4)

Hist.: EDD 5-1994(Temp), f. & cert. ef. 3-3-94; EDD 11-1994, f. & cert. ef. 7-29-94; EDD 24-2008, f. 7-31-08, cert. ef. 8-1-08; EDD 17-2009, f. 10-30-09, cert. ef. 11-1-09

123-021-0120

Administrative Costs of the Program

The Department may charge the fund actual and necessary administrative expenses in operating the fund and its programs.

Stat. Auth.: ORS 285.065 & 285.466 - 285.481

Stats. Implemented: ORS 285.476(2), 285.476(5) & 285.471(1)(b)

Hist.: EDD 5-1994(Temp), f. & cert. ef. 3-3-94; EDD 11-1994, f. & cert. ef. 7-29-94; EDD 24-2008, f. 7-31-08, cert. ef. 8-1-08; EDD 17-2009, f. 10-30-09, cert. ef. 11-1-09

ADMINISTRATIVE RULES

123-021-0130

Delegation

With the exception of appeals, the Department may authorize and approve loan authorizations and to execute any document necessary or convenient to make effective such guarantees.

Stat. Auth.: ORS 285.065 & 285.466 - 285.481
Stats. Implemented: ORS 285.474(4)
Hist.: EDD 5-1994(Temp), f. & cert. ef. 3-3-94; EDD 11-1994, f. & cert. ef. 7-29-94; EDD 24-2008, f. 7-31-08, cert. ef. 8-1-08; EDD 17-2009, f. 10-30-09, cert. ef. 11-1-09

123-021-0140

Confidential Records

(1) The director or his designee shall provide nonexempt program records for inspection in accordance with ORS Chapter 192.

(2) The person requesting inspection of the records may be charged in advance the Department's cost for locating, compiling, copying, and mailing the records. Such costs shall include but not be limited to costs incurred in locating records, separating exempt and nonexempt records, having a custodian present during the inspection, preparing lists of data, making photocopies, and telefaxing materials. Fees to be collected shall be set forth in the Department's schedule of fees and may be amended from time to time as the Department in its sole discretion may determine.

(3) Except as otherwise provided in ORS Chapter 192, records exempt from disclosure include but are not limited to:

(a) Reports and analyses of reports obtained in confidence from creditors, employers, customers, suppliers, and others which bear on the borrower's character, finances, management ability, and reliability and which were obtained from persons or firms not required by law to submit them;

(b) Financial statements, tax returns, business records, employment history and other personal data submitted by or for borrowers, or analysis of such data;

(c) Interdepartmental advisory memoranda developed prior to a loan insurance decision;

(d) Formulas, plans, designs and related information which constitute trade secrets under ORS Chapter 192;

(e) Personal financial statements;

(f) Financial statements of borrower's;

(g) Customer lists;

(h) Information of a borrower pertaining to litigation to which the borrower is a party if the complaint has been filed, or if the complaint has not been filed, if the borrower shows that such litigation is reasonably likely to occur. This exemption does not apply to litigation which has been concluded and nothing in this section shall limit any right or opportunity granted by discovery or deposition statutes to a party to litigation or potential litigation;

(i) Production, sales or cost data; and

(j) Marketing strategy information that relates to a borrower's plan to address specific markets and borrower's strategy regarding specific competitors.

Stat. Auth.: ORS 285.065 & 285.466 - 285.481
Stats. Implemented: ORS 192.430 & 285.035(5)
Hist.: EDD 5-1994(Temp), f. & cert. ef. 3-3-94; EDD 11-1994, f. & cert. ef. 7-29-94; EDD 24-2008, f. 7-31-08, cert. ef. 8-1-08; EDD 17-2009, f. 10-30-09, cert. ef. 11-1-09

.....

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

Adm. Order No.: EDD 18-2009

Filed with Sec. of State: 10-30-2009

Certified to be Effective: 11-1-09

Notice Publication Date: 10-1-2009

Rules Amended: 123-025-0010, 123-025-0012, 123-025-0015, 123-025-0017, 123-025-0021, 123-025-0025, 123-025-0030

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

Rules Coordinator: Mindee Sublette—(503) 986-0036

123-025-0010

Definitions

For the purposes of these rules additional definitions may be found in Procedural Rules, OAR 123-001. The following terms will have the following definitions, unless the context clearly indicates otherwise:

(1) "Fund" means Port Planning and Marketing Fund.

(2) "Peer Review Committee" means a committee of Oregon port representatives, as determined by the authority. The Peer Review Committee shall:

(a) Recommend standards and priorities for typical Port Planning and Marketing Fund projects;

(b) Review and evaluate Port Planning and Marketing Fund proposals submitted to the Authority for possible funding; and

(c) Review and evaluate project deliverables as described in the grant contract prior to disbursement of final payment.

(3) "Project" means any activity that is eligible for assistance from the Port Planning and Marketing Fund.

Stat. Auth.: ORS 285A.075
Stats. Implemented: ORS 285A.654 - 285A.660
Hist.: EDD 8-1985(Temp), f. 10-22-85, ef. 11-1-85; EDD 5-1987, f. & ef. 10-9-87; EDD 6-1997, f. & cert. ef. 4-25-97; EDD 5-2001(Temp) f. & cert. ef. 7-13-01 thru 1-9-02; EDD 1-2002, f. & cert. ef. 1-30-02; EDD 4-2004(Temp), f. & cert. ef. 2-3-04 thru 8-1-04; EDD 15-2004, f. & cert. ef. 8-2-04; EDD 13-2007(Temp), f. & cert. ef. 12-7-07 thru 6-1-08; EDD 17-2008, f. & cert. ef. 6-4-08; EDD 18-2009, f. 10-30-09, cert. ef. 11-1-09

123-025-0012

Annual Funding of Program

The Authority will transfer up to 5.00% of the assets of the Port Revolving Fund, not to exceed the annual accrued net income from the Port Revolving Fund into the Port Planning and Marketing Fund annually as calculated on receipt of the Fund Audit each year.

Stat. Auth.: ORS 285A.075
Stats. Implemented: ORS 285A.654 - 285A.660
Hist.: EDD 4-2004(Temp), f. & cert. ef. 2-3-04 thru 8-1-04; EDD 15-2004, f. & cert. ef. 8-2-04; EDD 13-2007(Temp), f. & cert. ef. 12-7-07 thru 6-1-08; EDD 17-2008, f. & cert. ef. 6-4-08; EDD 18-2009, f. 10-30-09, cert. ef. 11-1-09

123-025-0015

Project Eligibility and Criteria, Strategic Business Plans Requirement

(1) A planning or marketing project that meets the following criteria is eligible for assistance from the fund:

(a) The project is necessary for improving a port's capability to carry out its authorized functions and activities relating to trade and commerce;

(b) The project is feasible and will produce measurable results;

(c) The project will promote the long-term economic self-sufficiency of the port and will encourage cost-effective investments guided by prudent financial consideration and review;

(d) The project has a single focus and does not attempt to accomplish multiple disjointed or unrelated outcomes or tasks;

(e) The applicant has met the strategic planning requirements in 123-025-0015(2) and;

(f) The project meets the standards and criteria as set by the authority and Peer Review Committee in this division of administrative rules.

(2) Those Ports formed under ORS 777 shall develop and maintain strategic business plans before obtaining Authority funding for other projects. This requirement will be phased in over several years. Ports must have a formally adopted strategic business plan that meets the standards and requirements of the Authority. Ports must have their plan in place one year after the adoption of a Statewide Ports Strategic Business Plan in order to obtain financial assistance from the Authority. The strategic business plans required under this rule shall be updated at least every 5 years.

Stat. Auth.: ORS 285A.075(5)
Stats. Implemented: ORS 285A.654 - 285A.660
Hist.: EDD 8-1985(Temp), f. 10-22-85, ef. 11-1-85; EDD 5-1987, f. & ef. 10-9-87; EDD 6-1997, f. & cert. ef. 4-25-97; EDD 5-2001(Temp) f. & cert. ef. 7-13-01 thru 1-9-02; EDD 1-2002, f. & cert. ef. 1-30-02; EDD 4-2004(Temp), f. & cert. ef. 2-3-04 thru 8-1-04; EDD 15-2004, f. & cert. ef. 8-2-04; Suspended by EDD 13-2007(Temp), f. & cert. ef. 12-7-07 thru 6-1-08; EDD 17-2008, f. & cert. ef. 6-4-08; EDD 18-2009, f. 10-30-09, cert. ef. 11-1-09

123-025-0017

Application Submittal, Review and Approval

(1) An eligible port may submit an application after consulting with the Authority on a preliminary determination of eligibility and otherwise follow the Authority's procedures for submitting applications. The application must be in the form provided by the Authority and must contain or be accompanied by such information as the Authority may require. The Authority will process only completed applications.

(2) Upon receipt of a completed application the Authority will apply the following criteria to determine the project's eligibility:

(a) The project is cited in or conforms to a port's adopted strategic business plan required under OAR 123-025-0015(2) and approved by the Authority and the Peer Review Committee.

(b) The project is not an unnecessary duplication of marketing efforts among ports. However it is recognized that regional or cooperative projects may require ports to simultaneously perform similar tasks;

(c) The project does not subsidize regular port operating expenses;

(d) The project will not require or rely upon continuing subsidies from the Authority or department;

ADMINISTRATIVE RULES

(e) Financial need may be a consideration when reviewing a project proposal for funding; and,

(f) The requirements set out in OAR 123-025 are met.

(3) Upon receipt of a signed application the Authority will within 14 days notify the port as to the status of the application and advise the port of any missing materials or incomplete application detail.

(4) Once an application is considered complete the Authority will, within 60 days approve or reject the application.

Stat. Auth.: ORS 285A.075

Stats. Implemented: ORS 285A.654 - 285A.660

Hist.: EDD 1-2002, f. & cert. ef. 1-30-02; EDD 4-2004(Temp), f. & cert. ef. 2-3-04 thru 8-1-04; EDD 15-2004, f. & cert. ef. 8-2-04; EDD 13-2007(Temp), f. & cert. ef. 12-7-07 thru 6-1-08; EDD 17-2008, f. & cert. ef. 6-4-08; EDD 18-2009, f. 10-30-09, cert. ef. 11-1-09

123-025-0021

Project Funding Priorities

(1) At the beginning of each state fiscal year the Authority and the Ports will make reasonable efforts to identify and initiate high priority projects. Funding of up to 50% of that year's transfer of funds will be reserved exclusively for high priority projects for the first four months of the state fiscal year, after which it will become available for any eligible project.

(2) Projects to develop or update the strategic business plans as required under OAR 123-025-0014(2), or port marketing or financial plans, undertaken before the provisions of ORS 123-025-0015(2), will be given the highest priority.

(3) Other high priority projects are:

(a) Regional or cooperative projects that benefit more than one port;

(b) Projects that leverage other marketing and development efforts by the state or other government units;

(c) Projects leading to economic diversification, development of a new or emerging industry or redevelopment of existing public facilities.

(d) Priority will, however, be given for immediate job or revenue creation projects or other opportunities not cited in a port's adopted strategic business plan provided that the port consults with the Authority and the Peer Review Committee and, if required to do so by the Authority, the ruling body of the port acts to amend its strategic business plan.

Stat. Auth.: ORS 285A.075

Stats. Implemented: ORS 285A.654 - 285A.660

Hist.: EDD 1-2002, f. & cert. ef. 1-30-02; EDD 4-2004(Temp), f. & cert. ef. 2-3-04 thru 8-1-04; EDD 15-2004, f. & cert. ef. 8-2-04; EDD 13-2007(Temp), f. & cert. ef. 12-7-07 thru 6-1-08; EDD 17-2008, f. & cert. ef. 6-4-08; EDD 18-2009, f. 10-30-09, cert. ef. 11-1-09

123-025-0025

Project Administration

(1) The Authority and the port must execute a grant contract prior to disbursement of grant funds.

(2) Documentation of project costs incurred by a port must be submitted to the Authority prior to disbursement of funds.

(3) Disbursement of grant funds to a port will not exceed one disbursement per month. Ten percent of the grant funds will be withheld until the Peer Review Committee reviews and recommends approval of the appropriate grant contract deliverables of the project.

(4) Upon request the port must provide the Authority with a copy of documents, studies, reports, and materials developed during the project, including written report on activities or results of the project, or any other information that may reasonably be requested by the Authority.

(5) Prior to final disbursement, the Peer Review Committee will review all documents produced as a result of the project. The committee will evaluate and make recommendations to the Authority on value of resulting document(s) and how closely the project delivered the outcome anticipated in the application.

(6) Any monies disbursed but not used for an approved project, must be returned to the Authority.

Stat. Auth.: ORS 285A.075

Stats. Implemented: ORS 285A.654 - 285A.660

Hist.: EDD 8-1985(Temp), f. 10-22-85, ef. 11-1-85; EDD 5-1987, f. & ef. 10-9-87; EDD 5-2001(Temp) f. & cert. ef. 7-13-01 thru 1-9-02; EDD 1-2002, f. & cert. ef. 1-30-02; EDD 4-2004(Temp), f. & cert. ef. 2-3-04 thru 8-1-04; EDD 15-2004, f. & cert. ef. 8-2-04; EDD 5-2006, f. 10-30-06, cert. ef. 10-31-06; EDD 13-2007(Temp), f. & cert. ef. 12-7-07 thru 6-1-08; EDD 17-2008, f. & cert. ef. 6-4-08; EDD 18-2009, f. 10-30-09, cert. ef. 11-1-09

123-025-0030

Remedies

The authority may seek legal remedies against ports that fail to comply with the requirements governing the fund. Remedies will not be imposed by the authority until the port has been notified in writing of deficiencies and has been given a reasonable time to respond and correct the deficiencies noted.

Stat. Auth.: ORS 285A.075

Stats. Implemented: ORS 285A.654 - 285A.660

Hist.: EDD 1-2002, f. & cert. ef. 1-30-02; EDD 4-2004(Temp), f. & cert. ef. 2-3-04 thru 8-1-04; EDD 15-2004, f. & cert. ef. 8-2-04; EDD 5-2006, f. 10-30-06, cert. ef. 10-31-06; EDD 13-2007(Temp), f. & cert. ef. 12-7-07 thru 6-1-08; EDD 17-2008, f. & cert. ef. 6-4-08; EDD 18-2009, f. 10-30-09, cert. ef. 11-1-09

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

Adm. Order No.: EDD 19-2009

Filed with Sec. of State: 10-30-2009

Certified to be Effective: 11-1-09

Notice Publication Date: 10-1-2009

Rules Amended: 123-027-0040, 123-027-0056, 123-027-0060, 123-027-0070, 123-027-0156, 123-027-0161, 123-027-0166, 123-027-0211

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

Rules Coordinator: Mindee Sublette—(503) 986-0036

123-027-0040

Definitions

For the purposes of these rules, the following terms will have the following definitions, unless the text clearly indicates otherwise:

(1) "Federally authorized project" means a project that has been authorized or qualifies for federal funding from the United States Army Corps of Engineers.

(2) "Non-federal project" means a navigation project that is eligible under these rules but does not qualify for federal funding from the United States Army Corps of Engineers.

(3) "Fund" means the Marine Navigation Improvement Fund.

(4) "Project" means studies, necessary permits, dredging, acquisition, modification and maintenance of dredge disposal sites and construction of a new navigation improvement project that is sponsored by a port and is eligible for assistance from the Fund. A project can be either a federally authorized project or a non-federally authorized project.

(5) "Non-Federal Share" means that portion of a project cost not paid for by the United States Army Corps of Engineers.

(6) "New Navigation Improvement Project" means, for the purpose of ORS 777.267(1)(b) a water project that directly supports, or provides access to, a federally authorized navigation improvement project or a federally authorized navigation channel. To be characterized as 'new', the dredging activity must go beyond previously maintained improvements such as deeper channel depths or wider breadth of area being served. However, "New Navigational Improvement project" does not include dredging deeper than the depths of the federally authorized navigation improvement project.

Stat. Auth.: ORS 285A.075

Stats. Implemented: ORS 777.262 - 777.267

Hist.: EDD 5-1993, f. & cert. ef. 4-19-93; EDD 14-2002, f. & cert. ef. 6-21-02; EDD 7-2004(Temp), f. & cert. ef. 2-3-04 thru 8-1-04; Administrative correction 8-18-04; EDD 22-2004, f. & cert. ef. 8-19-04; EDD 24-2004, f. 10-25-04, cert. ef. 11-8-04; EDD 2-2006, f. & cert. ef. 2-10-06; EDD 19-2009, f. 10-30-09, cert. ef. 11-1-09

123-027-0056

Federally Authorized Project Application Requirements

The Port shall notify the Authority of a potential federally authorized project at the time it initiates the project with the United States Army Corps of Engineers and it shall submit written documentation to the Authority evidencing its participation with the United States Army Corps of Engineers. The written documentation must:

(1) Describe the nature and purpose of the project, including: proposed project scheduling; project term; estimated project cost; the Port's estimated non-federal share of the total project cost; and, the required schedule for payment of the Port's non-federal share of the total project cost;

(2) Contain federal documents that authorize the project, including Reconnaissance/Feasibility Studies; and

(3) Contain a copy of the Port's proposed Local Cost Share Agreement with the United States Army Corps of Engineers for undertaking and carrying out the project.

Stat. Auth.: ORS 285A.075

Stats. Implemented: ORS 777.262 - 777.267

Hist.: EDD 22-2004, f. & cert. ef. 8-19-04; EDD 2-2006, f. & cert. ef. 2-10-06; EDD 19-2009, f. 10-30-09, cert. ef. 11-1-09

ADMINISTRATIVE RULES

123-027-0060

Federally Authorized Project Application Review and Approval

Based upon a review of the information described in OAR 123-027-0056, the Authority will determine whether the project is eligible for assistance from the Fund. If the documentation is not adequate to determine eligibility, the Authority will require the Port to submit additional information as may be necessary.

Stat. Auth.: ORS 285A.075

Stats. Implemented: ORS 777.262 - 777.267

Hist.: EDD 5-1993, f. & cert. ef. 4-19-93; EDD 14-2002, f. & cert. ef. 6-21-02; EDD 7-2004(Temp), f. & cert. ef. 2-3-04 thru 8-1-04; Administrative correction, 8-18-04; EDD 22-2004, f. & cert. ef. 8-19-04; EDD 2-2006, f. & cert. ef. 2-10-06; EDD 19-2009, f. 10-30-09, cert. ef. 11-1-09

123-027-0070

Federally Authorized Project Award and Funding

(1) The Authority and the Port shall execute a contract prior to disbursement of moneys from the Fund. The contract shall be in a form and content as provided by the Authority.

(2) Payments from the Fund shall be disbursed in accordance with the executed contract.

(3) The Port must provide the Authority with a written report, records, and a detailed accounting of costs in the format required by the Authority :

- (a) Within 30 days following the close of each federal fiscal year; and
- (b) Within 90 days following final completion of a project.

(4) Any amount disbursed from the Fund and not used for a project must be returned to the Authority.

Stat. Auth.: ORS 285A.075

Stats. Implemented: ORS 777.262 - 777.267

Hist.: EDD 5-1993, f. & cert. ef. 4-19-93; EDD 14-2002, f. & cert. ef. 6-21-02; EDD 7-2004(Temp), f. & cert. ef. 2-3-04 thru 8-1-04; Administrative correction 8-18-04; EDD 22-2004, f. & cert. ef. 8-19-04; EDD 24-2004, f. 10-25-04, cert. ef. 11-8-04; EDD 2-2006, f. & cert. ef. 2-10-06; EDD 19-2009, f. 10-30-09, cert. ef. 11-1-09

123-027-0156

Non-Federal Project Application Requirements

(1) A Port may submit an application after consulting with Authority staff on a preliminary determination of eligibility and otherwise following the Authority's procedures for submitting applications.

(2) The application must be in the form provided by the Authority and must contain or be accompanied by such information as the Authority may require. The Authority will process only completed applications.

Stat. Auth.: ORS 285A.075

Stats. Implemented: ORS 777.262 - 777.267

Hist.: EDD 22-2004, f. & cert. ef. 8-19-04; EDD 2-2006, f. & cert. ef. 2-10-06; EDD 19-2009, f. 10-30-09, cert. ef. 11-1-09

123-027-0161

Non-Federal Project Application Review and Approval

To approve an application for assistance from the fund, the Authority must make the determinations as follows:

(1) The project is an eligible project. If the Authority determines that the project is not eligible, it may reject an application or require further documentation from the Port;

(2) The requisite need for the project has been demonstrated to the Authority in the application or the local planning process;

(3) If application is for a loan, the loan security includes the pledge of revenues and/or other funds, and is sufficient, when considered with other security, to assure repayment;

(4) The Port is willing and able to enter into a contract with the Authority ; and

(5) Moneys in the fund are or will be available for the project.

Stat. Auth.: ORS 285A.075

Stats. Implemented: ORS 777.262 - 777.267

Hist.: EDD 22-2004, f. & cert. ef. 8-19-04; EDD 2-2006, f. & cert. ef. 2-10-06; EDD 19-2009, f. 10-30-09, cert. ef. 11-1-09

123-027-0166

Non-Federal Project Award and Funding

(1) The Authority and the Port will execute a contract prior to disbursement of moneys from the Fund. The contract will be in a form and content as provided by the Authority.

(a) Payments from the fund will be disbursed in accordance with the executed contract.

(b) The Port must provide the Authority with written reports, records, and an accounting of detailed costs for a project as described in the contract.

(2) All eligible projects may be awarded loan funding of up to 100% of the total project cost, or for the required local match, under the following terms:

(a) Interest rates will be determined by Authority at time of award, according to Authority policy; and

(b) The loan term will not exceed 25 years.

(3) If the Authority determines 100% loan funding is not feasible due to the financial hardship of the port, grants may be awarded if Authority determines at least one of the following circumstances exists:

(a) Job creation and/or retention will be a direct result of the project;

(b) There is an urgent need for environmental remediation and the Authority's financial analysis determines that the Port's borrowing capacity is insufficient to finance the project;

(c) The project deals with critical public safety issues and the Authority's financial analysis determines that the Port's borrowing capacity is insufficient to finance the project; or

(d) There is imminent threat that the Port will lose any applicable permits and the Authority's financial analysis determines that the Port's borrowing capacity is insufficient to finance the project.

(e) The Authority's financial analysis determines that the project cannot proceed without a grant.

(4) Projects eligible due to the provisions of subsection 0106 may be awarded grant funding up to 75 percent of the project cost. A 25 percent local match is required. In-kind services from the Port may be no more than 10 percent of the total project cost.

(5) The Port must secure, and be able to provide upon request, a land use compatibility statement from the appropriate jurisdiction(s) for the project.

(6) Any amount disbursed from the Fund and not used for a project must be returned to the Authority.

Stat. Auth.: ORS 285A.075

Stats. Implemented: ORS 777.262 - 777.267

Hist.: EDD 22-2004, f. & cert. ef. 8-19-04; EDD 24-2004, f. 10-25-04, cert. ef. 11-8-04; EDD 2-2006, f. & cert. ef. 2-10-06; EDD 4-2006, f. 9-28-06, cert. ef. 10-1-06; EDD 19-2009, f. 10-30-09, cert. ef. 11-1-09

123-027-0211

Federal and Non-Federal Project Appeals and Exceptions

(1) Appeals of local government decisions regarding a Project must be made at the local level.

(2) The Director will consider appeals of the Authority's funding decisions. Only the Port may appeal. Appeals must be submitted in writing to the Director within 30 days of the event or action that is being appealed. The Director's decision is final.

(3) 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.

Stat. Auth.: ORS 285A.075

Stats. Implemented: ORS 777.262 - 777.267

Hist.: EDD 14-2002, f. & cert. ef. 6-21-02; Renumbered from 123-027-0110 by EDD 22-2004, f. & cert. ef. 8-19-04; EDD 2-2006, f. & cert. ef. 2-10-06; EDD 19-2009, f. 10-30-09, cert. ef. 11-1-09

Rule Caption: The rules cover the Port Revolving loan Fund.

Adm. Order No.: EDD 20-2009

Filed with Sec. of State: 10-30-2009

Certified to be Effective: 11-1-09

Notice Publication Date: 10-1-2009

Rules Amended: 123-030-0000, 123-030-0004, 123-030-0010, 123-030-0020, 123-030-0030, 123-030-0040, 123-030-0050

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

Rules Coordinator: Mindee Sublette—(503) 986-0036

123-030-0000

Purpose

The purpose of these rules is to provide procedures, standards and criteria for operation of the Port Revolving Fund program authorized by ORS 285A.669 through 285A.732.

Stat. Auth.: ORS 285A.075(5)

Stats. Implemented: ORS 285A.669 - 285A.732

Hist.: EDD 8-2002, f. & cert. ef. 5-1-02; EDD 20-2009, f. 10-30-09, cert. ef. 11-1-09

123-030-0004

Definitions

For the purposes of these rules additional definitions may be found in Procedural Rules, OAR 123-001. The following terms have the following definitions unless the context clearly indicates otherwise: "Fund" means the Oregon Port Revolving Fund.

ADMINISTRATIVE RULES

Stat. Auth.: ORS 285A.075(5)
Stats. Implemented: ORS 285A.669 - 285A.732
Hist.: EDD 8-2002, f. & cert. ef. 5-1-02; EDD 1-2004(Temp), f. & cert. ef. 2-3-04 thru 8-1-04; EDD 16-2004, f. & cert. ef. 8-2-04; EDD 6-2006, f. 10-30-06, cert. ef. 10-31-06; EDD 20-2009, f. 10-30-09, cert. ef. 11-1-09

123-030-0010

Need for the Port Revolving Fund Project

(1) Applications must include sufficient information that will demonstrate the need for the project. The information must include, but not be limited to, the following:

- (a) Whether economic benefits and opportunities such as increased employment, increased personal income, and cost savings are evident;
- (b) Whether the applicant has a prospective user or other near-term use of the proposed project; and
- (c) That the project satisfies the applicable requirements of OAR chapter 123, division 8.

(2) In the event the loan is primarily for a proposed project to facilitate the location or expansion of an industry pursuant to ORS 285A.666-285A.732, the industry expansion to be induced by the loan must include activities consistent with the infrastructure target industries or Ports adopted Strategic Business Plan.

(3) Need for the project will be established for the purpose of these rules for in-state plant relocation if:

- (a) The firm engaging in in-state plant relocation has demonstrated that the relocation is necessary for reasons beyond its control;
- (b) The relocation will provide a substantial increase or prevent a substantial direct reduction in total Oregon employment.

Stat. Auth.: ORS 285A.075(5)
Stats. Implemented: ORS 285A.669 - 285A.732
Hist.: EDD 9, f. & ef. 10-14-77; EDD 17-1990, f. & cert. ef. 6-28-90; EDD 8-2002, f. & cert. ef. 5-1-02; EDD 1-2004(Temp), f. & cert. ef. 2-3-04 thru 8-1-04; EDD 16-2004, f. & cert. ef. 8-2-04; EDD 20-2009, f. 10-30-09, cert. ef. 11-1-09

123-030-0020

Application Requirements

An eligible port district may submit an application after consulting with Authority staff on a preliminary determination of eligibility and otherwise following the Authority procedures for submitting applications.

(1) The application must be in the form provided by the Authority and must contain or be accompanied by such information as the Authority may require. The Authority will process only completed applications.

(2) A fee of \$100 will be charged for each loan application submitted to the Authority. All application fees will be made by check or money order and made payable to the Oregon Port Revolving Fund.

(3) All applications for loans from the Oregon Port Revolving Fund must indicate the proposed collateral to secure the loan and must include the following information:

(a) If the port's taxing authority is proposed to be pledged as collateral, a statement certified by the county assessor's office that sets forth the current millage rate, the projected new millage rate, if required to pay off the loan, the port's maximum current limitation, and a statement indicating whether the proposed pledge is within the port's current maximum mileage limitation;

(b) If any of the port's personal or real property is proposed to be pledged as collateral, the Authority may require a formal appraisal, certified by an appropriate licensed authority, attesting to the value of all collateral proposed to be held as security.

Stat. Auth.: ORS 285A.075(5)
Stats. Implemented: ORS 285A.669 - 285A.732
Hist.: EDD 8-2002, f. & cert. ef. 5-1-02; EDD 1-2004(Temp), f. & cert. ef. 2-3-04 thru 8-1-04; EDD 16-2004, f. & cert. ef. 8-2-04; EDD 6-2006, f. 10-30-06, cert. ef. 10-31-06; EDD 20-2009, f. 10-30-09, cert. ef. 11-1-09

123-030-0030

Application Review and Approval

(1) To approve an application for assistance from the fund, the Authority must make the determinations as follows:

(a) The project is consistent with the requirements governing assistance from the fund. If the Authority determines that the applicant and/or the proposed project do not meet the requirements of this section, the Authority may reject an application or require further documentation from the applicant;

(b) The requisite need for the project has been demonstrated in the application or the local planning process;

(c) The port has certified to the Authority that there will be adequate funds available to repay any loans made;

(d) The loan security includes the pledge of revenues and/or other funds are sufficient, when considered with other security, to assure repayment;

(e) The applicant is willing and able to enter into a contract with the Authority for repayment of the loan;

(f) The project is ready to proceed including all necessary permits required by federal, state and local agencies;

(g) The project activities constitute an eligible project;

(h) Moneys in the fund are or will be available for the project;

(i) The requirements under ORS 285A.055 for approval have been satisfied;

(j) The applicant will not owe more than \$3 million in principle to the Port Revolving Fund if the loan is approved.

(2) The Authority may provide preliminary approval of a loan application at any time and identify all necessary requirements for final approval.

(3) If the application is denied, the matter will be set aside unless the applicant requests further action under ORS Chapter 183.

Stat. Auth.: ORS 285A.075(5)
Stats. Implemented: ORS 285A.669 - 285A.732
Hist.: EDD 8-2002, f. & cert. ef. 5-1-02; EDD 1-2004(Temp), f. & cert. ef. 2-3-04 thru 8-1-04; EDD 16-2004, f. & cert. ef. 8-2-04; EDD 6-2006, f. 10-30-06, cert. ef. 10-31-06; EDD 20-2009, f. 10-30-09, cert. ef. 11-1-09

123-030-0040

Loan Contract Terms and Conditions

(1) Interest rates will be set by the Authority at market rates, but not less than Treasury Notes of a similar term minus 1 percent.

(2) The term of the loan will not exceed the useful life of the contracted project or 25 years from the year of project completion, whichever is less.

(3) For a flexible manufacturing space project, the loan contract may provide that no interest accrue until the building is 25 percent occupied, or until three years after the date of the loan contract, whichever is earlier.

(4) The loan contract will:

(a) Be in a form as provided by the Authority, and

(b) Provide that the Authority may institute appropriate action to prevent use of project facilities financed by the fund if the port is delinquent in its repayments.

Stat. Auth.: ORS 285A.075(5)
Stats. Implemented: ORS 285A.669 - 285A.732
Hist.: EDD 8-2002, f. & cert. ef. 5-1-02; EDD 1-2004(Temp), f. & cert. ef. 2-3-04 thru 8-1-04; EDD 16-2004, f. & cert. ef. 8-2-04; EDD 6-2006, f. 10-30-06, cert. ef. 10-31-06; EDD 20-2009, f. 10-30-09, cert. ef. 11-1-09

123-030-0050

Sanctions, Exceptions and Appeals

The Authority may seek legal remedies against ports that fail to comply with the requirements governing the fund. The Authority will not impose remedies until the port has been notified in writing of deficiencies and has been given a reasonable time to respond and correct the deficiencies noted.

Stat. Auth.: ORS 285A.075(5)
Stats. Implemented: ORS 285A.669 - 285A.732
Hist.: EDD 8-2002, f. & cert. ef. 5-1-02; EDD 1-2004(Temp), f. & cert. ef. 2-3-04 thru 8-1-04; EDD 16-2004, f. & cert. ef. 8-2-04; EDD 6-2006, f. 10-30-06, cert. ef. 10-31-06; EDD 20-2009, f. 10-30-09, cert. ef. 11-1-09

Oregon Department of Education Chapter 581

Rule Caption: Rule was numbered incorrectly. It was meant to be numbered 581-053-0556.

Adm. Order No.: ODE 11-2009

Filed with Sec. of State: 10-28-2009

Certified to be Effective: 10-28-09

Notice Publication Date:

Rules Renumbered: 581-053-5556 to 581-053-0556

Subject: Rule was numbered incorrectly. It was meant to be numbered 581-053-0556.

Rules Coordinator: Diane Roth—(503) 947-5791

581-053-0556

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

ADMINISTRATIVE RULES

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:

(A) Any person who transports persons for hire by motor vehicle; or

(B) 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.

(2) 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.

(3) 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 provided 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:

(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.

ADMINISTRATIVE RULES

(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 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 3M 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:

(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.

ADMINISTRATIVE RULES

(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; Renumbered from 581-053-5556, ODE 11-2009, f. & cert. ef. 10-28-09

Oregon Film and Video Office Chapter 951

Rule Caption: Establishes application and eligibility processes for SB 863.

Adm. Order No.: FVO 2-2009

Filed with Sec. of State: 11-12-2009

Certified to be Effective: 1-1-10

Notice Publication Date: 9-1-2009

Rules Adopted: 951-006-0000, 951-006-0001, 951-006-0005, 951-006-0010, 951-006-0020

Subject: Establishes rules for application to the iOPIF program, as well as eligibility determinations and payment of rebates.

Rules Coordinator: Susan Haley—(503) 229-5832

951-006-0000

Purpose

The purpose of these rules is to provide guidance for the administration of the i-Oregon Production Investment Fund film and television production rebates as authorized by SB863. The Indigenous Oregon Production Investment Fund was authorized by the 2009 legislature to encourage smaller budget film and television production in Oregon, thereby increasing job opportunities for Oregonians in the film and television industry.

Stat. Auth: ORS 284.335 & 284.368

Stats. Implemented: SB 863

Hist.: FVO 2-2009, f. 11-12-09 cert. ef. 1-1-10

951-006-0001

Definitions

(1) "Qualifying film or television production" means a movie produced for release to theaters, video or the internet or a television movie or one or more episodes of a single television series, the production of which will result in the spending of at least \$75,000.00 and less than \$750,000 directly to Oregon resident vendors or for work done in Oregon. "Qualifying film or television production" does not include the production of a commercial or one or more segments of a newscast or sporting event.

(2) "i-OPIF" means indigenous-Oregon Production Investment Fund created by SB863.

(3) "Filmmaker" means a person who owns a television or film production company.

(4) "Local filmmaker" means a person who owns a television or film production company that has its principal place of business in this state.

(5) "Resident of this state" has the meaning given that term in ORS 316.027.

(6) "OFVO" means the Oregon Film & Video Office created by ORS 284.305.

Stat. Auth: ORS 284.335 & 284.368

Stats. Implemented: SB 863

Hist.: FVO 2-2009, f. 11-12-09 cert. ef. 1-1-10

951-006-0005

Program Application

A person proposing to produce a qualifying film or television production and wishing to receive a production spending rebate from the i-OPIF with respect to the production shall submit an application to the

Oregon Film and Video Office for an eligibility determination. Unless otherwise permitted by the OFVO, the application must be submitted prior to the commencement of production. Incomplete applications will not be accepted.

Stat. Auth: ORS 284.335 & 284.368

Stats. Implemented: SB 863

Hist.: FVO 2-2009, f. 11-12-09 cert. ef. 1-1-10

951-006-0010

Eligibility Determination

(1) Except as set forth in sections (2) and (3), the OFVO will approve the applications for eligibility for productions that satisfy the following requirements:

(a) The production satisfies the non-monetary portions of the "qualifying film or television production" definition.

(b) Projected spending in Oregon on the production is reasonably anticipated to equal not less than \$75,000 and less than \$750,000.

(c) The local filmmaker includes, with its application, a letter to the OFVO stating the local filmmaker's intent to film the production in Oregon and its willingness and ability to enter into a contract with the OFVO setting forth the terms and conditions of the rebate.

(d) Upon request of the Film Office, provide proof of production insurance.*

REQUIRED:

General Liability

General Liability aggregate — \$1,000,000

GL Limit Per Occurrence — \$1,000,000

Products Completed Operations — \$1,000,000

Personal & Advertising Injury — \$1,000,000

Fire Legal Liability — \$50,000

Medical Payments — \$5,000

Blanket Additional Insured's — \$ included

Waiver of Subrogation — \$ included

Automobile

Hired & Non-Owned Liability — \$1,000,000

Hired/Non-Owned Physical Damage — \$500,000

Production Package

Third Party Property Damage — \$500,000

Worker's Compensation (OR State Minimums)

Bodily Injury by Accident — \$500,000 Each Accident

Bodily Injury by Disease — \$500,000 Policy Limit

Bodily Injury by Disease — \$500,000 Each Employee

RECOMMENDED:

Production Package

Negative Film or Videotape — Included

Faulty Stock, Camera & Processing — Included

Extra Expense — \$25,000

Civil Authority — \$25,000

* Some filming locations may require additional insurance, or higher limits.

(e) Name and contact information for Payroll company.

(2) The following productions are not eligible:

(a) Productions of a local filmmaker that has, or whose principals have, a verifiable history of previous production problems that create significant doubt, as determined by the OFVO, regarding the local filmmaker's ability to complete a production in Oregon successfully. The production problems may include, but are but not limited to:

(i) Unpaid financial obligations;

(ii) Crew mistreatment; or

(iii) Damage to locations that the local filmmaker did not repair upon completion of the production.

(b) Productions with respect to which the local filmmaker withdraws its application for eligibility determination.

(c) Productions whose applications for eligibility are filed at times when there are not sufficient funds available in the Oregon Production Investment Fund to pay the anticipated rebates.

(d) Productions that the OFVO determines are unlikely to further the purposes of the i-Oregon Production Investment Fund.

(e) Productions must pay any employee minimum wage as set forth in (Oregon minimum wage rule, ORS 653.025) or meet the requirements of applicable Union Guild contracts the production has entered into.

(f) Productions that employ any individual as "intern" without that individual receiving academic credit. See the Oregon bureau of Labor and Industries for additional information: www.boli.state.or.us/BOLI/TA/T_FAQ_Interns.shtml.

(g) Productions determined to be ineligible may appeal to the OFVO Board, upon written application.

(3) If the OFVO receives multiple relatively concurrent applications for eligibility determinations and there are not sufficient funds available in the i-Oregon Production Investment Fund to pay anticipated rebates with respect to all of the productions, the OFVO will determine which applications to approve and which to deny based on the following factors:

(a) Satisfaction of requirements of section (1)

ADMINISTRATIVE RULES

- (b) Chronological order of receipt of application
- (c) Amount of production spending anticipated in Oregon
- (d) Number of film workers expected to be hired
- (e) Experience level of local filmmaker
- (f) Reputation of the local filmmaker and its principals
- (g) Estimated production start date
- (h) Other benefits to Oregon, including but not limited to promotional value, long-term financial benefits, contribution to development of Oregon's crew and talent base or production industry infrastructure.

(i) Whether the production company has contributed to the Oregon Production Investment Fund.

(j) Whether the local filmmaker intends to pay prevailing industry rates and provide health, retirement and other benefits.

(4) Upon approval of an application for eligibility with respect to a production, the local filmmaker must enter into a contract with OFVO stipulating the local filmmaker's intent to film the production in Oregon and setting forth the terms and conditions of the rebate. If the local filmmaker and the OFVO have not entered into the contract within 30 days of the local filmmaker's eligibility approval, the local filmmaker's eligibility will be automatically revoked unless the OFVO, in its discretion, extends the deadline for contract execution.

Stat. Auth: ORS 284.335 & 284.368

Stats. Implemented: SB 863

Hist.: FVO 2-2009, f. 11-12-09 cert. ef. 1-1-10

951-006-0020

Payment of Rebates

(1) Regardless of whether the production is otherwise a qualifying film or television production or whether the OFVO determined the production eligible, rebates from the i-Oregon Production Investment Fund will only be paid pursuant to and upon the terms and conditions of a contract entered into between the OFVO and the local filmmaker pursuant to OAR 951-002-0010(4). If no contract is entered into, no rebates will be paid.

(2) In addition to any other terms and conditions that the OFVO considers necessary or desirable, contracts for i-Oregon Production Investment Fund rebates will usually include the following:

(a) A requirement that the local filmmaker submit to the OFVO, after completion of the production work in Oregon, financial and other records sufficient to verify that the production satisfied the expenditure requirement for a rebate.

(b) Authorization for the OFVO to deduct from the rebate the costs reasonably incurred by the OFVO in verifying the production expenditures in Oregon, including but not limited to, the costs incurred by OFVO in obtaining an outside accounting review, audit, or both, of the financial and other records evidencing the expenditures. The OFVO will usually submit the expenditure documentation to an outside accounting firm for a review after the OFVO has completed its review. Based on the advice of the outside accounting firm, the OFVO may require an audit of the production's financial records.

(c) Provisions conditioning OFVO's obligation to pay the rebate on the local filmmaker's compliance with the terms of the contract and satisfactory verification of production spending in Oregon of at least US \$75,000 but less than \$750,000.

(d) Provisions conditioning OFVO's obligation to pay the rebate on the production spending in Oregon after the date that OFVO approves the production's eligibility, of at least US \$75,000 but not more than \$750,000.

(e) Local filmmaker to provide vendor lists with final accounting.

(f) Local filmmaker to provide promotional materials (such as photos, trailers, electronic press kits) to OFVO. OFVO may use such materials strictly for non profit purposes such as for archival, governmental relations and marketing purposes. OFVO shall not grant usage to any other entity and shall request additional permission prior to any use other than those listed. OFVO understands that talent contracts may prohibit use of actors' images without express permission and agrees to abide by such agreements when advised of the production company of said limitations.

(g) The local filmmaker must have spent a minimum of 80 percent of the film's payroll on employees who are residents of this state.

(h) Local filmmaker to provide final crew list along with proof of residency for each crew member. Proof of residency may include ODL, or other legal documents approved by the Director of the Oregon Film & Video Office, or may be provided through a payroll report that shows residency state.

(i) The local filmmaker must have employed or contracted with a public accountant certified under ORS 673.040 for the provision of payroll services.

(j) Provide to OFVO, proof of completion of the film in the form of a rough cut of the film, or submission of a selection of dailies, either of which will demonstrate original script synopsis. Other proof of completion subject to approval of the Film Office.

(k) List of interns, and the academic institutions, including contact information, under which interns are receiving academic credit.

Stat. Auth: ORS 284.335 & 284.368

Stats. Implemented: SB 863

Hist.: FVO 2-2009, f. 11-12-09 cert. ef. 1-1-10

Oregon Liquor Control Commission

Chapter 845

Rule Caption: Amend Special Event Winery/Grower rule to reflect maximum of five license days on application.

Adm. Order No.: OLCC 12-2009

Filed with Sec. of State: 10-19-2009

Certified to be Effective: 1-11-10

Notice Publication Date: 8-1-2009

Rules Amended: 845-005-0415

Subject: This rule describes Special Events licenses that are available to current Winery or Grower Sales Privilege licensees and also describes the application process. Legislative Counsel reviewed the Commission's April 1, 2009 rule amendments related to catering, temporary sales, and special events, and on May 19, 2009 issued us a staff report. This report included a negative determination in that they found OAR 845-005-0415 (4) exceeded the scope of the enabling statutes. Because our intent was to have consistency amongst the three special event rules in the April 1, 2009 rule amendment package, our rule stated that no more than seven license days will be approved on an application. However, the enabling statutes (ORS 471.223 and ORS 471.227) limit special events for Winery and Grower Sales Privilege licensees to only five days. Because this rule was outside the scope of its enabling statutes, we needed to amend this rule in order to comply with the statutory language now in effect.

Rules Coordinator: Jennifer Huntsman—(503) 872-5004

845-005-0415

Special Event Winery and Special Event Grower Sales Licenses

(1) ORS 471.223 authorizes the Commission to issue a Special Events Winery license to a Winery licensee. The special license may allow the licensee to sell wine, malt beverages and cider allowed to be sold under the annual Winery license at retail for consumption on or off the licensed premises at a location other than that designated as the winery's annually licensed premises.

(2) ORS 471.227 authorizes the Commission to issue a Special Events Grower license to a Grower Sales Privilege licensee. The special license may allow the licensee to sell wine and cider allowed to be sold under the annual Grower Sales Privilege license at retail for consumption on or off the licensed premises at a location other than that designated as the grower's annually licensed premises.

(3) Definitions. For this rule:

(a) "Bar" means a counter at which the preparation, pouring, serving, sale, or consumption of alcoholic beverages is the primary activity;

(b) "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;

(c) "License day" means from 7:00 am until 2:30 am on the succeeding calendar day. The license fee is \$10.00 per license day or any part of a license day.

(d) "Serious violation history" means:

(A) Two or more category III or IIIa administrative violations of any type, or category IV violations involving minors. However, if the circumstances of a violation include aggravation, one violation may be sufficient; or

(B) One category I, II, or IIa administrative violation; or

(C) Two or more crimes or offenses involving liquor laws.

(e) "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.

(f) "Video lottery game" means a video lottery game terminal authorized by the Oregon State Lottery. Examples include but are not limited to

ADMINISTRATIVE RULES

video poker and video slots. Keno monitors are not considered a video lottery game.

(4) The Commission will not approve more than five license days on a single application. The Commission may limit approval of any application to a single license day or to any number of license days fewer than five days.

(5) Applicants must apply in writing for a Special Event Winery or Special Event Grower license, using the application form provided by the Commission. The Commission may require additional forms, documents, or information as part of the application. The Commission may refuse to process any application not complete, not accompanied by the documents or disclosures required by the form or the Commission, or that does not allow the Commission sufficient time to investigate it. Sufficient time is typically one to three weeks prior to the event date. The Commission may 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 proceeding under ORS 183.310 to 183.550.

(6) The application for a special license under this rule shall include:

(a) A written, dated, and signed plan the Commission determines adequately manages:

- (A) The event to prevent problems and violations;
- (B) Patronage by minors as set out in subsection (7) of this rule; and
- (C) Alcohol consumption by adults.

NOTE: An application is not complete if this plan is not approved by the Commission. The Commission may use subsection (5) of this rule to refuse to process any application that is not complete;

(b) Identification of the individuals to be employed by the licensee to manage the event proposed in the application;

(c) Identification of the premises proposed to be licensed;

(d) Menu and proposal showing compliance with the food service standards of OAR 845-006-0465;

(e) Statement of the type of event to be licensed, type and extent of entertainment to be offered, expected patronage overall and by minors, type of food service to be offered, proposed hours of food service, and proposed hours of operation;

(f) The recommendation in writing of the local governing body where the licensed premises will be located; and

(g) License fees as established by ORS 471.311.

(7) A plan for managing patronage by minors under subsection (6)(a) of this rule must meet the following requirements:

(a) If the special license will be on any part of a premises, room, or area with an annual license issued by the Commission, the Commission must be convinced that the plan will follow the minor posting and control plan, including any temporary relaxation of the minor posting, assigned to that premises, room, or area under the annual license. The Commission must also be convinced that the plan will prevent minors from gaining access to alcoholic beverages and any portion of the licensed premises prohibited to minors.

(b) If the special license will not be on any part of a premises, room, or area with an annual license issued by the Commission, the Commission must be convinced that the plan will prevent minors from gaining access to alcoholic beverages and any portion of the licensed premises the Commission prohibits to minors.

(8) Minors are prohibited from the special licensed premises or portions of the licensed premises as follows:

(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 an area where there are video lottery games, social games, or nude entertainment or where such activities are visible;

(c) Minors may not be in an area where the licensee's approved written plan designates that minors will be excluded.

(9) The Commission may deny, cancel or restrict a special license for any reason for which the Commission may deny, cancel or restrict a regular license.

(10) The Commission may deny or restrict a special license if the applicant has a serious violation history at events previously licensed with a special license within the past 36 months.

(11) The Commission shall limit the issuance of a special license to the same applicant at the same location to no more than 31 license days from January 1 to December 31 of each year.

(12) The Commission may refund the special license fee if the application is withdrawn by the applicant or denied by the Commission, or if the event does not take place because of circumstances beyond the licensee's control, or if the Commission determines the applicant does not need a license for the event proposed in the application.

(13) When the Commission approves a written plan under subsection (6)(a) of this rule, the licensee must follow that written plan. Failure to follow that written plan is a Category III violation.

(14) If the licensee fails to prevent minors from gaining access to alcoholic beverages or fails to prevent minors from gaining access to any portion of the licensed premises prohibited to minors, the Commission may immediately prohibit minors from the licensed premises or portion(s) of the premises.

Stat. Auth.: ORS 471, including 471.030, 471.040 & 471.730(1) & (5)

Stats. Implemented: ORS 471.223 & 471.227

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 6-2007(Temp), f. & cert. ef. 5-14-07 thru 11-10-07; OLCC 19-2007, f. 9-27-07, cert. ef. 11-11-07; OLCC 1-2009, f. 3-17-09, cert. ef. 4-1-09; OLCC 9-2009(Temp), f. 7-13-09, cert. ef. 7-15-09 thru 1-10-10; OLCC 12-2009, f. 10-19-09, cert. ef. 1-11-10

Rule Caption: Renumber rule to move it into Division 6.

Adm. Order No.: OLCC 13-2009

Filed with Sec. of State: 10-19-2009

Certified to be Effective: 12-1-09

Notice Publication Date:

Rules Renumbered: 845-008-0030 to 845-006-0443

Subject: This rule describes the labeling requirements for retail licensees who dispense draught beer from taps. Until recently there were only two rules in Division 8 of the Commission's rules, and now that the Private Club rule was recently amended and moved to division 6, this leaves only one rule (Tap Labeling) in division 8. Staff recommends moving the rule, with no amendments, to division 6 where the other licensee regulations reside and renumbering it to OAR 845-006-0443. The Attorney General's Model Rules allow this renumbering of a rule without prior notice or going through the regular rulemaking process.

Rules Coordinator: Jennifer Huntsman—(503) 872-5004

845-006-0443

Tap Labeling

Licensees retailing draught beer must disclose at all times the true brand name of the beer by attaching the brand name to the tap or pipe from which the beer is drawn, in such a manner as to make the brand name visible to the customer.

Stat. Auth.: ORS 471, including 471.030, 471.730(1) & (5)

Stats. Implemented: ORS 471.445

Hist.: LCC 26, f. 5-12-60; LCC 27, f. 9-15-60; LCC 28, f. 12-19-60; LCC 29, f. 5-21-64; LCC 31, f. 12-4-67, ef. 12-26-67; LCC 49, f. 7-26-74, ef. 9-1-74; LCC 4-1979(Temp), f. & ef. 4-2-79; LCC 9-1979, f. 5-24-79, ef. 5-25-79; Renumbered from 845-010-0205(4) and (5); OLCC 18-1990, f. 8-1-90, cert. ef. 9-1-90; Renumbered from 845-008-0030, OLCC 13-2009, f. 10-19-09, cert. ef. 12-1-09

Oregon Medical Board

Chapter 847

Rule Caption: Establish criteria for continuing medical competency for Board licensees and outcome of non-compliance.

Adm. Order No.: BME 16-2009

Filed with Sec. of State: 10-23-2009

Certified to be Effective: 10-23-09

Notice Publication Date: 9-1-2009

Rules Amended: 847-008-0070

Subject: Proposed rule amendment establishes criteria for continuing medical competency for licensees of the Oregon Medical Board and, as the result of an audit of CME, the steps for obtaining compliance with CME rules if the audit shows a deficiency in licensee's CME hours.

Rules Coordinator: Malar Ratnathicam—(971) 673-2713

847-008-0070

Continuing Medical Competency (Education)

(1) Licensees who wish to renew their active license must have demonstrated ongoing competency to practice medicine by one of the following methods:

(a) Ongoing participation in re-certification by an American Board of Medical Specialties (ABMS) board, the American Osteopathic Association's Bureau of Osteopathic Specialists (AOA-BOS), the American Board of Podiatric Orthopedics and Primary Podiatric Medicine, the National Commission on Certification of Physician Assistants

ADMINISTRATIVE RULES

(NCCPA), or the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM); or

(b) 60 hours of continuing medical education (CME) per two years relevant to the licensee's current medical practice as follows:

- (A) American Medical Association (AMA) Category 1;
- (B) American Osteopathic Association (AOA) Category 1-A;
- (C) American Podiatric Medical Association's Council on Podiatric Medical Education approved sponsors of CME; or

(D) American Academy of Physician Assistants Category 1 (pre-approved); or

(c) 30 hours of National Certification Commission on Acupuncture and Oriental Medicine (N.C.C.A.O.M.) approved courses per two years relevant to the licensee's current practice.

(2) As the result of an audit, if licensee's CME is deficient, the licensee has 90 days to come into compliance with CME requirements and will be fined \$250; if after 90 days the licensee fails to comply, the licensee will be fined \$1000; if after 180 days the licensee fails to comply, the licensee's license will be suspended for a minimum of 90 days.

(3) The below licensees are exempt from this rule as follows:

- (a) Licensees with Emeritus status;
- (b) Licensees in residency training;
- (c) Licensees serving in the military who are deployed outside Oregon for 90 days or more are exempt for that individual reporting period.

Stat. Auth.: ORS 677.265
Stats. Implemented: ORS 677.265
Hist.: BME 2-2009, f. & cert. ef. 1-22-09; BME 16-2009, f. & cert. ef. 10-23-09

Rule Caption: Increase Postgraduate license to 13 months and change Visiting Physician to 30 days per year.

Adm. Order No.: BME 17-2009

Filed with Sec. of State: 10-23-2009

Certified to be Effective: 10-23-09

Notice Publication Date: 8-1-2009

Rules Amended: 847-010-0051, 847-010-0066

Subject: Proposed rule amendment increases the training year to thirteen months to allow training programs that train for 54 + weeks to have their postgraduate trainees pay for one Limited License, Postgraduate instead of needing to apply and pay for two, and to allow flexibility in starting and ending dates for postgraduates coming in from out-of-state or out-of-country. Proposed rule amendment allows for a visiting physician from out-of-state or out-of-country to obtain or provide training under the supervision of an actively licensed Oregon physician for up to thirty days per year.

Rules Coordinator: Malar Ratnathicam—(971) 673-2713

847-010-0051

Limited License, Postgraduate

(1) This limited license applies to interns (PG1) and residents as defined in ORS 677.010. This limited license permits the physician to practice medicine only as part of a supervised postgraduate training program of a school of medicine or hospital approved by the Board.

(2) The Limited License, Postgraduate shall be granted for a period of thirteen months, which allows the postgraduate the flexibility of using up to four weeks of time either before or after the start or end of twelve months of postgraduate training. The majority of the Limited License, Postgraduates are requested for the training year of late June one year to early July of the following year. When needed, the additional four weeks (thirteenth month) of training or adjustment of training dates will be used in earlier June or later July. A smaller number of Limited License, Postgraduates are requested for dates that are considered "off-cycle." The Limited License, Postgraduate may be renewed for each additional year of training. The physician must submit a limited license form and fee 30 days before the end of the thirteen months to be granted a new limited license.

Stat. Auth.: ORS 677.265
Stats. Implemented: ORS 677.132
Hist.: ME 10-1989(Temp), f. & cert. ef. 8-4-89; ME 18-1989, f. & cert. ef. 10-20-89; ME 9-1992, f. & cert. ef. 7-17-92; BME 4-2003, f. & cert. ef. 1-27-03; BME 17-2009, f. & cert. ef. 10-23-09

847-010-0066

Visiting Physician Requirements

(1) The Oregon Medical Board may grant approval for a visiting physician to practice in a hospital, in a facility accredited per OAR 847, Division 017, or under the supervision of an actively licensed Oregon

physician in order to obtain or provide training for a period up to thirty days per year. The visiting physician who requests additional time beyond the thirty days must apply for and obtain a license to practice in the state of Oregon.

(2) Prior to being granted approval, the following information must be submitted to the Oregon Medical Board:

(a) A letter from the requesting hospital administrator or administrator of the accredited facility, and a letter from the hospital chief of staff, hospital department chairman or member of the governing body of the accredited facility, or a letter from the Oregon licensed physician supervising the visiting physician, with the following information:

- (A) Dates of Oregon practice of the visiting physician;
- (B) Description of the procedure(s);
- (C) Name of responsible staff physician who will be in attendance.

The attending staff physician or supervising physician must be an Oregon licensed physician with Active status without disciplinary action;

(D) Documentation that the requesting hospital or accredited facility has approved privileges for the visiting physician.

- (b) A curriculum vitae for the visiting physician, and
- (c) Documentation that the visiting physician's license in the state or country in which they are practicing is active and in good standing.

(3) The request for approval to practice in the state of Oregon as a visiting physician must be received at least two weeks prior to the beginning date of such practice.

(4) Patients shall be informed that they are being treated by an approved visiting physician, who is not an Oregon licensed physician.

Stat. Auth.: ORS 677.265
Stats. Implemented: ORS 677.132, 677.265
Hist.: BME 7-2000, f. & cert. ef. 7-27-00; BME 13-2002, f. & cert. ef. 10-25-02; BME 24-2006, f. & cert. ef. 10-23-06; BME 17-2009, f. & cert. ef. 10-23-09

Rule Caption: Remove outdated terms of office and modify EMT-I and EMT-P scope of practice.

Adm. Order No.: BME 18-2009

Filed with Sec. of State: 10-23-2009

Certified to be Effective: 10-23-09

Notice Publication Date: 8-1-2009

Rules Amended: 847-035-0011, 847-035-0030

Subject: Proposed rule amendments 1) delete outdated terms of office (2002, 2003 and 2004) for the initial members of the EMT Advisory Committee; 2) clarify language in the EMT-I scope of practice allowing electrocardiographic rhythm interpretation; 3) add the anti-emetic drug Ondansetron to the EMT-I scope of practice; and 4) add electrocardiographic interpretation to the EMT-P scope of practice.

Rules Coordinator: Malar Ratnathicam—(971) 673-2713

847-035-0011

EMT Advisory Committee

(1) There is created an EMT Advisory Committee, which shall consist of five members appointed by the Oregon Medical Board. The Board shall appoint two physicians and three EMTs from nominations provided from EMS agencies, organizations, and individuals.

(a) The two physician members shall be actively practicing physicians licensed under this chapter who are supervising physicians, medical directors, or practicing emergency medicine physicians.

(b) The three EMT members shall be Oregon certified emergency medical technicians who have been residents of this state for at least two years, certified as emergency medical technicians for not less than two years. At least two of the three EMT members shall be actively practicing prehospital care, and at least one of the three EMT members shall be an EMT-Paramedic.

(c) Two of the five committee members shall be from rural or frontier Oregon.

(2)(a) The term of office of a member of the committee shall be three years and members may be reappointed to serve not more than two terms.

(b) Vacancies in the committee shall be filled by appointment by the board for the balance of an unexpired term and each member shall serve until a successor is appointed and qualified.

(3) The members of the advisory committee are entitled to compensation and expenses as provided in ORS 677.280.

Stat. Auth.: ORS 677.265
Stats. Implemented: ORS 677.757 & 677.780
Hist.: BME 12-2001, f. & cert. ef. 10-30-01; BME 18-2009, f. & cert. ef. 10-23-09

ADMINISTRATIVE RULES

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) A First Responder may perform the following procedures without having signed standing orders from a supervising physician:

- (a) Conduct primary and secondary patient examinations;
- (b) Take and record vital signs;
- (c) Utilize noninvasive diagnostic devices in accordance with manufacturer's recommendation;
- (d) Open and maintain an airway by positioning the patient's head;
- (e) Provide external cardiopulmonary resuscitation and obstructed airway care for infants, children, and adults;
- (f) Provide care for soft tissue injuries;
- (g) Provide care for suspected fractures;
- (h) Assist with prehospital childbirth; and
- (i) Complete a clear and accurate prehospital emergency care report form on all patient contacts and provide a copy of that report to the senior EMT with the transporting ambulance.

(8) A First Responder may perform the following additional procedures only when the First Responder is 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) Maintain an open airway through the use of:
 - (A) A nasopharyngeal airway device;
 - (B) A noncuffed oropharyngeal airway device;
 - (C) A Pharyngeal suctioning device.
- (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 the following 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 the following procedures:

(a) Perform all procedures that an Oregon-certified EMT-Basic can perform;

(b) Initiate and maintain peripheral intravenous (I.V.) lines;

(c) Initiate and maintain an intraosseous infusion;

(d) Initiate saline or similar locks;

(e) Draw peripheral blood specimens;

(f) Administer the following medications under specific written protocols authorized by the supervising physician, or direct orders from a licensed physician:

(A) Physiologic isotonic crystalloid solution.

(B) Vasoconstrictors:

(i) Epinephrine

(ii) Vasopressin;

(C) Antiarrhythmics:

(i) Atropine sulfate,

(ii) Lidocaine,

(iii) Amiodarone;

(D) Antidotes:

(i) Naloxone hydrochloride;

(E) Antihypoglycemics:

(i) Hypertonic glucose,

(ii) Glucagon;

(F) Vasodilators:

(i) Nitroglycerine;

(G) Nebulized bronchodilators:

(i) Albuterol,

(ii) Ipratropium bromide;

(H) Analgesics for acute pain:

(i) Morphine,

(ii) Nalbuphine Hydrochloride,

(iii) Ketorolac tromethamine,

(iv) Fentanyl;

(I) Antihistamine:

ADMINISTRATIVE RULES

- (i) Diphenhydramine;
- (J) Diuretic;
- (i) Furosemide;
- (K) Intraosseous infusion anesthetic;
- (i) Lidocaine;
- (L) Anti-Emetic;
- (i) Ondansetron;

(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) Electrocardiographic rhythm interpretation;
- (l) Perform cardiac defibrillation with a manual defibrillator.

(11) An Oregon-certified EMT-Paramedic may perform the following procedures:

- (a) Perform all procedures that an Oregon-certified EMT-Intermediate can perform;
- (b) Initiate the following airway management techniques:
 - (A) Endotracheal intubation;
 - (B) Tracheal suctioning techniques;
 - (C) Cricothyrotomy; and
 - (D) Transtracheal jet insufflation which may be used when no other mechanism is available for establishing an airway.
- (c) Initiate a nasogastric tube;
- (d) Provide advanced life support in the resuscitation of patients in cardiac arrest;
- (e) Perform emergency cardioversion in the compromised patient;
- (f) Attempt external transcutaneous pacing of bradycardia that is causing hemodynamic compromise;
- (g) Electrocardiographic interpretation.
- (h) Initiate needle thoracostomy for tension pneumothorax in a pre-hospital setting;
- (i) Initiate placement of a femoral intravenous line when a peripheral line cannot be placed;
- (j) Initiate placement of a urinary catheter for trauma patients in a prehospital setting who have received diuretics and where the transport time is greater than thirty minutes; and
- (k) Initiate or administer any medications or blood products under specific written protocols authorized by the supervising physician, or direct orders from a licensed physician.

(12) The Board has delegated to the Section the following responsibilities for ensuring that these rules are adhered to:

- (a) Designing the supervising physician and agent application;
- (b) Approving a supervising physician or agent; and
- (c) Investigating and disciplining any EMT or First Responder who violates their scope of practice.

(d) The Section shall provide copies of any supervising physician or agent applications and any EMT or First Responder disciplinary action reports to the Board upon their request.

(13) The Section shall immediately notify the Board when questions arise regarding the qualifications or responsibilities of the supervising physician or agent of the supervising physician.

Stat. Auth.: ORS 682.245
Stats. Implemented: ORS 682.245
Hist.: ME 2-1983, f. & ef. 7-21-83; ME 3-1984, f. & ef. 1-20-84; ME 12-1984, f. & ef. 8-2-84; ME 7-1985, f. & ef. 8-5-85; ME 12-1987, f. & ef. 4-28-87; ME 27-1987(Temp), f. & ef. 11-5-87; ME 5-1988, f. & cert. ef. 1-29-88; ME 12-1988, f. & cert. ef. 8-5-88; ME 15-1988, f. & cert. ef. 10-20-88; ME 2-1989, f. & cert. ef. 1-25-89; ME 15-1989, f. & cert. ef. 9-5-89, & corrected 9-22-89; ME 6-1991, f. & cert. ef. 7-24-91; ME 10-1993, f. & cert. ef. 7-27-93; ME 3-1995, f. & cert. ef. 2-1-95; ME 1-1996, f. & cert. ef. 2-15-96; ME 3-1996, f. & cert. ef. 7-25-96; BME 6-1998, f. & cert. ef. 4-27-98; BME 13-1998(Temp), f. & cert. ef. 8-6-98 thru 2-2-99; BME 14-1998, f. & cert. ef. 10-26-98; BME 16-1998, f. & cert. ef. 11-24-98; BME 13-1999, f. & cert. ef. 7-23-99; BME 14-2000, f. & cert. ef. 10-30-00; BME 11-2001, f. & cert. ef. 10-30-01; BME 9-2002, f. & cert. ef. 7-17-02; BME 10-2002, f. & cert. ef. 7-22-02; BME 1-2003, f. & cert. ef. 1-27-03; BME 12-2003, f. & cert. ef. 7-15-03; BME 4-2004, f. & cert. ef. 1-27-04; BME 11-2004(Temp), f. & cert. ef. 4-22-04 thru 10-15-04; BME 12-2004(Temp), f. & cert. ef. 6-11-04 thru 12-8-04; BME 21-2004(Temp), f. & cert. ef. 11-15-04 thru 4-15-05; BME 2-2005, f. & cert. ef. 1-27-05; BME 5-2005, f. & cert. ef. 4-21-05; BME 9-2005, f. & cert. ef. 7-20-05; BME 18-2006, f. & cert. ef. 7-25-06; BME 22-2006, f. & cert. ef. 10-23-06; BME 7-2007, f. & cert. ef. 1-24-07; BME 11-2007, f. & cert. ef. 4-26-

07; BME 24-2007, f. & cert. ef. 10-24-07; BME 11-2008, f. & cert. ef. 4-24-08; BME 19-2008, f. & cert. ef. 7-21-08; BME 10-2009, f. & cert. ef. 5-1-09; BME 13-2009, f. & cert. ef. 7-20-09; BME 18-2009, f. & cert. ef. 10-23-09

Rule Caption: Supervising physician provides eight hours on-site supervision per month or as approved by Board.

Adm. Order No.: BME 19-2009

Filed with Sec. of State: 10-23-2009

Certified to be Effective: 10-23-09

Notice Publication Date: 8-1-2009

Rules Amended: 847-050-0037

Subject: Proposed rule amendment changes on-site supervision of the physician assistant by the supervision physician from a minimum of four hours every two weeks to eight hours every month, or as approved by the Board.

Rules Coordinator: Malar Ratnathicam—(971) 673-2713

847-050-0037

Supervision

(1) The supervising physician is responsible for the direction and regular review of the medical services provided by the physician assistant.

(2) The type of supervision and maintenance of supervision provided for each physician assistant shall be described in the practice description and approved by the Board. The supervising physician shall provide for maintenance of verbal communication with the physician assistant at all times, whether the supervising physician and physician assistant practice in the same practice location or a practice location separate from each other, as described in the following:

(a) The practice is listed in the practice description of the physician assistant and is pre-approved by the Board.

(b) Practice locations, other than primary or secondary practice locations, such as schools, sporting events, health fairs and long term care facilities, are not required to be listed in the practice description of the physician assistant if the duties are the same as those listed in the practice description. The medical records for the patients seen at these additional practice locations will be held either at the supervising physician's primary practice location or the additional practice locations. The supervision of the physician assistant at locations other than the primary or secondary practice location shall be the same as for the primary or secondary practice location.

(c) In any instance where the supervising physician or designated agent is not providing direct or personal supervision of the physician assistant as defined in OAR 847-050-0010(8)(a) and (c), the supervising physician or designated agent shall provide for the maintenance of direct, verbal communication by telephone, radio, radio telephone, television or similar means but is not required to be physically present at the practice site.

(d) The supervising physician or designated agent will provide a minimum of eight (8) hours of on-site supervision every month, or as approved by the Board.

(e) The supervising physician or designated agent will provide chart review of a number or a percentage of the patients the physician assistant has seen during each month as stated in the practice description as approved by the Board.

(3) The degree of independent judgment that the physician assistant may exercise shall be in accordance with the Board approved practice description and supervision. The supervising physician may limit the degree of independent judgment that the physician assistant uses but may not extend it beyond the limits of the practice description.

(4) A physician who has restrictions upon or actions against their license may be subject to Board investigation prior to approval or may be denied approval as a supervising physician.

(5) The Board may defer taking action upon a request for approval as a supervising physician pending the outcome of the investigation of the physician for violations of ORS 677.010-0990.

Stat. Auth.: ORS 677.265
Stats. Implemented: ORS 677.515
Hist.: ME 4-1981(Temp), f. & ef. 10-20-81; ME 2-1982, f. & ef. 1-28-82; ME 8-1985, f. & ef. 8-5-85; ME 2-1990, f. & cert. ef. 1-29-90; BME 1-1998, f. & cert. ef. 1-30-98; BME 9-1999, f. & cert. ef. 4-22-99; BME 2-2000, f. & cert. ef. 2-7-00; BME 4-2002, f. & cert. ef. 4-23-02; BME 4-2005, f. & cert. ef. 4-21-05; BME 20-2008, f. & cert. ef. 7-21-08; BME 12-2009(Temp), f. & cert. ef. 7-14-09 thru 12-14-09; BME 19-2009, f. & cert. ef. 10-23-09

Rule Caption: Allow licensee to remain in inpatient treatment facility beyond 25 consecutive days without suspension.

Adm. Order No.: BME 20-2009

Filed with Sec. of State: 10-23-2009

ADMINISTRATIVE RULES

Certified to be Effective: 10-23-09

Notice Publication Date: 8-1-2009

Rules Adopted: 847-065-0005

Subject: Proposed rule amendment allows licensees to remain in an inpatient treatment facility beyond 25 consecutive days without an automatic suspension of their license if the licensee is in compliance with the Health Professionals Program (HPP) and is not in practice. If HPP determines a licensee has a mental illness that affects their ability to practice medicine safely they will request the licensee withdraw from practice; if licensee refuses, the licensee shall be reported to the Oregon Medical Board with a copy of the mental health evaluation.

Rules Coordinator: Malar Ratnathicam—(971) 673-2713

847-065-0005

Licensees with Mental Illness Treated in Hospital Exceeding 25 Consecutive Days

A licensee's participation in the Board's Health Professionals Program, to include inpatient evaluations or treatment in a treatment facility that exceeds 25 consecutive days, does not require an automatic suspension of a licensee, if the licensee is in compliance with their HPP agreement and does not practice medicine during a period of impairment. If the HPP Supervisory Council makes a determination that the licensee has a mental illness that affects the ability of the licensee to safely practice medicine, the Council will ask the licensee to immediately withdraw from practice. If the licensee declines, the Council will immediately report to the Board that the licensee has a mental illness that affects the ability of the licensee to safely practice, and with this report provide a copy of the evaluation upon which this determination is based.

Stat. Auth.: ORS 677.265

Stats. Implemented: ORS 677.225, 677.645

Hist.: BME 20-2009, f. & cert. ef. 10-23-09

Rule Caption: Expedited licensure by endorsement per HB 2435 (2009).

Adm. Order No.: BME 21-2009(Temp)

Filed with Sec. of State: 10-23-2009

Certified to be Effective: 10-23-09 thru 4-15-10

Notice Publication Date:

Rules Adopted: 847-026-0000, 847-026-0005, 847-026-0010, 847-026-0015, 847-026-0020

Subject: The proposed rules are in response to House Bill 2435 (2009) and outline the requirements for expedited licensure by endorsement.

Rules Coordinator: Malar Ratnathicam—(971) 673-2713

847-026-0000

Qualifications for License by Endorsement

(1) The Oregon Medical Board may issue a license by endorsement to a physician who:

(a) Meets the requirements for licensure as stated in OAR 847-020-0120, 847-020-0130, 847-020-0170 and 847-023-005;

(b) Meets one of the following:

(A) Has current certification by the American Board of Medical Specialties or the American Osteopathic Association's Bureau of Osteopathic Specialists; or

(B) Is eligible for primary source verification of medical education, post-graduate training and examination scores through the state in which the applicant was originally licensed;

(c) Is in good standing, with no restrictions or limitations upon, actions taken against, or investigation or disciplinary action pending against his/her license in any state, district, territory, or jurisdiction where applicant is or has been licensed;

(d) Has not had privileges at a hospital, clinic, or surgical center denied, reduced, restricted, suspended, revoked, terminated and has not been subject to staff disciplinary action or non-renewal of an employment contract or been requested to voluntarily resign or has privileges suspended while under investigation.

(e) No significant malpractice claims as determined by the Board;

(f) Has one (1) continuous year of current, active, unrestricted, unlimited clinical practice of medicine or surgery, or osteopathic medicine and surgery in their medical specialty as a licensee of a state, district, territory, or jurisdiction in the year preceding the physician's submission to the

Board of an application to practice in Oregon, or if retired must have been retired for one (1) year or less in the year preceding the physician's submission to the Board of an application to practice in Oregon. Clinical practice will be documented by verification of staff privileges, or non-consulting medical employment. A year of accredited clinical fellowship in the applicant's medical specialty as a licensee of a state, district, territory or jurisdiction qualifies as a year of clinical practice.

(2) A physician is not eligible for licensure by endorsement if the Board finds that the applicant has engaged in conduct prohibited by ORS 677.190.

(3) An applicant ineligible for licensure by endorsement may make a full and complete application per the requirements of OAR 847, division 020, or 847, division 023.

Stat. Auth.: ORS 677.265, HB 2435 (2009)

Stats. Implemented: ORS 677.265, HB 2435 (2009)

Hist.: BME 21-2009(Temp), f. & cert. ef. 10-23-09 thru 4-15-10

847-026-0005

Application

The applicant must submit a completed application to the board on a form furnished by the Board with the required non-refundable application fee. The applicant must attest that all questions have been answered completely and all answers and statements are true and correct. Any false information is grounds for denial, limitation, suspension or revocation of licensure.

Stat. Auth.: ORS 677.265, HB 2435 (2009)

Stats. Implemented: ORS 677.265, HB 2435 (2009)

Hist.: BME 21-2009(Temp), f. & cert. ef. 10-23-09 thru 4-15-10

847-026-0010

Documents, Letters, Certifications Obtained by the Board

The Board will obtain the following documents, letters, certifications and results of queries of national databases required for licensure on behalf of the applicant:

(1) Verification of certification by the American Board of Medical Specialties or the American Osteopathic Association's Bureau of Osteopathic Specialists;

(2) Verification of re-certification by the American Board of Medical Specialties or the American Osteopathic Association's Bureau of Osteopathic Specialists;

(3) The results of a query of the National Practitioner Data Bank and the Healthcare Integrity and Protection Data Bank; and

(4) The results of the query of the Federation of State Medical Boards' Board Action Data Bank.

Stat. Auth.: ORS 677.265, HB 2435 (2009)

Stats. Implemented: ORS 677.265, HB 2435 (2009)

Hist.: BME 21-2009(Temp), f. & cert. ef. 10-23-09 thru 4-15-10

847-026-0015

Documents and Forms to be Submitted for Licensure

(1) The following additional documents are required for a completed application and can be submitted by the applicant, the applicant's initial state of licensure, or the Federation of State Medical Boards' Federation Credentialing Verification Service Profile (FCVS):

(a) Birth Certificate: A copy of the applicant's birth certificate for proof of name and birth date, and any name change documentation if there has been a name change from birth name;

(b) Medical School Diploma: A copy of a diploma showing the applicant's graduation from an approved school of medicine, or a foreign school of medicine that meets the requirement of OAR 847-020-0130(2)(b)(D);

(c) Internship, Residency and Fellowship Certificates: A copy of official internship, residency and fellowship certificates showing the applicant's completion of all postgraduate training;

(2) The applicant must submit the following:

(a) An open-book examination on the Medical Practice Act and an open-book examination on the regulations of the Drug Enforcement Administration governing the use of controlled substances;

(b) The completed fingerprint card with the Identification Verification form.

Stat. Auth.: ORS 677.265, HB 2435 (2009)

Stats. Implemented: ORS 677.265, HB 2435 (2009)

Hist.: BME 21-2009(Temp), f. & cert. ef. 10-23-09 thru 4-15-10

847-026-0020

Letters and Official Grade Certifications to be Submitted for Licensure

The applicant must request official letters or verifications to be sent to the Board directly from the following:

ADMINISTRATIVE RULES

(1) The Executive Secretary of the State Boards in the United States or Canada where the applicant has been currently or most recently practicing. The currently dated original verification of license (copy is not acceptable) shall show license number, date issued, grades if applicable and status.

(2) The National Board of Medical Examiners (NBME), the National Board of Osteopathic Medical Examiners (NBOME), the Medical Council of Canada (LMCC), or the Federation of State Medical Boards (FLEX, USMLE) must provide an official grade certification;

(3) The Director or other official for practice and employment in hospitals, clinics and surgical centers in the United States and Canada. A verification form or letter with original signature must be submitted from the practice sites where the applicant was physically practicing which shall include an evaluation of overall performance and specific beginning and ending dates of practice and employment from the past five (5) years.

Stat. Auth.: ORS 677.265, HB 2435 (2009)

Stats. Implemented: ORS 677.265, HB 2435 (2009)

Hist.: BME 21-2009(Temp), f. & cert. ef. 10-23-09 thru 4-15-10

Rule Caption: Allow EMT-I and EMT-P to administer seasonal and pandemic influenza vaccinations.

Adm. Order No.: BME 22-2009(Temp)

Filed with Sec. of State: 10-23-2009

Certified to be Effective: 10-23-09 thru 4-15-10

Notice Publication Date:

Rules Amended: 847-035-0030

Subject: The proposed rule amendment adds language to the EMT-I and EMT-P scopes of practice to distribute medications and to provide seasonal and pandemic influenza vaccinations to the general public as directed by the Oregon State Public Health Officer and / or the CDC Advisory Committee until June 30, 2010.

Rules Coordinator: Malar Ratnathicam — (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) A First Responder may perform the following procedures without having signed standing orders from a supervising physician:

(a) Conduct primary and secondary patient examinations;

(b) Take and record vital signs;

(c) Utilize noninvasive diagnostic devices in accordance with manufacturer's recommendation;

(d) Open and maintain an airway by positioning the patient's head;

(e) Provide external cardiopulmonary resuscitation and obstructed airway care for infants, children, and adults;

(f) Provide care for soft tissue injuries;

(g) Provide care for suspected fractures;

(h) Assist with prehospital childbirth; and

(i) Complete a clear and accurate prehospital emergency care report form on all patient contacts and provide a copy of that report to the senior EMT with the transporting ambulance.

(8) A First Responder may perform the following additional procedures only when the First Responder is 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) Maintain an open airway through the use of:

(A) A nasopharyngeal airway device;

(B) A noncuffed oropharyngeal airway device;

(C) A Pharyngeal suctioning device.

(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 the following 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 the following procedures:

ADMINISTRATIVE RULES

- (a) Perform all procedures that an Oregon-certified EMT-Basic can perform;
- (b) Initiate and maintain peripheral intravenous (I.V.) lines;
- (c) Initiate and maintain an intraosseous infusion;
- (d) Initiate saline or similar locks;
- (e) Draw peripheral blood specimens;
- (f) Administer the following medications under specific written protocols authorized by the supervising physician, or direct orders from a licensed physician:
 - (A) Physiologic isotonic crystalloid solution.
 - (B) Vasoconstrictors:
 - (i) Epinephrine
 - (ii) Vasopressin;
 - (C) Antiarrhythmics:
 - (i) Atropine sulfate,
 - (ii) Lidocaine,
 - (iii) Amiodarone;
 - (D) Antidotes:
 - (i) Naloxone hydrochloride;
 - (E) Antihypoglycemics:
 - (i) Hypertonic glucose,
 - (ii) Glucagon;
 - (F) Vasodilators:
 - (i) Nitroglycerine;
 - (G) Nebulized bronchodilators:
 - (i) Albuterol,
 - (ii) Ipratropium bromide;
 - (H) Analgesics for acute pain:
 - (i) Morphine,
 - (ii) Nalbuphine Hydrochloride,
 - (iii) Ketorolac tromethamine,
 - (iv) Fentanyl;
 - (I) Antihistamine:
 - (i) Diphenhydramine;
 - (J) Diuretic:
 - (i) Furosemide;
 - (K) Intraosseous infusion anesthetic:
 - (i) Lidocaine;
 - (L) Anti-Emetic:
 - (i) Ondansetron;
- (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 immunizations for seasonal and pandemic influenza vaccinations according to the CDC Advisory Committee on Immunization Practices (ACIP), and/or the Oregon State Public Health Officer's recommended immunization guidelines as directed by the agency's supervising physician's standing order until June 30, 2010.
 - (i) Distribute medications at the direction of the Oregon State Public Health Officer as a component of a mass distribution effort until June 30, 2010.
 - (j) 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.
 - (k) Insert an orogastric tube;
 - (l) 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;
 - (m) Electrocardiographic rhythm interpretation;
 - (n) Perform cardiac defibrillation with a manual defibrillator.
 - (11) An Oregon-certified EMT-Paramedic may perform the following procedures:
 - (a) Perform all procedures that an Oregon-certified EMT-Intermediate can perform;
 - (b) Initiate the following airway management techniques:
 - (A) Endotracheal intubation;
 - (B) Tracheal suctioning techniques;
 - (C) Cricothyrotomy; and
 - (D) Transtracheal jet insufflation which may be used when no other mechanism is available for establishing an airway.
 - (c) Initiate a nasogastric tube;

- (d) Provide advanced life support in the resuscitation of patients in cardiac arrest;
 - (e) Perform emergency cardioversion in the compromised patient;
 - (f) Attempt external transcutaneous pacing of bradycardia that is causing hemodynamic compromise;
 - (g) Electrocardiographic interpretation.
 - (h) Initiate needle thoracocentesis for tension pneumothorax in a pre-hospital setting;
 - (i) Initiate placement of a femoral intravenous line when a peripheral line cannot be placed;
 - (j) Initiate placement of a urinary catheter for trauma patients in a prehospital setting who have received diuretics and where the transport time is greater than thirty minutes; and
 - (k) Initiate or administer any medications or blood products under specific written protocols authorized by the supervising physician, or direct orders from a licensed physician.
- (12) The Board has delegated to the Section the following responsibilities for ensuring that these rules are adhered to:
 - (a) Designing the supervising physician and agent application;
 - (b) Approving a supervising physician or agent; and
 - (c) Investigating and disciplining any EMT or First Responder who violates their scope of practice.
- (d) The Section shall provide copies of any supervising physician or agent applications and any EMT or First Responder disciplinary action reports to the Board upon their request.
- (13) The Section shall immediately notify the Board when questions arise regarding the qualifications or responsibilities of the supervising physician or agent of the supervising physician.

Stat. Auth.: ORS 682.245

Stats. Implemented: ORS 682.245

Hist.: ME 2-1983, f. & ef. 7-21-83; ME 3-1984, f. & ef. 1-20-84; ME 12-1984, f. & ef. 8-2-84; ME 7-1985, f. & ef. 8-5-85; ME 12-1987, f. & ef. 4-28-87; ME 27-1987(Temp), f. & ef. 11-5-87; ME 5-1988, f. & cert. ef. 1-29-88; ME 12-1988, f. & cert. ef. 8-5-88; ME 15-1988, f. & cert. ef. 10-20-88; ME 2-1989, f. & cert. ef. 1-25-89; ME 15-1989, f. & cert. ef. 9-5-89, & corrected 9-22-89; ME 6-1991, f. & cert. ef. 7-24-91; ME 10-1993, f. & cert. ef. 7-27-93; ME 3-1995, f. & cert. ef. 2-1-95; ME 1-1996, f. & cert. ef. 2-15-96; ME 3-1996, f. & cert. ef. 7-25-96; BME 6-1998, f. & cert. ef. 4-27-98; BME 13-1998(Temp), f. & cert. ef. 8-6-98 thru 2-2-99; BME 14-1998, f. & cert. ef. 10-26-98; BME 16-1998, f. & cert. ef. 11-24-98; BME 13-1999, f. & cert. ef. 7-23-99; BME 14-2000, f. & cert. ef. 10-30-00; BME 11-2001, f. & cert. ef. 10-30-01; BME 9-2002, f. & cert. ef. 7-17-02; BME 10-2002, f. & cert. ef. 7-22-02; BME 1-2003, f. & cert. ef. 1-27-03; BME 12-2003, f. & cert. ef. 7-15-03; BME 4-2004, f. & cert. ef. 1-27-04; BME 11-2004(Temp), f. & cert. ef. 4-22-04 thru 10-15-04; BME 12-2004(Temp), f. & cert. ef. 6-11-04 thru 12-8-04; BME 2004(Temp), f. & cert. ef. 11-15-04 thru 4-15-05; BME 2-2005, f. & cert. ef. 1-27-05; BME 5-2005, f. & cert. ef. 4-21-05; BME 9-2005, f. & cert. ef. 7-20-05; BME 18-2006, f. & cert. ef. 7-25-06; BME 22-2006, f. & cert. ef. 10-23-06; BME 7-2007, f. & cert. ef. 1-24-07; BME 11-2007, f. & cert. ef. 4-26-07; BME 24-2007, f. & cert. ef. 10-24-07; BME 11-2008, f. & cert. ef. 4-24-08; BME 19-2008, f. & cert. ef. 7-21-08; BME 10-2009, f. & cert. ef. 5-1-09; BME 13-2009, f. & cert. ef. 7-20-09; BME 18-2009, f. & cert. ef. 10-23-09; BME 22-2009(Temp), f. & cert. ef. 10-23-09 thru 4-15-10

Oregon State Marine Board Chapter 250

Rule Caption: Establish no-wake zone in the Ross Island Lagoon.

Adm. Order No.: OSMB 3-2009

Filed with Sec. of State: 10-21-2009

Certified to be Effective: 1-1-10

Notice Publication Date: 5-1-2009

Rules Amended: 250-020-0280

Subject: This rule will set a 5 mph slow-no-wake zone within the Ross Island Lagoon. Commercial vessels and safety launches accompanying an organized rowing or paddling program club or school are exempt.

Rules Coordinator: June LeTarte—(503) 378-2617

250-020-0280

Boat Operations in Multnomah County

(1) No person shall operate a boat in excess of 5 MPH:

(a) In North Portland Harbor (Oregon Slough):

(A) From the east end of North Portland Harbor (Oregon Slough) to a point 800 yards west of the Burlington Northern Railroad Bridge, as marked;

(B) Within 200 feet of a launching ramp, moorage or houseboat from the east end of North Portland Harbor (Oregon Slough) eastward along the south shore to the Lower Airport wing dike.

(b) Within 300 feet of the entrance to and in Rooster Rock boat channel;

ADMINISTRATIVE RULES

(c) Within 200 feet of west shore, as buoyed, between the southern boundary of Willamette Park Launch Ramp and the northern boundary of the Willamette Sailing Club;

(d) Within Hayden Bay. The Bay is considered to be all waters south and west of a line 200 feet north of the Northeast point of Hayden Island and 200 feet north of the Northwest point of Tomahawk Island as marked;

(e) Within 200 feet of the Oregon Yacht Club floating home moorage as buoyed (a distance of approximately 1,5000 feet);

(f) Within 200 feet of houseboat moorages in the Government Island South Channel;

(g) No person shall operate a boat in excess of a maximum 5 MPH, "Slow-No Wake" speed on the Columbia River south of the buoys along the northern shore of Government Island in the waters adjacent to the I-205 Bridge, commonly referred to as Commodore's Cove, as marked;

(h) Within 100 feet of the Landing Boat Club at RM 15, Willamette River.

(2) No person shall operate a recreational watercraft in excess of slow-no-wake in the Ross Island Lagoon. This restriction does not apply to commercially operated vessels including those owned or operated for sand and gravel operations, nor to safety launches while accompanying an organized rowing or paddling program, club or school.

(3) No person shall operate a boat in excess of a maximum 5 MPH, "Slow-No Wake" speed on the Columbia River within 300 feet of shore between the Big Eddy Wing dike and the wing dike east of the entrance to the Chinook Landing boat Basin and within the Chinook Landing Boat Basin, as marked.

(4) A "pass-through" zone is established in the south channel of the Columbia River, adjacent to McGuire Island between the east end of Big Eddy Marina and the west end of McGuire Point Marina as marked.

(a) No person shall operate a motorboat pulling a water skier or towed device in this zone.

(b) No person shall operate a personal watercraft, as defined in OAR 250-21-020, in continuous operation above 5 MPH in this area, except to transit directly through this zone.

(c) No person shall operate any motorboat in excess of slow-no wake maximum 5 MPH speed within 200 feet of any houseboat moorage within the "pass-through" zone.

(5) No person shall operate a boat in excess of 3 MPH in Rooster Rock Boat Basin.

(6) The following locations are designated racing motorboat testing areas:

(a) On the Willamette River in Swan Island Lagoon. Testing is limited to the hours of 3-6 p.m. on Thursdays, Fridays, and Saturdays;

(b) On the Columbia River between the county launching ramp at 43rd Street and Buoy #18 (NOS Chart #18531). Testing is limited to the hours of 8 a.m. - 12 noon, Tuesday through Friday.

(7) No person shall operate a motorboat on Benson Lake.

(8) No person shall operate a boat for any reason within any restricted area at any time without first obtaining permission from the District Engineer, Corps of Engineers, U.S. Army, or his duly authorized representative.

(9) At Bonneville Dam.

(a) The Waters restricted to only Government vessels are described as all waters of the Columbia River and Bradford Slough within 1,000 feet above and 2,000 feet below the powerhouse. The restricted areas will be designated by signs;

(b) No person shall operate a boat, including a commercial recreational tour boat subject to inspection and licensing by the U.S. Coast Guard, within the Boating Restricted Zone located below Bonneville lock and dam bounded by a line commencing from the westernmost tip of Robins Island on the Oregon side of the Columbia River and running at a South 65 degrees West direction a distance of approximately 2100 feet to a point 50 feet upstream of the Hamilton Island Boat Ramp on the Washington side of the Columbia River, as marked.

(10) No person shall operate or anchor a boat in the following described zone in Oregon Slough (North Portland Harbor):

(a) Commencing at the northwesterly corner of that tract of land described in a Bargain and Sale Deed to RHODIA, Inc., recorded as Document No. 98028586, Multnomah County Deed Records; Thence, along the northeasterly line of said tract, S 47°46' E, 513.54 feet to the northwest corner of the Alexander Brown Donation Land Claim; Thence, along the north line of said Claim S 48°30' E, 764.51 feet to the POINT OF BEGINNING of the SITE AREA being described herein; Thence, N 29°58'25" E, 133.84 feet; Thence, S 62°44'22" E, 461.47 feet; Thence, S 29°58'25" W, 227.76 feet to the northeasterly line of said tract; Thence,

along said northeasterly line, N 61°15' W, 60.85 feet; Thence, along said northeasterly line, N 52°30' W, 115.5 feet; Thence, along said northeasterly line, N 48°30' W, 291.49 feet to the POINT OF BEGINNING as marked.

(b) This area of land contains 2.0 acres (87,008 sq. Ft.), more or less.

(c) The intent of this description is to describe a line that surrounds the limits of the sediment cap location, plus a buffer zone.

(d) Bearings based on Document No. 98028586, Multnomah County Deed Records.

(11) No person shall anchor a boat at approximately River Mile 7 of the Willamette River in Multnomah County described in Department of State Lands Easement No. 31530-EA, Exhibit A — Legal Description — Permanent Easement.

Stat. Auth.: ORS 830.110, 830.175 & 830.195

Stats. Implemented: ORS 830.110 & 830.175

Hist.: MB 23, f. 9-24-63; MB 26, f. 7-20-64; MB 51, f. 5-3-73, ef. 5-15-73; MB 61, f. 7-26-74, ef. 7-26-74(Temp) & 8-25-74(Perm); Renumbered from 250-020-0155; MB 10-1982, f. 10-13-82, ef. 10-15-82; MB 12-1982, f. 12-29-82, ef. 12-31-82; MB 6-1983, f. 9-28-83, ef. 10-3-83; MB 17-1984, f. & ef. 12-3-84; MB 6-1985, f. & ef. 2-5-85; MB 10-1985, f. & ef. 4-24-85; MB 15-1985, f. 10-18-85, ef. 10-21-85; MB 20-1987, f. 11-4-87, ef. 11-15-87; MB 5-1990, f. & cert. ef. 7-19-90; MB 11-1992, f. & cert. ef. 9-16-92; MB 2-1993, f. & cert. ef. 2-3-93; MB 13-1996, f. & cert. ef. 12-4-96; OSMB 7-1998(Temp), f. & cert. ef. 5-19-98 thru 11-15-98; OSMB 7-1999, f. & cert. ef. 6-18-99; OSMB 2-2005, f. & cert. ef. 1-20-05; OSMB 8-2006, f. & cert. ef. 10-12-06; OMB 3-2009, f. 10-21-09, cert. ef. 1-1-10

Rule Caption: Establish procedures for an aquatic invasive species prevention fund permit.

Adm. Order No.: OSMB 4-2009

Filed with Sec. of State: 10-30-2009

Certified to be Effective: 1-1-10

Notice Publication Date: 9-1-2009

Rules Adopted: 250-010-0650

Subject: This rule will establish and outline the mechanism to issue and renew an Oregon aquatic invasive species prevention permit and collect associated permit fees as directed by the 2009 Oregon Legislature in HB 2220.

Rules Coordinator: June LeTarte—(503) 378-2617

250-010-0650

Aquatic Invasive Species Prevention Permit

(1) Definitions:

(a) "Manually powered boat" means any watercraft as defined in ORS 830.005(2), but not a motorboat as defined in 830.005(6).

(b) "Aquatic Invasive Species Prevention Permit" means a document issued by the Oregon State Marine Board (Board) or through designated agents that certifies payment to the Aquatic Invasive Species Prevention Fund.

(c) "Board" means the Oregon State Marine Board.

(d) "Valid temporary permit" means a temporary aquatic invasive species prevention permit generated from a person purchasing a permit from a designated Internet agent.

(2) Permit Rules:

(a) A person may not operate a manually powered boat that is 10 feet or more in length, or a motorboat of any length, or a sailboat 12 feet or more in length, on the waters of this state without first obtaining an aquatic invasive species prevention permit from the Board or designated agent.

(b) The owner of a boat for which fees for a certificate of number or registration under ORS 830.790(1)(a)(b)(c) are required will pay an aquatic invasive species prevention permit surcharge of \$5 per biennium at the time of boat registration.

(A) The registration validation stickers are in lieu of an Aquatic Invasive Species Prevention Permit as described in (a).

(B) The validation stickers are non-transferable.

(c) Manually powered boats that are 10 feet or more in length shall have a valid aquatic invasive species prevention permit or valid temporary permit on board when the boat is in use on the waters of this state.

(d) Out-of-state motorboats and out-of-state sailboats 12 feet in length or more shall purchase and carry a non-resident aquatic invasive species prevention permit on board when in use on waters of the state.

(e) Operators of manually powered boat liveries, and guides using manually powered watercraft for group-guided activities, may qualify to purchase aquatic invasive species prevention permits at a discounted rate described in ORS 830.990. To qualify for the discounted rate:

(A) These operators shall register with the Board by documenting current business status as a livery.

(B) All boats rented by the livery must be clearly labeled with the livery name.

ADMINISTRATIVE RULES

(f) Clubs or organizations that possess or own boats for communal use by members, participants, racing teams, or for public educational purposes except as exempted under ORS 830.790(2), may purchase aquatic invasive species prevention permits under the name of the organization or the club's presiding officer or secretary.

(A) The aquatic invasive species prevention permit may be attached to the boat in a manner allowing it to be easily produced for inspection by a peace officer.

(B) For boats classified as university or college racing shells which compete in intercollegiate crew races, aquatic invasive species prevention permits numbering not less than the maximum number of boats in use on the water at any given time during a planned event may be held by the event organizer, coach or other designated person at the event site as long as the permits are readily available for inspection by a peace officer.

(g) The Board or designated agent may issue a temporary aquatic invasive species prevention permit to an individual who pays for the permit using a Board designated Internet agent.

(A) The temporary aquatic invasive species prevention permit will be valid for 14 days from the date of issue listed on the temporary permit.

(B) Each temporary permit shall contain a unique number that corresponds to the electronic record for the individual named on the permit and to the annual permit.

(h) A person is considered in violation of the provisions contained in ORS 830.990, and subject to the penalties prescribed by law when they:

(A) Alter an aquatic invasive species prevention permit; or

(B) Produce or possess an unauthorized replica of an aquatic invasive species prevention permit; or

(C) Exhibit an altered aquatic invasive species prevention permit to a peace officer.

(i) The aquatic invasive species prevention permit expires on December 31 of the year indicated on the permit.

(j) The following vessels or classifications are exempt from the requirement to carry an aquatic invasive species prevention permit:

(A) State-owned boats

(B) County-owned boats

(C) Municipality-owned boats

(D) Eleemosynary-owned boats

(E) A ship's lifeboat used solely for lifesaving purposes

(F) Seaplanes

(G) The Lightship Columbia

(k) Violation of the provisions contained in ORS 830.990 is punishable as a Class A Misdemeanor.

Stat. Auth.: ORS830 & HB 220

Stats. Implemented: ORS 830-110

Hist.: OSMB 4-2009, f. 10-30-09, cert. ef. 1-1-10

Oregon State Treasury Chapter 170

Rule Caption: Amend Oregon School Bond Guaranty rules to accommodate Qualified School Construction Bonds.

Adm. Order No.: OST 5-2009(Temp)

Filed with Sec. of State: 10-30-2009

Certified to be Effective: 10-30-09 thru 4-27-10

Notice Publication Date:

Rules Amended: 170-061-0015, 170-063-0000

Subject: The amendments are due to a new Federal program call Qualified School Construction Bonds (QSCBs). QSCBs are a type of tax credit bond authorized by the Federal government through the American Recovery and Reinvestment Act (ARRA) of 2009. Bonds sold using the QSCB program provide federal tax credits for bond holders in lieu of interest, which in turn can significantly reduce a district's cost of borrowing for school construction projects.

The State of Oregon offers a program that may reduce the cost of borrowing for qualified districts through the Oregon School Bond Guaranty (OSBG) program. This program guarantees repayment of both principal and interest on school district bonds, which have qualified for the program, allowing their bonds to be sold using the State's current credit rating of AA/Aa2. This credit rating may translate into lower borrowing costs for a large portion of school districts in the state.

The OSBG fee of the sum of 3 basis points (.0003 or .03%) times the debt service to maturity of the bonds will be maintained for processing and approving OSBG requests, other than QSCB tax credit

bonds ("qualified bonds"). The OSBG fee for "qualified bonds" will be raised to 4.5 basis points (.00045 or .045%) times the original debt service to maturity of the qualified bonds. This additional fee compensates the State for the additional administrative effort and increased amount that the State would pay under the guarantee if the tax credit were eliminated for qualified bonds, and the interest rate converts to a taxable interest rate. The higher fee is offset by the potential interest rate savings of qualified bonds.

Rules Coordinator: Sally Wood—(503) 378-4990

170-061-0015

Fees Charged by the Debt Management Divisions

(1) State agencies. The OST shall charge the following fees in connection with the services, duties and activities of the OST related to bonds issued for state agencies by the State Treasurer:

(a) Agency Bond Issues of \$15 million or less. For a single series bond sale of \$15 million or less, a state agency will be charged \$15,000 per sale. For a bond sale of \$15 million or less by a single state agency with multiple series, the state agency will be charged the greater of (i) \$15,000 or (ii) \$6,000 per series. For a bond sale of \$15 million or less by two or more state agencies, each agency will be charged the greater of (i) \$7,500 or (ii) \$6,000 for each series sold for the agency. This subsection does not apply if the bond sale is a private placement conduit sale of \$5 million or less as described below in subsection (c).

(b) Agency Bond Issues of more than \$15 million. For a single series bond sale of more than \$15 million, a state agency will be charged \$20,000. For a bond sale of more than \$15 million by a single state agency with multiple series, the state agency will be charged the greater of (i) \$20,000 or (ii) \$7,000 per series. For a bond sale of more than \$15 million by two or more state agencies, each agency will be charged the greater of (i) \$10,000 or (ii) \$7,000 for each series sold for the state agency. This subsection does not apply if the bond sale is a private placement conduit sale described below in subsection (c).

(c) Conduit Bond Sales. A state agency will be charged \$5,000 for conduit bond sales of \$5 million or less that are payable solely from moneys owed by a party other than the State of Oregon, with no recourse for payment to the State of Oregon, and when the bonds are sold by a private placement, with no publicly disseminated official statement or other offering circular, to one or more sophisticated investors, accredited investors or qualified institutional buyers.

(d) Advance refunding plan application and review. The fee for review and approval of an advance refunding plan is \$3,000 per sale of refunding bonds for sales of \$2 million or less, and \$5,000 per sale of refunding bonds for sales exceeding \$2 million. If the plan is not approved or the refunding not completed the review and approval fee will not be charged. When necessary to review complex proposals, OST may consult recognized experts whose fees will be charged to the agency, whether or not the refunding is approved or completed.

(e) Tax Anticipation Notes. A state agency shall be charged \$30,000 for each sale of tax anticipation notes.

(f) Interest Rate Exchange Agreements. In addition to any other fee, \$25,000 will be charged for the review and approval of a state agency's first executed interest rate exchange agreement for a specific bond program of the agency. After the first agreement, a fee of \$10,000 will be charged for each executed interest rate exchange agreement subsequently entered into by the agency for the same bond program or indenture. These charges do not include costs such as interest rate exchange advisor fees, rating agency charges or printing costs which are payable by the agency or authority for whom the cost is incurred.

(2) Public Bodies. OST shall charge the fees set forth below in connection with the services, duties and activities of the OST related to bonds issued by public bodies in Oregon; expenses incurred in reviewing refunding and defeasance plans may be charged against the bond proceeds or may be paid by the public body from such other funds as may be available:

(a) Advance refunding plan application and review. The application fee for submission of an advance-refunding plan is \$350. The fee for review and approval of an advance refunding plan is \$3,000 per sale of refunding bonds for sales of \$2 million or less, and \$5,000 per sale of refunding bonds for sales exceeding \$2 million. If the plan is not approved or the refunding not completed the review and approval fee will not be charged.

(b) Oregon School Bond Guarantee Program. School Districts that submit an application for participation in the Oregon School Bond Guarantee Program shall submit an application fee of \$200 to OST at the time their application is submitted. School Districts whose bonds are guaranteed by the state shall submit to OST, within 10 business days of closing

ADMINISTRATIVE RULES

of any guaranteed bonds, a fee equal to .03% (.0003) of the total principal and interest due, assuming the bonds are paid on their regularly scheduled maturity or redemption dates. If bonds are issued as "Qualified Bonds" under OAR 170-063-000 that may be converted to an interest bearing format over and above interest payments that may be due and payable under the original terms of bonds, the fee for such Qualified Bonds shall be equal to .045% (.00045) of the total principal and interest due, assuming the bonds are paid on their regularly scheduled maturity or redemption dates and that there is no conversion to a different interest bearing format than the original terms of the bonds.

(3) Municipal Debt Advisory Commission. OST shall charge the following fees in connection with the services, duties and activities of the OST as staff to the Municipal Debt Advisory Commission.

(a) Overlapping debt report. Report length, complexity and the time required to produce an overlapping debt report is determined by the number of districts which overlap the district for which the report is generated and the number of such districts which have issued debt. A base fee of \$200 shall be charged for all overlapping debt reports. An additional \$5 shall be charged for each overlapping indebted district up to ten districts; then an additional \$2.50 for each overlapping indebted district up to thirty districts; then an additional \$1 for each overlapping indebted district over thirty districts.

(b) Other fees and charges. Fees for specialized reports and services shall be determined by the number of hours spent producing such specialized report or service times the rate of \$115 per hour.

(4) Private Activity Bonds.

(a) Current Year Allocation. State agencies or public bodies that submit an application for allocation of the state's private activity bond volume limit ("CAP") for the current year to the Private Activity Bond Committee under OAR 170-071-0005 shall submit an application fee of \$200 to OST when their application is submitted. State agencies or public bodies who receive CAP and sell bonds under that allocation shall submit to OST, within 10 business days of closing of any such private activity allocation bonds: (i) for a bond sale of \$10 million or less, a fee equal to \$3,000 or (ii) for a bond sale of more than \$10 million, a fee equal to \$10,000.

(b) Carry Forward Allocation. State agencies or public bodies that submit an application for carry forward CAP allocation under OAR 170-071-0005(10) shall submit an application fee of \$200 to OST when their application is submitted. State agencies or public bodies who receive carry forward CAP shall pay to OST: (i) for a bond sale of \$10 million or less, a fee equal to \$3,000 of which the first \$500 is payable within 10 days of the date of the notice of allocation by OST, and the balance is payable within 30 days of the closing of the first bond sale associated with the allocation or (ii) for a bond sale of more than \$10 million, a fee equal to \$10,000 of which the first \$2,000 is payable within 10 days of the date of the notice of allocation by OST, and the balance payable within 30 days of the closing of the first bond sale associated with the allocation.

Stat. Auth.: ORS 286A.014, 287A.370 & 287A.634

Stats. Implemented: ORS 287A & 286A

Hist.: TD 3-1990, f. & cert. ef. 12-21-90; TD 2-1994, f. & cert. ef. 9-9-94; OST 1-1999, f. & cert. ef. 2-1-99; OST 1-2005, f. & cert. ef. 4-22-05; OST 5-2006, f. & cert. ef. 10-25-06; OST 7-2008, f. & cert. ef. 12-29-08; OST 2-2009, f. & cert. ef. 4-22-09; OST 3-2009, f. & cert. ef. 7-21-09; OST 5-2009(Temp), f. & cert. ef. 10-30-09 thru 4-27-10

170-063-0000

Oregon School Bond Guaranty Program

(1) Definitions. For purposes of this rule, the following definitions shall apply:

(a) "OST" means the Office of the State Treasurer.

(b) The "Act" means the Oregon School Bond Guaranty Act set forth in ORS 328.321 to 328.356.

(c) "Authorized District Official" means the chairperson of the board, the superintendent, president, or business administrator for the School District, or other designee of the board.

(d) "Certificate of Qualification" means a letter from OST pursuant to Section 4 of the Act.

(e) "Determination of Ineligibility" means a letter from OST pursuant to Section 5 of the Act.

(f) "Guaranty Program" means the school bond guaranty program established by the Act.

(g) "Nationally Recognized Bond Counsel Firm" means a bond counsel firm listed in the most recent publication of The Bond Buyer's Municipal Market Place.

(h) "Qualified Bonds" means bonds that are originally issued as tax credit bonds under the Internal Revenue Code and any bonds resulting from a conversion of such tax credit bonds to an interest bearing format over and

above interest payments that may be due and payable under the original terms of such tax credit bonds.

(i) "Qualified Paying Agent" means a paying agent acceptable to OST who agrees to comply with the applicable requirements of the Act and provides a letter to OST acknowledging as much.

(j) "School District" means a common or union high school district, an education service district, or a community college district.

(k) Terms not otherwise specifically defined herein shall have the meanings given in the Act.

(2) Request for Certificate of Qualification to Participate in Guaranty Program. School Districts may request a Certificate of Qualification at any time during the year by filing a Request for Certificate of Qualification. Such requests, however, must be submitted no less than three weeks prior to sale of the bonds for which the guaranty, if granted, will apply. Requests, and all other written communications pursuant to the Guaranty Program, shall be submitted to OST as provided in OAR 170-055-0001(4), and shall include:

(a) The name, county, and district number (if applicable) of the requesting School District;

(b) The name of the business administrator or other contact person for the requesting School District;

(c) The mailing address, phone number, fax number, and e-mail address (if applicable) of the requesting School District;

(d) A statement of whether any of the School District's previously issued debt is covered by the Guaranty Program;

(e) A copy of the requesting School District's most recent audited financial statements, audit opinion, and management letter; and a statement by an Authorized District Official that they have not been contacted and are not participating in any investigation by an oversight agency or, alternatively, documentation of any conclusions reached by such agency regarding their activities.

(f) A listing of outstanding debt and associated debt service schedules, for debt issued by the School District since the date of its most recent financial audit;

(g) A certificate, signed by an Authorized District Official:

(A) Stating whether the requesting School District has ever failed to pay debt service on any of its bonds, certificates of participation, or other financial obligations when due, and explaining the circumstances and resolution of any such defaults or failures;

(B) Describing current lawsuits against the School District challenging the ability or authority of the School District to issue bonds or that may materially affect the ability of the School District to make scheduled debt service payments on its bonds when due;

(C) Stating that the requesting School District has filed its current budget document(s) with the Oregon Department of Education, and in accordance with Oregon Local Budget Law;

(D) Outlining the amount of debt the School District is authorized by law to incur, and stating that the requesting School District is within this limit;

(E) Outlining the possible repayment structure of all bonds the School District may issue during the period of the requested Certificate of Qualification, including any Qualified Bonds. Such repayment structure shall cover the estimated debt service schedule and, for Qualified Bonds, include any scheduled deposits to a sinking fund and the interest rate to which such bonds may be converted, if they may be converted to an interest bearing format over and above interest payments that may be due and payable under the original terms of such bonds;

(F) Attesting to the accuracy and completeness of the materials provided; and

(G) Stating that the School District has engaged a Qualified Paying Agent, who, under the terms of the agreement between the two parties (the "Paying Agent Agreement"), has agreed to provide the School District with a written notification by January 15 of each year of the required debt service amounts (including any scheduled deposits to a sinking fund for Qualified Bonds) which are due in the following fiscal year, and, after taking into account other funds on hand, must be levied for collection in November of such year. The Qualified Paying Agent shall also provide notification of any debt service amounts (including any scheduled deposits to a sinking fund) that come due between July 1 and November 30 of the fiscal year two years following the January 15 notification, such that the School District may also levy for such payments in November of the following fiscal year. For example, a notification provided by January 15, 2010 shall include information on debt service due in the current FY 2010 year, the FY 2011 year, and the debt service due between July 1, 2011 and November 30, 2011, which falls due in the 2012 fiscal year.

ADMINISTRATIVE RULES

(h) A non-refundable application processing fee as set forth in OAR 170-061-0015; and

(i) Any additional materials that may be required by OST in support of the request for participation in the Guaranty Program.

(3) Review of Request for Certificate of Qualification. Upon receipt of a request for a Certificate of Qualification, OST shall determine whether all items listed in section (2) of this rule have been provided, whether such items are current, and whether such items call into question the fiscal stability of the requesting School District. In determining the School District's eligibility under the Guaranty Program, OST may request additional information from the School District, as well as from any other person or entity that collects information pertaining to the financial well-being of the requesting School District.

(4) Issuance of Certificate of Qualification. Upon determining that a School District is eligible to participate in the Guaranty Program, OST shall issue a Certificate of Qualification to the School District. A Certificate of Qualification will not apply to Qualified Bonds unless the School District indicated in its request for a Certificate of Qualification that it planned to issue Qualified Bonds under the Certificate of Qualification. The Certificate of Qualification:

(a) Shall evidence the School District's immediate qualification for the Guaranty Program contingent upon compliance with section (5) and all other sections of this rule for each bond issue contemplated for guaranty under the Act;

(b) Be valid for one year from the date of its issuance;

(c) May be applied to any or all general obligation bonds or general obligation refunding bonds issued by the School District during such one-year period that comply with this rule and the Act, except Qualified Bonds for which specific approval must be noted as set forth in OAR 170-061-0015(4)(d). A bond shall be considered issued as of its dated date.

(d) Will specifically state whether it applies to Qualified Bonds issued by the School District during the period of its validity.

(5) A School District that has received a Certificate of Qualification, but did not request Qualified Bonds to be included under the Certificate of Qualification, may submit an amended request at least one month prior to the scheduled issuance date for any Qualified Bonds requesting an amended Certificate of Qualification that specifically covers the Qualified Bonds, which request shall include the information required for such bonds in OAR 170-063-0000(2). OST shall act upon such request within five business days.

(6) School Districts to Provide Information Specific to Each Bond Issued Under the Program. A School District which has received a Certificate of Qualification may, while the Certificate of Qualification is in effect, obtain the state's guaranty of a series of its bonds under the Guaranty Program, by:

(a) Fully complying with Oregon Administrative Rule 170-061-0000 (Notice and Reporting Requirements by Public Bodies When Issuing Bonds), including providing notification on MDAC Form 1 to OST at least 10 days prior to the marketing of any bonds referencing participation in the Guaranty Program, for the bonds which will be guaranteed (this may be submitted simultaneously with information described in section (2) of this rule);

(b) Submitting the following documents to OST at least five business days prior to the closing of the bonds to which the guaranty will apply:

(A) A copy of a resolution adopted by the board or governing body of the School District, authorizing the School District to issue the bonds and participate in the Guaranty Program;

(B) An opinion from a Nationally Recognized Bond Counsel Firm that the bonds, when issued, will be general obligation bonds as defined in the Act, and will be valid and binding obligations of the issuer;

(C) A certificate stating that no litigation is pending or threatened against the School District, questioning the authority of the School District to issue the bonds or levy taxes to pay the bonds;

(D) A specific statement as to whether any of the bonds will be Qualified Bonds; and

(E) Any additional materials that may be required by OST in support of the request for participation in the Guaranty Program, including but not limited to, any information or agreement requested by OST with respect to creation of sufficient debt service funds or other repayment mechanisms to pay any Qualified Bonds when payment is due.

(7) Letter of Confirmation. Not later than the day on which the bonds are scheduled to close, OST shall, if the Certificate of Qualification is in effect and the School District has complied with section (5)(a) and (5)(b) of this rule, issue a letter of confirmation identifying the series of bonds to which the guaranty shall apply, and stating that the guaranty shall apply to

that series of bonds if the series of bonds closes within fifteen business days after the date of the letter, and there is filed with bond counsel a certificate, signed by an Authorized District Official and dated the date of the closing, stating that no litigation is pending or threatened against the School District which questions the authority of the District to issue the bonds or levy taxes to pay the bonds. If the series of bonds described in the letter of confirmation is closed within that fifteen day period, and the non-litigation certificate is filed with bond counsel as required by this Section, the series of bonds shall be guaranteed under the Guaranty Program, and the guarantee shall not be affected by any denial or revocation pursuant to Section 9 of this rule.

(8) Guaranty Fees. School Districts whose bonds are guaranteed by the state shall submit to OST, within 10 business days of closing of any guaranteed bonds, a fee as set forth in OAR 170-061-0015.

(9) Ratings. OST will undertake to have the Oregon School Bond Guaranty Program rated by one or more of the major debt rating agencies. School Districts may contact the Debt Management Division of OST to determine which agencies have rated the program. School Districts proposing to issue bonds under the Guaranty Program may:

(a) Engage, at their own expense, one or more of the rating agencies to apply the rating of the Guaranty Program to their bonds; and

(b) At their discretion, and at their own expense, choose to obtain an underlying rating on the bonds.

(10) Denial or Revocation of Qualification/Determination of Ineligibility. OST may deny a School District's request for a Certificate of Qualification, or revoke a previously issued Certificate of Qualification, and issue a Determination of Ineligibility in accordance with the Act, if:

(a) The School District fails to meet the provisions outlined in the Act or any of the requirements outlined in this rule;

(b) The State has ever paid, pursuant to the Guaranty Program, any principal of or interest on any of the School District's bonds; or

(c) OST has reason to question the financial integrity of the School District, including but not limited to, whether sufficient funds exist to repay any outstanding Qualified Bonds when payment is due.

(11) Guaranty Final Upon Issuance. Pursuant to ORS 328.336, issuance of a Determination of Ineligibility shall not affect the validity of the state's guaranty of any outstanding bonds issued under a letter of confirmation pursuant to section (6) of this rule.

(12) Reference to Guaranty. School Districts with a valid Certificate of Qualification, and that have complied with section (5) and all other sections of this rule, shall evidence the State's guaranty of the School District's bonds by:

(a) Referencing the guaranty on the cover of the preliminary official statement(s) and official statement(s), or other offering document(s), for the applicable bond(s);

(b) Referencing the guaranty on the face of the School District's applicable bond(s); and

(c) Including language describing the guaranty (to be provided by OST) in the School District's preliminary official statement(s) and official statement(s), or any other offering document(s), for the applicable bond(s). Language supplied by OST must be used in its entirety and may not be modified or amended.

(13) School Districts to Report Changes Affecting Qualification. School Districts who have had bonds guaranteed under the Guaranty Program shall promptly notify OST if at any time there are material changes or occurrences that might affect the School District's eligibility to qualify or maintain its qualification to participate in the Guaranty Program, including but not limited to:

(a) Failure to adopt a resolution or ordinance that formally adopts the budget, sets appropriations, and if needed, levies property taxes in accordance with Oregon local budget law;

(b) Failure to pay debt service on any outstanding bond, certificate of participation, or similar financial obligation; or

(c) Failure to establish or levy for debt service scheduled (including any sinking fund deposits) for Qualified Bonds or a material change in any other repayment mechanism for Qualified Bonds.

(14) Notice to OST of debt service payments. School Districts who are unable to transfer scheduled debt service payments to the paying agent 15 days prior to the payment date and Qualified Paying Agents who have not received sufficient funds 10 days prior to the payment date, shall provide notice to OST as provided in OAR 170-055-0001(4) and by telephone to (503) 378-4930.

(15) Notice to OST of sinking fund deposits. School Districts shall provide written verification that they have made any required sinking fund deposits for Qualified Bonds by May 1 of each year to their Qualified

ADMINISTRATIVE RULES

Paying Agents and such Qualified Paying Agent shall promptly notify OST if they do not receive such annual verification.

(16) Repayment. Respective School Districts are responsible for paying all of their obligations guaranteed by the State under the Guaranty Program and for the advance funding of any debt service fund established for such obligations. Any funds paid by the State on behalf of a School District under the Guaranty Program shall be recovered by OST in a manner consistent with the Act.

(17) Reporting on Debt Service Fund. Any School District with outstanding Qualified Bonds guaranteed under the Guaranty Program shall report to the OST at least annually the amount of moneys paid into the School District's debt service fund to pay the Qualified Bonds together with a calculation demonstrating that such advance payments are scheduled to be fully funded and sufficient to repay the Qualified Bonds in full when payment is due. To the extent moneys are not scheduled to be paid into the debt service fund on an annual basis, the School District in its notification shall demonstrate that current balances in the debt service fund, along with any future deposits, will be sufficient to repay the Qualified Bonds in full when due. School Districts with outstanding Qualified Bonds that are subject to conversion to taxable interest bearing bonds and any Qualified Paying Agents for such Qualified Bonds shall promptly notify OST of such conversion as provided in OAR-170-055-0001(4) and by telephone to (503) 378-4930.

(18) Interest. OST will charge interest in connection with the recovery of funds under the Act. Any interest charged will be in a manner consistent with the Act.

(19) Penalty. In addition to charging interest, OST may impose a penalty on a School District for which the State made a payment under the Guaranty Program. Any penalty imposed will be consistent with the Act.

(20) Exceptions. OST may waive any or all provisions of this rule to the extent provided by law.

NOTE: This Temporary Rule shall be effective on the date that is adopted by OST and filed with the Secretary of State and its requirements shall apply to any Certificates of Qualification that are in effect on such date.

[Publications referenced are available from the agency.]

Stat. Auth.: ORS 286A.005(6)

Stats. Implemented: ORS 286A.014(4)

Hist.: OST 3-1998(Temp), f. 12-14-98, cert. ef. 1-2-99 thru 6-30-99; OST 2-1999, f. 6-22-99, cert. ef. 7-1-99; OST 1-2000(Temp) f. 10-31-00, cert. ef. 10-31-00 thru 4-27-01, Administrative correction 6-7-01; OST 7-2008, f. & cert. ef. 12-29-08; OST 5-2009(Temp), f. & cert. ef. 10-30-09 thru 4-27-10

Oregon Youth Authority Chapter 416

Rule Caption: OYA offender medication management general standards.

Adm. Order No.: OYA 4-2009

Filed with Sec. of State: 10-27-2009

Certified to be Effective: 10-28-09

Notice Publication Date: 10-1-2009

Rules Amended: 416-340-0020

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

Rules Coordinator: Winifred Skinner—(503) 373-7570

416-340-0020

General Standards

(1) The use of medication will be solely for the health and welfare of the individual offender.

(a) Whether medication is to be used or not used and under what conditions is the sole responsibility of the attending licensed prescriber.

(b) Prescription orders will be authorized by persons who are licensed by the State of Oregon to prescribe medication.

(c) Prescription medications will be administered according to the prescriber's order and given only to the offender to whom the medication is prescribed.

(2) Consent:

(a) Pursuant to ORS 109.675 offenders 14 years of age or older may obtain, without parental knowledge or consent, outpatient diagnosis or treatment of a mental or emotional disorder, or a chemical dependency excluding methadone maintenance, by a physician, licensed psychologist, nurse practitioner or licensed clinical social worker.

(b) Pursuant to ORS 109.640, offenders 15 years of age or older may obtain, without parental consent, medical treatment, including immunizations.

(c) Pursuant to ORS 433.267, offenders 15 years of age or older may sign, on their own behalf, exemption from immunizations forms available through the Department of Public Health, if the signature would otherwise be required of the offender's parent or legal guardian.

(d) If an offender is otherwise incapable of giving consent, no psychotropic stimulant or tranquilizing drugs will be administered to the offender without his/her informed consent, unless withholding of the drug would seriously endanger the offender's health.

(3) Pharmacy packaging and dispensing of medications administered in close custody facilities will follow Oregon administrative rule governing pharmacy practice for correctional facilities and the Nurse Practice Act.

(a) All medications will be properly labeled, including labels on prescription medications that match the prescriber's written order. All non-topical prescribed medications administered in close custody facilities will be unit dosed.

(b) Prescriptions that are not administered will be returned to the dispensing pharmacy or properly disposed.

(4) Any medical information received from a medical practitioner will be placed in the offender's permanent medical record.

Stat. Auth.: ORS 420A.025

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

Hist.: OYA 2-1995, f. 12-19-95, cert. ef. 1-2-96; OYA 6-2005, f. & cert. ef. 3-25-05; OYA 2-2009, f. 4-14-09, cert. ef. 4-17-09; OYA 4-2009, f. 10-27-09, cert. ef. 10-28-09

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

Adm. Order No.: OYA 5-2009

Filed with Sec. of State: 10-27-2009

Certified to be Effective: 11-2-09

Notice Publication Date: 10-1-2009

Rules Adopted: 416-530-0200

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

Rules Coordinator: Winifred Skinner—(503) 373-7570

416-530-0200

Certification Standards for Transitional Care Providers

(1) This rule establishes standards for OYA transitional care providers and their homes that offer specific independent living and transitional services for youth offenders 18 through 24 years of age.

(2) Definitions listed under OAR 416-530-0010 apply to this rule with the following additions and exceptions:

(a) Member of the household: Any person, other than youth offenders, who lives in the youth offender transitional care home, is a frequent visitor to the transitional care home, or assists in the care provided to youth offenders including but not limited to volunteers or a person providing services such as tutoring, recreation, relief care, household chores, or other services, whether paid or unpaid.

(b) Respite care: A temporary arrangement between a transitional care provider and an OYA-certified respite care provider to allow the transitional care provider time away from a youth offender.

(c) Respite care provider: An individual, at least 25 years of age who holds a current, valid certificate issued by the OYA, and who temporarily assists with supervision of youth offenders when the transitional care provider is not available.

(d) Transitional care home: A home in the community that is maintained and lived in by an OYA-certified transitional care provider or living units operated by the transitional care provider that offers transitional services for youth offenders 18 through 24 years of age.

(e) Transitional care provider: A person who holds a current, valid certificate issued by the OYA to provide transitional care. A transitional care provider is a type of foster parent who specializes in providing services to youth offenders 18 through 24 years of age. A transitional care provider must be unrelated to a youth offender by blood or marriage.

(3) Unless otherwise specified in this rule, the provisions of OAR 416-530-0000 through 416-530-0090 and OAR 416, division 800, apply to transitional care provider applicants, transitional care providers and transitional care homes.

(4) Certification:

ADMINISTRATIVE RULES

(a) Foster care certifiers must evaluate each transitional care home and surrounding property to determine which persons qualify as members of the household.

(b) Members of the household identified by the foster care certifier must complete criminal records checks pursuant to OAR division 800.

(c) When a foster care certifier evaluates a transitional care home and the transitional care home is located within multiple dwelling living units in a single building, the foster care certifier may access information from local law enforcement agencies regarding the history of criminal activity or police contact associated with that building. OYA may consider such information in its evaluation of the transitional care home for certification or recertification.

(d) Transitional care homes certified according to this rule must receive a certificate specifically providing that the home may provide services to youth offenders 18 through 24 years of age.

(5) Transitional care provider qualifications:

(a) Transitional care providers must be at least 25 years of age.

(b) Transitional care providers must be able to realistically evaluate which youth offenders they can accept and supervise.

(c) Transitional care providers must demonstrate competence in supervising youth offenders 18 through 24 years of age and promote the independent living skills of youth offenders as they transition toward independence.

(6) Transitional care provider duties and responsibilities:

(a) Transitional care providers must abide by the responsibilities described in the OYA Transitional Care Provider Agreement. This agreement must be signed at the time of initial certification and annually thereafter.

(b) Transitional care providers must establish a system for youth offenders to notify transitional care providers of the youth offender's whereabouts at all times.

(c) Transitional care providers must be accessible to youth offenders 24 hours per day so youth offenders may contact them in case of an emergency or other needs.

(d) Transitional care providers must respect and support the youth offender's relationship with his or her family by assisting OYA staff and the youth offender in planning and implementing visits between the youth offender and his or her family as indicated by the youth offender's case plan.

(7) Transitional care providers must provide structure, accountability, and supervision designed to promote the development of independent living skills as identified in the youth offender's case plan.

(8) Respite transitional care:

(a) A respite care provider who provides care in his or her own home must have a current and valid OYA Certificate that specifically authorizes the individual to provide transitional care and serve youth offenders in his or her home.

(b) When transitional care providers are absent from supervising youth offenders at home during the day, an OYA-certified respite care provider who is at least 25 years of age and capable of assuming transitional care responsibilities may be present to supervise youth offenders.

(c) When transitional care providers plan to be absent from supervising youth offenders overnight or longer, the transitional care provider must provide the OYA advance notice, the OYA must approve the absence, and a respite care provider must supervise the youth offenders during the absence. The transitional care provider must provide the following information to the OYA when providing the OYA with such notice: the dates of absence; the telephone number where the transitional care provider may be reached; and the name, telephone number, and home address of the OYA-certified respite care provider.

(9) Food and nutrition:

(a) Transitional care providers must provide an appropriate quantity and quality of food. Transitional care providers are not required to provide prepared meals to youth offenders.

(b) Transitional care providers must assist youth offenders with meal planning, and may provide meal preparation instruction.

(c) Transitional care providers must provide youth offenders daily access to kitchen facilities to prepare meals and snacks.

(d) Transitional care providers must assist youth offenders to meet any special or cultural dietary needs of the youth offenders, including those ordered by a physician.

(10) Clothing and personal belongings:

(a) Transitional care providers must ensure each youth offender has adequate clothing that is appropriate to the youth offender's age, gender, and individual needs.

(b) Transitional care providers must help facilitate youth offenders' money management skills to prepare for independent living and to meet any court-ordered financial obligations.

(c) Transitional care providers must provide each youth offender with individual items necessary for personal hygiene and grooming until the youth offender gains employment and has adequate funds to purchase such items.

(11) Transitional care providers must ensure youth offenders have access to necessary transportation.

(12) Transitional care providers must report to the OYA when a youth offender needs corrective or follow-up medical, mental health, or dental care, and assist youth offenders in arranging necessary care.

(13) Transitional care providers must assist youth offenders in understanding the purpose of medications, medication side effects, and how to manage their medications. Either a transitional care provider or the youth offender may administer the youth offender's daily dosage of medication. If the youth offender self-administers the daily dosage, the transitional care provider must verify that the youth offender self-administered the dosage.

(14) Transitional care providers must assist youth offenders in pursuing educational and vocational interests and opportunities in accordance with the youth offender's case plan.

(15) Transitional care providers must encourage youth offenders to develop and participate in prosocial leisure and community activities.

(16) Youth offenders in transitional care homes may access swimming pools and hot tubs after notifying the transitional care provider.

(17) Bedroom doors in transitional care homes may have locks if approved by the foster care certifier. Transitional care providers must have access to any locked room.

(18) Youth offenders in transitional care homes may have access to domestic cleaning supplies. Transitional care providers must instruct youth offenders in the proper use of such supplies.

Stat. Auth.: ORS 420A.025

Stats. Implemented: ORS 420.888 - 420.892

Hist.: OYA 5-2009, f. 10-27-09, cert. ef. 11-2-09

Public Utility Commission Chapter 860

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

Adm. Order No.: PUC 12-2009

Filed with Sec. of State: 11-13-2009

Certified to be Effective: 11-13-09

Notice Publication Date: 10-1-2009

Rules Adopted: 860-033-0055

Rules Amended: 860-033-0001, 860-033-0005, 860-033-0006, 860-033-0007, 860-033-0008, 860-033-0009, 860-033-0010, 860-033-0030, 860-033-0035, 860-033-0040, 860-033-0045, 860-033-0046, 860-033-0050, 860-033-0100, 860-033-0505, 860-033-0506, 860-033-0510, 860-033-0530, 860-033-0535, 860-033-0536, 860-033-0537, 860-033-0540, 860-033-0545, 860-033-0560

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

Rules Coordinator: Diane Davis—(503) 378-4372

860-033-0001

Applicability

The rules in this Division apply to all telecommunications providers that offer service in Oregon with access to the Oregon Telecommunications Relay Service and to the applicants for and recipients of RSPF benefits.

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

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

Hist.: PUC 3-1999, f. & cert. ef. 8-10-99; PUC 12-2009, f. & cert. ef. 11-13-09

860-033-0005

Definitions

For the purpose of this division:

(1) "Basic Service" means "basic telephone service" as defined in OAR 860-032-0190. For qualifying low-income recipients, basic service also includes access to toll-limitation services.

ADMINISTRATIVE RULES

(2) "Eligible Telecommunications Carrier" means a provider of telecommunications service, including a cellular, wireless or other common carrier, that is certified by order of the Commission as eligible to receive federal universal service support throughout a designated service area by having met the eligibility criteria set forth in 47 C.F.R. § 54.201 (2008) and in Commission Order 06-292.

(3) "Eligible Telecommunications Provider" means a provider of telecommunications service, including a cellular, wireless or other common carrier, that is certified by order of the Commission as eligible to provide OTAP to its qualifying customers throughout a designated service area by having met the following eligibility criteria:

(a) Offers services under 47 C.F.R. § 54.101 (2008) using either its own facilities or a combination of its own facilities and resale of another carrier's services (including the services offered by another Eligible Telecommunications Carrier throughout the service area). Pursuant to 47 C.F.R. § 54.201(f) (2008), the requirement of using its "own facilities" includes, but is not limited to, purchasing unbundled network elements from another carrier;

(b) Advertises the availability of and the charges for such services using media of general distribution; and

(c) Demonstrates that it will comply with OAR 860-033-0005 through 860-33-0100.

(4) "Local Exchange Service" means a "local exchange telecommunications service" as defined in ORS 759.005(1)(c).

(5) "Oregon Telephone Assistance Program" or "OTAP" means a program established by the Commission that offers reduced local exchange rates to eligible low-income residential customers.

(6) "Oregon Telecommunications Relay Service" or "OTRS" means a facility authorized by the Commission to provide telecommunications relay service.

(7) "Outstanding Accounts" means amounts owing to the Commission including current accounts receivable and accounts that the Commission has written off through appropriate legal procedures. The term does not include amounts owing to the Commission that have been lawfully discharged through bankruptcy proceedings or amounts that are the subject of a proceeding pending before the Commission.

(8) "Residential Service Protection Fund" or "RSPF" means a legislatively approved fund in the Oregon State Treasury that supports the Oregon Telephone Assistance Program, the Telecommunication Devices Access Program and the Oregon Telecommunications Relay Service.

(9) "RSPF Surcharge" means a specified amount up to 35 cents per month collected from each paying retail subscriber who has telecommunications service with access to the telecommunications relay service, except as provided in OAR 850-033-0006(2).

(10) "Remittance Report" means the RSPF remittance report completed on a form provided by the Commission.

(11) "Telecommunication Devices Access Program" or "TDAP" means a program established by the Commission that provides Assistive Communication Devices or Adaptive Equipment at no additional cost beyond telephone service for customers who are deaf, severely hearing-impaired, severely speech-impaired, deaf-blind or disabled.

(12) "Telecommunications service" means the offering of telecommunications as defined in 47 C.F.R. 54.5 (10-1-08 Edition) for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.

(13) "Toll Limitation Service" means a service provided by an Eligible Telecommunications Provider that allows an OTAP recipient to choose to block the completion of outgoing toll calls (toll blocking) or to specify a certain toll usage that may be incurred per month or per billing cycle (toll control).

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

Stats. Implemented: ORS 756.040, 759.030 & Ch. 290, OL 1987

Hist.: PUC 9-1988, f. & cert. ef. 4-28-88 (Order No. 88-415); PUC 5-1992, f. & cert. ef. 2-14-92 (Order No. 92-238); PUC 7-1995(Temp), f. & cert. ef. 8-17-95 (Order No. 95-860); PUC 14-1995, f. & cert. ef. 12-20-95 (Order No. 95-1328); PUC 18-1997, f. & cert. ef. 12-17-97; PUC 18-2000, f. & cert. ef. 10-24-00; PUC 4-2001, f. & cert. ef. 1-24-01; PUC 19-2003, f. & cert. ef. 11-14-03; PUC 16-2004, f. & cert. ef. 12-1-04; PUC 12-2009, f. & cert. ef. 11-13-09

860-033-0006

Monthly and Quarterly RSPF Surcharge: General Provisions, Remittance Reports and Payment

(1) The surcharge rate and the balance in the RSPF is reviewed annually by the Commission each October. The Commission may adjust the amount of the surcharge to ensure the fund has adequate resources but does not exceed six months of projected expenses. A rate adjustment ordered by

the Commission following the annual review becomes effective January 1 of the year following the review.

(2) The surcharge imposed by Oregon Laws Chapter 1987, Section (7)(1) does not apply to:

(a) Counties and political subdivisions.

(b) Federal, state and municipal government bodies or public corporations. For purposes of this rule, "public corporation" means a corporation formed by a state or local government authority for the public's benefit or for a public purpose.

(c) Federally chartered corporations specifically exempt from state excise taxes by federal law.

(d) Federally recognized Native-American Tribes, and tribal members who live within federally recognized Indian country and are enrolled members of the tribe with sovereignty over that Indian country.

(e) Foreign government offices and representatives that are exempt from state taxation by treaty provisions.

(f) Regional housing authorities exempt from all state taxes and assessments by ORS 307.092.

(g) Interconnection between telecommunications utilities, telecommunications cooperatives, competitive telecommunications services providers certified pursuant to ORS 759.020, radio common carriers and interexchange carriers.

(h) Any other agency, organization or person claiming an exemption is required to identify the authority for its claim to a provider. If a telecommunications provider is unable to determine the status of a subscriber the Commission will determine whether the subscriber is exempt.

(3) Each telecommunications provider must:

(a) Collect the RSPF surcharge by charging the specified amount to each retail subscriber with access to the telecommunications relay service, including OTAP eligible subscribers. The RSPF surcharge is applied on a telecommunications circuit designated for a particular subscriber.

(A) One subscriber line is counted for each circuit that is capable of generating usage on the line side of the switched network regardless of the quantity of customer premises equipment connected to each circuit.

(B) For providers of central office based services, the surcharge is applied to each line that has unrestricted connection to the telecommunications relay service. For central office based service lines that have restricted access to the Oregon Telecommunications Relay Service (OTRS), the surcharge is charged based on software design.

(C) For cellular, wireless, or other radio common carriers, the surcharge is applied on a per-instrument basis.

(b) Identify the surcharge on each retail customer's bill as a separate line item named "RSPF Surcharge."

(4) Each telecommunications provider must submit to the Commission the Remittance Report and surcharge fees on or before the 21st calendar day after the close of each month or quarter as follows:

(a) Each telecommunications provider that has 1,000 or more customers must collect and submit the RSPF surcharge fee and Remittance Report monthly.

(b) Each telecommunications provider that has fewer than 1,000 customers must collect the RSPF surcharge fee and submit the Remittance Report either monthly or quarterly in January, April, July, and October at the telecommunication provider's discretion.

(5) Each telecommunications provider must submit the Remittance Report and surcharge fee with no exceptions. If no surcharge is collected, the telecommunications provider must still submit its monthly or quarterly Remittance Report specified in section (4) of this rule.

(6) For each billing period that a telecommunications provider fails to submit the surcharge fees in full on or before the due date required by these rules, the telecommunications provider must pay a late payment fee in accordance with OAR 860-011-0110. The Commission may not impose a late payment fee until the surcharge fees are five business days past due.

(7) If the telecommunications provider fails to submit the surcharge fee in full on or before the due date, the telecommunications provider must pay interest in accordance with OAR 860-011-0110.

(8) If a telecommunications provider fails to file a Remittance Report as required by these rules, the telecommunications provider must pay a late report fee in accordance with OAR 860-011-0110. The Commission may not impose a late report fee until the Remittance Report is five business days past due.

(9) If the amount shown due on a Remittance Report is not paid by the due date, the Commission may issue a proposed order to set the sum due. The Commission may waive the late report fee, the late payment fees and the interest on the unpaid surcharge fees, or any combination thereof, if the telecommunications provider files a written waiver request and pro-

ADMINISTRATIVE RULES

vides evidence showing that the telecommunications provider submitted the Remittance Report and surcharge fees late due to circumstances beyond its control.

(10) The telecommunications provider must pay a fee in accordance with OAR 860-011-0110 for each payment returned for non-sufficient funds.

(11) Remittance Report Records: A telecommunications provider must keep all records supporting each Remittance Report for three years, or if a Commission review or audit is pending, until the review or audit is complete, whichever is later.

(12) In computing any period of time prescribed or allowed by these rules, the first day of the act or event is not included. The last day of the time period is included, unless the last day is a Saturday or legal holiday; then the time period runs until the end of the next day that is not a Saturday or a legal holiday. Legal holidays are those identified in ORS 187.010 and 187.020.

Stat. Auth.: ORS 183, 756, 759 & Ch. 290, OL 1987
Stats. Implemented: ORS 756.040, 759.030 & Ch. 290, OL 1987
Hist.: PUC 19-2003, f. & cert. ef. 11-14-03; PUC 16-2004, f. & cert. ef. 12-1-04; PUC 18-2004, f. & cert. ef. 12-30-04; PUC 12-2009, f. & cert. ef. 11-13-09

860-033-0007

Estimated Report

(1) For any time period for which a telecommunications provider fails to file a Remittance Report as required by these rules, the Commission may determine a proposed surcharge assessment based upon any information available to the Commission.

(2) The proposed assessment must:

(a) Include a late payment fee equal to 9 percent of the proposed assessment amount, up to a maximum of \$500 for that reporting period;

(b) Include interest on the proposed assessment amount at the rate of 9 percent per annum from the day the surcharge fee was originally due; and

(c) Be made no later than 3 years after the Remittance Report's due date.

(3) Notwithstanding subsection (2)(c) of this rule, if the telecommunications provider did not hold a certificate of authority, if one was required by law, the Commission has an unlimited time to propose an assessment for the time period represented by the non-filed Remittance Report. The proposed assessment must include all late payment fees as specified in this rule.

(4) During the 30-day period allowed for filing a petition for a hearing, the telecommunications provider may file its Remittance Report and pay the surcharge, late report fee, late payment fee, and interest. The Commission must accept the Remittance Report, surcharge payment, late report fee, late payment fee and interest if correctly calculated in accordance with the original due date for the subject time period's Remittance Report and payment.

Stat. Auth.: ORS 183, 756, 759 & Ch. 290, OL 1987
Stats. Implemented: ORS 756.040, 759.030 & Ch. 290, OL 1987
Hist.: PUC 19-2003, f. & cert. ef. 11-14-03; PUC 16-2004, f. & cert. ef. 12-1-04; PUC 12-2009, f. & cert. ef. 11-13-09

860-033-0008

Commission Audit and Proposed Assessment

(1) For any time period for which a telecommunications provider's Remittance Report was due, the Commission may audit the telecommunications provider as the Commission deems necessary and appropriate.

(2) The Commission's audit must begin no later than three years after the Remittance Report's due date. After completion of the audit, the Commission may propose to assess an additional surcharge amount due from the telecommunications provider.

(3) If a telecommunications provider failed to file a Remittance Report within the time period specified in these rules, the Commission must add to the proposed assessment a late payment fee equal to 9 percent per annum of the amount of the proposed assessment, up to a maximum of \$500.

(4) Each proposed assessment bears interest on the additional surcharge amount proposed at the rate of 9 percent per annum from the day the original surcharge amount was due.

(5) Notwithstanding section (2) of this rule, if the telecommunications provider did not hold a certificate of authority, if one was required by law, the Commission has an unlimited time to audit the telecommunications provider for the surcharge fees.

(6) A telecommunications provider must produce for inspection or audit upon request of the Commission or its authorized representative all records supporting its Remittance Reports. The Commission, or its repre-

sentative, must allow the telecommunications provider a reasonable time to produce the records for inspection or audit.

(7) In addition to any other penalty allowed by law, the Commission may suspend or cancel a telecommunications provider's certificate of authority to provide telecommunications service for its failure to produce for inspection or audit the records required by this rule.

Stat. Auth.: ORS 183, 756, 759 & Ch. 290, OL 1987
Stats. Implemented: ORS 756.040, 759.036 & Ch. 290, OL 1987
Hist.: PUC 19-2003, f. & cert. ef. 11-14-03; PUC 16-2004, f. & cert. ef. 12-1-04; PUC 12-2009, f. & cert. ef. 11-13-09

860-033-0009

Notice and Hearing on Proposed Orders

(1) The Commission must provide a written proposed order or other notice of proposed assessment upon the telecommunications provider, as well as a proposal to revoke or suspend the telecommunications provider's certificate of authority.

(2) Within 30 days after the service of the notice of proposed assessment or proposed order, a telecommunications provider may petition the Commission in writing for a hearing. The telecommunications provider must specify in its petition all of the reasons it disputes the notice of proposed assessment or proposed order.

(a) If a petition is not filed within the 30-day period, the Commission may enter a final order or assessment based upon information in the Commission's files.

(b) If a petition is filed within the 30-day period, the Commission must grant the telecommunications provider a hearing and give the telecommunications provider at least 10 days' notice of the time and place of a hearing.

(3) The hearing on the telecommunications provider's petition is conducted under the Commission's rules governing hearings and proceedings.

(4) A proposed assessment made by the Commission under these rules is due and payable on the 10th day after the service date of the Commission's final order.

(5) If the Commission has not received payment of the surcharge and penalties assessment within the specified time, the Commission may suspend or cancel a telecommunications provider's certificate of authority to provide telecommunications service for its failure to pay the assessment required by this rule.

Stat. Auth.: ORS 183, 756, 759 & Ch. 290, OL 1987
Stats. Implemented: ORS 756.040, 759.036 & Ch. 290, OL 1987
Hist.: PUC 19-2003, f. & cert. ef. 11-14-03; PUC 16-2004, f. & cert. ef. 12-1-04; PUC 12-2009, f. & cert. ef. 11-13-09

860-033-0010

OTAP Applicability

The Oregon Telephone Assistance Program (OTAP) is designed to provide a reduced rate or discount for an Eligible Telecommunications Provider's basic service, whether sold separately or in combination with other services, to low-income customers who meet eligibility requirements. An Eligible Telecommunications Provider must offer OTAP reduced rates or discounts with all service offerings that include basic telephone service. Reduced rates or discounts apply to the single line, or service that is functionally equivalent to a single line, serving the eligible recipient's principal residence. Eligible Telecommunications Providers and OTAP must treat OTAP data as confidential information, to the extent allowed by law, and OTAP data may be used only for OTAP program purposes.

Stat. Auth.: ORS 183, 756, 759 & Ch. 290, OL 1987
Stats. Implemented: ORS 756.040, 759.036 & Ch. 290, OL 1987
Hist.: PUC 9-1988, f. & cert. ef. 4-28-88 (Order No. 88-415); PUC 5-1992, f. & cert. ef. 2-14-92 (Order No. 92-238); PUC 18-1997, f. & cert. ef. 12-17-97; PUC 19-2003, f. & cert. ef. 11-14-03; PUC 16-2004, f. & cert. ef. 12-1-04; PUC 12-2009, f. & cert. ef. 11-13-09

860-033-0030

OTAP Eligibility

(1) Eligibility for OTAP is demonstrated by application to the Commission by an individual currently:

(a) Receiving benefits from the federal food stamp program or receiving benefits from another Commission-approved low-income public assistance program for which eligibility requirements do not exceed 135 percent of the poverty level;

(b) Certified by an agency contracting with the Commission to qualify an individual as meeting eligibility criteria; or

(c) Certified as eligible in a public assistance program that the Commission has determined to meet eligibility criteria.

(2) An applicant or recipient may be required to furnish his or her social security number before OTAP eligibility can be determined or verified. Failure to do so may result in denial of benefits.

ADMINISTRATIVE RULES

(3) An applicant must sign a written authorization (OTAP application) permitting the Commission to release necessary information to an Eligible Telecommunications Provider and, as necessary, to the following: Department of Human Services, and the applicant's personal representative or legal guardian.

(4) The Commission must be able to verify an individual's continuing participation in a qualifying program. Continuing OTAP eligibility is based on monthly or quarterly recertification by the Commission.

(5) The OTAP benefit is limited to one single line, or single line equivalent, at the applicant's or recipient's principal residence. Generally, only one OTAP benefit is allowed per residential address, but the Commission may make exceptions for certain facilities including but not limited to rooming houses and other independent living facilities.

(6) The name of the applicant or recipient must appear on the billing statement for the telecommunications service in order for that recipient to qualify for OTAP benefits. The Commission may waive this requirement if it determines that good cause exists.

(7) An applicant who did not receive benefits from an Eligible Telecommunications Provider after being approved by the Commission may be reimbursed up to a maximum of six months of OTAP benefits credited to the applicant's account. An applicant must submit a written request to the Commission in order to receive the OTAP credit.

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

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

Hist.: PUC 9-1988, f. & cert. ef. 4-28-88 (Order No. 88-415); PUC 5-1992, f. & ef. 2-14-92 (Order No. 92-238); PUC 11-1995, f. & ef. 11-27-95 (Order No. 95-1217); PUC 6-1997, f. & ef. 1-10-97 (Order No. 97-005); PUC 6-1997, f. & cert. ef. 1-10-97; PUC 18-1997, f. & cert. ef. 12-17-97; PUC 12-1999, f. & cert. ef. 11-18-99; PUC 19-2003, f. & cert. ef. 11-14-03; PUC 16-2004, f. & cert. ef. 12-1-04; PUC 12-2009, f. & cert. ef. 11-13-09

860-033-0035

OTAP Benefits

(1) A residential customer qualifying for the OTAP benefit pays a reduced monthly rate, as established by the Commission, for basic service, whether sold separately or in combination with other services, provided by an Eligible Telecommunications Provider. The monthly OTAP benefit includes:

(a) The federal baseline Lifeline support equal to the Eligible Telecommunication Carriers tariff rate for the federal end user common line charge for primary residential lines;

(b) An additional federal Lifeline support of \$1.75 in accordance with 47 C.F.R. § 54.403 (2008);

(c) The State of Oregon support of \$3.50; and

(d) An additional federal Lifeline support, in an amount equal to one-half the amount of support provided by the State of Oregon up to a federal maximum of \$1.75, available to the Eligible Telecommunications Providers that provide OTAP benefits to qualifying low-income recipients;

(d) For each qualifying low-income individual living on federally recognized tribal lands, provided this support does not bring the basic local rate below \$1.00 per month:

(A) An additional federal Lifeline support, in an amount up to \$25.00 per month, available for each eligible resident of tribal lands; and

(B) A total of up to \$35.00 each month, including first and second tier federal support amounts per primary residential connection, available for each eligible resident of tribal lands on basic local residential service, as prescribed in 47 C.F.R. § 54.403 (2008).

(f) A qualifying tribal Lifeline customer must directly contact the local Eligible Telecommunications Provider to receive tribal Lifeline support.

(2) The OTAP benefit is provided for each billing period that a customer is determined eligible for assistance. When a customer is determined eligible for less than an entire billing period, the benefit is prorated.

(3) Initial benefits become effective on the date the Commission receives the signed OTAP application (written authorization) from an eligible customer.

(4) A customer removed from or denied OTAP may reapply by telephone or online when eligible. Benefits then become effective on the date the Commission verifies the customer's eligibility.

(a) A customer removed from or denied OTAP benefits after the Commission is notified that the customer is no longer eligible because the customer is not currently receiving benefits from one of the qualifying programs listed OAR 860-033-0030(1) may file a written request for a hearing to appeal the termination.

(b) At the hearing, the customer must provide to the Commission written documentation showing the customer's current participation in one of the qualifying programs listed in OAR 860-033-0030(1).

(5) A customer who has not received OTAP benefits for three or more years must submit a new signed OTAP application.

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

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

Hist.: PUC 9-1988, f. & cert. ef. 4-28-88 (Order No. 88-415); PUC 5-1992, f. & cert. ef. 2-14-92 (Order No. 92-238); PUC 18-1997, f. & cert. ef. 12-17-97; PUC 2-2002, f. & cert. ef. 2-5-02; PUC 12-2009, f. & cert. ef. 11-13-09

860-033-0040

OTAP Alternatives

(1) In lieu of OTAP participation, an Eligible Telecommunications Provider may apply to the Commission for authority to provide low-income telephone assistance through an alternative plan. An Eligible Telecommunications Provider's application must demonstrate that:

(a) Customers eligible for OTAP will receive a benefit not less than the benefit the same customers would have received from OTAP;

(b) Customers who qualify for assistance under OTAP will also qualify for assistance under the Eligible Telecommunications Provider's alternative plan; and

(c) Administrative costs for an alternative plan will be less than or equal to the administrative costs if the Eligible Telecommunications Provider participated in OTAP.

(2) An Eligible Telecommunications Provider providing low-income telephone assistance under an alternative plan must inform the Commission monthly of the number of subscribers receiving a benefit and the total dollar amount in benefits provided by the Eligible Telecommunications Provider's plan.

(3) Eligible subscribers must continue receiving benefits under the Commission plan until the Eligible Telecommunications Provider's alternative plan is approved by the Commission and implemented by the Eligible Telecommunications Provider.

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

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

Hist.: PUC 9-1988, f. & cert. ef. 4-28-88 (Order No. 88-415); PUC 18-1997, f. & cert. ef. 12-17-97; PUC 12-2009, f. & cert. ef. 11-13-09

860-033-0045

OTAP Compensable Expenses

(1) Each Eligible Telecommunications Provider may be compensated from the RSPF for enrolling new OTAP customers and for benefit costs incurred as a consequence of participating in OTAP.

(a) The Eligible Telecommunications Provider may be compensated for each customer enrolled for the OTAP benefit at the Commission's request.

(b) Benefit costs include the revenue the Eligible Telecommunications Provider foregoes by providing local service to qualified low-income customers at the OTAP reduced rate or discount.

(2) To receive compensation, an Eligible Telecommunications Provider must submit a reimbursement form no later than 21 calendar days after the end of the billing period. The Eligible Telecommunications Provider's reimbursement form must indicate the number of qualified customers who were enrolled during the billing period, the number of customers who received the OTAP benefit during the billing period, and the amount of revenue foregone during that same period.

(a) An Eligible Telecommunications Provider with 1,000 or more OTAP customers must submit the reimbursement form monthly.

(b) An Eligible Telecommunications Provider with fewer than 1,000 monthly customers may submit the reimbursement form either monthly or quarterly.

(3) The Commission may determine the compensation amount based on the costs an Eligible Telecommunications Provider would reasonably incur to accomplish each task referred to in section (1) of this rule. The Commission disburses funds from the RSPF to the Eligible Telecommunications Provider within 45 calendar days after the Commission receives a properly completed reimbursement form.

(4) Each Eligible Telecommunications Provider providing low-income telephone assistance under an approved alternative plan may be compensated for benefit and enrollment costs. However, compensation from the RSPF may not be greater than the compensation the provider would have received had it participated in OTAP.

(5) Governmental agencies contracting with the Commission to certify the eligibility requirements of individuals or to perform other administrative functions authorized by these rules are compensated based on the terms of the contract.

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

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

Hist.: PUC 9-1988, f. & cert. ef. 4-28-88 (Order No. 88-415); PUC 18-1997, f. & cert. ef. 12-17-97; PUC 19-2003, f. & cert. ef. 11-14-03; PUC 16-2004, f. & cert. ef. 12-1-04; PUC 12-2009, f. & cert. ef. 11-13-09

ADMINISTRATIVE RULES

860-033-0046

OTAP Accounting, Reporting and Auditing

(1) Based upon accounting procedures approved by the Commission, Eligible Telecommunications Providers must maintain accounting records so that costs associated with OTAP can be separately identified. Records must be provided to the Commission upon request.

(2) Active OTAP Customer Report: The Active OTAP Customer Report is a listing of all customers receiving the OTAP benefit. The listing may include the customers' telephone numbers, addresses or Commission-assigned OTAP Identification Number.

(a) Each Eligible Telecommunications Provider with 1,000 or more OTAP customers must submit monthly to the Commission in an electronic format accessible by the Commission, an Active OTAP Customer Report.

(b) Each Eligible Telecommunications Provider with fewer than 1,000 OTAP customers must submit quarterly to the Commission in an electronic format accessible by the Commission an Active OTAP Customer Report.

(3) Order Activity Report: The Order Activity Report is a listing of all OTAP customers whose service was disconnected. The Commission may also require additional information such as a listing of all OTAP customers whose telephone numbers or addresses have changed.

(a) Each Eligible Telecommunications Provider with 1,000 or more OTAP customers must submit monthly to the Commission in an electronic format accessible by the Commission an Order Activity.

(b) Each Eligible Telecommunications Provider with fewer than 1,000 OTAP customers must submit quarterly to the Commission in an electronic format accessible by the Commission an Order Activity Report.

(4) No Match Report: When the Commission notifies the Eligible Telecommunications Provider of customers who meet eligibility criteria, the Eligible Telecommunications Provider must notify the Commission of any discrepancy that prevents a customer from receiving the OTAP benefit. Notification of discrepancies may be submitted electronically in a format accessible by the Commission.

(5) The Commission reserves the right to audit the records of an Eligible Telecommunications Provider that provides OTAP benefits or low-income telephone assistance.

(6) OTAP Records: Each Eligible Telecommunications Provider must keep all OTAP records and supporting documentation for three years, or if a Commission review or audit is pending, until the review or audit is complete, whichever is later.

(a) An Eligible Telecommunications Provider must produce for inspection or audit upon request of the Commission or its authorized representative all OTAP records and supporting documentation. The Commission, or its representative, must allow the Eligible Telecommunications Provider a reasonable time to produce the records for inspection or audit.

(b) In addition to any other penalty allowed by law, the Commission may suspend or cancel an Eligible Telecommunications Provider's certificate of authority to provide telecommunications service for its failure to produce for inspection or audit the records required by this rule.

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

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

Hist.: PUC 9-1988, f. & cert. ef. 4-28-88 (Order No. 88-415); PUC 5-1992, f. & cert. ef. 2-14-92 (Order No. 92-238); PUC 18-1997, f. & cert. ef. 12-17-97; PUC 12-2009, f. & cert. ef. 11-13-09

860-033-0050

Link-Up America Eligibility

(1) Eligibility for Link-Up America is demonstrated by application to the Commission by an individual currently:

(a) Receiving benefits from the federal food stamp program or receiving benefits from another Commission-approved low-income public assistance program for which eligibility requirements do not exceed 135 percent of the poverty level;

(b) Certified by an agency contracting with the Commission to qualify an individual as meeting eligibility criteria; or

(c) Certified as eligible in a public assistance program that the Commission has determined to meet eligibility criteria.

(2) An applicant or recipient may be required to furnish his or her social security number before Link-Up America eligibility can be determined or verified. Failure to do so may result in denial of benefits.

(3) An applicant must sign a written authorization (OTAP application) permitting the Commission to release necessary information to an Eligible Telecommunications Provider and, as necessary, to the following: Department of Human Services, and the applicant's personal representative or legal guardian.

(4) Eligible Telecommunications Providers and OTAP must treat Link-Up America data as confidential information, to the extent allowed by law, and Link-Up America data may be used only for OTAP program purposes.

(5) The name of the applicant or recipient must appear on the billing statement for the telecommunications service in order for that recipient to qualify for Link-Up America benefits. The Commission may waive this requirement if it determines that good cause exists.

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

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

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

Hist.: PUC 9-1988, f. & cert. ef. 4-28-88 (Order No. 88-415); PUC 8-1989, f. & cert. ef. 6-8-89 (Order No. 89-724); PUC 5-1992, f. & cert. ef. 2-14-92 (Order No. 92-238); PUC 2-1996, f. & cert. ef. 4-18-96 (Order 96-102); PUC 6-1997, f. & cert. ef. 1-10-97; PUC 18-1997, f. & cert. ef. 12-17-97; PUC 2-2002, f. & cert. ef. 2-5-02; PUC 19-2003, f. & cert. ef. 11-14-03; PUC 16-2004, f. & cert. ef. 12-1-04; PUC 12-2009, f. & cert. ef. 11-13-09

860-033-0055

Link-Up America Benefits

(1) Security deposit requirements may be waived for a residential applicant who is eligible for Link-Up America and who satisfies the credit requirements of OAR Chapter 860, Division 021, or if the qualifying low-income applicant voluntarily elects toll blocking, where available, from the provider.

(2) If an applicant does not meet the credit requirements of OAR chapter 860, division 021, or has an outstanding bill with the Eligible Telecommunications Provider, the deposit is not waived and the applicant is subject to the conditions and payment arrangements contained in OAR chapter 860, division 021.

(3) An Eligible Telecommunications Provider must offer a 50 percent reduction in its tariffed line connection charge, up to a maximum reduction of \$30, to eligible Link-Up America applicants. This assistance does not cover special features, services, or deposits. Each eligible resident living on federally recognized tribal lands, with initial connection or line extension costs of \$130 or more as prescribed in 47 C.F.R. § 54.411 (2008), may receive an additional reduction of up to \$70 to cover 100% of the charges between \$60 and \$130 for a total maximum support amount of \$100. A qualifying Tribal Lifeline customer must directly contact the local Eligible Telecommunications Provider to receive tribal Link-Up support.

(4) An Eligible Telecommunications Provider must offer to the Link-Up America recipient a deferred payment schedule for connection charges up to \$200. Payment for the connection charges may be deferred for a period not to exceed one year. The Eligible Telecommunications Provider may not charge the Link-Up America recipient interest on the deferred amount during the deferral period. Connection charges include any charges that the provider customarily assesses to connect subscribers to the network. These charges do not include any permissible security deposit requirements.

(5) A Link-Up America recipient who fails to make payments as agreed with the Eligible Telecommunications Provider is subject to disconnection of service pursuant to OAR Chapter 860, Division 021.

(6) An Eligible Telecommunications Provider's Link-Up America program must allow a customer to receive the benefit of the Link-Up America program for a second or subsequent time only for a principal place of residence with an address different from the address where the Link-Up America assistance was previously provided.

(7) An Eligible Telecommunications Provider may seek reimbursement from the Universal Service Administrative Company, an authorized agent of the FCC.

(8) Upon FCC approval of a Commission OTAP and Link-Up America plan, an Eligible Telecommunications Provider subject to Oregon Law 1987, Chapter 290, must file appropriate tariffs or price lists with the Commission.

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

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

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

Hist.: PUC 12-2009, f. & cert. ef. 11-13-09

860-033-0100

Toll Limitation Service

Upon request and availability, a qualifying OTAP recipient is entitled to Toll Limitation Service from an Eligible Telecommunications Provider at no additional charge.

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

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

Hist.: PUC 18-1997, f. & cert. ef. 12-17-97; PUC 12-2009, f. & cert. ef. 11-13-09

ADMINISTRATIVE RULES

860-033-0505

TDAP Definitions

(1) "Adaptive Equipment" means special telecommunications equipment that permits a person with a disability, other than a hearing- or speech-impaired, to communicate effectively on the telephone.

(2) "Assistive Telecommunication Device" means a device that uses a keyboard, acoustic coupler, display screen, Braille display, speakerphone, or amplifier to enable a person who is deaf, deaf-blind, severely hearing impaired, severely speech impaired or who has a disability that prevents use of a standard telephone to communicate effectively on the telephone.

(3) "Authorized Distributor" means a facility authorized by the Commission to distribute Assistive Telecommunication Devices and Adaptive Equipment.

(4) "Authorized Maintenance Center" means a facility authorized by the Commission to repair any reasonably damaged Assistive Telecommunication Device or Adaptive Equipment.

(5) "Disabled" means a physical condition other than hearing or speech impairment that prevents a person from effectively communicating on a standard telephone.

(6) "Local Exchange Carrier" means a "telecommunications utility" as defined in ORS 759.005(9) or cooperative association that switches and transports communications between customers linked inside an exchange.

(7) "TTY" is a telecommunication device for the deaf that uses a keyboard and a one-inch screen to transmit messages back and forth through a telephone line.

Stat. Auth.: ORS 183, 756, 759 & Ch. 290, OL 1987
Stats. Implemented: ORS 756.040, 759.036 & Ch. 290, OL 1987
Hist.: PUC 7-1988, f. & cert. ef. 4-6-88 (Order No. 88-339); PUC 5-1992, f. & cert. ef. 2-14-92 (Order No. 92-238); PUC 18-1997, f. & cert. ef. 12-17-97; PUC 12-1999, f. & cert. ef. 11-18-99; PUC 19-2003, f. & cert. ef. 11-14-03; PUC 16-2004, f. & cert. ef. 12-1-04; PUC 12-2009, f. & cert. ef. 11-13-09

860-033-0506

Telecommunication Devices Access Program Advisory Committee (TDAPAC)

The TDAPAC consists of 12 Oregon residents appointed by the Commission as prescribed by Oregon Laws 1987, Chapter 290, Section 12. The TDAPAC must meet regularly with the RSPF Manager to give advice concerning matters of general development, implementation, and administration of TDAP. TDAPAC meetings are public, and minutes must be provided to the public upon request.

Stat. Auth.: ORS 183, 756, 759 & Ch. 290, OL 1987
Stats. Implemented: ORS 756.040, 759.036 & Ch. 290, OL 1987
Hist.: PUC 7-1988, f. & cert. ef. 4-6-88 (Order No. 88-339); PUC 5-1992, f. & cert. ef. 2-14-92 (Order No. 92-238); PUC 2-1996, f. & cert. ef. 4-18-96 (Order No. 96-102); PUC 18-1997, f. & cert. ef. 12-17-97; PUC 12-2009, f. & cert. ef. 11-13-09

860-033-0510

TDAP Applicability

TDAP is designed to provide Assistive Telecommunication Devices or Adaptive Equipment and services to deaf, severely hearing-impaired, severely speech-impaired, deaf-blind, or disabled customers who meet eligibility requirements.

Stat. Auth.: ORS 183, 756, 759 & Ch. 290, OL 1987
Stats. Implemented: ORS 756.040, 759.036 & Ch. 290, OL 1987
Hist.: PUC 7-1988, f. & cert. ef. 4-6-88 (Order No. 88-339); PUC 5-1992, f. & cert. ef. 2-14-92 (Order No. 92-238); PUC 18-1997, f. & cert. ef. 12-17-97; PUC 12-1999, f. & cert. ef. 11-18-99; PUC 12-2009, f. & cert. ef. 11-13-09

860-033-0530

TDAP Eligibility

(1) A person may apply to receive an Assistive Telecommunication Device or Adaptive Equipment from the TDAP. The application must be submitted using the form provided by TDAP. The TDAP application form is available online at <http://www.puc.state.or.us/PUC/rspf/tdapapp.pdf>, from the Commission and from certain community resources.

(2) A TDAP applicant must provide the TDAP with:

(a) Evidence of regular access to a specific telephone number in Oregon;

(b) Evidence of current residency in Oregon; and

(c) A properly completed application including a statement that the applicant is deaf, severely hearing-impaired, severely speech-impaired, deaf-blind, or has a disability that prevents use of a standard telephone. This statement must be signed by

(A) a licensed physician who may certify that the applicant is deaf, deaf-blind, severely hard of hearing, severely speech impaired or has a physical condition other than a hearing or speech impairment that requires use of adaptive equipment to use the telephone;

(B) An audiologist or a hearing aid specialist who may certify only that the applicant is deaf or severely hearing-impaired;

(C) A speech pathologist who may certify only that the applicant is severely speech impaired;

(D) A vocational rehabilitation counselor from the Oregon State Vocational Rehabilitation Division who may certify that the applicant is deaf, deaf-blind, severely hard of hearing, severely speech impaired or has a physical condition other than a hearing or speech impairment that requires use of Adaptive Equipment to use the telephone; or

(E) A person certified by the Commission as qualified to determine whether a person meets the eligibility requirements of TDAP.

(d) For a person under 18 years of age, or an adult who is determined to require a legal guardian, a parent or a guardian must apply on that person's behalf and assume full responsibility for the Assistive Telecommunication Device or Adaptive Equipment and services. An emancipated minor is considered an adult. If the application is signed by a person asserting power of attorney for the applicant or by a legal guardian, the person signing the application may be required to provide the Commission with evidence of the power of attorney or legal guardianship.

(3) The TDAP may only approve applications for persons who cannot use a standard telephone for expressive or receptive communication. The TDAP must provide equipment suitable to access the telecommunications system.

(4) The TDAP may provide one Assistive Telecommunication Device or one Adaptive Equipment unit per eligible person. The one device or unit provided may also include an accessory device such as a loud ringer or signal device, as applicable. More than one Assistive Telecommunication Device or Adaptive Equipment unit may be provided to a household if more than one eligible person permanently resides in the household.

(5) If the Commission purchases new devices that may benefit a TDAP recipient more than the equipment currently provided by TDAP to the recipient, the TDAP may allow the recipient to use both the current and new device for a 60-day trial period. The recipient must return the less beneficial equipment to the TDAP within five business days after the end of the trial period. If the recipient fails to return the equipment, the recipient is responsible for paying the TDAP for the cost of the more expensive equipment.

Stat. Auth.: ORS 183, 756, 759 & Ch. 290, OL 1987
Stats. Implemented: ORS 756.040, 759.036, & Ch. 290, OL 1987
Hist.: PUC 7-1988, f. & cert. ef. 4-6-88 (Order No. 88-339); PUC 18-1989, f. & cert. ef. 12-14-89 (Order No. 89-1602); PUC 5-1992, f. & cert. ef. 2-14-92 (Order No. 92-238); PUC 18-1997, f. & cert. ef. 12-17-97; PUC 12-1999, f. & cert. ef. 11-18-99; PUC 19-2003, f. & cert. ef. 11-14-03; PUC 16-2004, f. & cert. ef. 12-1-04; PUC 12-2009, f. & cert. ef. 11-13-09

860-033-0535

Ownership of and Conditions for Use of Assistive Telecommunication Devices or Adaptive Equipment

(1) All Assistive Telecommunication Devices or Adaptive Equipment purchased under the TDAP remain the property of the State of Oregon. The Authorized Distributors must record the serial number of each Assistive Telecommunication Device or Adaptive Equipment unit. An Authorized Distributor's failure to comply may terminate the distributor's contract with the State of Oregon.

(2) Before receiving an Assistive Telecommunication Device or Adaptive Equipment, a recipient must sign the Conditions of Acceptance Agreement. A recipient who received TDAP equipment when under the age of 18 must sign a new Conditions of Acceptance form within 30 calendar days after becoming 18 years of age. Similarly, if there is a change in legal guardian for an adult recipient, the new guardian must sign a Conditions of Acceptance form within 30 calendar days of the change in guardianship. Failure to do so will result in the Commission billing the parent or guardian of record for the device.

(3) Before the requested equipment is distributed, an applicant or recipient must pay in full all outstanding accounts with the Commission.

(4) Any Assistive Telecommunication Device or Adaptive Equipment distributed to an eligible recipient under this program may not be sold, loaned, or otherwise transferred from the possession of the original recipient. Unauthorized transfers subject the recipient to repossession of the Assistive Telecommunication Device or Adaptive Equipment, prosecution, or liability for the full purchase price of the equipment.

(5) A recipient who moves to a different address within Oregon must report the new address to the Commission within 30 calendar days of the move. A recipient who moves out of Oregon must return all Assistive Telecommunication Devices or Adaptive Equipment received through the TDAP to an Authorized Distributor or the Commission before moving out of Oregon. A recipient who is no longer receiving telephone services must

ADMINISTRATIVE RULES

return all Assistive Telecommunication Devices or Adaptive Equipment received through the TDAP to an Authorized Distributor or the Commission within 30 calendar days after termination of Local Exchange Service.

(6) A recipient may take Assistive Telecommunication Devices or Adaptive Equipment on travel outside Oregon. The recipient must obtain written permission from the RSPF Manager if the travel will be for more than 90 calendar days.

Stat. Auth.: ORS 183, 756, 759 & Ch. 290, OL 1987
Stats. Implemented: ORS 756.040, 759.036 & Ch. 290, OL 1987
Hist.: PUC 7-1988, f. & cert. ef. 4-6-88 (Order No. 88-339); PUC 5-1992, f. & cert. ef. 2-14-92 (Order No. 92-238); PUC 18-1997, f. & cert. ef. 12-17-97 860-033-0535(5) Renumbered to 860-033-0536; PUC 12-1999, f. & cert. ef. 11-18-99; PUC 19-2003, f. & cert. ef. 11-14-03; PUC 16-2004, f. & cert. ef. 12-1-04; PUC 12-2009, f. & cert. ef. 11-13-09

860-033-0536

TDAP Recipients' Liability

(1) The recipient is financially responsible for any damage to the equipment that is not caused by normal wear and tear, acts of nature, or disasters. To avoid financial responsibility for damaged equipment, the recipient must prove to the Commission that the damage was caused by normal wear and tear or acts of nature or disasters. The recipient is also financially responsible for the full replacement cost of the equipment if the recipient moves out of Oregon without returning the equipment.

(2) Stolen Equipment or Equipment Damaged by Acts of Nature or Disasters:

(a) If the equipment is stolen, a recipient must notify the local law enforcement agency within 24 hours of the time the recipient discovers the theft. A recipient must forward a copy of the police report to the RSPF Manager within five business days of the date the theft was reported. If the local law enforcement agency does not respond to the recipient's theft report, the recipient must notify the RSPF Manager within five business days after the theft was reported. The recipient must forward a written report to the RSPF Manager that describes the theft and includes any witnesses' names, addresses, and telephone numbers.

(b) If the equipment is stolen outside the United States, the recipient must submit a copy of the police report to the RSPF Manager within five business days of the date the theft was reported. If the local law enforcement agency does not respond to the recipient's theft report, the recipient must notify the RSPF Manager within five business days after returning to Oregon. The recipient must forward to the RSPF Manager a written report that includes any witnesses' names, addresses, and telephone numbers; and describes the theft.

(c) If the equipment is damaged due to acts of nature or disasters, including, but not limited to floods, storms or fire, the recipient must submit an insurance claim, fire department report, police report, or other equivalent documentation about the event within five business days after the date the event occurred.

Stat. Auth.: ORS 183, 756, 759 & Ch. 290, OL 1987
Stats. Implemented: ORS 756.040, 759.036 & Ch. 290, OL 1987
Hist.: PUC 7-1988, f. & cert. ef. 4-6-88 (Order No. 88-339); PUC 5-1992, f. & cert. ef. 2-14-92 (Order No. 92-238); PUC 18-1997, f. & cert. ef. 12-17-97 Renumbered from 860-033-0535(5); PUC 19-2003, f. & cert. ef. 11-14-03; PUC 16-2004, f. & cert. ef. 12-1-04; PUC 12-2009, f. & cert. ef. 11-13-09

860-033-0537

Holding Recipients Financially Responsible for Damaged, Lost, or Otherwise Not Returned Assistive Telecommunication Devices or Adaptive Equipment

(1) Invoices:

(a) The Commission must mail an invoice indicating the amount of and the reason for such invoice to the responsible recipient at the last known address. The recipient has 30 calendar days from the mailing date of the invoice to respond.

(b) The invoiced recipient may call or meet with the RSPF Manager to discuss and attempt to resolve the invoice. At the RSPF Manager's discretion, further investigation may be initiated. If the investigation finds that the invoice was issued in error (for example, there is no verifiable reason for the invoice having been sent), the invoice may be canceled.

(c) If the Commission does not receive payment, the RSPF Manager may begin the collection activities.

(d) Incorrect address: When an invoice is returned with an incorrect address and the invoiced recipient has not notified the RSPF Manager of an address change as required by TDAP rules, the amount billed to the recipient becomes a liquidated debt.

(2) Proposed Order:

(a) If the recipient does not respond to the invoice within 30 days from the mailing date of the invoice, the Commission may issue a written proposed order assessing the amount due.

(b) The recipient may pay the assessment in full within 30 days of the mailing date of the proposed order or may file a written petition for a hearing within 30 days of the mailing date of the proposed order. A written petition for a hearing must clearly specify all the reasons the recipient disputes the proposed assessments.

(A) If the recipient pays in full the proposed assessment within the 30 days of the mailing date of the proposed order, the Commission will accept the payment and discontinue any further collection activities for that assessment.

(B) If the recipient timely files a written petition for a hearing as set forth in subsection (b), the Commission must grant the recipient a hearing and give at least 10 days notice of the time and place of the hearing. The Commission will conduct the hearing under its rules governing hearings and proceedings.

(3) Commission Order:

(a) If the recipient does not respond to the proposed order within 30 days from the mailing date of the proposed order, or after considering the testimony presented at hearing, the Commission will enter an order. Any charges assessed by order of the Commission become due and payable on the 10th day after day the order is entered.

(b) If the recipient does not respond to the Commission Order, the account may be referred to the Department of Revenue or a collection agency for collection.

(4) Collection procedures for a recipient with two or more Assistive Telecommunication Devices or Adaptive Equipment units:

(a) The Commission must mail a letter to the recipient asking the recipient to return the equipment within 30 calendar days, and

(b) If the Commission does not receive a response, the Commission must send an invoice to the recipient. If the recipient does not pay the amount billed, the Commission may take the necessary action against the recipient to either regain possession of the State of Oregon's equipment or receive the full replacement value of such equipment.

(5) When the Commission receives notice that a recipient is deceased, the Commission must request that the estate return the equipment. The Commission may bill the estate for the cost of replacing the equipment if it has not been returned, or if it is returned in damaged condition.

(6) If the lost, damaged, or otherwise not returned equipment is obsolete or is no longer offered by the TDAP, the Commission may waive the recipient's financial responsibility.

Stat. Auth.: ORS 183, 756, 759 & Ch. 290, OL 1987
Stats. Implemented: ORS 756.040, 759.036 & Ch. 290, OL 1987
Hist.: PUC 18-1997, f. & cert. ef. 12-17-97; PUC 12-1999, f. & cert. ef. 11-18-99; PUC 19-2003, f. & cert. ef. 11-14-03; PUC 16-2004, f. & cert. ef. 12-1-04; PUC 12-2009, f. & cert. ef. 11-13-09

860-033-0540

Distribution Procedures for Assistive Telecommunication Devices or Adaptive Equipment

(1) Subject to appropriation and approval of expenditures for Assistive Telecommunication Devices or Adaptive Equipment and services purchased by the Commission, the Commission may contract with any governmental agency or other entity to establish an Authorized Distributor network and an Authorized Maintenance Center network.

(2) If demand exceeds supply, the Commission may distribute Assistive Telecommunication Devices or Adaptive Equipment to customers on a first-come first-serve basis.

(3) Each Authorized Distributor must inform the TDAP in writing of all incoming and outgoing shipments of Assistive Telecommunication Devices or Adaptive Equipment. The written information must include the serial numbers engraved by the Authorized Distributor.

(4) Upon notice from the RSPF Manager, the Authorized Distributor must distribute Assistive Telecommunication Devices or Adaptive Equipment to eligible applicants.

(5) The Authorized Distributor must require each recipient, including the parent or legal guardian, to sign the Conditions of Acceptance Agreement form supplied by the TDAP before providing an Assistive Telecommunication Device or Adaptive Equipment unit. The Authorized Distributor and Authorized Maintenance Center must forward all forms to the RSPF Manager.

(6) If needed, the Commission may contract with an agency or individual to provide training on Assistive Telecommunication Devices or Adaptive Equipment to specialized populations.

(7) Recipients of Assistive Telecommunication Devices or Adaptive Equipment are responsible for replacement paper for the Assistive Telecommunication Device or Adaptive Equipment, the payment of the recipient's monthly telephone bill, the purchase or lease cost of recipient's

ADMINISTRATIVE RULES

telephone, the cost of replacement light bulbs for signal devices and batteries for the equipment.

(8) The Authorized Distributor must provide each recipient a copy of the OTAP application form, mailing forms for purchasing TTY paper, and telecommunications relay service information handouts.

(9) The recipient must return defective or damaged equipment to the Commission, at the Commission's expense, prior to receiving repaired or replacement equipment. The Commission will decide whether to replace or to repair the damaged or defective equipment. The requirement to return defective or damaged equipment prior to receiving repaired or replaced equipment may be waived by the RSPF Manager.

Stat. Auth.: ORS 183, 756, 759 & Ch. 290, OL 1987
Stats. Implemented: ORS 756.040, 759.036 & Ch. 290, OL 1987
Hist.: PUC 7-1988, f. & cert. ef. 4-6-88 (Order No. 88-339); PUC 18-1989, f. & cert. ef. 12-14-89 (Order No. 89-1602); PUC 5-1992, f. & cert. ef. 2-14-92 (Order No. 92-238); PUC 18-1997, f. & cert. ef. 12-17-97; PUC 12-1999, f. & cert. ef. 11-18-99; PUC 16-2004, f. & cert. ef. 12-1-04; PUC 12-2009, f. & cert. ef. 11-13-09

860-033-0545

TDAP Compensable Expense

(1) The Authorized Distributors and the Authorized Maintenance Centers may be compensated from the RSPF for specific costs incurred as a result of participating in the TDAP. These contracted programs and services must request compensation by submitting an invoice to the Commission at least quarterly. Funds must be disbursed to these contracted programs or services no more than 30 calendar days after a properly filed invoice is received by the Commission:

(a) The Authorized Distributors may be compensated for coordinating and storing the Assistive Telecommunication Devices or Adaptive Equipment. Invoices must indicate all services performed by distributors and the number of the Assistive Telecommunication Devices or Adaptive Equipment units provided to recipients. Compensable services must include the cost of Assistive Telecommunication Devices or Adaptive Equipment with an identification number, shipping costs, storage costs, delivery costs, and other related costs.

(b) The Authorized Distributors may be compensated for the cost of preparing and distributing the Assistive Telecommunication Devices or Adaptive Equipment and maintenance services requested by the customers. Invoices must indicate the number of the Assistive Telecommunication Devices or Adaptive Equipment unit including the engraved identification on either distributing Assistive Telecommunication Devices or Adaptive Equipment to the recipient or receiving Assistive Telecommunication Devices or Adaptive Equipment repair orders from the recipient. The specific tasks of preparation and services in distributing the Assistive Telecommunication Devices or Adaptive Equipment are subject to written agreement between the Commission and the contracted Assistive Telecommunication Devices or Adaptive Equipment personnel.

(c) The Authorized Maintenance Centers may be compensated for repairing the damaged Assistive Telecommunication Devices or Adaptive Equipment, the storage of extra Assistive Telecommunication Devices or Adaptive Equipment replacements, and the required insurance for storage. Invoices must indicate the labor and parts of the damaged Assistive Telecommunication Devices or Adaptive Equipment, the storage cost, and the insurance premium cost, including Assistive Telecommunication Devices or Adaptive Equipment identification inventory.

(d) The Commission will determine the rate of compensation based on the cost the Authorized Distributor should reasonably incur to accomplish each task.

(2) Based upon accounting procedures established by the Commission, the Authorized Distributors and Authorized Maintenance Centers must maintain accounting records in such a manner that costs associated with TDAP can be separately identified. The Commission may audit the records of an Authorized Distributor or an Authorized Maintenance Center.

Stat. Auth.: ORS 183, 756, 759 & Ch. 290, OL 1987
Stats. Implemented: ORS 756.040, 759.036 & Ch. 290, OL 1987
Hist.: PUC 7-1988, f. & cert. ef. 4-6-88 (Order No. 88-339); PUC 5-1992, f. & cert. ef. 2-14-92 (Order No. 92-238); PUC 18-1997, f. & cert. ef. 12-17-97; PUC 12-1999, f. & cert. ef. 11-18-99; PUC 19-2003, f. & cert. ef. 11-14-03; PUC 12-2009, f. & cert. ef. 11-13-09

860-033-0560

Oregon Telecommunications Relay Service (OTRS)

The OTRS must comply with the Americans with Disabilities Act's requirements as set forth in 47 C.F.R. § 64.601-64.606 (2008).

Stat. Auth.: ORS 183, 756, 759 & Ch. 290, OL 1987
Stats. Implemented: ORS 756.040, 759.036 & Ch. 290, OL 1987
Hist.: PUC 5-1992, f. & cert. ef. 2-14-92 (Order No. 92-238); PUC 18-1997, f. & cert. ef. 12-17-97; PUC 12-2009, f. & cert. ef. 11-13-09

Secretary of State, Corporation Division Chapter 160

Rule Caption: Amends Model Rules of Procedures effective date,
Adm. Order No.: CORP 2-2009

Filed with Sec. of State: 11-3-2009

Certified to be Effective: 11-3-09

Notice Publication Date:

Rules Amended: 160-001-0005

Subject: This rule updates the model Rules of Procedures effective date to 1-1-2010.

Rules Coordinator: Karen Hutchinson—(503) 986-2364

160-001-0005

Model Rules of Procedure

The Model Rules of Procedure as promulgated by the Attorney General of the State of Oregon under the Administrative Procedures Act effective January 1, 2010, are adopted as the rules of procedure for the Corporation Division of the Secretary of State's office.

[ED. NOTE: The full text of the Attorney General's Model Rules of Procedure is available from the office of the Attorney General or the Corporation Division.]

Stat. Auth.: ORS 183

Stats. Implemented: ORS 183.341

Hist.: CC 1-1988, f. & cert. ef. 8-12-88; CORP 3-1990, f. & cert. ef. 12-5-90; CORP 3-1991, f. & cert. ef. 12-6-91; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94; CORP 1-2004, f. & cert. ef. 5-3-04; CORP 2-2009, f. & cert. ef. 11-3-09

Teacher Standards and Practices Commission Chapter 584

Rule Caption: Amends the Initial I Teaching License Requirements from Temporary to Permanent status.

Adm. Order No.: TSPC 6-2009

Filed with Sec. of State: 11-2-2009

Certified to be Effective: 11-2-09

Notice Publication Date: 6-1-2009

Rules Amended: 584-060-0012

Subject: 584-060-0012: Amends existing Temporary rule to Permanent rule.

Rules Coordinator: Victoria Chamberlain—(503) 378-6813

584-060-0012

Initial I Teaching License Requirements

(1) Upon filing a correct and complete application in form and manner prescribed by the commission, a qualified applicant shall be granted an Initial I Teaching License for three years. The first license will be issued for three years plus time to the applicant's birthday.

(2) The Initial I Teaching License is valid for regular teaching at one or more designated authorization levels in one or more designated specialties and for substitute teaching at any level in any specialty. (See 584-060-0051 and 584-060-0052 for Authorization Levels.)

(3) To be eligible for an Initial I Teaching License, an applicant must:

(a) Possess the personal qualifications for licensure including attainment of at least eighteen years of age and possessing good moral character and mental and physical health necessary for employment as an educator; and

(b) Hold a bachelor's degree or higher from a regionally accredited institution in the United States, or the foreign equivalent of such degree approved by the commission. A master's degree or a doctoral degree from a regionally accredited institution in the United States validates a non-regionally accredited bachelor's degree for licensure; and

(c) Complete an initial teacher education program approved by the commission in Oregon, or complete a state-approved teacher preparation program in any U.S. jurisdiction, or complete a foreign program evaluated as satisfactory by an Oregon institution approved to offer the corresponding program; and

(d) Receive a passing score as currently specified by the commission on each of one or more tests of subject mastery for license endorsement or authorization; and

(A) Any subject-matter test, except the basic skills tests, may be waived if the applicant demonstrates special academic preparation satisfactory to the commission together with five years of experience teaching the specific subject matter on a license valid for the assignment in a public school or regionally accredited private school in a U.S. jurisdiction before holding any Oregon license. The five years of experience must be acquired

ADMINISTRATIVE RULES

entirely outside of the state of Oregon and must be obtained while holding an out-of-state license valid for the assignment.

(B) Some applicants may be eligible for alternative assessment for waiver of the subject-matter tests only. (See OAR 584-052-0030 to 0033 regarding Alternative Assessment guidelines and regulations.)

(e) Receive a passing score as currently specified by the commission on a test of basic verbal and computational skills; (See 584-060-0002(7) for definition of Basic Skills Tests.)

(f) Obtain a passing score on a test of knowledge of U.S. and Oregon civil rights laws and professional ethics; and

(g) Furnish fingerprints in the manner prescribed by the commission and provide satisfactory responses to the character questions contained in the commission's licensure application.

(4) Applicants who have completed programs from states other than Oregon will be required to submit a C-2 form from the institution granting program completion, in addition to transcripts, verifying completion of the teacher education program. A license from another state valid for unrestricted full time teaching may be accepted in lieu of a C-2. A teaching license issued by the U.S. Department of Defense will be considered as a license from another state. Completion of alternative routes teaching programs through school districts or other avenues are subject to Executive Director approval.

(5) The Initial I Teaching License may be renewed two times for three years upon showing progress toward completion of the renewal requirements as described in OAR 584-060-0013 during the life of the Initial I Teaching License under the following conditions:

(a) The progress must meet or exceed the equivalent of 3 semester hours or 4.5 quarter hours of graduate coursework germane to the license or directly germane to public school employment.

(b) The educator must qualify for an Initial II Teaching License upon expiration of ten years following the date the first Initial I Teaching License was issued. A one year unconditional extension may be obtained if the educator is unable to meet all requirements within the nine year period. (See, OAR 584-060-0013 Initial II Teaching License.)

(6) The Executive Director may grant an extension to the Initial I Teaching License for a term determined by the director, if and only if extraordinary circumstances can be demonstrated that the teacher was unable to complete the requirements for the Initial II Teaching License during the life of the Initial I Teaching License.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120 - 342.165 & 342.136

Hist.: TSPC 1-2005, f. & cert. ef. 1-21-05; TSPC 5-2005(Temp), f. & cert. ef. 7-1-05 thru 12-28-05; TSPC 7-2005, f. & cert. ef. 8-24-05; TSPC 1-2007(Temp), f. & cert. ef. 3-30-07 thru 9-26-07; Administrative correction 10-16-07; TSPC 7-2007, f. & cert. ef. 12-14-07; TSPC 2-2008, f. & cert. ef. 4-15-08; TSPC 7-2008, f. & cert. ef. 8-20-08; TSPC 3-2009(Temp), f. & cert. ef. 5-15-09 thru 11-11-09; TSPC 6-2009, f. & cert. ef. 11-2-09

Travel Information Council Chapter 733

Rule Caption: Adopt a rule to permit the "Free Coffee" program in specified interstate rest areas.

Adm. Order No.: TIC 4-2009(Temp)

Filed with Sec. of State: 11-10-2009

Certified to be Effective: 11-10-09 thru 5-9-10

Notice Publication Date:

Rules Adopted: 733-030-0520

Subject: The travel information Council held a meeting on November 10, 2009. The Council adopted a temporary rule to permit the "Free Coffee" service in these rest areas – Baldock, Interstate 5, southbound; Boardman, Interstate 84, eastbound; Manzanita; Interstate 5, southbound; Ontario, Interstate 84, westbound; Santiam, Interstate 5, northbound; Santiam, Interstate 5, southbound.

Rules Coordinator: Diane Cheyne—(503) 378-4508

733-030-0520

"Free Coffee" Program

The "free coffee" program is a service sponsored by non-profit organizations in rest areas; permissible under federal regulations and state law; and found by the Travel Information Council, in certain instances, to be in the interest of public safety. "Free coffee" service will be permitted by the

Travel Information Council in these rest areas — Baldock, Interstate 5, northbound; Baldock, Interstate 5, southbound; Boardman, Interstate 84, eastbound; Manzanita, Interstate 5, southbound; Ontario, Interstate 84, westbound; Santiam, Interstate 5, northbound; Santiam, Interstate 5, southbound, subject to the following conditions:

(1)(a) Non-profit organizations may make written requests for permission to sponsor a "free coffee" service at a specific rest area directed to the Travel Information Council not more than 60 days prior to the date(s) requested. Requests must be submitted on form "Free Coffee Program Application and Permit" available from the Travel Information Council;

(b) The non-profit organization must certify that the organization is granted non-profit status by the Internal Revenue Service (IRS) and may be required at the discretion of the Travel Information Council to provide a copy of the IRS determination letter;

(c) The Travel Information Council will grant permission for the activity by way of a standard permit issued to the selected non-profit organization. The selection will be made not less than 30 days in advance of the date(s) requested from all written requests received, and will be based on a random drawing conducted by the Travel Information Council if multiple requests for the same date(s) and location are received. For purposes of issuing permits, if a rest area is sited on both sides of the highway, each side of the rest area will be considered a separate location;

(d) Permits will be issued in 24-hour increments with a maximum of 72 hours. No more than three permits will be issued to one organization in a calendar month;

(e) Only one organization will be granted a permit for a rest area location for any particular date or time;

(f) The Travel Information Council may decline to issue any permits for a particular rest area or for any particular date or time; and

(g) A copy of the permit must be on-site during operation of the "free coffee" service.

(2) The "free coffee" service will be located in a designated area of the rest area. The area will be designated by the Travel Information Council. The service is not permitted to obstruct access to any building or other structure in the rest area. The area is to be kept neat and free of litter, cups, etc., associated with the service.

(3) The distribution of "free coffee" may include coffee, other non-alcoholic beverages and cookies but may not include other food items. Cookies offered must come from a licensed facility. The non-profit organization shall comply with all state and local health department rules and regulations. For the purposes of this rule, "cookie" will include brownies but not cake, bagels, donuts, coffee cake, candy bars, or other similar items.

(4) Carbonated beverages shall not be distributed under the "free coffee" program in rest areas where carbonated beverages are available in vending machines.

(5) Coffee, other non-alcoholic beverages and cookies are to be free of charge to the public. Donations may be received by the non-profit organization but not sought or requested, except for the allowed use of one opaque container with the words "donations" or "contributions" in a maximum of one-inch letters.

(6) No more than two signs or posters with a maximum area of ten square feet each may be used to identify the "free coffee" service and the non-profit organization by name only i.e. "Free Coffee — Served By — (organization name)". Signs or posters may only be placed in the area designated for the service including on vehicles within which the service is provided, and must be removed when the service is closed and upon expiration of the permit. No signs are to be placed outside the rest area confines by the organization other than official "Free Coffee" signs that may be provided by the Travel Information Council.

(7) The non-profit organization is responsible for all products and supplies necessary to provide "free coffee" service in the rest area including any extraordinary costs incurred by the Travel Information Council as a result of this service. The Travel Information Council may provide access to limited electricity and water as determined by the Travel Information Council.

(8) Permits are not transferable and are revocable for non-compliance with any state statute, rest area rules, or the terms of the permit. Repeated failure to comply with the rules and regulations may result in non-profit organization's forfeiture of right to future participation in the program.

Stat. Auth.: HB 2001 (2009)

Stats. Implemented:

Hist.: TIC 4-2009(Temp), f. & cert. ef. 11-10-09 thru 5-9-10

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
101-001-0000	2-24-2009	Amend(T)	4-1-2009	111-020-0001(T)	5-1-2009	Repeal	6-1-2009
101-001-0000	8-1-2009	Amend	9-1-2009	111-030-0001	7-31-2009	Amend(T)	9-1-2009
101-001-0000(T)	8-1-2009	Repeal	9-1-2009	111-030-0005	7-31-2009	Amend(T)	9-1-2009
101-001-0020	10-1-2009	Repeal	11-1-2009	111-030-0020	7-31-2009	Adopt(T)	9-1-2009
101-005-0030	2-24-2009	Amend(T)	4-1-2009	111-030-0025	7-31-2009	Adopt(T)	9-1-2009
101-005-0030	8-1-2009	Amend	9-1-2009	111-030-0030	7-31-2009	Adopt(T)	9-1-2009
101-005-0030(T)	8-1-2009	Repeal	9-1-2009	111-040-0001	7-31-2009	Amend(T)	9-1-2009
101-005-0040	2-24-2009	Amend(T)	4-1-2009	111-040-0025	7-31-2009	Amend(T)	9-1-2009
101-005-0040	8-1-2009	Amend	9-1-2009	111-040-0030	7-31-2009	Amend(T)	9-1-2009
101-005-0040(T)	8-1-2009	Repeal	9-1-2009	111-040-0035	5-5-2009	Suspend	6-1-2009
101-005-0070	2-24-2009	Amend(T)	4-1-2009	111-040-0035	7-31-2009	Repeal	9-1-2009
101-005-0070	8-1-2009	Amend	9-1-2009	111-040-0040	5-5-2009	Amend(T)	6-1-2009
101-005-0070(T)	8-1-2009	Repeal	9-1-2009	111-040-0040	7-31-2009	Amend	9-1-2009
101-005-0080	2-24-2009	Amend(T)	4-1-2009	111-040-0040	10-7-2009	Amend(T)	11-1-2009
101-005-0080	8-1-2009	Amend	9-1-2009	111-040-0040(T)	7-31-2009	Repeal	9-1-2009
101-005-0080(T)	8-1-2009	Repeal	9-1-2009	111-040-0050	7-31-2009	Amend(T)	9-1-2009
101-010-0005	10-1-2009	Amend	11-1-2009	111-050-0001	1-30-2009	Amend	3-1-2009
101-015-0011	10-1-2009	Adopt	11-1-2009	111-050-0001(T)	1-30-2009	Repeal	3-1-2009
101-015-0015	10-1-2009	Repeal	11-1-2009	111-050-0010	1-30-2009	Amend	3-1-2009
101-020-0005	10-1-2009	Amend	11-1-2009	111-050-0010	7-31-2009	Amend(T)	9-1-2009
101-020-0015	10-1-2009	Amend	11-1-2009	111-050-0010(T)	1-30-2009	Repeal	3-1-2009
101-020-0025	10-1-2009	Amend	11-1-2009	111-050-0015	1-30-2009	Amend	3-1-2009
101-020-0037	10-1-2009	Amend	11-1-2009	111-050-0015	7-31-2009	Amend(T)	9-1-2009
101-020-0040	10-1-2009	Amend	11-1-2009	111-050-0015(T)	1-30-2009	Repeal	3-1-2009
101-020-0045	10-1-2009	Amend	11-1-2009	111-050-0020	1-30-2009	Adopt	3-1-2009
101-020-0060	10-1-2009	Amend	11-1-2009	111-050-0020	7-31-2009	Amend(T)	9-1-2009
101-020-0065	10-1-2009	Amend	11-1-2009	111-050-0020(T)	1-30-2009	Repeal	3-1-2009
101-030-0022	10-1-2009	Amend	11-1-2009	111-050-0025	1-30-2009	Adopt	3-1-2009
101-030-0026	2-24-2009	Adopt(T)	4-1-2009	111-050-0025	7-31-2009	Amend(T)	9-1-2009
101-030-0026	8-1-2009	Adopt	9-1-2009	111-050-0025(T)	1-30-2009	Repeal	3-1-2009
101-030-0026(T)	8-1-2009	Repeal	9-1-2009	111-050-0030	1-30-2009	Adopt	3-1-2009
104-050-0000	4-22-2009	Adopt	6-1-2009	111-050-0030(T)	1-30-2009	Repeal	3-1-2009
104-050-0010	4-22-2009	Adopt	6-1-2009	111-050-0035	1-30-2009	Adopt	3-1-2009
104-050-0020	4-22-2009	Adopt	6-1-2009	111-050-0035(T)	1-30-2009	Repeal	3-1-2009
104-050-0030	4-22-2009	Adopt	6-1-2009	111-050-0045	1-30-2009	Adopt	3-1-2009
104-050-0040	4-22-2009	Adopt	6-1-2009	111-050-0045(T)	1-30-2009	Repeal	3-1-2009
104-050-0050	4-22-2009	Adopt	6-1-2009	111-050-0050	1-30-2009	Adopt	3-1-2009
104-050-0060	4-22-2009	Adopt	6-1-2009	111-050-0050(T)	1-30-2009	Repeal	3-1-2009
104-050-0070	4-22-2009	Adopt	6-1-2009	111-050-0060	1-30-2009	Adopt	3-1-2009
104-050-0080	4-22-2009	Adopt	6-1-2009	111-050-0060(T)	1-30-2009	Repeal	3-1-2009
104-050-0090	4-22-2009	Adopt	6-1-2009	111-050-0065	1-30-2009	Adopt	3-1-2009
104-050-0100	4-22-2009	Adopt	6-1-2009	111-050-0065(T)	1-30-2009	Repeal	3-1-2009
105-050-0025	7-1-2009	Adopt(T)	8-1-2009	111-050-0070	1-30-2009	Adopt	3-1-2009
105-050-0025	11-2-2009	Adopt(T)	12-1-2009	111-050-0070(T)	1-30-2009	Repeal	3-1-2009
105-050-0030	7-1-2009	Adopt(T)	8-1-2009	111-050-0075	1-30-2009	Adopt	3-1-2009
105-050-0030	11-2-2009	Adopt(T)	12-1-2009	111-050-0075(T)	1-30-2009	Repeal	3-1-2009
111-010-0015	1-30-2009	Amend	3-1-2009	111-050-0080	1-30-2009	Adopt	3-1-2009
111-010-0015	3-10-2009	Amend(T)	4-1-2009	111-050-0080	7-31-2009	Amend(T)	9-1-2009
111-010-0015	5-1-2009	Amend	6-1-2009	111-050-0080(T)	1-30-2009	Repeal	3-1-2009
111-010-0015	7-31-2009	Amend(T)	9-1-2009	111-060-0001	7-31-2009	Amend(T)	9-1-2009
111-010-0015(T)	1-30-2009	Repeal	3-1-2009	111-080-0001	1-30-2009	Adopt	3-1-2009
111-010-0015(T)	5-1-2009	Repeal	6-1-2009	111-080-0001(T)	1-30-2009	Repeal	3-1-2009
111-020-0001	1-30-2009	Amend	3-1-2009	111-080-0005	1-30-2009	Adopt	3-1-2009
111-020-0001	3-10-2009	Amend(T)	4-1-2009	111-080-0005(T)	1-30-2009	Repeal	3-1-2009
111-020-0001	5-1-2009	Amend	6-1-2009	111-080-0030	4-1-2009	Adopt	5-1-2009
111-020-0001(T)	1-30-2009	Repeal	3-1-2009	111-080-0030	10-26-2009	Amend(T)	12-1-2009

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
111-080-0030(T)	4-1-2009	Repeal	5-1-2009	123-027-0040	11-1-2009	Amend	12-1-2009
122-001-0036	6-30-2009	Adopt(T)	8-1-2009	123-027-0056	11-1-2009	Amend	12-1-2009
122-060-0020	12-11-2008	Adopt(T)	1-1-2009	123-027-0060	11-1-2009	Amend	12-1-2009
122-060-0020(T)	3-6-2009	Suspend	4-1-2009	123-027-0070	11-1-2009	Amend	12-1-2009
123-001-0050	10-1-2009	Amend	11-1-2009	123-027-0156	11-1-2009	Amend	12-1-2009
123-001-0520	10-1-2009	Amend	11-1-2009	123-027-0161	11-1-2009	Amend	12-1-2009
123-001-0725	10-1-2009	Amend	11-1-2009	123-027-0166	11-1-2009	Amend	12-1-2009
123-005-0000	10-1-2009	Amend	11-1-2009	123-027-0211	11-1-2009	Amend	12-1-2009
123-005-0020	10-1-2009	Amend	11-1-2009	123-030-0000	11-1-2009	Amend	12-1-2009
123-006-0015	10-1-2009	Repeal	11-1-2009	123-030-0004	11-1-2009	Amend	12-1-2009
123-009-0050	10-1-2009	Amend	11-1-2009	123-030-0010	11-1-2009	Amend	12-1-2009
123-009-0060	10-1-2009	Amend	11-1-2009	123-030-0020	11-1-2009	Amend	12-1-2009
123-016-0010	10-1-2009	Amend	11-1-2009	123-030-0030	11-1-2009	Amend	12-1-2009
123-016-0020	10-1-2009	Amend	11-1-2009	123-030-0040	11-1-2009	Amend	12-1-2009
123-016-0030	10-1-2009	Amend	11-1-2009	123-030-0050	11-1-2009	Amend	12-1-2009
123-016-0040	10-1-2009	Amend	11-1-2009	123-035-0000	10-1-2009	Repeal	11-1-2009
123-016-0050	10-1-2009	Amend	11-1-2009	123-035-0005	10-1-2009	Repeal	11-1-2009
123-016-0060	10-1-2009	Amend	11-1-2009	123-035-0010	10-1-2009	Repeal	11-1-2009
123-016-0070	10-1-2009	Repeal	11-1-2009	123-049-0005	3-6-2009	Amend(T)	4-1-2009
123-016-0080	10-1-2009	Repeal	11-1-2009	123-049-0005	9-1-2009	Amend	10-1-2009
123-016-0090	10-1-2009	Repeal	11-1-2009	123-049-0010	9-1-2009	Amend	10-1-2009
123-016-0100	10-1-2009	Repeal	11-1-2009	123-049-0020	9-1-2009	Amend	10-1-2009
123-020-0100	10-1-2009	Amend	11-1-2009	123-049-0030	3-6-2009	Amend(T)	4-1-2009
123-020-0105	10-1-2009	Amend	11-1-2009	123-049-0030	9-1-2009	Amend	10-1-2009
123-020-0110	10-1-2009	Amend	11-1-2009	123-049-0050	3-6-2009	Amend(T)	4-1-2009
123-020-0115	10-1-2009	Amend	11-1-2009	123-049-0050	9-1-2009	Amend	10-1-2009
123-020-0120	10-1-2009	Amend	11-1-2009	123-049-0060	9-1-2009	Amend	10-1-2009
123-020-0125	10-1-2009	Amend	11-1-2009	123-055-0100	10-1-2009	Repeal	11-1-2009
123-020-0130	10-1-2009	Amend	11-1-2009	123-055-0120	10-1-2009	Repeal	11-1-2009
123-020-0135	10-1-2009	Repeal	11-1-2009	123-055-0200	10-1-2009	Repeal	11-1-2009
123-020-0140	10-1-2009	Amend	11-1-2009	123-055-0220	10-1-2009	Repeal	11-1-2009
123-021-0000	11-1-2009	Amend	12-1-2009	123-055-0240	10-1-2009	Repeal	11-1-2009
123-021-0010	11-1-2009	Amend	12-1-2009	123-055-0300	10-1-2009	Repeal	11-1-2009
123-021-0015	11-1-2009	Amend	12-1-2009	123-055-0340	10-1-2009	Repeal	11-1-2009
123-021-0020	11-1-2009	Amend	12-1-2009	123-055-0400	10-1-2009	Repeal	11-1-2009
123-021-0030	11-1-2009	Repeal	12-1-2009	123-055-0420	10-1-2009	Repeal	11-1-2009
123-021-0040	11-1-2009	Amend	12-1-2009	123-055-0440	10-1-2009	Repeal	11-1-2009
123-021-0050	11-1-2009	Amend	12-1-2009	123-055-0460	10-1-2009	Repeal	11-1-2009
123-021-0060	11-1-2009	Amend	12-1-2009	123-055-0501	10-1-2009	Repeal	11-1-2009
123-021-0070	11-1-2009	Amend	12-1-2009	123-055-0525	10-1-2009	Repeal	11-1-2009
123-021-0080	11-1-2009	Amend	12-1-2009	123-055-0600	10-1-2009	Repeal	11-1-2009
123-021-0090	11-1-2009	Amend	12-1-2009	123-055-0620	10-1-2009	Repeal	11-1-2009
123-021-0100	11-1-2009	Amend	12-1-2009	123-055-0900	10-1-2009	Repeal	11-1-2009
123-021-0110	11-1-2009	Amend	12-1-2009	123-057-0110	10-1-2009	Repeal	11-1-2009
123-021-0120	11-1-2009	Amend	12-1-2009	123-057-0130	10-1-2009	Repeal	11-1-2009
123-021-0130	11-1-2009	Amend	12-1-2009	123-057-0150	10-1-2009	Repeal	11-1-2009
123-021-0140	11-1-2009	Amend	12-1-2009	123-057-0170	10-1-2009	Repeal	11-1-2009
123-024-0031	5-7-2009	Amend(T)	6-1-2009	123-057-0190	10-1-2009	Repeal	11-1-2009
123-024-0045	5-7-2009	Adopt(T)	6-1-2009	123-057-0210	10-1-2009	Repeal	11-1-2009
123-025-0010	11-1-2009	Amend	12-1-2009	123-057-0230	10-1-2009	Repeal	11-1-2009
123-025-0012	11-1-2009	Amend	12-1-2009	123-057-0330	10-1-2009	Repeal	11-1-2009
123-025-0015	11-1-2009	Amend	12-1-2009	123-057-0350	10-1-2009	Repeal	11-1-2009
123-025-0017	11-1-2009	Amend	12-1-2009	123-057-0410	10-1-2009	Repeal	11-1-2009
123-025-0021	11-1-2009	Amend	12-1-2009	123-057-0430	10-1-2009	Repeal	11-1-2009
123-025-0025	11-1-2009	Amend	12-1-2009	123-057-0450	10-1-2009	Repeal	11-1-2009
123-025-0030	11-1-2009	Amend	12-1-2009	123-057-0470	10-1-2009	Repeal	11-1-2009

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
123-062-0000	9-1-2009	Repeal	10-1-2009	125-090-0140	7-1-2009	Amend	8-1-2009
123-062-0010	9-1-2009	Repeal	10-1-2009	125-090-0150	7-1-2009	Adopt	8-1-2009
123-062-0020	9-1-2009	Repeal	10-1-2009	125-090-0160	7-1-2009	Adopt	8-1-2009
123-062-0030	9-1-2009	Repeal	10-1-2009	125-125-0540	5-11-2009	Amend	6-1-2009
123-062-0040	9-1-2009	Repeal	10-1-2009	125-125-0700	1-26-2009	Adopt	3-1-2009
123-062-0050	9-1-2009	Repeal	10-1-2009	125-160-0010	1-23-2009	Amend	3-1-2009
123-062-0060	9-1-2009	Repeal	10-1-2009	125-160-0010(T)	1-23-2009	Repeal	3-1-2009
123-062-0070	9-1-2009	Repeal	10-1-2009	125-160-0020	1-23-2009	Adopt	3-1-2009
123-062-0080	9-1-2009	Repeal	10-1-2009	125-160-0020(T)	1-23-2009	Repeal	3-1-2009
123-070-1000	2-24-2009	Amend	4-1-2009	125-247-0280	2-13-2009	Amend(T)	3-1-2009
123-070-1100	2-24-2009	Amend	4-1-2009	125-247-0280	8-11-2009	Amend	9-1-2009
123-070-1150	2-24-2009	Amend	4-1-2009	125-249-0150	2-13-2009	Amend(T)	3-1-2009
123-075-0000	9-1-2009	Repeal	10-1-2009	125-249-0150	8-11-2009	Amend	9-1-2009
123-106-0000	2-24-2009	Repeal	4-1-2009	137-008-0010	9-8-2009	Amend	10-1-2009
123-106-0010	2-24-2009	Repeal	4-1-2009	137-008-0020	9-8-2009	Amend	10-1-2009
123-106-0020	2-24-2009	Repeal	4-1-2009	137-045-0050	2-26-2009	Amend(T)	4-1-2009
123-106-0030	2-24-2009	Repeal	4-1-2009	137-045-0050	7-6-2009	Amend	8-1-2009
123-106-0040	2-24-2009	Repeal	4-1-2009	137-045-0050(T)	7-6-2009	Repeal	8-1-2009
123-106-0050	2-24-2009	Repeal	4-1-2009	137-045-0052	7-6-2009	Adopt	8-1-2009
123-106-0060	2-24-2009	Repeal	4-1-2009	137-050-0320	5-7-2009	Amend(T)	6-1-2009
123-106-0070	2-24-2009	Repeal	4-1-2009	137-050-0320	10-30-2009	Amend	12-1-2009
123-106-0080	2-24-2009	Repeal	4-1-2009	137-050-0320(T)	10-30-2009	Repeal	12-1-2009
123-106-0090	2-24-2009	Repeal	4-1-2009	137-050-0330	5-7-2009	Amend(T)	6-1-2009
123-155-0000	2-24-2009	Amend	4-1-2009	137-050-0330	10-30-2009	Amend	12-1-2009
123-155-0175	2-24-2009	Amend	4-1-2009	137-050-0330(T)	10-30-2009	Repeal	12-1-2009
123-155-0350	2-24-2009	Amend	4-1-2009	137-050-0340	5-7-2009	Amend(T)	6-1-2009
123-500-0000	5-1-2009	Adopt	6-1-2009	137-050-0340	10-30-2009	Amend	12-1-2009
123-500-0005	5-1-2009	Adopt	6-1-2009	137-050-0340(T)	10-30-2009	Repeal	12-1-2009
123-500-0020	5-1-2009	Adopt	6-1-2009	137-050-0360	5-7-2009	Amend(T)	6-1-2009
123-500-0030	5-1-2009	Adopt	6-1-2009	137-050-0360	5-12-2009	Amend(T)	6-1-2009
123-500-0040	5-1-2009	Adopt	6-1-2009	137-050-0360	10-30-2009	Amend	12-1-2009
123-500-0050	5-1-2009	Adopt	6-1-2009	137-050-0360(T)	5-12-2009	Suspend	6-1-2009
123-500-0060	5-1-2009	Adopt	6-1-2009	137-050-0360(T)	10-30-2009	Repeal	12-1-2009
123-500-0070	5-1-2009	Adopt	6-1-2009	137-050-0420	5-7-2009	Amend(T)	6-1-2009
125-045-0205	7-21-2009	Amend	9-1-2009	137-050-0420	10-30-2009	Amend	12-1-2009
125-045-0225	7-21-2009	Amend	9-1-2009	137-050-0420(T)	10-30-2009	Repeal	12-1-2009
125-045-0235	1-23-2009	Amend(T)	3-1-2009	137-050-0430	5-7-2009	Amend(T)	6-1-2009
125-045-0235	7-21-2009	Amend	9-1-2009	137-050-0430	10-30-2009	Amend	12-1-2009
125-075-0015	1-6-2009	Amend	2-1-2009	137-050-0430(T)	10-30-2009	Repeal	12-1-2009
125-090-0000	7-1-2009	Amend	8-1-2009	137-050-0475	5-7-2009	Amend(T)	6-1-2009
125-090-0002	7-1-2009	Adopt	8-1-2009	137-050-0475	10-30-2009	Amend	12-1-2009
125-090-0005	7-1-2009	Amend	8-1-2009	137-050-0475(T)	10-30-2009	Repeal	12-1-2009
125-090-0010	7-1-2009	Amend	8-1-2009	137-050-0485	5-7-2009	Adopt(T)	6-1-2009
125-090-0020	7-1-2009	Amend	8-1-2009	137-050-0485	10-30-2009	Adopt	12-1-2009
125-090-0030	7-1-2009	Amend	8-1-2009	137-050-0485(T)	10-30-2009	Repeal	12-1-2009
125-090-0040	7-1-2009	Repeal	8-1-2009	137-055-1090	10-1-2009	Amend	11-1-2009
125-090-0050	7-1-2009	Repeal	8-1-2009	137-055-1100	10-1-2009	Amend	11-1-2009
125-090-0060	7-1-2009	Amend	8-1-2009	137-055-1160	8-1-2009	Amend	8-1-2009
125-090-0070	7-1-2009	Amend	8-1-2009	137-055-1180	8-1-2009	Repeal	8-1-2009
125-090-0080	7-1-2009	Amend	8-1-2009	137-055-1320	4-1-2009	Amend	5-1-2009
125-090-0090	7-1-2009	Amend	8-1-2009	137-055-2020	7-1-2009	Amend	8-1-2009
125-090-0100	7-1-2009	Amend	8-1-2009	137-055-2040	7-1-2009	Repeal	8-1-2009
125-090-0110	7-1-2009	Amend	8-1-2009	137-055-2140	5-7-2009	Amend(T)	6-1-2009
125-090-0120	7-1-2009	Amend	8-1-2009	137-055-2140	10-30-2009	Amend	12-1-2009
125-090-0130	7-1-2009	Amend	8-1-2009	137-055-2140(T)	10-30-2009	Repeal	12-1-2009
125-090-0135	7-1-2009	Adopt	8-1-2009	137-055-2165	5-7-2009	Amend(T)	6-1-2009

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
137-055-2165	10-30-2009	Amend	12-1-2009	141-050-0965	12-10-2008	Amend	1-1-2009
137-055-2165(T)	10-30-2009	Repeal	12-1-2009	141-050-0972	12-10-2008	Amend	1-1-2009
137-055-3020	4-1-2009	Amend	5-1-2009	141-050-0976	12-10-2008	Amend	1-1-2009
137-055-3080	4-1-2009	Amend	5-1-2009	141-050-0982	12-10-2008	Amend	1-1-2009
137-055-3100	4-1-2009	Amend	5-1-2009	141-067-0130	7-1-2009	Amend	8-1-2009
137-055-3420	1-2-2009	Amend	2-1-2009	141-067-0140	7-1-2009	Repeal	8-1-2009
137-055-3420	5-7-2009	Amend(T)	6-1-2009	141-067-0150	7-1-2009	Amend	8-1-2009
137-055-3420	10-30-2009	Amend	12-1-2009	141-067-0155	7-1-2009	Adopt	8-1-2009
137-055-3420(T)	1-2-2009	Repeal	2-1-2009	141-067-0160	7-1-2009	Amend	8-1-2009
137-055-3420(T)	10-30-2009	Repeal	12-1-2009	141-067-0165	7-1-2009	Adopt	8-1-2009
137-055-3430	5-7-2009	Amend(T)	6-1-2009	141-067-0170	7-1-2009	Amend	8-1-2009
137-055-3430	5-14-2009	Amend(T)	6-1-2009	141-067-0180	7-1-2009	Amend	8-1-2009
137-055-3430	10-30-2009	Amend	12-1-2009	141-067-0190	7-1-2009	Amend	8-1-2009
137-055-3430(T)	5-14-2009	Suspend	6-1-2009	141-067-0195	7-1-2009	Adopt	8-1-2009
137-055-3430(T)	10-30-2009	Repeal	12-1-2009	141-067-0200	7-1-2009	Amend	8-1-2009
137-055-3460	4-1-2009	Amend	5-1-2009	141-067-0210	7-1-2009	Repeal	8-1-2009
137-055-5520	7-1-2009	Amend	8-1-2009	141-067-0215	7-1-2009	Adopt	8-1-2009
137-055-6010	10-1-2009	Amend	11-1-2009	141-067-0220	7-1-2009	Amend	8-1-2009
137-055-6200	10-1-2009	Amend	11-1-2009	141-067-0230	7-1-2009	Amend	8-1-2009
137-055-6210	1-2-2009	Amend	2-1-2009	141-067-0240	7-1-2009	Repeal	8-1-2009
137-055-6210(T)	1-2-2009	Repeal	2-1-2009	141-067-0250	7-1-2009	Amend	8-1-2009
137-060-0150	7-24-2009	Amend	8-1-2009	141-067-0270	7-1-2009	Amend	8-1-2009
137-060-0160	7-24-2009	Amend	8-1-2009	141-067-0280	7-1-2009	Repeal	8-1-2009
137-060-0350	7-24-2009	Amend	8-1-2009	141-067-0290	7-1-2009	Repeal	8-1-2009
137-060-0360	7-24-2009	Amend	8-1-2009	141-067-0300	7-1-2009	Amend	8-1-2009
141-001-0000	12-10-2008	Amend	1-1-2009	141-067-0310	7-1-2009	Amend	8-1-2009
141-001-0005	12-10-2008	Amend	1-1-2009	141-067-0320	7-1-2009	Amend	8-1-2009
141-001-0010	12-10-2008	Amend	1-1-2009	141-067-0330	7-1-2009	Amend	8-1-2009
141-001-0020	12-10-2008	Amend	1-1-2009	141-067-0340	7-1-2009	Amend	8-1-2009
141-040-0020	1-1-2009	Amend	1-1-2009	141-085-0005	3-1-2009	Repeal	3-1-2009
141-040-0030	1-1-2009	Amend	1-1-2009	141-085-0006	3-1-2009	Repeal	3-1-2009
141-040-0035	1-1-2009	Repeal	1-1-2009	141-085-0010	3-1-2009	Repeal	3-1-2009
141-040-0040	1-1-2009	Repeal	1-1-2009	141-085-0015	3-1-2009	Repeal	3-1-2009
141-040-0211	1-1-2009	Amend	1-1-2009	141-085-0018	3-1-2009	Repeal	3-1-2009
141-040-0212	1-1-2009	Amend	1-1-2009	141-085-0020	3-1-2009	Repeal	3-1-2009
141-040-0213	1-1-2009	Adopt	1-1-2009	141-085-0022	3-1-2009	Repeal	3-1-2009
141-040-0214	1-1-2009	Amend	1-1-2009	141-085-0023	3-1-2009	Repeal	3-1-2009
141-045-0010	1-1-2009	Amend	1-1-2009	141-085-0024	3-1-2009	Repeal	3-1-2009
141-045-0021	1-1-2009	Amend	1-1-2009	141-085-0025	3-1-2009	Repeal	3-1-2009
141-045-0031	1-1-2009	Amend	1-1-2009	141-085-0027	3-1-2009	Repeal	3-1-2009
141-045-0041	1-1-2009	Amend	1-1-2009	141-085-0028	3-1-2009	Repeal	3-1-2009
141-045-0061	1-1-2009	Amend	1-1-2009	141-085-0029	3-1-2009	Repeal	3-1-2009
141-045-0100	1-1-2009	Amend	1-1-2009	141-085-0031	3-1-2009	Repeal	3-1-2009
141-045-0115	1-1-2009	Amend	1-1-2009	141-085-0034	3-1-2009	Repeal	3-1-2009
141-045-0126	1-1-2009	Amend	1-1-2009	141-085-0036	3-1-2009	Repeal	3-1-2009
141-045-0130	1-1-2009	Amend	1-1-2009	141-085-0064	3-1-2009	Repeal	3-1-2009
141-050-0500	12-10-2008	Amend	1-1-2009	141-085-0066	3-1-2009	Repeal	3-1-2009
141-050-0530	12-10-2008	Repeal	1-1-2009	141-085-0068	3-1-2009	Repeal	3-1-2009
141-050-0535	12-10-2008	Repeal	1-1-2009	141-085-0070	3-1-2009	Repeal	3-1-2009
141-050-0890	12-10-2008	Renumber	1-1-2009	141-085-0075	3-1-2009	Repeal	3-1-2009
141-050-0900	12-10-2008	Amend	1-1-2009	141-085-0079	3-1-2009	Repeal	3-1-2009
141-050-0905	12-10-2008	Amend	1-1-2009	141-085-0080	3-1-2009	Repeal	3-1-2009
141-050-0910	12-10-2008	Repeal	1-1-2009	141-085-0085	3-1-2009	Repeal	3-1-2009
141-050-0920	12-10-2008	Amend	1-1-2009	141-085-0090	3-1-2009	Repeal	3-1-2009
141-050-0940	12-10-2008	Amend	1-1-2009	141-085-0095	3-1-2009	Repeal	3-1-2009
141-050-0945	12-10-2008	Repeal	1-1-2009	141-085-0096	3-1-2009	Repeal	3-1-2009

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
141-085-0115	3-1-2009	Repeal	3-1-2009	141-085-0610	3-1-2009	Repeal	3-1-2009
141-085-0121	3-1-2009	Repeal	3-1-2009	141-085-0620	3-1-2009	Repeal	3-1-2009
141-085-0126	3-1-2009	Repeal	3-1-2009	141-085-0630	3-1-2009	Repeal	3-1-2009
141-085-0131	3-1-2009	Repeal	3-1-2009	141-085-0640	3-1-2009	Repeal	3-1-2009
141-085-0136	3-1-2009	Repeal	3-1-2009	141-085-0650	3-1-2009	Repeal	3-1-2009
141-085-0141	3-5-2009	Repeal	4-1-2009	141-085-0660	3-1-2009	Repeal	3-1-2009
141-085-0146	3-1-2009	Repeal	3-1-2009	141-085-0665	3-1-2009	Adopt	3-1-2009
141-085-0151	3-1-2009	Repeal	3-1-2009	141-085-0670	3-1-2009	Adopt	3-1-2009
141-085-0156	3-1-2009	Repeal	3-1-2009	141-085-0675	3-1-2009	Adopt	3-1-2009
141-085-0161	3-1-2009	Repeal	3-1-2009	141-085-0680	3-1-2009	Adopt	3-1-2009
141-085-0166	3-1-2009	Repeal	3-1-2009	141-085-0685	3-1-2009	Adopt	3-1-2009
141-085-0171	3-1-2009	Repeal	3-1-2009	141-085-0690	3-1-2009	Adopt	3-1-2009
141-085-0176	3-1-2009	Repeal	3-1-2009	141-085-0695	3-1-2009	Adopt	3-1-2009
141-085-0240	3-1-2009	Repeal	3-1-2009	141-085-0700	3-1-2009	Adopt	3-1-2009
141-085-0244	3-1-2009	Repeal	3-1-2009	141-085-0705	3-1-2009	Adopt	3-1-2009
141-085-0246	3-1-2009	Repeal	3-1-2009	141-085-0710	3-1-2009	Adopt	3-1-2009
141-085-0248	3-1-2009	Repeal	3-1-2009	141-085-0715	3-1-2009	Adopt	3-1-2009
141-085-0250	3-1-2009	Repeal	3-1-2009	141-085-0720	3-1-2009	Adopt	3-1-2009
141-085-0252	3-1-2009	Repeal	3-1-2009	141-085-0725	3-1-2009	Adopt	3-1-2009
141-085-0254	3-1-2009	Repeal	3-1-2009	141-085-0730	3-1-2009	Adopt	3-1-2009
141-085-0256	3-1-2009	Repeal	3-1-2009	141-085-0735	3-1-2009	Adopt	3-1-2009
141-085-0257	3-1-2009	Repeal	3-1-2009	141-085-0740	3-1-2009	Adopt	3-1-2009
141-085-0262	3-1-2009	Repeal	3-1-2009	141-085-0745	3-1-2009	Adopt	3-1-2009
141-085-0263	3-1-2009	Repeal	3-1-2009	141-085-0750	3-1-2009	Adopt	3-1-2009
141-085-0264	3-1-2009	Repeal	3-1-2009	141-085-0755	3-1-2009	Adopt	3-1-2009
141-085-0266	3-1-2009	Repeal	3-1-2009	141-085-0760	3-1-2009	Adopt	3-1-2009
141-085-0400	3-1-2009	Repeal	3-1-2009	141-085-0765	3-1-2009	Adopt	3-1-2009
141-085-0406	3-1-2009	Repeal	3-1-2009	141-085-0770	3-1-2009	Adopt	3-1-2009
141-085-0410	3-1-2009	Repeal	3-1-2009	141-085-0775	3-1-2009	Adopt	3-1-2009
141-085-0421	3-1-2009	Repeal	3-1-2009	141-085-0780	3-1-2009	Adopt	3-1-2009
141-085-0425	3-1-2009	Repeal	3-1-2009	141-085-0785	3-1-2009	Adopt	3-1-2009
141-085-0430	3-1-2009	Repeal	3-1-2009	141-086-0185	1-1-2009	Amend	1-1-2009
141-085-0436	3-1-2009	Repeal	3-1-2009	141-086-0190	1-1-2009	Repeal	1-1-2009
141-085-0440	3-1-2009	Repeal	3-1-2009	141-086-0200	1-1-2009	Amend	1-1-2009
141-085-0445	3-1-2009	Repeal	3-1-2009	141-086-0210	1-1-2009	Amend	1-1-2009
141-085-0450	3-1-2009	Repeal	3-1-2009	141-086-0220	1-1-2009	Amend	1-1-2009
141-085-0500	3-1-2009	Adopt	3-1-2009	141-086-0222	1-1-2009	Adopt	1-1-2009
141-085-0506	3-1-2009	Adopt	3-1-2009	141-086-0225	1-1-2009	Amend	1-1-2009
141-085-0510	3-1-2009	Adopt	3-1-2009	141-086-0228	1-1-2009	Amend	1-1-2009
141-085-0515	3-1-2009	Adopt	3-1-2009	141-086-0230	1-1-2009	Amend	1-1-2009
141-085-0520	3-1-2009	Adopt	3-1-2009	141-086-0240	1-1-2009	Amend	1-1-2009
141-085-0525	3-1-2009	Adopt	3-1-2009	141-088-0000	6-23-2009	Amend	8-1-2009
141-085-0530	3-1-2009	Adopt	3-1-2009	141-088-0002	6-23-2009	Adopt	8-1-2009
141-085-0535	3-1-2009	Adopt	3-1-2009	141-088-0004	6-23-2009	Adopt	8-1-2009
141-085-0540	3-1-2009	Adopt	3-1-2009	141-088-0005	6-23-2009	Adopt	8-1-2009
141-085-0545	3-1-2009	Adopt	3-1-2009	141-088-0006	6-23-2009	Adopt	8-1-2009
141-085-0550	3-1-2009	Adopt	3-1-2009	141-088-0007	6-23-2009	Adopt	8-1-2009
141-085-0555	3-1-2009	Adopt	3-1-2009	141-088-0008	6-23-2009	Adopt	8-1-2009
141-085-0560	3-1-2009	Adopt	3-1-2009	141-088-0009	6-23-2009	Adopt	8-1-2009
141-085-0565	3-1-2009	Adopt	3-1-2009	141-089-0100	3-1-2009	Amend	3-1-2009
141-085-0570	3-1-2009	Adopt	3-1-2009	141-089-0105	3-1-2009	Amend	3-1-2009
141-085-0575	3-1-2009	Adopt	3-1-2009	141-089-0110	3-1-2009	Amend	3-1-2009
141-085-0580	3-1-2009	Adopt	3-1-2009	141-089-0115	3-1-2009	Amend	3-1-2009
141-085-0585	3-1-2009	Adopt	3-1-2009	141-089-0120	3-1-2009	Amend	3-1-2009
141-085-0590	3-1-2009	Adopt	3-1-2009	141-089-0130	3-1-2009	Amend	3-1-2009
141-085-0595	3-1-2009	Adopt	3-1-2009	141-089-0135	3-1-2009	Amend	3-1-2009

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
141-089-0145	3-1-2009	Amend	3-1-2009	141-100-0020	3-1-2009	Amend	3-1-2009
141-089-0150	3-1-2009	Amend	3-1-2009	141-100-0030	3-1-2009	Amend	3-1-2009
141-089-0155	3-1-2009	Amend	3-1-2009	141-100-0040	3-1-2009	Amend	3-1-2009
141-089-0157	3-1-2009	Repeal	3-1-2009	141-100-0050	3-1-2009	Amend	3-1-2009
141-089-0165	3-1-2009	Amend	3-1-2009	141-100-0055	3-1-2009	Amend	3-1-2009
141-089-0170	3-1-2009	Amend	3-1-2009	141-100-0060	3-1-2009	Amend	3-1-2009
141-089-0175	3-1-2009	Amend	3-1-2009	141-100-0070	3-1-2009	Amend	3-1-2009
141-089-0185	3-1-2009	Amend	3-1-2009	141-100-0080	3-1-2009	Amend	3-1-2009
141-089-0190	3-1-2009	Amend	3-1-2009	141-100-0090	3-1-2009	Amend	3-1-2009
141-089-0200	3-1-2009	Amend	3-1-2009	141-110-0000	10-20-2009	Amend	12-1-2009
141-089-0205	3-1-2009	Amend	3-1-2009	141-110-0010	10-20-2009	Amend	12-1-2009
141-089-0210	3-1-2009	Amend	3-1-2009	141-110-0020	10-20-2009	Am. & Ren.	12-1-2009
141-089-0215	3-1-2009	Amend	3-1-2009	141-110-0030	10-20-2009	Repeal	12-1-2009
141-089-0220	3-1-2009	Amend	3-1-2009	141-110-0040	10-20-2009	Amend	12-1-2009
141-089-0225	3-1-2009	Amend	3-1-2009	141-110-0045	10-20-2009	Adopt	12-1-2009
141-089-0230	3-1-2009	Amend	3-1-2009	141-110-0050	10-20-2009	Am. & Ren.	12-1-2009
141-089-0240	3-1-2009	Amend	3-1-2009	141-110-0060	10-20-2009	Amend	12-1-2009
141-089-0245	3-1-2009	Amend	3-1-2009	141-110-0070	10-20-2009	Repeal	12-1-2009
141-089-0250	3-1-2009	Amend	3-1-2009	141-110-0080	10-20-2009	Amend	12-1-2009
141-089-0255	3-1-2009	Amend	3-1-2009	141-110-0085	10-20-2009	Adopt	12-1-2009
141-089-0260	3-1-2009	Amend	3-1-2009	141-110-0090	10-20-2009	Repeal	12-1-2009
141-089-0265	3-1-2009	Amend	3-1-2009	141-110-0100	10-20-2009	Amend	12-1-2009
141-089-0275	3-1-2009	Amend	3-1-2009	141-110-0110	10-20-2009	Amend	12-1-2009
141-089-0280	3-1-2009	Amend	3-1-2009	141-110-0120	10-20-2009	Amend	12-1-2009
141-089-0295	3-1-2009	Amend	3-1-2009	141-110-0130	10-20-2009	Repeal	12-1-2009
141-089-0300	3-1-2009	Amend	3-1-2009	141-110-0135	10-20-2009	Adopt	12-1-2009
141-089-0310	3-1-2009	Amend	3-1-2009	141-110-0140	10-20-2009	Repeal	12-1-2009
141-089-0350	3-1-2009	Amend	3-1-2009	141-110-0145	10-20-2009	Adopt	12-1-2009
141-089-0355	3-1-2009	Amend	3-1-2009	141-110-0150	10-20-2009	Amend	12-1-2009
141-089-0370	3-1-2009	Amend	3-1-2009	150-267.385(5)	7-31-2009	Repeal	9-1-2009
141-089-0390	3-1-2009	Amend	3-1-2009	150-280.075	7-31-2009	Amend	9-1-2009
141-089-0400	3-1-2009	Amend	3-1-2009	150-294.435(1)-(A)	1-1-2009	Amend	2-1-2009
141-089-0405	3-1-2009	Amend	3-1-2009	150-294.435(1)-(B)	1-1-2009	Repeal	2-1-2009
141-089-0415	3-1-2009	Amend	3-1-2009	150-294.480	7-31-2009	Amend	9-1-2009
141-089-0420	3-1-2009	Amend	3-1-2009	150-305.100-(C)	10-15-2009	Adopt(T)	11-1-2009
141-089-0430	3-1-2009	Amend	3-1-2009	150-305.220(1)	1-1-2009	Amend	2-1-2009
141-089-0500	3-1-2009	Amend	3-1-2009	150-305.220(2)	1-1-2009	Amend	2-1-2009
141-089-0505	3-1-2009	Amend	3-1-2009	150-306.132	7-31-2009	Amend	9-1-2009
141-089-0515	3-1-2009	Amend	3-1-2009	150-307.140	1-1-2009	Amend	2-1-2009
141-089-0520	3-1-2009	Amend	3-1-2009	150-307.250(1)(c)	7-31-2009	Amend	9-1-2009
141-089-0530	3-1-2009	Amend	3-1-2009	150-307.455	1-1-2009	Adopt	2-1-2009
141-089-0550	3-1-2009	Repeal	3-1-2009	150-308.146(5)(a)	7-31-2009	Amend	9-1-2009
141-089-0555	3-1-2009	Repeal	3-1-2009	150-308.156(5)-(C)	7-31-2009	Amend	9-1-2009
141-089-0560	3-1-2009	Repeal	3-1-2009	150-308.515(1)(h)	1-1-2009	Adopt	2-1-2009
141-089-0565	3-1-2009	Repeal	3-1-2009	150-308.550(2)-(G)	7-31-2009	Amend	9-1-2009
141-089-0570	3-1-2009	Repeal	3-1-2009	150-308A.056	1-1-2009	Amend	2-1-2009
141-089-0572	3-1-2009	Repeal	3-1-2009	150-308A.059	1-1-2009	Repeal	2-1-2009
141-089-0575	3-1-2009	Repeal	3-1-2009	150-309.026(2)-(A)	7-31-2009	Amend	9-1-2009
141-089-0580	3-1-2009	Repeal	3-1-2009	150-309.110(1)-(B)	1-1-2009	Am. & Ren.	2-1-2009
141-089-0585	3-1-2009	Amend	3-1-2009	150-309.110(1)-(E)	1-1-2009	Am. & Ren.	2-1-2009
141-089-0600	3-1-2009	Amend	3-1-2009	150-310.630(8)(a)-(O)	7-31-2009	Amend	9-1-2009
141-089-0605	3-1-2009	Amend	3-1-2009	150-311.670(1)	1-1-2009	Adopt	2-1-2009
141-089-0615	3-1-2009	Amend	3-1-2009	150-311.706(1)	1-1-2009	Adopt	2-1-2009
141-091-0005	12-10-2008	Amend	1-1-2009	150-314.295	7-31-2009	Amend	9-1-2009
141-091-0015	12-10-2008	Amend	1-1-2009	150-314.402(1)	1-1-2009	Amend	2-1-2009
141-100-0000	3-1-2009	Amend	3-1-2009	150-314.402(4)(b)	1-1-2009	Amend	2-1-2009

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
150-314.515(2)	1-1-2009	Amend	2-1-2009	165-012-0005	7-30-2009	Amend	9-1-2009
150-314.752	1-1-2009	Amend	2-1-2009	165-013-0020	5-4-2009	Amend	6-1-2009
150-315.104(1)	7-31-2009	Amend	9-1-2009	165-014-0031	5-4-2009	Repeal	6-1-2009
150-315.104(10)	7-31-2009	Amend	9-1-2009	165-014-0032	5-4-2009	Amend	6-1-2009
150-315.104(9)	7-31-2009	Repeal	9-1-2009	165-014-0033	9-17-2009	Adopt(T)	11-1-2009
150-316.007-(B)	1-1-2009	Amend	2-1-2009	165-020-0050	6-30-2009	Amend	8-1-2009
150-316.007-(B)	1-5-2009	Amend	2-1-2009	165-020-0055	6-30-2009	Amend	8-1-2009
150-316.082(1)-(B)	1-1-2009	Amend	2-1-2009	165-020-0060	6-30-2009	Amend	8-1-2009
150-316.127-(9)	1-1-2009	Amend	2-1-2009	165-020-0430	5-4-2009	Repeal	6-1-2009
150-316.127-(A)	7-31-2009	Amend	9-1-2009	165-020-2022	2-18-2009	Adopt(T)	4-1-2009
150-316.202(3)	1-1-2009	Amend	2-1-2009	165-020-2023	3-3-2009	Adopt(T)	4-1-2009
150-316.587(5)(d)	7-31-2009	Amend	9-1-2009	165-020-2024	3-5-2009	Adopt(T)	4-1-2009
150-316.587(8)-(B)	7-31-2009	Amend	9-1-2009	165-020-2025	3-16-2009	Adopt(T)	5-1-2009
150-316.791	1-1-2009	Adopt	2-1-2009	165-020-2026	3-19-2009	Adopt(T)	5-1-2009
150-317.705(3)(a)	7-31-2009	Amend	9-1-2009	166-001-0005	10-15-2009	Amend	11-1-2009
150-321.005(9)	7-31-2009	Amend	9-1-2009	166-005-0000	10-15-2009	Amend	11-1-2009
150-323.500(9)	10-7-2009	Adopt(T)	11-1-2009	166-005-0005	10-15-2009	Amend	11-1-2009
150-465.200(1)	7-31-2009	Repeal	9-1-2009	166-005-0010	10-15-2009	Amend	11-1-2009
150-465.517(2)	7-31-2009	Repeal	9-1-2009	166-010-0000	10-15-2009	Amend	11-1-2009
150-465.517(3)	7-31-2009	Repeal	9-1-2009	166-010-0006	10-15-2009	Amend	11-1-2009
150-465.517(5)	7-31-2009	Repeal	9-1-2009	166-010-0010	10-15-2009	Repeal	11-1-2009
150-465.992	7-31-2009	Repeal	9-1-2009	166-010-0015	10-15-2009	Amend	11-1-2009
150-90.650	7-31-2009	Adopt	9-1-2009	166-010-0016	10-15-2009	Amend	11-1-2009
150.309.067(1)(b)	1-1-2009	Am. & Ren.	2-1-2009	166-010-0018	10-15-2009	Adopt	11-1-2009
151-020-0020	9-8-2009	Repeal	10-1-2009	166-010-0019	10-15-2009	Adopt	11-1-2009
151-020-0030	2-5-2009	Amend(T)	3-1-2009	166-010-0025	10-15-2009	Repeal	11-1-2009
151-020-0030	9-8-2009	Repeal	10-1-2009	166-010-0031	10-15-2009	Repeal	11-1-2009
151-020-0042	9-8-2009	Repeal	10-1-2009	166-020-0005	10-15-2009	Amend	11-1-2009
151-020-0045	8-31-2009	Am. & Ren.	10-1-2009	166-020-0007	10-15-2009	Amend	11-1-2009
151-020-0060	8-31-2009	Am. & Ren.	10-1-2009	166-020-0010	10-15-2009	Amend	11-1-2009
151-020-0065	8-31-2009	Am. & Ren.	10-1-2009	166-020-0011	10-15-2009	Repeal	11-1-2009
151-020-0075	8-31-2009	Am. & Ren.	10-1-2009	166-020-0015	10-15-2009	Amend	11-1-2009
151-020-0090	9-8-2009	Repeal	10-1-2009	166-020-0030	10-15-2009	Repeal	11-1-2009
151-020-0100	8-31-2009	Am. & Ren.	10-1-2009	166-020-0035	10-15-2009	Repeal	11-1-2009
151-020-0110	8-31-2009	Am. & Ren.	10-1-2009	166-020-0045	10-15-2009	Amend	11-1-2009
151-020-0120	9-8-2009	Repeal	10-1-2009	166-025-0005	10-15-2009	Amend	11-1-2009
160-001-0005	11-3-2009	Amend	12-1-2009	166-025-0010	10-15-2009	Amend	11-1-2009
160-010-0310	9-3-2009	Adopt	10-1-2009	166-025-0015	10-15-2009	Amend	11-1-2009
161-002-0000	1-30-2009	Amend(T)	3-1-2009	166-025-0020	10-15-2009	Amend	11-1-2009
161-002-0000	10-27-2009	Amend	12-1-2009	166-025-0021	10-15-2009	Adopt	11-1-2009
161-006-0025	7-1-2009	Amend(T)	6-1-2009	166-025-0022	10-15-2009	Adopt	11-1-2009
161-006-0025	10-27-2009	Amend	12-1-2009	166-025-0025	10-15-2009	Amend	11-1-2009
161-010-0035	1-30-2009	Amend(T)	3-1-2009	166-025-0030	10-15-2009	Amend	11-1-2009
161-010-0035	10-27-2009	Amend	12-1-2009	166-025-0035	10-15-2009	Adopt	11-1-2009
161-010-0045	1-30-2009	Amend(T)	3-1-2009	166-030-0005	10-15-2009	Amend	11-1-2009
161-010-0045	10-27-2009	Amend	12-1-2009	166-030-0016	10-15-2009	Amend	11-1-2009
161-010-0085	1-30-2009	Amend	3-1-2009	166-030-0021	10-15-2009	Amend	11-1-2009
161-020-0045	1-30-2009	Amend	3-1-2009	166-030-0026	10-15-2009	Amend	11-1-2009
161-020-0140	1-30-2009	Amend	3-1-2009	166-030-0027	10-15-2009	Amend	11-1-2009
161-020-0150	1-30-2009	Amend	3-1-2009	166-030-0041	10-15-2009	Amend	11-1-2009
161-025-0060	1-30-2009	Amend	3-1-2009	166-030-0045	10-15-2009	Amend	11-1-2009
165-001-0005	5-22-2009	Amend	7-1-2009	166-030-0060	10-15-2009	Amend	11-1-2009
165-005-0050	5-4-2009	Amend	6-1-2009	166-030-0070	10-15-2009	Repeal	11-1-2009
165-007-0130	5-4-2009	Amend	6-1-2009	166-200-0005	12-10-2008	Amend	1-1-2009
165-007-2010	7-30-2009	Adopt(T)	9-1-2009	166-200-0010	12-10-2008	Amend	1-1-2009
165-012-0005	5-4-2009	Amend	6-1-2009	166-200-0010	6-24-2009	Amend	8-1-2009

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
166-200-0010	8-26-2009	Amend	10-1-2009	166-475-0065	6-29-2009	Amend	8-1-2009
166-200-0015	12-10-2008	Amend	1-1-2009	166-475-0070	6-29-2009	Amend	8-1-2009
166-200-0020	12-10-2008	Amend	1-1-2009	166-475-0075	6-29-2009	Amend	8-1-2009
166-200-0025	12-10-2008	Amend	1-1-2009	166-475-0080	6-29-2009	Amend	8-1-2009
166-200-0030	12-10-2008	Amend	1-1-2009	166-475-0085	6-29-2009	Amend	8-1-2009
166-200-0030	8-26-2009	Amend	10-1-2009	166-475-0090	6-29-2009	Amend	8-1-2009
166-200-0035	12-10-2008	Amend	1-1-2009	166-475-0095	6-29-2009	Amend	8-1-2009
166-200-0035	8-26-2009	Amend	10-1-2009	166-475-0100	6-29-2009	Amend	8-1-2009
166-200-0040	12-10-2008	Amend	1-1-2009	166-475-0105	6-29-2009	Amend	8-1-2009
166-200-0045	12-10-2008	Amend	1-1-2009	166-475-0110	6-29-2009	Amend	8-1-2009
166-200-0050	12-10-2008	Amend	1-1-2009	166-500-0005	10-15-2009	Amend	11-1-2009
166-200-0050	8-26-2009	Amend	10-1-2009	166-500-0015	10-5-2009	Amend	11-1-2009
166-200-0055	12-10-2008	Amend	1-1-2009	166-500-0040	7-1-2009	Amend	8-1-2009
166-200-0055	8-26-2009	Amend	10-1-2009	166-500-0050	7-1-2009	Amend	8-1-2009
166-200-0060	12-10-2008	Amend	1-1-2009	166-500-0055	7-1-2009	Amend	8-1-2009
166-200-0065	12-10-2008	Amend	1-1-2009	170-040-0020	4-10-2009	Amend	5-1-2009
166-200-0070	12-10-2008	Amend	1-1-2009	170-040-0090	11-28-2008	Adopt	1-1-2009
166-200-0075	12-10-2008	Amend	1-1-2009	170-040-0100	11-28-2008	Adopt	1-1-2009
166-200-0075	8-26-2009	Amend	10-1-2009	170-040-0110	10-13-2009	Adopt(T)	11-1-2009
166-200-0080	12-10-2008	Amend	1-1-2009	170-055-0001	12-29-2008	Adopt	2-1-2009
166-200-0085	12-10-2008	Amend	1-1-2009	170-055-0005	12-29-2008	Repeal	2-1-2009
166-200-0090	12-10-2008	Amend	1-1-2009	170-060-0001	12-29-2008	Adopt	2-1-2009
166-200-0090	8-26-2009	Amend	10-1-2009	170-060-0005	12-29-2008	Adopt	2-1-2009
166-200-0095	12-10-2008	Amend	1-1-2009	170-060-1010	12-29-2008	Amend	2-1-2009
166-200-0100	12-10-2008	Amend	1-1-2009	170-061-0000	12-29-2008	Amend	2-1-2009
166-200-0100	8-26-2009	Amend	10-1-2009	170-061-0005	12-29-2008	Repeal	2-1-2009
166-200-0105	12-10-2008	Amend	1-1-2009	170-061-0015	12-29-2008	Amend	2-1-2009
166-200-0110	12-10-2008	Amend	1-1-2009	170-061-0015	4-22-2009	Amend	6-1-2009
166-200-0110	8-26-2009	Amend	10-1-2009	170-061-0015	7-21-2009	Amend	9-1-2009
166-200-0115	12-10-2008	Amend	1-1-2009	170-061-0015	10-30-2009	Amend(T)	12-1-2009
166-200-0115	8-26-2009	Amend	10-1-2009	170-061-0020	12-29-2008	Amend	2-1-2009
166-200-0120	12-10-2008	Amend	1-1-2009	170-061-0100	12-29-2008	Amend	2-1-2009
166-200-0120	8-26-2009	Amend	10-1-2009	170-061-0200	12-29-2008	Amend	2-1-2009
166-200-0125	12-10-2008	Amend	1-1-2009	170-061-0300	12-29-2008	Adopt	2-1-2009
166-200-0125	8-26-2009	Amend	10-1-2009	170-061-0400	12-29-2008	Adopt	2-1-2009
166-200-0130	12-10-2008	Amend	1-1-2009	170-062-0000	12-29-2008	Amend	2-1-2009
166-200-0130	8-26-2009	Amend	10-1-2009	170-063-0000	12-29-2008	Amend	2-1-2009
166-200-0135	12-10-2008	Amend	1-1-2009	170-063-0000	10-30-2009	Amend(T)	12-1-2009
166-200-0135	8-26-2009	Amend	10-1-2009	170-071-0005	12-29-2008	Amend	2-1-2009
166-200-0140	12-10-2008	Amend	1-1-2009	171-010-0000	6-10-2009	Repeal	8-1-2009
166-200-0145	12-10-2008	Amend	1-1-2009	171-010-0005	6-10-2009	Repeal	8-1-2009
166-200-0145	8-26-2009	Amend	10-1-2009	171-010-0010	6-10-2009	Repeal	8-1-2009
166-300-0025	2-19-2009	Amend	4-1-2009	171-010-0015	6-10-2009	Repeal	8-1-2009
166-400-0060	6-24-2009	Amend	8-1-2009	171-010-0020	6-10-2009	Repeal	8-1-2009
166-475-0010	6-29-2009	Amend	8-1-2009	171-010-0025	6-10-2009	Repeal	8-1-2009
166-475-0015	6-29-2009	Amend	8-1-2009	171-010-0030	6-10-2009	Repeal	8-1-2009
166-475-0020	6-29-2009	Amend	8-1-2009	171-010-0035	6-10-2009	Repeal	8-1-2009
166-475-0025	6-29-2009	Amend	8-1-2009	171-010-0040	6-10-2009	Repeal	8-1-2009
166-475-0030	6-29-2009	Amend	8-1-2009	171-010-0045	6-10-2009	Repeal	8-1-2009
166-475-0035	6-29-2009	Amend	8-1-2009	177-010-0003	10-1-2009	Amend	11-1-2009
166-475-0040	6-29-2009	Amend	8-1-2009	177-010-0003	10-1-2009	Amend	11-1-2009
166-475-0045	6-29-2009	Amend	8-1-2009	177-040-0001	1-1-2009	Amend	2-1-2009
166-475-0050	6-29-2009	Amend	8-1-2009	177-040-0005	1-1-2009	Amend	2-1-2009
166-475-0055	6-29-2009	Amend	8-1-2009	177-040-0017	2-1-2009	Amend	3-1-2009
166-475-0060	6-29-2009	Amend	8-1-2009	177-040-0017(T)	2-1-2009	Repeal	3-1-2009
166-475-0060	9-22-2009	Amend	11-1-2009	177-040-0025	10-1-2009	Amend	11-1-2009

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
177-040-0030	1-1-2009	Amend	2-1-2009	177-083-0010	10-1-2009	Amend	11-1-2009
177-040-0040	10-1-2009	Repeal	11-1-2009	177-083-0010	10-1-2009	Amend	11-1-2009
177-040-0050	1-1-2009	Amend	2-1-2009	177-083-0020	11-23-2008	Amend(T)	1-1-2009
177-040-0050	10-1-2009	Amend	11-1-2009	177-083-0020	3-1-2009	Amend	4-1-2009
177-040-0052	1-1-2009	Amend	2-1-2009	177-083-0020(T)	3-1-2009	Repeal	4-1-2009
177-040-0061	2-1-2009	Amend	3-1-2009	177-083-0030	11-23-2008	Amend(T)	1-1-2009
177-040-0061(T)	2-1-2009	Repeal	3-1-2009	177-083-0030	3-1-2009	Amend	4-1-2009
177-045-0000	1-1-2009	Amend	2-1-2009	177-083-0030	10-1-2009	Amend	11-1-2009
177-045-0000	10-1-2009	Amend	11-1-2009	177-083-0030(T)	3-1-2009	Repeal	4-1-2009
177-045-0010	1-1-2009	Amend	2-1-2009	177-083-0040	11-23-2008	Amend(T)	1-1-2009
177-045-0030	1-1-2009	Amend	2-1-2009	177-083-0040	3-1-2009	Amend	4-1-2009
177-045-0040	1-1-2009	Repeal	2-1-2009	177-083-0040(T)	3-1-2009	Repeal	4-1-2009
177-046-0015	10-1-2009	Amend	11-1-2009	177-085-0000	1-4-2009	Amend	1-1-2009
177-046-0020	11-23-2008	Amend(T)	1-1-2009	177-085-0005	1-4-2009	Amend	1-1-2009
177-046-0020	3-1-2009	Amend	4-1-2009	177-085-0005	10-1-2009	Amend	11-1-2009
177-046-0020	10-1-2009	Amend	11-1-2009	177-085-0010	1-4-2009	Amend	1-1-2009
177-046-0020	10-1-2009	Amend	11-1-2009	177-085-0010	10-1-2009	Amend	11-1-2009
177-046-0020(T)	3-1-2009	Repeal	4-1-2009	177-085-0015	11-23-2008	Amend(T)	1-1-2009
177-046-0080	10-1-2009	Amend	11-1-2009	177-085-0015	1-4-2009	Amend	1-1-2009
177-046-0110	10-1-2009	Amend	11-1-2009	177-085-0015	3-1-2009	Amend	4-1-2009
177-046-0150	12-1-2008	Repeal	1-1-2009	177-085-0015	10-1-2009	Amend	11-1-2009
177-050-0025	12-1-2008	Amend	1-1-2009	177-085-0015(T)	3-1-2009	Repeal	4-1-2009
177-050-0025	10-1-2009	Amend	11-1-2009	177-085-0020	1-4-2009	Amend	1-1-2009
177-050-0027	12-1-2008	Amend	1-1-2009	177-085-0025	1-4-2009	Amend	1-1-2009
177-050-0100	12-1-2008	Adopt	1-1-2009	177-085-0030	1-4-2009	Amend	1-1-2009
177-050-0100	3-1-2009	Amend	4-1-2009	177-085-0035	1-4-2009	Amend	1-1-2009
177-069-0000	12-1-2008	Adopt	1-1-2009	177-085-0040	1-4-2009	Amend	1-1-2009
177-069-0000	10-1-2009	Amend	11-1-2009	177-085-0040	10-1-2009	Amend	11-1-2009
177-069-0000	10-1-2009	Amend	11-1-2009	177-085-0045	1-4-2009	Amend	1-1-2009
177-069-0010	12-1-2008	Adopt	1-1-2009	177-085-0050	1-4-2009	Amend	1-1-2009
177-069-0010	10-1-2009	Amend	11-1-2009	177-085-0065	1-4-2009	Amend	1-1-2009
177-069-0020	12-1-2008	Adopt	1-1-2009	177-090-0005	10-1-2009	Amend	11-1-2009
177-069-0030	12-1-2008	Adopt	1-1-2009	177-090-0025	10-1-2009	Amend	11-1-2009
177-069-0030	9-1-2009	Amend	10-1-2009	177-090-0045	10-1-2009	Amend	11-1-2009
177-069-0040	12-1-2008	Adopt	1-1-2009	177-091-0010	10-1-2009	Amend	11-1-2009
177-069-0040	9-1-2009	Amend	10-1-2009	177-091-0020	10-1-2009	Amend	11-1-2009
177-069-0050	12-1-2008	Adopt	1-1-2009	177-091-0050	10-1-2009	Amend	11-1-2009
177-069-0050	9-1-2009	Amend	10-1-2009	177-094-0000	10-1-2009	Amend	11-1-2009
177-070-0005	10-1-2009	Amend	11-1-2009	177-094-0020	11-23-2008	Amend(T)	1-1-2009
177-070-0025	10-1-2009	Amend	11-1-2009	177-094-0020	3-1-2009	Amend	4-1-2009
177-070-0025	10-1-2009	Amend	11-1-2009	177-094-0020(T)	3-1-2009	Repeal	4-1-2009
177-070-0035	10-1-2009	Amend	11-1-2009	177-094-0030	10-1-2009	Amend	11-1-2009
177-070-0080	10-1-2009	Amend	11-1-2009	177-099-0000	10-1-2009	Amend	11-1-2009
177-075-0000	10-1-2009	Amend	11-1-2009	177-099-0030	10-1-2009	Amend	11-1-2009
177-075-0010	11-23-2008	Amend(T)	1-1-2009	177-099-0050	10-1-2009	Amend	11-1-2009
177-075-0010	3-1-2009	Amend	4-1-2009	177-099-0100	8-26-2009	Amend(T)	10-1-2009
177-075-0010	10-1-2009	Amend	11-1-2009	177-100-0010	10-1-2009	Amend	11-1-2009
177-075-0010(T)	3-1-2009	Repeal	4-1-2009	177-100-0010	10-1-2009	Amend	11-1-2009
177-081-0000	10-1-2009	Amend	11-1-2009	213-003-0001	1-1-2010	Amend(T)	5-1-2009
177-081-0010	10-1-2009	Amend	11-1-2009	213-003-0001	1-1-2010	Amend(T)	5-1-2009
177-081-0010	10-1-2009	Amend	11-1-2009	213-017-0004	6-17-2009	Amend(T)	8-1-2009
177-081-0020	11-23-2008	Amend(T)	1-1-2009	213-017-0004	9-16-2009	Amend(T)	11-1-2009
177-081-0020	3-1-2009	Amend	4-1-2009	213-017-0004	1-1-2010	Amend(T)	5-1-2009
177-081-0020(T)	3-1-2009	Repeal	4-1-2009	213-017-0006	1-1-2009	Amend(T)	2-1-2009
177-081-0030	10-1-2009	Amend	11-1-2009	213-017-0006	6-17-2009	Amend(T)	8-1-2009
177-083-0000	10-1-2009	Amend	11-1-2009	213-017-0006	9-16-2009	Amend(T)	11-1-2009

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
213-017-0006	1-1-2010	Amend(T)	5-1-2009	257-050-0125(T)	1-1-2010	Repeal	11-1-2009
213-017-0009	6-17-2009	Amend(T)	8-1-2009	257-050-0130	8-6-2009	Amend(T)	9-1-2009
213-017-0009	1-1-2010	Amend(T)	5-1-2009	257-050-0130	1-1-2010	Amend	11-1-2009
213-018-0022	9-16-2009	Adopt(T)	11-1-2009	257-050-0130(T)	1-1-2010	Repeal	11-1-2009
250-010-0650	1-1-2010	Adopt	12-1-2009	257-050-0140	8-6-2009	Amend(T)	9-1-2009
250-018-0060	7-1-2009	Amend	8-1-2009	257-050-0140	1-1-2010	Amend	11-1-2009
250-018-0090	7-1-2009	Amend	8-1-2009	257-050-0140(T)	1-1-2010	Repeal	11-1-2009
250-018-0110	7-1-2009	Amend	8-1-2009	257-050-0145	8-6-2009	Amend(T)	9-1-2009
250-020-0261	5-1-2009	Amend	5-1-2009	257-050-0145	1-1-2010	Amend	11-1-2009
250-020-0280	1-1-2010	Amend	12-1-2009	257-050-0145(T)	1-1-2010	Repeal	11-1-2009
250-020-0290	5-1-2009	Repeal	5-1-2009	257-050-0150	8-6-2009	Amend(T)	9-1-2009
255-032-0005	9-29-2009	Amend(T)	11-1-2009	257-050-0150	1-1-2010	Amend	11-1-2009
255-032-0007	6-26-2009	Adopt(T)	8-1-2009	257-050-0150(T)	1-1-2010	Repeal	11-1-2009
255-032-0011	9-29-2009	Amend(T)	11-1-2009	257-050-0155	8-6-2009	Amend(T)	9-1-2009
255-032-0015	9-29-2009	Amend(T)	11-1-2009	257-050-0155	1-1-2010	Amend	11-1-2009
255-032-0025	9-29-2009	Amend(T)	11-1-2009	257-050-0155(T)	1-1-2010	Repeal	11-1-2009
255-032-0026	9-29-2009	Suspend	11-1-2009	257-050-0157	8-6-2009	Amend(T)	9-1-2009
255-032-0029	9-29-2009	Amend(T)	11-1-2009	257-050-0157	1-1-2010	Amend	11-1-2009
255-070-0001	4-10-2009	Amend(T)	5-1-2009	257-050-0157(T)	1-1-2010	Repeal	11-1-2009
255-094-0000	8-21-2009	Am. & Ren.(T)	10-1-2009	257-050-0170	8-6-2009	Amend(T)	9-1-2009
255-094-0001	8-21-2009	Adopt(T)	10-1-2009	257-050-0170	1-1-2010	Amend	11-1-2009
255-094-0010	8-21-2009	Amend(T)	10-1-2009	257-050-0170(T)	1-1-2010	Repeal	11-1-2009
255-094-0015	8-21-2009	Amend(T)	10-1-2009	257-050-0180	8-6-2009	Amend(T)	9-1-2009
255-094-0020	8-21-2009	Amend(T)	10-1-2009	257-050-0180	1-1-2010	Amend	11-1-2009
257-050-0020	8-6-2009	Amend(T)	9-1-2009	257-050-0180(T)	1-1-2010	Repeal	11-1-2009
257-050-0020	1-1-2010	Amend	11-1-2009	257-050-0200	8-6-2009	Amend(T)	9-1-2009
257-050-0020(T)	1-1-2010	Repeal	11-1-2009	257-050-0200	1-1-2010	Amend	11-1-2009
257-050-0040	8-6-2009	Amend(T)	9-1-2009	257-050-0200(T)	1-1-2010	Repeal	11-1-2009
257-050-0040	1-1-2010	Amend	11-1-2009	259-001-0005	4-8-2009	Amend	5-1-2009
257-050-0040(T)	1-1-2010	Repeal	11-1-2009	259-001-0005	10-15-2009	Amend	11-1-2009
257-050-0050	8-6-2009	Amend(T)	9-1-2009	259-008-0010	1-1-2009	Amend	1-1-2009
257-050-0050	1-1-2010	Amend	11-1-2009	259-008-0010	9-21-2009	Amend	11-1-2009
257-050-0050(T)	1-1-2010	Repeal	11-1-2009	259-008-0011	1-1-2009	Amend	1-1-2009
257-050-0060	8-6-2009	Amend(T)	9-1-2009	259-008-0011	7-13-2009	Amend	8-1-2009
257-050-0060	1-1-2010	Amend	11-1-2009	259-008-0020	7-13-2009	Amend	8-1-2009
257-050-0060(T)	1-1-2010	Repeal	11-1-2009	259-008-0025	4-8-2009	Amend	5-1-2009
257-050-0070	8-6-2009	Amend(T)	9-1-2009	259-008-0025	9-15-2009	Amend(T)	10-1-2009
257-050-0070	1-1-2010	Amend	11-1-2009	259-008-0060	12-29-2008	Amend	2-1-2009
257-050-0070(T)	1-1-2010	Repeal	11-1-2009	259-008-0060	4-8-2009	Amend	5-1-2009
257-050-0090	8-6-2009	Amend(T)	9-1-2009	259-008-0065	4-8-2009	Amend	5-1-2009
257-050-0090	1-1-2010	Amend	11-1-2009	259-008-0068	6-26-2009	Amend(T)	8-1-2009
257-050-0090(T)	1-1-2010	Repeal	11-1-2009	259-008-0068	7-13-2009	Amend	8-1-2009
257-050-0095	8-6-2009	Amend(T)	9-1-2009	259-008-0068(T)	7-13-2009	Repeal	8-1-2009
257-050-0095	1-1-2010	Amend	11-1-2009	259-008-0070	1-1-2009	Amend	1-1-2009
257-050-0095(T)	1-1-2010	Repeal	11-1-2009	259-009-0005	7-13-2009	Amend	8-1-2009
257-050-0100	8-6-2009	Amend(T)	9-1-2009	259-009-0005	10-15-2009	Amend	11-1-2009
257-050-0100	1-1-2010	Amend	11-1-2009	259-009-0059	7-13-2009	Amend	8-1-2009
257-050-0100(T)	1-1-2010	Repeal	11-1-2009	259-009-0062	7-13-2009	Amend	8-1-2009
257-050-0110	8-6-2009	Amend(T)	9-1-2009	259-009-0062	10-15-2009	Amend	11-1-2009
257-050-0110	1-1-2010	Amend	11-1-2009	259-009-0070	7-13-2009	Amend	8-1-2009
257-050-0110(T)	1-1-2010	Repeal	11-1-2009	259-020-0010	12-29-2008	Amend(T)	2-1-2009
257-050-0115	8-6-2009	Amend(T)	9-1-2009	259-020-0010	2-2-2009	Amend	3-1-2009
257-050-0115	1-1-2010	Amend	11-1-2009	259-020-0010(T)	2-2-2009	Repeal	3-1-2009
257-050-0115(T)	1-1-2010	Repeal	11-1-2009	259-020-0015	2-2-2009	Amend	3-1-2009
257-050-0125	8-6-2009	Amend(T)	9-1-2009	259-020-0020	2-2-2009	Amend	3-1-2009
257-050-0125	1-1-2010	Amend	11-1-2009	259-020-0025	2-2-2009	Amend	3-1-2009

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
259-020-0025	9-15-2009	Amend	10-1-2009	291-062-0160	3-20-2009	Amend(T)	5-1-2009
259-060-0065	10-15-2009	Amend	11-1-2009	291-062-0160	7-13-2009	Amend	8-1-2009
259-060-0075	10-15-2009	Amend	11-1-2009	291-062-0160(T)	7-13-2009	Repeal	8-1-2009
291-019-0130	5-22-2009	Amend	7-1-2009	291-062-0170	3-20-2009	Adopt(T)	5-1-2009
291-022-0115	11-25-2008	Amend(T)	1-1-2009	291-062-0170	7-13-2009	Adopt	8-1-2009
291-022-0115	5-23-2009	Amend	7-1-2009	291-062-0170(T)	7-13-2009	Repeal	8-1-2009
291-022-0160	11-25-2008	Amend(T)	1-1-2009	291-070-0120	12-16-2008	Amend(T)	2-1-2009
291-022-0160	5-23-2009	Amend	7-1-2009	291-070-0120	7-14-2009	Amend	8-1-2009
291-022-0161	11-25-2008	Adopt(T)	1-1-2009	291-077-0033	7-1-2009	Amend	8-1-2009
291-022-0161	5-23-2009	Adopt	7-1-2009	291-084-0010	7-2-2009	Suspend	8-1-2009
291-022-0162	11-25-2008	Adopt(T)	1-1-2009	291-084-0020	7-2-2009	Suspend	8-1-2009
291-022-0162	5-23-2009	Adopt	7-1-2009	291-084-0030	7-2-2009	Suspend	8-1-2009
291-031-0220	10-23-2009	Adopt	12-1-2009	291-084-0040	7-2-2009	Suspend	8-1-2009
291-031-0230	10-23-2009	Adopt	12-1-2009	291-097-0005	3-10-2009	Amend	4-1-2009
291-031-0240	10-23-2009	Adopt	12-1-2009	291-097-0005	8-31-2009	Amend(T)	10-1-2009
291-031-0250	10-23-2009	Adopt	12-1-2009	291-097-0010	3-10-2009	Amend	4-1-2009
291-031-0260	10-23-2009	Adopt	12-1-2009	291-097-0010	8-31-2009	Amend(T)	10-1-2009
291-039-0010	12-16-2008	Amend(T)	2-1-2009	291-097-0015	3-10-2009	Amend	4-1-2009
291-039-0010	7-14-2009	Amend	8-1-2009	291-097-0015	8-31-2009	Amend(T)	10-1-2009
291-039-0015	12-16-2008	Amend(T)	2-1-2009	291-097-0020	3-10-2009	Amend	4-1-2009
291-039-0015	7-14-2009	Amend	8-1-2009	291-097-0020	8-31-2009	Amend(T)	10-1-2009
291-042-0005	1-22-2009	Amend	3-1-2009	291-097-0023	8-31-2009	Adopt(T)	10-1-2009
291-042-0010	1-22-2009	Amend	3-1-2009	291-097-0025	3-10-2009	Amend	4-1-2009
291-042-0011	1-22-2009	Amend	3-1-2009	291-097-0025	8-31-2009	Amend(T)	10-1-2009
291-042-0015	1-22-2009	Amend	3-1-2009	291-097-0040	3-10-2009	Amend	4-1-2009
291-042-0025	1-22-2009	Amend	3-1-2009	291-097-0040	8-31-2009	Amend(T)	10-1-2009
291-042-0035	1-22-2009	Amend	3-1-2009	291-097-0050	3-10-2009	Amend	4-1-2009
291-042-0045	1-22-2009	Repeal	3-1-2009	291-097-0060	3-10-2009	Amend	4-1-2009
291-058-0010	5-29-2009	Amend	7-1-2009	291-097-0070	3-10-2009	Amend	4-1-2009
291-058-0020	5-29-2009	Amend	7-1-2009	291-097-0080	3-10-2009	Amend	4-1-2009
291-058-0030	5-29-2009	Amend	7-1-2009	291-097-0080	8-31-2009	Amend(T)	10-1-2009
291-058-0040	5-29-2009	Amend	7-1-2009	291-097-0100	3-10-2009	Amend	4-1-2009
291-058-0045	5-29-2009	Amend	7-1-2009	291-097-0100	8-31-2009	Amend(T)	10-1-2009
291-058-0046	5-29-2009	Adopt	7-1-2009	291-097-0110	3-10-2009	Am. & Ren.	4-1-2009
291-058-0046	10-1-2009	Amend(T)	11-1-2009	291-097-0120	3-10-2009	Amend	4-1-2009
291-058-0050	5-29-2009	Amend	7-1-2009	291-105-0015	7-1-2009	Amend	8-1-2009
291-058-0060	5-29-2009	Amend	7-1-2009	291-127-0210	10-20-2009	Amend	12-1-2009
291-058-0065	5-29-2009	Adopt	7-1-2009	291-127-0220	10-20-2009	Amend	12-1-2009
291-062-0100	3-20-2009	Amend(T)	5-1-2009	291-127-0240	5-15-2009	Amend	6-1-2009
291-062-0100	7-13-2009	Amend	8-1-2009	291-127-0260	12-16-2008	Amend(T)	2-1-2009
291-062-0100(T)	7-13-2009	Repeal	8-1-2009	291-127-0260	5-15-2009	Amend	6-1-2009
291-062-0110	3-20-2009	Amend(T)	5-1-2009	291-127-0260(T)	5-15-2009	Repeal	6-1-2009
291-062-0110	7-13-2009	Amend	8-1-2009	291-157-0005	11-13-2009	Amend(T)	12-1-2009
291-062-0110(T)	7-13-2009	Repeal	8-1-2009	291-157-0010	11-13-2009	Amend(T)	12-1-2009
291-062-0120	3-20-2009	Amend(T)	5-1-2009	291-157-0015	11-13-2009	Amend(T)	12-1-2009
291-062-0120	7-13-2009	Amend	8-1-2009	291-157-0020	11-13-2009	Suspend	12-1-2009
291-062-0120(T)	7-13-2009	Repeal	8-1-2009	291-157-0021	11-13-2009	Adopt(T)	12-1-2009
291-062-0130	3-20-2009	Amend(T)	5-1-2009	291-157-0025	11-13-2009	Suspend	12-1-2009
291-062-0130	7-13-2009	Amend	8-1-2009	291-157-0035	11-13-2009	Amend(T)	12-1-2009
291-062-0130(T)	7-13-2009	Repeal	8-1-2009	291-157-0041	11-13-2009	Suspend	12-1-2009
291-062-0140	3-20-2009	Amend(T)	5-1-2009	291-157-0055	11-13-2009	Suspend	12-1-2009
291-062-0140	7-13-2009	Amend	8-1-2009	291-158-0005	12-26-2008	Amend	2-1-2009
291-062-0140(T)	7-13-2009	Repeal	8-1-2009	291-158-0010	12-26-2008	Amend	2-1-2009
291-062-0150	3-20-2009	Amend(T)	5-1-2009	291-158-0015	12-26-2008	Amend	2-1-2009
291-062-0150	7-13-2009	Amend	8-1-2009	291-158-0025	12-26-2008	Amend	2-1-2009
291-062-0150(T)	7-13-2009	Repeal	8-1-2009	291-158-0035	12-26-2008	Amend	2-1-2009

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
291-158-0045	12-26-2008	Amend	2-1-2009	331-810-0038	12-1-2008	Adopt	1-1-2009
291-158-0055	12-26-2008	Amend	2-1-2009	332-015-0070	4-1-2009	Amend	5-1-2009
291-158-0065	12-26-2008	Amend	2-1-2009	332-020-0010	4-1-2009	Amend	5-1-2009
291-158-0075	12-26-2008	Amend	2-1-2009	333-004-0010	3-2-2009	Amend	4-1-2009
291-203-0020	5-15-2009	Amend(T)	6-1-2009	333-004-0020	3-2-2009	Amend	4-1-2009
291-203-0020	11-11-2009	Amend	12-1-2009	333-004-0030	3-2-2009	Amend	4-1-2009
291-203-0040	5-15-2009	Amend(T)	6-1-2009	333-004-0040	3-2-2009	Amend	4-1-2009
291-203-0040	11-11-2009	Amend	12-1-2009	333-004-0050	3-2-2009	Amend	4-1-2009
291-203-0050	5-15-2009	Amend(T)	6-1-2009	333-004-0060	3-2-2009	Amend	4-1-2009
291-203-0050	11-11-2009	Amend	12-1-2009	333-004-0070	3-2-2009	Amend	4-1-2009
309-040-0410	8-6-2009	Amend(T)	9-1-2009	333-004-0080	3-2-2009	Amend	4-1-2009
309-114-0005	1-23-2009	Amend(T)	3-1-2009	333-004-0090	3-2-2009	Repeal	4-1-2009
309-114-0005	4-2-2009	Amend(T)	5-1-2009	333-004-0100	3-2-2009	Amend	4-1-2009
309-114-0005	6-26-2009	Amend	8-1-2009	333-004-0110	3-2-2009	Amend	4-1-2009
309-114-0005(T)	4-2-2009	Suspend	5-1-2009	333-004-0120	3-2-2009	Amend	4-1-2009
309-114-0005(T)	6-26-2009	Repeal	8-1-2009	333-004-0140	3-2-2009	Amend	4-1-2009
309-114-0010	1-23-2009	Amend(T)	3-1-2009	333-004-0150	3-2-2009	Amend	4-1-2009
309-114-0010	6-26-2009	Amend	8-1-2009	333-004-0160	3-2-2009	Amend	4-1-2009
309-114-0010(T)	6-26-2009	Repeal	8-1-2009	333-010-0200	2-13-2009	Adopt	3-1-2009
309-114-0020	1-23-2009	Amend(T)	3-1-2009	333-010-0205	2-13-2009	Adopt	3-1-2009
309-114-0020	6-26-2009	Amend	8-1-2009	333-010-0210	2-13-2009	Adopt	3-1-2009
309-114-0020(T)	6-26-2009	Repeal	8-1-2009	333-010-0215	2-13-2009	Adopt	3-1-2009
309-114-0025	6-26-2009	Amend	8-1-2009	333-010-0220	2-13-2009	Adopt	3-1-2009
325-005-0015	6-26-2009	Amend	8-1-2009	333-010-0225	2-13-2009	Adopt	3-1-2009
330-001-0020	7-27-2009	Adopt(T)	9-1-2009	333-010-0230	2-13-2009	Adopt	3-1-2009
330-061-0005	12-5-2008	Amend	1-1-2009	333-010-0235	2-13-2009	Adopt	3-1-2009
330-061-0025	12-5-2008	Amend	1-1-2009	333-010-0240	2-13-2009	Adopt	3-1-2009
330-061-0030	12-5-2008	Amend	1-1-2009	333-010-0245	2-13-2009	Adopt	3-1-2009
330-090-0105	11-3-2009	Amend(T)	12-1-2009	333-010-0250	2-13-2009	Adopt	3-1-2009
330-090-0110	11-3-2009	Amend(T)	12-1-2009	333-010-0255	2-13-2009	Adopt	3-1-2009
330-090-0120	11-3-2009	Amend(T)	12-1-2009	333-010-0260	2-13-2009	Adopt	3-1-2009
330-090-0130	11-3-2009	Amend(T)	12-1-2009	333-010-0265	2-13-2009	Adopt	3-1-2009
330-090-0133	11-3-2009	Adopt(T)	12-1-2009	333-010-0270	2-13-2009	Adopt	3-1-2009
330-090-0135	11-3-2009	Amend(T)	12-1-2009	333-010-0275	2-13-2009	Adopt	3-1-2009
330-090-0140	11-3-2009	Amend(T)	12-1-2009	333-010-0280	2-13-2009	Adopt	3-1-2009
330-090-0150	11-3-2009	Amend(T)	12-1-2009	333-010-0285	2-13-2009	Adopt	3-1-2009
331-001-0000	6-1-2009	Amend	7-1-2009	333-010-0290	2-13-2009	Adopt	3-1-2009
331-001-0010	6-1-2009	Amend	7-1-2009	333-012-0500	7-20-2009	Amend(T)	9-1-2009
331-010-0000	6-1-2009	Amend	7-1-2009	333-018-0015	9-1-2009	Amend(T)	10-1-2009
331-010-0020	6-1-2009	Amend	7-1-2009	333-019-0041	9-22-2009	Amend	11-1-2009
331-010-0030	6-1-2009	Amend	7-1-2009	333-026-0005	9-22-2009	Repeal	11-1-2009
331-010-0040	6-1-2009	Amend	7-1-2009	333-026-0010	9-22-2009	Repeal	11-1-2009
331-020-0030	6-1-2009	Amend	7-1-2009	333-026-0015	9-22-2009	Repeal	11-1-2009
331-020-0040	6-1-2009	Amend	7-1-2009	333-026-0020	9-22-2009	Repeal	11-1-2009
331-020-0060	6-1-2009	Amend	7-1-2009	333-026-0025	9-22-2009	Repeal	11-1-2009
331-020-0070	6-1-2009	Amend	7-1-2009	333-054-0010	6-1-2009	Amend	7-1-2009
331-030-0000	12-1-2008	Amend(T)	1-1-2009	333-054-0020	6-1-2009	Amend	7-1-2009
331-030-0000	6-1-2009	Amend	7-1-2009	333-054-0025	6-1-2009	Amend	7-1-2009
331-030-0004	6-1-2009	Adopt	7-1-2009	333-054-0027	6-1-2009	Adopt	7-1-2009
331-030-0005	12-1-2008	Adopt(T)	1-1-2009	333-054-0030	6-1-2009	Amend	7-1-2009
331-030-0010	12-1-2008	Amend(T)	1-1-2009	333-054-0035	6-1-2009	Adopt	7-1-2009
331-030-0010	6-1-2009	Amend	7-1-2009	333-054-0040	6-1-2009	Amend	7-1-2009
331-030-0020	6-1-2009	Amend	7-1-2009	333-054-0050	6-1-2009	Amend	7-1-2009
331-030-0025	6-1-2009	Adopt	7-1-2009	333-054-0055	6-1-2009	Adopt	7-1-2009
331-030-0030	6-1-2009	Am. & Ren.	7-1-2009	333-054-0060	6-1-2009	Amend	7-1-2009
331-030-0040	6-1-2009	Adopt	7-1-2009	333-054-0065	6-1-2009	Adopt	7-1-2009

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
333-054-0070	6-1-2009	Amend	7-1-2009	333-501-0020	10-1-2009	Adopt	11-1-2009
333-060-0125	6-17-2009	Amend(T)	8-1-2009	333-501-0025	10-1-2009	Adopt	11-1-2009
333-060-0127	6-17-2009	Adopt(T)	8-1-2009	333-501-0030	10-1-2009	Adopt	11-1-2009
333-060-0505	6-17-2009	Amend(T)	8-1-2009	333-501-0035	10-1-2009	Adopt	11-1-2009
333-060-0510	6-17-2009	Amend(T)	8-1-2009	333-501-0040	10-1-2009	Adopt	11-1-2009
333-061-0020	5-18-2009	Amend	7-1-2009	333-501-0045	10-1-2009	Adopt	11-1-2009
333-061-0025	5-18-2009	Amend	7-1-2009	333-501-0050	10-1-2009	Adopt	11-1-2009
333-061-0030	5-18-2009	Amend	7-1-2009	333-501-0055	10-1-2009	Adopt	11-1-2009
333-061-0031	5-18-2009	Amend	7-1-2009	333-505-0001	10-1-2009	Amend	11-1-2009
333-061-0032	5-18-2009	Amend	7-1-2009	333-505-0005	10-1-2009	Amend	11-1-2009
333-061-0034	5-18-2009	Amend	7-1-2009	333-505-0007	10-1-2009	Amend	11-1-2009
333-061-0036	5-18-2009	Amend	7-1-2009	333-505-0010	10-1-2009	Amend	11-1-2009
333-061-0040	5-18-2009	Amend	7-1-2009	333-505-0020	10-1-2009	Amend	11-1-2009
333-061-0042	5-18-2009	Amend	7-1-2009	333-505-0030	10-1-2009	Amend	11-1-2009
333-061-0043	5-18-2009	Amend	7-1-2009	333-505-0033	10-1-2009	Adopt	11-1-2009
333-061-0045	5-18-2009	Amend	7-1-2009	333-505-0040	10-1-2009	Amend	11-1-2009
333-061-0050	5-18-2009	Amend	7-1-2009	333-505-0050	10-1-2009	Amend	11-1-2009
333-061-0058	5-18-2009	Amend	7-1-2009	333-505-0060	10-1-2009	Amend	11-1-2009
333-061-0060	5-18-2009	Amend	7-1-2009	333-505-0070	10-1-2009	Amend	11-1-2009
333-061-0064	5-18-2009	Amend	7-1-2009	333-505-0080	10-1-2009	Adopt	11-1-2009
333-061-0065	5-18-2009	Amend	7-1-2009	333-505-0090	10-1-2009	Adopt	11-1-2009
333-061-0070	5-18-2009	Amend	7-1-2009	333-505-0100	10-1-2009	Adopt	11-1-2009
333-061-0071	5-18-2009	Amend	7-1-2009	333-505-0110	10-1-2009	Adopt	11-1-2009
333-061-0076	5-18-2009	Amend	7-1-2009	333-505-0120	10-1-2009	Adopt	11-1-2009
333-061-0077	5-18-2009	Amend	7-1-2009	333-510-0001	10-1-2009	Amend	11-1-2009
333-061-0090	5-18-2009	Amend	7-1-2009	333-510-0002	10-1-2009	Amend	11-1-2009
333-061-0097	5-18-2009	Amend	7-1-2009	333-510-0005	10-1-2009	Repeal	11-1-2009
333-061-0220	5-18-2009	Amend	7-1-2009	333-510-0010	10-1-2009	Amend	11-1-2009
333-061-0225	5-18-2009	Amend	7-1-2009	333-510-0020	10-1-2009	Amend	11-1-2009
333-061-0270	5-18-2009	Amend	7-1-2009	333-510-0030	10-1-2009	Amend	11-1-2009
333-062-0100	6-17-2009	Amend(T)	8-1-2009	333-510-0040	10-1-2009	Amend	11-1-2009
333-062-0102	6-17-2009	Adopt(T)	8-1-2009	333-510-0045	10-1-2009	Amend	11-1-2009
333-500-0005	10-1-2009	Adopt	11-1-2009	333-510-0046	10-1-2009	Repeal	11-1-2009
333-500-0010	10-1-2009	Amend	11-1-2009	333-510-0047	10-1-2009	Repeal	11-1-2009
333-500-0020	10-1-2009	Amend	11-1-2009	333-510-0050	10-1-2009	Amend	11-1-2009
333-500-0025	10-1-2009	Adopt	11-1-2009	333-510-0060	10-1-2009	Amend	11-1-2009
333-500-0030	10-1-2009	Amend	11-1-2009	333-510-0070	10-1-2009	Repeal	11-1-2009
333-500-0032	10-1-2009	Adopt	11-1-2009	333-510-0080	10-1-2009	Repeal	11-1-2009
333-500-0034	10-1-2009	Adopt	11-1-2009	333-510-0090	10-1-2009	Repeal	11-1-2009
333-500-0036	10-1-2009	Adopt	11-1-2009	333-510-0100	10-1-2009	Repeal	11-1-2009
333-500-0038	10-1-2009	Adopt	11-1-2009	333-515-0001	10-1-2009	Amend	11-1-2009
333-500-0040	10-1-2009	Amend	11-1-2009	333-515-0005	10-1-2009	Amend	11-1-2009
333-500-0045	10-1-2009	Adopt	11-1-2009	333-515-0020	10-1-2009	Amend	11-1-2009
333-500-0050	10-1-2009	Repeal	11-1-2009	333-515-0030	10-1-2009	Amend	11-1-2009
333-500-0055	10-1-2009	Amend	11-1-2009	333-515-0040	10-1-2009	Amend	11-1-2009
333-500-0056	10-1-2009	Repeal	11-1-2009	333-520-0000	10-1-2009	Amend	11-1-2009
333-500-0057	10-1-2009	Repeal	11-1-2009	333-520-0010	10-1-2009	Repeal	11-1-2009
333-500-0060	10-1-2009	Amend	11-1-2009	333-520-0020	10-1-2009	Amend	11-1-2009
333-500-0065	10-1-2009	Adopt	11-1-2009	333-520-0030	10-1-2009	Amend	11-1-2009
333-500-0070	10-1-2009	Repeal	11-1-2009	333-520-0035	10-1-2009	Adopt	11-1-2009
333-500-0080	10-1-2009	Repeal	11-1-2009	333-520-0040	10-1-2009	Amend	11-1-2009
333-500-0090	10-1-2009	Amend	11-1-2009	333-520-0050	10-1-2009	Amend	11-1-2009
333-500-0100	10-1-2009	Repeal	11-1-2009	333-520-0055	10-1-2009	Repeal	11-1-2009
333-501-0005	10-1-2009	Adopt	11-1-2009	333-520-0060	10-1-2009	Amend	11-1-2009
333-501-0010	10-1-2009	Adopt	11-1-2009	333-520-0070	10-1-2009	Amend	11-1-2009
333-501-0015	10-1-2009	Adopt	11-1-2009	333-520-0073	10-1-2009	Repeal	11-1-2009

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
333-520-0075	10-1-2009	Amend	11-1-2009	333-535-0210	10-1-2009	Amend	11-1-2009
333-520-0080	10-1-2009	Repeal	11-1-2009	333-535-0220	10-1-2009	Amend	11-1-2009
333-520-0090	10-1-2009	Repeal	11-1-2009	333-535-0230	10-1-2009	Amend	11-1-2009
333-520-0100	10-1-2009	Repeal	11-1-2009	333-535-0240	10-1-2009	Repeal	11-1-2009
333-520-0110	10-1-2009	Repeal	11-1-2009	333-535-0250	10-1-2009	Amend	11-1-2009
333-520-0120	10-1-2009	Adopt	11-1-2009	333-535-0260	10-1-2009	Amend	11-1-2009
333-525-0000	10-1-2009	Amend	11-1-2009	333-535-0270	10-1-2009	Amend	11-1-2009
333-525-0010	10-1-2009	Amend	11-1-2009	333-535-0280	10-1-2009	Amend	11-1-2009
333-530-0000	10-1-2009	Repeal	11-1-2009	333-535-0290	10-1-2009	Amend	11-1-2009
333-530-0010	10-1-2009	Repeal	11-1-2009	333-535-0300	10-1-2009	Amend	11-1-2009
333-530-0020	10-1-2009	Repeal	11-1-2009	333-535-0310	10-1-2009	Amend	11-1-2009
333-530-0030	10-1-2009	Repeal	11-1-2009	333-565-0000	1-1-2009	Amend	2-1-2009
333-530-0040	10-1-2009	Repeal	11-1-2009	333-565-0010	4-20-2009	Adopt	6-1-2009
333-530-0050	10-1-2009	Repeal	11-1-2009	333-675-0050	1-1-2009	Amend	2-1-2009
333-530-0060	10-1-2009	Repeal	11-1-2009	334-001-0000	3-1-2009	Amend	3-1-2009
333-530-0070	10-1-2009	Repeal	11-1-2009	334-001-0012	7-2-2009	Amend	8-1-2009
333-530-0080	10-1-2009	Repeal	11-1-2009	334-001-0035	3-1-2009	Amend	3-1-2009
333-530-0090	10-1-2009	Repeal	11-1-2009	334-001-0045	3-1-2009	Amend	3-1-2009
333-530-0100	10-1-2009	Repeal	11-1-2009	334-001-0051	6-26-2009	Adopt(T)	8-1-2009
333-530-0110	10-1-2009	Repeal	11-1-2009	334-001-0060	3-1-2009	Amend	3-1-2009
333-530-0120	10-1-2009	Repeal	11-1-2009	334-001-0060	7-2-2009	Amend	8-1-2009
333-530-0130	10-1-2009	Repeal	11-1-2009	334-010-0005	3-1-2009	Amend	3-1-2009
333-530-0140	10-1-2009	Repeal	11-1-2009	334-010-0005	7-2-2009	Amend	8-1-2009
333-530-0150	10-1-2009	Repeal	11-1-2009	334-010-0010	3-1-2009	Amend	3-1-2009
333-530-0160	10-1-2009	Repeal	11-1-2009	334-010-0010	7-2-2009	Amend	8-1-2009
333-530-0170	10-1-2009	Repeal	11-1-2009	334-010-0012	3-1-2009	Amend	3-1-2009
333-530-0180	10-1-2009	Repeal	11-1-2009	334-010-0015	3-1-2009	Amend	3-1-2009
333-530-0190	10-1-2009	Repeal	11-1-2009	334-010-0016	3-1-2009	Repeal	3-1-2009
333-535-0000	10-1-2009	Amend	11-1-2009	334-010-0017	3-1-2009	Amend	3-1-2009
333-535-0001	10-1-2009	Adopt	11-1-2009	334-010-0017	7-2-2009	Amend	8-1-2009
333-535-0010	10-1-2009	Amend	11-1-2009	334-010-0025	3-1-2009	Amend	3-1-2009
333-535-0025	10-1-2009	Amend	11-1-2009	334-010-0031	3-1-2009	Repeal	3-1-2009
333-535-0035	10-1-2009	Amend	11-1-2009	334-010-0033	3-1-2009	Amend	3-1-2009
333-535-0041	10-1-2009	Amend	11-1-2009	334-010-0033	7-2-2009	Amend	8-1-2009
333-535-0050	10-1-2009	Amend	11-1-2009	334-010-0041	3-1-2009	Am. & Ren.	3-1-2009
333-535-0061	10-1-2009	Amend	11-1-2009	334-010-0046	3-1-2009	Amend	3-1-2009
333-535-0065	10-1-2009	Amend	11-1-2009	334-010-0046	7-2-2009	Amend	8-1-2009
333-535-0070	10-1-2009	Amend	11-1-2009	334-010-0047	3-1-2009	Amend	3-1-2009
333-535-0080	10-1-2009	Amend	11-1-2009	334-010-0050	3-1-2009	Amend	3-1-2009
333-535-0085	10-1-2009	Amend	11-1-2009	334-010-0050	7-2-2009	Amend	8-1-2009
333-535-0086	10-1-2009	Amend	11-1-2009	334-020-0005	3-1-2009	Amend	3-1-2009
333-535-0090	10-1-2009	Amend	11-1-2009	334-020-0015	3-1-2009	Amend	3-1-2009
333-535-0100	10-1-2009	Amend	11-1-2009	334-020-0020	3-1-2009	Repeal	3-1-2009
333-535-0105	10-1-2009	Amend	11-1-2009	334-020-0025	3-1-2009	Repeal	3-1-2009
333-535-0110	10-1-2009	Amend	11-1-2009	334-020-0030	3-1-2009	Repeal	3-1-2009
333-535-0115	10-1-2009	Amend	11-1-2009	334-020-0035	3-1-2009	Repeal	3-1-2009
333-535-0120	10-1-2009	Amend	11-1-2009	334-020-0040	3-1-2009	Repeal	3-1-2009
333-535-0130	10-1-2009	Amend	11-1-2009	334-020-0045	3-1-2009	Repeal	3-1-2009
333-535-0140	10-1-2009	Amend	11-1-2009	334-020-0050	3-1-2009	Amend	3-1-2009
333-535-0150	10-1-2009	Amend	11-1-2009	334-020-0050	7-2-2009	Amend	8-1-2009
333-535-0160	10-1-2009	Amend	11-1-2009	334-020-0055	3-1-2009	Amend	3-1-2009
333-535-0170	10-1-2009	Amend	11-1-2009	334-020-0060	3-1-2009	Repeal	3-1-2009
333-535-0180	10-1-2009	Amend	11-1-2009	334-020-0065	3-1-2009	Repeal	3-1-2009
333-535-0190	10-1-2009	Amend	11-1-2009	334-020-0070	3-1-2009	Repeal	3-1-2009
333-535-0200	10-1-2009	Amend	11-1-2009	334-020-0075	3-1-2009	Repeal	3-1-2009
333-535-0205	10-1-2009	Amend	11-1-2009	334-020-0080	3-1-2009	Repeal	3-1-2009

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
334-020-0085	3-1-2009	Repeal	3-1-2009	340-093-0140	9-14-2009	Amend	10-1-2009
334-020-0090	3-1-2009	Repeal	3-1-2009	340-093-0150	9-14-2009	Amend	10-1-2009
334-030-0001	3-1-2009	Amend	3-1-2009	340-096-0001	9-14-2009	Amend	10-1-2009
334-030-0002	3-1-2009	Repeal	3-1-2009	340-096-0010	9-14-2009	Amend	10-1-2009
334-030-0005	3-1-2009	Amend	3-1-2009	340-096-0020	9-14-2009	Repeal	10-1-2009
334-030-0010	3-1-2009	Repeal	3-1-2009	340-096-0024	9-14-2009	Repeal	10-1-2009
334-030-0025	3-1-2009	Am. & Ren.	3-1-2009	340-096-0028	9-14-2009	Repeal	10-1-2009
334-040-0001	3-1-2009	Adopt	3-1-2009	340-096-0050	9-14-2009	Amend	10-1-2009
335-005-0010	7-1-2009	Amend	7-1-2009	340-096-0060	9-14-2009	Adopt	10-1-2009
335-005-0020	7-1-2009	Amend	7-1-2009	340-096-0070	9-14-2009	Adopt	10-1-2009
335-005-0025	7-1-2009	Amend	7-1-2009	340-096-0080	9-14-2009	Adopt	10-1-2009
335-060-0010	7-1-2009	Amend	7-1-2009	340-096-0090	9-14-2009	Adopt	10-1-2009
335-060-0020	7-1-2009	Amend	7-1-2009	340-096-0100	9-14-2009	Adopt	10-1-2009
335-070-0055	7-1-2009	Amend	7-1-2009	340-096-0110	9-14-2009	Adopt	10-1-2009
335-070-0060	7-1-2009	Amend	7-1-2009	340-096-0120	9-14-2009	Adopt	10-1-2009
335-070-0075	7-1-2009	Amend	7-1-2009	340-096-0130	9-14-2009	Adopt	10-1-2009
335-070-0080	7-1-2009	Amend	7-1-2009	340-096-0140	9-14-2009	Adopt	10-1-2009
335-070-0085	7-1-2009	Amend	7-1-2009	340-096-0150	9-14-2009	Adopt	10-1-2009
335-095-0010	7-1-2009	Amend	7-1-2009	340-097-0110	9-14-2009	Amend	10-1-2009
335-095-0030	7-1-2009	Amend	7-1-2009	340-097-0120	9-14-2009	Amend	10-1-2009
335-095-0050	7-1-2009	Amend	7-1-2009	340-100-0002	6-25-2009	Amend	8-1-2009
335-095-0060	7-1-2009	Amend	7-1-2009	340-102-0060	6-25-2009	Repeal	8-1-2009
339-010-0023	1-1-2009	Amend	1-1-2009	340-102-0065	6-25-2009	Amend	8-1-2009
339-010-0035	1-1-2009	Amend	1-1-2009	340-104-0021	6-25-2009	Adopt	8-1-2009
339-010-0050	1-1-2009	Amend	1-1-2009	340-105-0140	6-25-2009	Adopt	8-1-2009
339-020-0015	1-1-2009	Adopt	1-1-2009	340-200-0040	12-31-2008	Amend	2-1-2009
340-012-0065	9-14-2009	Amend	10-1-2009	340-200-0040	6-30-2009	Amend	8-1-2009
340-054-0024	5-1-2009	Amend(T)	6-1-2009	340-216-0020	12-31-2008	Amend	2-1-2009
340-054-0024	10-28-2009	Amend	12-1-2009	340-216-0060	12-31-2008	Amend	2-1-2009
340-054-0025	5-1-2009	Amend(T)	6-1-2009	340-220-0030	8-27-2009	Amend(T)	10-1-2009
340-054-0025	10-28-2009	Amend	12-1-2009	340-220-0040	8-27-2009	Amend(T)	10-1-2009
340-054-0035	5-1-2009	Amend(T)	6-1-2009	340-220-0050	8-27-2009	Amend(T)	10-1-2009
340-054-0035	10-28-2009	Amend	12-1-2009	340-223-0010	6-30-2009	Adopt	8-1-2009
340-054-0098	5-1-2009	Adopt(T)	6-1-2009	340-223-0020	6-30-2009	Adopt	8-1-2009
340-054-0098	10-28-2009	Adopt	12-1-2009	340-223-0030	6-30-2009	Adopt	8-1-2009
340-054-0100	5-1-2009	Adopt(T)	6-1-2009	340-223-0040	6-30-2009	Adopt	8-1-2009
340-054-0100	10-28-2009	Adopt	12-1-2009	340-223-0050	6-30-2009	Adopt	8-1-2009
340-054-0102	5-1-2009	Adopt(T)	6-1-2009	340-228-0600	12-31-2008	Amend	2-1-2009
340-054-0102	10-28-2009	Adopt	12-1-2009	340-228-0601	12-31-2008	Adopt	2-1-2009
340-054-0104	5-1-2009	Adopt(T)	6-1-2009	340-228-0602	12-31-2008	Amend	2-1-2009
340-054-0104	10-28-2009	Adopt	12-1-2009	340-228-0603	12-31-2008	Amend	2-1-2009
340-054-0106	5-1-2009	Adopt(T)	6-1-2009	340-228-0604	12-31-2008	Repeal	2-1-2009
340-054-0106	10-28-2009	Adopt	12-1-2009	340-228-0605	12-31-2008	Repeal	2-1-2009
340-054-0108	5-1-2009	Adopt(T)	6-1-2009	340-228-0606	12-31-2008	Amend	2-1-2009
340-054-0108	10-28-2009	Adopt	12-1-2009	340-228-0606	6-30-2009	Amend	8-1-2009
340-054-0110	9-4-2009	Adopt(T)	10-1-2009	340-228-0608	12-31-2008	Repeal	2-1-2009
340-054-0112	9-4-2009	Adopt(T)	10-1-2009	340-228-0609	12-31-2008	Adopt	2-1-2009
340-054-0114	9-4-2009	Adopt(T)	10-1-2009	340-228-0610	12-31-2008	Repeal	2-1-2009
340-054-0116	9-4-2009	Adopt(T)	10-1-2009	340-228-0611	12-31-2008	Adopt	2-1-2009
340-054-0118	9-4-2009	Adopt(T)	10-1-2009	340-228-0612	12-31-2008	Repeal	2-1-2009
340-093-0030	9-14-2009	Amend	10-1-2009	340-228-0613	12-31-2008	Adopt	2-1-2009
340-093-0050	9-14-2009	Amend	10-1-2009	340-228-0614	12-31-2008	Repeal	2-1-2009
340-093-0070	9-14-2009	Amend	10-1-2009	340-228-0615	12-31-2008	Adopt	2-1-2009
340-093-0100	9-14-2009	Amend	10-1-2009	340-228-0616	12-31-2008	Repeal	2-1-2009
340-093-0105	9-14-2009	Amend	10-1-2009	340-228-0617	12-31-2008	Adopt	2-1-2009
340-093-0130	9-14-2009	Amend	10-1-2009	340-228-0618	12-31-2008	Repeal	2-1-2009

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
340-228-0619	12-31-2008	Adopt	2-1-2009	340-244-0020	12-31-2008	Amend	2-1-2009
340-228-0620	12-31-2008	Repeal	2-1-2009	340-244-0030	12-31-2008	Amend	2-1-2009
340-228-0621	12-31-2008	Adopt	2-1-2009	340-244-0100	12-31-2008	Amend	2-1-2009
340-228-0622	12-31-2008	Repeal	2-1-2009	340-244-0110	12-31-2008	Repeal	2-1-2009
340-228-0623	12-31-2008	Adopt	2-1-2009	340-244-0120	12-31-2008	Repeal	2-1-2009
340-228-0624	12-31-2008	Repeal	2-1-2009	340-244-0130	12-31-2008	Repeal	2-1-2009
340-228-0625	12-31-2008	Adopt	2-1-2009	340-244-0140	12-31-2008	Repeal	2-1-2009
340-228-0626	12-31-2008	Repeal	2-1-2009	340-244-0150	12-31-2008	Repeal	2-1-2009
340-228-0627	12-31-2008	Adopt	2-1-2009	340-244-0160	12-31-2008	Repeal	2-1-2009
340-228-0628	12-31-2008	Repeal	2-1-2009	340-244-0170	12-31-2008	Repeal	2-1-2009
340-228-0629	12-31-2008	Adopt	2-1-2009	340-244-0180	12-31-2008	Repeal	2-1-2009
340-228-0630	12-31-2008	Repeal	2-1-2009	340-244-0210	12-31-2008	Amend	2-1-2009
340-228-0631	12-31-2008	Adopt	2-1-2009	340-244-0220	12-31-2008	Amend	2-1-2009
340-228-0632	12-31-2008	Repeal	2-1-2009	340-244-0232	12-31-2008	Adopt	2-1-2009
340-228-0633	12-31-2008	Adopt	2-1-2009	340-244-0234	12-31-2008	Adopt	2-1-2009
340-228-0634	12-31-2008	Repeal	2-1-2009	340-244-0236	12-31-2008	Adopt	2-1-2009
340-228-0635	12-31-2008	Adopt	2-1-2009	340-244-0238	12-31-2008	Adopt	2-1-2009
340-228-0636	12-31-2008	Repeal	2-1-2009	340-244-0240	12-31-2008	Adopt	2-1-2009
340-228-0637	12-31-2008	Adopt	2-1-2009	340-244-0242	12-31-2008	Adopt	2-1-2009
340-228-0638	12-31-2008	Repeal	2-1-2009	340-244-0244	12-31-2008	Adopt	2-1-2009
340-228-0640	12-31-2008	Repeal	2-1-2009	340-244-0246	12-31-2008	Adopt	2-1-2009
340-228-0642	12-31-2008	Repeal	2-1-2009	340-244-0248	12-31-2008	Adopt	2-1-2009
340-228-0644	12-31-2008	Repeal	2-1-2009	340-244-0250	12-31-2008	Adopt	2-1-2009
340-228-0646	12-31-2008	Repeal	2-1-2009	340-244-0252	12-31-2008	Adopt	2-1-2009
340-228-0648	12-31-2008	Repeal	2-1-2009	350-040-0020	1-14-2009	Amend(T)	2-1-2009
340-228-0650	12-31-2008	Repeal	2-1-2009	350-040-0020	5-1-2009	Amend	5-1-2009
340-228-0652	12-31-2008	Repeal	2-1-2009	350-040-0040	1-14-2009	Amend(T)	2-1-2009
340-228-0654	12-31-2008	Repeal	2-1-2009	350-040-0040	5-1-2009	Amend	5-1-2009
340-228-0656	12-31-2008	Repeal	2-1-2009	350-050-0020	1-14-2009	Amend(T)	2-1-2009
340-228-0658	12-31-2008	Repeal	2-1-2009	350-050-0020	5-1-2009	Amend	5-1-2009
340-228-0660	12-31-2008	Repeal	2-1-2009	350-050-0060	1-14-2009	Amend(T)	2-1-2009
340-228-0662	12-31-2008	Repeal	2-1-2009	350-050-0060	5-1-2009	Amend	5-1-2009
340-228-0664	12-31-2008	Repeal	2-1-2009	407-001-0000	12-5-2008	Amend	1-1-2009
340-228-0666	12-31-2008	Repeal	2-1-2009	407-001-0005	12-5-2008	Amend	1-1-2009
340-228-0668	12-31-2008	Repeal	2-1-2009	407-001-0010	12-5-2008	Amend	1-1-2009
340-228-0670	12-31-2008	Repeal	2-1-2009	407-007-0200	1-1-2009	Amend	2-1-2009
340-228-0671	12-31-2008	Repeal	2-1-2009	407-007-0200	4-1-2009	Amend	5-1-2009
340-228-0672	12-31-2008	Repeal	2-1-2009	407-007-0200	10-1-2009	Amend	11-1-2009
340-228-0673	12-31-2008	Repeal	2-1-2009	407-007-0210	1-1-2009	Amend	2-1-2009
340-228-0674	12-31-2008	Repeal	2-1-2009	407-007-0210	4-1-2009	Amend	5-1-2009
340-228-0676	12-31-2008	Repeal	2-1-2009	407-007-0210	10-1-2009	Amend	11-1-2009
340-228-0678	12-31-2008	Repeal	2-1-2009	407-007-0220	1-1-2009	Amend	2-1-2009
340-230-0300	12-31-2008	Amend	2-1-2009	407-007-0220	4-1-2009	Amend	5-1-2009
340-230-0310	12-31-2008	Amend	2-1-2009	407-007-0220	10-1-2009	Amend	11-1-2009
340-230-0320	12-31-2008	Amend	2-1-2009	407-007-0230	1-1-2009	Amend	2-1-2009
340-230-0330	12-31-2008	Amend	2-1-2009	407-007-0230	4-1-2009	Amend	5-1-2009
340-230-0335	12-31-2008	Adopt	2-1-2009	407-007-0230	10-1-2009	Amend	11-1-2009
340-230-0340	12-31-2008	Amend	2-1-2009	407-007-0240	1-1-2009	Amend	2-1-2009
340-230-0350	12-31-2008	Amend	2-1-2009	407-007-0240	4-1-2009	Amend	5-1-2009
340-230-0359	12-31-2008	Adopt	2-1-2009	407-007-0240	10-1-2009	Amend	11-1-2009
340-232-0070	12-31-2008	Repeal	2-1-2009	407-007-0250	1-1-2009	Amend	2-1-2009
340-238-0040	12-31-2008	Amend	2-1-2009	407-007-0250	4-1-2009	Amend	5-1-2009
340-238-0050	12-31-2008	Repeal	2-1-2009	407-007-0250	10-1-2009	Amend	11-1-2009
340-238-0060	12-31-2008	Amend	2-1-2009	407-007-0260	1-1-2009	Repeal	2-1-2009
340-238-0090	12-31-2008	Amend	2-1-2009	407-007-0270	1-1-2009	Repeal	2-1-2009
340-242-0520	12-31-2008	Amend	2-1-2009	407-007-0280	1-1-2009	Amend	2-1-2009

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
407-007-0280	4-1-2009	Amend	5-1-2009	407-120-0330(T)	12-27-2008	Repeal	2-1-2009
407-007-0280	10-1-2009	Amend	11-1-2009	407-120-0340	12-27-2008	Amend	2-1-2009
407-007-0290	1-1-2009	Amend	2-1-2009	407-120-0340(T)	12-27-2008	Repeal	2-1-2009
407-007-0290	4-1-2009	Amend	5-1-2009	407-120-0350	12-27-2008	Amend	2-1-2009
407-007-0290	10-1-2009	Amend	11-1-2009	407-120-0350(T)	12-27-2008	Repeal	2-1-2009
407-007-0300	1-1-2009	Amend	2-1-2009	407-120-0360	12-27-2008	Amend	2-1-2009
407-007-0300	10-1-2009	Amend	11-1-2009	407-120-0360(T)	12-27-2008	Repeal	2-1-2009
407-007-0310	1-1-2009	Repeal	2-1-2009	407-120-0370	12-27-2008	Amend	2-1-2009
407-007-0320	1-1-2009	Amend	2-1-2009	407-120-0370(T)	12-27-2008	Repeal	2-1-2009
407-007-0320	4-1-2009	Amend	5-1-2009	407-120-0380	12-27-2008	Amend	2-1-2009
407-007-0320	10-1-2009	Amend	11-1-2009	407-120-0380(T)	12-27-2008	Repeal	2-1-2009
407-007-0330	1-1-2009	Amend	2-1-2009	407-120-0400	1-12-2009	Adopt(T)	2-1-2009
407-007-0330	4-1-2009	Amend	5-1-2009	407-120-0400	7-10-2009	Adopt	8-1-2009
407-007-0330	10-1-2009	Amend	11-1-2009	407-120-0400(T)	7-10-2009	Repeal	8-1-2009
407-007-0340	1-1-2009	Amend	2-1-2009	409-023-0000	7-1-2009	Amend	8-1-2009
407-007-0340	4-1-2009	Amend	5-1-2009	409-023-0010	7-1-2009	Amend	8-1-2009
407-007-0340	10-1-2009	Amend	11-1-2009	409-023-0012	7-1-2009	Adopt	8-1-2009
407-007-0350	1-1-2009	Amend	2-1-2009	409-023-0013	7-1-2009	Adopt	8-1-2009
407-007-0350	4-1-2009	Amend	5-1-2009	409-023-0015	7-1-2009	Amend	8-1-2009
407-007-0350	10-1-2009	Amend	11-1-2009	409-030-0000	10-1-2009	Amend	11-1-2009
407-007-0355	1-1-2009	Adopt	2-1-2009	409-030-0005	10-1-2009	Amend	11-1-2009
407-007-0355	4-1-2009	Amend	5-1-2009	409-030-0010	10-1-2009	Amend	11-1-2009
407-007-0355	10-1-2009	Amend	11-1-2009	409-030-0020	10-1-2009	Amend	11-1-2009
407-007-0360	1-1-2009	Repeal	2-1-2009	409-030-0030	10-1-2009	Amend	11-1-2009
407-007-0370	1-1-2009	Amend	2-1-2009	409-030-0040	10-1-2009	Repeal	11-1-2009
407-007-0370	10-1-2009	Amend	11-1-2009	409-030-0050	10-1-2009	Amend	11-1-2009
407-007-0380	1-1-2009	Repeal	2-1-2009	409-030-0065	10-1-2009	Amend	11-1-2009
407-007-0400	10-1-2009	Adopt(T)	11-1-2009	409-110-0000	10-1-2009	Adopt	11-1-2009
407-007-0410	10-1-2009	Adopt(T)	11-1-2009	409-110-0005	10-1-2009	Adopt	11-1-2009
407-007-0420	10-1-2009	Adopt(T)	11-1-2009	409-110-0010	10-1-2009	Adopt	11-1-2009
407-007-0430	10-1-2009	Adopt(T)	11-1-2009	409-110-0015	10-1-2009	Adopt	11-1-2009
407-007-0440	10-1-2009	Adopt(T)	11-1-2009	409-110-0020	10-1-2009	Adopt	11-1-2009
407-007-0450	10-1-2009	Adopt(T)	11-1-2009	410-014-0000	7-1-2009	Am. & Ren.	8-1-2009
407-007-0460	10-1-2009	Adopt(T)	11-1-2009	410-014-0010	7-1-2009	Am. & Ren.	8-1-2009
407-043-0010	9-14-2009	Adopt(T)	10-1-2009	410-014-0020	7-1-2009	Am. & Ren.	8-1-2009
407-045-0250	5-1-2009	Amend	6-1-2009	410-014-0030	7-1-2009	Am. & Ren.	8-1-2009
407-045-0260	5-1-2009	Amend	6-1-2009	410-014-0040	7-1-2009	Am. & Ren.	8-1-2009
407-045-0270	5-1-2009	Repeal	6-1-2009	410-014-0050	7-1-2009	Am. & Ren.	8-1-2009
407-045-0280	5-1-2009	Amend	6-1-2009	410-014-0060	7-1-2009	Am. & Ren.	8-1-2009
407-045-0290	5-1-2009	Amend	6-1-2009	410-014-0070	7-1-2009	Am. & Ren.	8-1-2009
407-045-0300	5-1-2009	Amend	6-1-2009	410-050-0100	10-1-2009	Amend	11-1-2009
407-045-0310	5-1-2009	Amend	6-1-2009	410-050-0130	10-1-2009	Amend	11-1-2009
407-045-0320	5-1-2009	Amend	6-1-2009	410-050-0180	10-1-2009	Amend	11-1-2009
407-045-0330	5-1-2009	Amend	6-1-2009	410-050-0240	10-1-2009	Amend	11-1-2009
407-045-0340	5-1-2009	Amend	6-1-2009	410-050-0250	10-1-2009	Amend	11-1-2009
407-045-0350	5-1-2009	Amend	6-1-2009	410-050-0700	10-1-2009	Amend	11-1-2009
407-045-0360	5-1-2009	Amend	6-1-2009	410-050-0800	10-1-2009	Amend	11-1-2009
407-120-0300	12-27-2008	Amend	2-1-2009	410-050-0861	7-1-2009	Amend	8-1-2009
407-120-0300(T)	12-27-2008	Repeal	2-1-2009	410-050-0861	7-15-2009	Amend(T)	8-1-2009
407-120-0310	12-27-2008	Amend	2-1-2009	410-050-0861	9-1-2009	Amend	10-1-2009
407-120-0310(T)	12-27-2008	Repeal	2-1-2009	410-050-0861(T)	9-1-2009	Repeal	10-1-2009
407-120-0320	12-27-2008	Amend	2-1-2009	410-050-0870	10-1-2009	Amend	11-1-2009
407-120-0320(T)	12-27-2008	Repeal	2-1-2009	410-120-0000	12-1-2008	Amend	1-1-2009
407-120-0325	12-27-2008	Adopt	2-1-2009	410-120-0000	7-1-2009	Amend	7-1-2009
407-120-0325(T)	12-27-2008	Repeal	2-1-2009	410-120-0027	1-12-2009	Adopt(T)	2-1-2009
407-120-0330	12-27-2008	Amend	2-1-2009				

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
410-120-0027	1-16-2009	Amend(T)	3-1-2009	410-122-0320	7-1-2009	Amend	7-1-2009
410-120-0027	5-1-2009	Amend(T)	6-1-2009	410-122-0325	7-1-2009	Amend	7-1-2009
410-120-0027	6-12-2009	Amend	7-1-2009	410-122-0330	1-1-2009	Amend	1-1-2009
410-120-0027(T)	1-16-2009	Suspend	3-1-2009	410-122-0340	1-1-2009	Amend	1-1-2009
410-120-0027(T)	5-1-2009	Suspend	6-1-2009	410-122-0340	7-1-2009	Amend	7-1-2009
410-120-0027(T)	6-12-2009	Repeal	7-1-2009	410-122-0365	1-1-2009	Amend	1-1-2009
410-120-0030	10-1-2009	Amend(T)	10-1-2009	410-122-0375	7-1-2009	Amend	7-1-2009
410-120-1140	12-1-2008	Amend	1-1-2009	410-122-0400	7-1-2009	Amend	7-1-2009
410-120-1180	12-1-2008	Amend	1-1-2009	410-122-0420	7-1-2009	Amend	7-1-2009
410-120-1195	12-1-2008	Amend	1-1-2009	410-122-0500	7-1-2009	Amend	7-1-2009
410-120-1260	12-1-2008	Amend	1-1-2009	410-122-0520	7-1-2009	Amend	7-1-2009
410-120-1280	12-1-2008	Amend	1-1-2009	410-122-0560	1-1-2009	Amend	1-1-2009
410-120-1295	10-1-2009	Amend(T)	10-1-2009	410-122-0580	1-1-2009	Amend	1-1-2009
410-120-1340	12-1-2008	Amend	1-1-2009	410-122-0580	7-1-2009	Amend	7-1-2009
410-120-1340	1-1-2009	Amend	1-1-2009	410-122-0590	7-1-2009	Amend	7-1-2009
410-120-1560	7-1-2009	Amend	7-1-2009	410-122-0600	7-1-2009	Amend	7-1-2009
410-120-1570	7-1-2009	Amend	7-1-2009	410-122-0620	7-1-2009	Amend	7-1-2009
410-120-1580	7-1-2009	Amend	7-1-2009	410-122-0630	1-1-2009	Amend	1-1-2009
410-120-1600	7-1-2009	Amend	7-1-2009	410-122-0655	1-1-2009	Amend	1-1-2009
410-120-1680	7-1-2009	Repeal	7-1-2009	410-122-0700	7-1-2009	Amend	7-1-2009
410-120-1700	7-1-2009	Repeal	7-1-2009	410-122-0720	7-1-2009	Amend	7-1-2009
410-121-0000	1-1-2009	Amend	1-1-2009	410-123-1060	7-1-2009	Amend	7-1-2009
410-121-0000	7-1-2009	Amend	7-1-2009	410-123-1085	1-1-2009	Amend	1-1-2009
410-121-0030	1-1-2009	Amend	1-1-2009	410-123-1100	7-1-2009	Amend	7-1-2009
410-121-0032	1-1-2009	Amend	1-1-2009	410-123-1160	1-1-2009	Amend	1-1-2009
410-121-0032	7-1-2009	Amend	7-1-2009	410-123-1160	7-1-2009	Amend	7-1-2009
410-121-0040	12-1-2008	Amend	1-1-2009	410-123-1220	1-1-2009	Amend	1-1-2009
410-121-0040	7-1-2009	Amend	7-1-2009	410-123-1220	7-1-2009	Amend	7-1-2009
410-121-0060	12-1-2008	Amend	1-1-2009	410-123-1230	1-1-2009	Amend	1-1-2009
410-121-0060	1-1-2009	Amend	1-1-2009	410-123-1240	1-1-2009	Amend	1-1-2009
410-121-0140	12-1-2008	Amend	1-1-2009	410-123-1260	1-1-2009	Amend	1-1-2009
410-121-0140	1-1-2009	Repeal	1-1-2009	410-123-1260	7-1-2009	Amend	7-1-2009
410-121-0150	12-1-2008	Amend	1-1-2009	410-123-1490	1-1-2009	Amend	1-1-2009
410-121-0150	7-1-2009	Amend	7-1-2009	410-123-1490	7-1-2009	Amend	7-1-2009
410-121-0155	4-1-2009	Amend(T)	5-1-2009	410-123-1600	7-1-2009	Amend	7-1-2009
410-121-0155	7-1-2009	Amend	7-1-2009	410-123-1620	1-1-2009	Amend	1-1-2009
410-121-0157	12-1-2008	Amend	1-1-2009	410-123-1620	7-1-2009	Amend	7-1-2009
410-121-0185	1-1-2009	Amend	1-1-2009	410-123-1670	1-1-2009	Amend	1-1-2009
410-121-0200	12-1-2008	Amend	1-1-2009	410-123-1670	7-1-2009	Amend	7-1-2009
410-121-0300	1-1-2009	Amend	1-1-2009	410-125-0020	1-1-2009	Amend	1-1-2009
410-121-0320	12-1-2008	Amend	1-1-2009	410-125-0041	1-1-2009	Amend	1-1-2009
410-121-0625	1-1-2009	Amend	1-1-2009	410-125-0045	1-1-2009	Amend	1-1-2009
410-122-0040	12-1-2008	Amend	1-1-2009	410-125-0080	1-1-2009	Amend	1-1-2009
410-122-0080	7-1-2009	Amend	7-1-2009	410-125-0080	7-1-2009	Amend	7-1-2009
410-122-0180	7-1-2009	Amend	7-1-2009	410-125-0085	1-1-2009	Amend	1-1-2009
410-122-0182	1-1-2009	Amend	1-1-2009	410-125-0125	12-1-2008	Amend	1-1-2009
410-122-0186	7-1-2009	Amend	7-1-2009	410-125-0141	5-1-2009	Amend(T)	6-1-2009
410-122-0200	1-1-2009	Amend	1-1-2009	410-125-0141	10-1-2009	Amend	11-1-2009
410-122-0202	1-1-2009	Amend(T)	2-1-2009	410-125-0155	1-1-2009	Amend	1-1-2009
410-122-0202	6-1-2009	Amend	7-1-2009	410-125-0181	1-1-2009	Amend	1-1-2009
410-122-0202(T)	6-1-2009	Repeal	7-1-2009	410-125-0195	1-1-2009	Amend	1-1-2009
410-122-0203	1-1-2009	Amend	1-1-2009	410-125-0195	5-1-2009	Amend(T)	6-1-2009
410-122-0204	1-1-2009	Amend	1-1-2009	410-125-0195	10-1-2009	Amend	11-1-2009
410-122-0205	7-1-2009	Amend	7-1-2009	410-125-0210	12-1-2008	Amend	1-1-2009
410-122-0208	7-1-2009	Amend	7-1-2009	410-125-0220	12-1-2008	Amend	1-1-2009
410-122-0211	1-1-2009	Adopt	1-1-2009	410-125-0360	12-1-2008	Amend	1-1-2009

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
410-125-0400	12-1-2008	Amend	1-1-2009	410-138-0500	12-28-2008	Amend	2-1-2009
410-125-0600	12-1-2008	Amend	1-1-2009	410-138-0520	12-28-2008	Amend	2-1-2009
410-125-0640	12-1-2008	Amend	1-1-2009	410-138-0560	12-28-2008	Amend	2-1-2009
410-125-0720	12-1-2008	Amend	1-1-2009	410-138-0600	12-28-2008	Amend	2-1-2009
410-125-1020	1-1-2009	Amend	1-1-2009	410-138-0620	12-28-2008	Amend	2-1-2009
410-125-1070	12-1-2008	Amend	1-1-2009	410-138-0680	12-28-2008	Amend	2-1-2009
410-127-0080	12-1-2008	Amend	1-1-2009	410-138-0700	12-28-2008	Amend	2-1-2009
410-129-0080	12-1-2008	Amend	1-1-2009	410-138-0720	12-28-2008	Amend	2-1-2009
410-130-0163	7-1-2009	Amend	7-1-2009	410-138-0740	12-28-2008	Amend	2-1-2009
410-130-0180	12-1-2008	Amend	1-1-2009	410-138-0780	12-28-2008	Amend	2-1-2009
410-130-0180	7-1-2009	Amend	7-1-2009	410-140-0140	7-1-2009	Amend	7-1-2009
410-130-0200	7-1-2009	Amend	7-1-2009	410-140-0160	7-1-2009	Amend	7-1-2009
410-130-0220	7-1-2009	Amend	7-1-2009	410-141-0000	12-1-2008	Amend	1-1-2009
410-130-0240	7-1-2009	Amend	7-1-2009	410-141-0020	12-1-2008	Amend	1-1-2009
410-130-0255	7-1-2009	Amend	7-1-2009	410-141-0120	1-1-2009	Amend	1-1-2009
410-130-0365	7-1-2009	Amend	7-1-2009	410-141-0220	12-1-2008	Amend	1-1-2009
410-130-0595	7-1-2009	Amend	7-1-2009	410-141-0266	1-1-2009	Amend	1-1-2009
410-132-0100	12-1-2008	Amend	1-1-2009	410-141-0425	1-5-2009	Adopt(T)	2-1-2009
410-133-0000	7-1-2009	Amend	7-1-2009	410-141-0520	1-1-2009	Amend	1-1-2009
410-133-0040	12-28-2008	Amend	2-1-2009	410-141-0520	1-30-2009	Amend(T)	3-1-2009
410-133-0040	7-1-2009	Amend	7-1-2009	410-141-0520	4-1-2009	Amend(T)	5-1-2009
410-133-0060	7-1-2009	Amend	7-1-2009	410-141-0520	4-17-2009	Amend(T)	6-1-2009
410-133-0080	7-1-2009	Amend	7-1-2009	410-141-0520	8-5-2009	Amend	9-1-2009
410-133-0090	12-28-2008	Amend	2-1-2009	410-141-0520	10-1-2009	Amend(T)	10-1-2009
410-133-0090	7-1-2009	Amend	7-1-2009	410-141-0520(T)	1-1-2009	Repeal	1-1-2009
410-133-0100	12-28-2008	Amend	2-1-2009	410-141-0520(T)	4-1-2009	Suspend	5-1-2009
410-133-0100	7-1-2009	Amend	7-1-2009	410-141-0520(T)	4-17-2009	Suspend	6-1-2009
410-133-0120	7-1-2009	Amend	7-1-2009	410-141-0520(T)	8-5-2009	Repeal	9-1-2009
410-133-0140	12-28-2008	Amend	2-1-2009	410-146-0021	12-1-2008	Amend	1-1-2009
410-133-0140	7-1-2009	Amend	7-1-2009	410-146-0040	1-1-2009	Amend	1-1-2009
410-133-0160	7-1-2009	Amend	7-1-2009	410-146-0060	12-1-2008	Amend	1-1-2009
410-133-0180	7-1-2009	Amend	7-1-2009	410-146-0080	12-1-2008	Amend	1-1-2009
410-133-0200	7-1-2009	Amend	7-1-2009	410-146-0085	12-1-2008	Amend	1-1-2009
410-133-0220	12-28-2008	Amend	2-1-2009	410-146-0085	7-1-2009	Amend	7-1-2009
410-133-0220	7-1-2009	Amend	7-1-2009	410-146-0086	12-1-2008	Amend	1-1-2009
410-133-0245	7-1-2009	Amend	7-1-2009	410-146-0100	12-1-2008	Amend	1-1-2009
410-133-0280	12-28-2008	Amend	2-1-2009	410-146-0120	12-1-2008	Amend	1-1-2009
410-133-0280	7-1-2009	Amend	7-1-2009	410-146-0130	12-1-2008	Amend	1-1-2009
410-133-0320	7-1-2009	Amend	7-1-2009	410-146-0140	12-1-2008	Amend	1-1-2009
410-136-0240	12-1-2008	Amend	1-1-2009	410-146-0340	12-1-2008	Amend	1-1-2009
410-136-0240	4-1-2009	Amend(T)	5-1-2009	410-146-0380	12-1-2008	Amend	1-1-2009
410-136-0240	9-25-2009	Amend	11-1-2009	410-146-0380	7-1-2009	Amend	7-1-2009
410-136-0260	12-1-2008	Amend	1-1-2009	410-146-0440	12-1-2008	Amend	1-1-2009
410-136-0300	12-1-2008	Amend	1-1-2009	410-147-0020	12-1-2008	Amend	1-1-2009
410-136-0300	4-1-2009	Amend(T)	5-1-2009	410-147-0040	1-1-2009	Amend	1-1-2009
410-136-0300	9-25-2009	Amend	11-1-2009	410-147-0060	12-1-2008	Amend	1-1-2009
410-137-0080	7-1-2009	Repeal	7-1-2009	410-147-0120	12-1-2008	Amend	1-1-2009
410-138-0000	12-28-2008	Amend	2-1-2009	410-147-0120	7-1-2009	Amend	7-1-2009
410-138-0005	12-28-2008	Adopt	2-1-2009	410-147-0125	12-1-2008	Amend	1-1-2009
410-138-0007	12-28-2008	Adopt	2-1-2009	410-147-0125	7-1-2009	Amend	7-1-2009
410-138-0009	12-28-2008	Adopt	2-1-2009	410-147-0140	12-1-2008	Amend	1-1-2009
410-138-0020	12-28-2008	Amend	2-1-2009	410-147-0140	7-1-2009	Amend	7-1-2009
410-138-0080	12-28-2008	Amend	2-1-2009	410-147-0160	12-1-2008	Amend	1-1-2009
410-138-0300	12-28-2008	Amend	2-1-2009	410-147-0180	12-1-2008	Amend	1-1-2009
410-138-0320	12-28-2008	Amend	2-1-2009	410-147-0200	12-1-2008	Amend	1-1-2009
410-138-0380	12-28-2008	Amend	2-1-2009	410-147-0220	12-1-2008	Amend	1-1-2009

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
410-147-0320	12-1-2008	Amend	1-1-2009	411-300-0205	8-1-2009	Adopt	9-1-2009
410-147-0340	12-1-2008	Amend	1-1-2009	411-300-0210	8-1-2009	Amend	9-1-2009
410-147-0360	12-1-2008	Amend	1-1-2009	411-300-0220	8-1-2009	Amend	9-1-2009
410-147-0460	12-1-2008	Amend	1-1-2009	411-305-0010	6-1-2009	Amend	7-1-2009
410-147-0480	12-1-2008	Amend	1-1-2009	411-305-0020	6-1-2009	Amend	7-1-2009
410-147-0540	12-1-2008	Amend	1-1-2009	411-305-0030	6-1-2009	Amend	7-1-2009
410-147-0560	12-1-2008	Amend	1-1-2009	411-305-0040	6-1-2009	Repeal	7-1-2009
410-147-0610	12-1-2008	Amend	1-1-2009	411-305-0050	6-1-2009	Amend	7-1-2009
410-147-0620	12-1-2008	Amend	1-1-2009	411-305-0060	6-1-2009	Am. & Ren.	7-1-2009
410-148-0100	7-1-2009	Amend	7-1-2009	411-305-0070	6-1-2009	Am. & Ren.	7-1-2009
410-148-0140	7-1-2009	Amend	7-1-2009	411-305-0080	6-1-2009	Amend	7-1-2009
410-148-0260	7-1-2009	Amend	7-1-2009	411-305-0080	7-28-2009	Amend(T)	9-1-2009
411-001-0010	3-3-2009	Repeal	4-1-2009	411-305-0080	10-1-2009	Amend	11-1-2009
411-030-0002	1-1-2009	Amend	2-1-2009	411-305-0080(T)	10-1-2009	Repeal	11-1-2009
411-030-0020	1-1-2009	Amend	2-1-2009	411-305-0090	6-1-2009	Amend	7-1-2009
411-030-0033	1-1-2009	Amend	2-1-2009	411-305-0100	6-1-2009	Am. & Ren.	7-1-2009
411-030-0040	1-1-2009	Amend	2-1-2009	411-305-0110	6-1-2009	Amend	7-1-2009
411-030-0050	1-1-2009	Amend	2-1-2009	411-305-0120	6-1-2009	Amend	7-1-2009
411-030-0055	1-1-2009	Amend	2-1-2009	411-305-0130	6-1-2009	Am. & Ren.	7-1-2009
411-030-0070	1-1-2009	Amend	2-1-2009	411-305-0140	6-1-2009	Amend	7-1-2009
411-030-0080	1-1-2009	Amend	2-1-2009	411-305-0150	6-1-2009	Am. & Ren.	7-1-2009
411-030-0090	1-1-2009	Amend	2-1-2009	411-305-0160	6-1-2009	Amend	7-1-2009
411-030-0100	1-1-2009	Amend	2-1-2009	411-305-0170	6-1-2009	Amend	7-1-2009
411-050-0499	7-1-2009	Adopt	8-1-2009	411-305-0180	6-1-2009	Amend	7-1-2009
411-054-0005	1-1-2009	Amend	2-1-2009	411-308-0010	7-1-2009	Adopt(T)	8-1-2009
411-054-0005	10-1-2009	Amend	11-1-2009	411-308-0020	7-1-2009	Adopt(T)	8-1-2009
411-054-0008	1-1-2009	Repeal	2-1-2009	411-308-0030	7-1-2009	Adopt(T)	8-1-2009
411-054-0010	10-1-2009	Amend	11-1-2009	411-308-0040	7-1-2009	Adopt(T)	8-1-2009
411-054-0012	1-1-2009	Amend	2-1-2009	411-308-0050	7-1-2009	Adopt(T)	8-1-2009
411-054-0025	10-1-2009	Amend	11-1-2009	411-308-0060	7-1-2009	Adopt(T)	8-1-2009
411-054-0034	10-1-2009	Amend	11-1-2009	411-308-0070	7-1-2009	Adopt(T)	8-1-2009
411-054-0090	10-1-2009	Amend	11-1-2009	411-308-0080	7-1-2009	Adopt(T)	8-1-2009
411-054-0093	10-1-2009	Amend	11-1-2009	411-308-0090	7-1-2009	Adopt(T)	8-1-2009
411-054-0105	1-1-2009	Amend	2-1-2009	411-308-0100	7-1-2009	Adopt(T)	8-1-2009
411-054-0125	3-3-2009	Adopt	4-1-2009	411-308-0110	7-1-2009	Adopt(T)	8-1-2009
411-054-0125	10-1-2009	Repeal	11-1-2009	411-308-0120	7-1-2009	Adopt(T)	8-1-2009
411-054-0125(T)	3-3-2009	Repeal	4-1-2009	411-308-0130	7-1-2009	Adopt(T)	8-1-2009
411-054-0130	10-1-2009	Amend	11-1-2009	411-308-0140	7-1-2009	Adopt(T)	8-1-2009
411-054-0200	10-1-2009	Amend	11-1-2009	411-308-0150	7-1-2009	Adopt(T)	8-1-2009
411-054-0300	10-1-2009	Amend	11-1-2009	411-320-0010	7-13-2009	Amend	8-1-2009
411-070-0005	7-1-2009	Amend(T)	8-1-2009	411-320-0020	7-13-2009	Amend	8-1-2009
411-070-0442	7-1-2009	Amend(T)	8-1-2009	411-320-0030	7-13-2009	Amend	8-1-2009
411-086-0320	10-1-2009	Amend	11-1-2009	411-320-0040	7-13-2009	Amend	8-1-2009
411-086-0350	10-1-2009	Amend	11-1-2009	411-320-0045	7-13-2009	Adopt	8-1-2009
411-300-0100	8-1-2009	Amend	9-1-2009	411-320-0050	7-13-2009	Amend	8-1-2009
411-300-0110	8-1-2009	Amend	9-1-2009	411-320-0060	7-13-2009	Amend	8-1-2009
411-300-0120	8-1-2009	Amend	9-1-2009	411-320-0070	7-13-2009	Amend	8-1-2009
411-300-0130	8-1-2009	Amend	9-1-2009	411-320-0080	7-13-2009	Amend	8-1-2009
411-300-0140	8-1-2009	Amend	9-1-2009	411-320-0090	7-13-2009	Amend	8-1-2009
411-300-0150	8-1-2009	Amend	9-1-2009	411-320-0100	7-13-2009	Amend	8-1-2009
411-300-0155	8-1-2009	Adopt	9-1-2009	411-320-0110	7-13-2009	Amend	8-1-2009
411-300-0160	8-1-2009	Repeal	9-1-2009	411-320-0120	7-13-2009	Amend	8-1-2009
411-300-0170	8-1-2009	Amend	9-1-2009	411-320-0130	7-13-2009	Amend	8-1-2009
411-300-0180	8-1-2009	Repeal	9-1-2009	411-320-0140	7-13-2009	Amend	8-1-2009
411-300-0190	8-1-2009	Amend	9-1-2009	411-320-0150	7-13-2009	Amend	8-1-2009
411-300-0200	8-1-2009	Amend	9-1-2009	411-320-0160	7-13-2009	Amend	8-1-2009

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
411-320-0170	7-13-2009	Amend	8-1-2009	413-015-0409	10-2-2009	Amend	11-1-2009
411-320-0175	7-13-2009	Adopt	8-1-2009	413-015-0420	11-3-2009	Amend	12-1-2009
411-320-0180	7-13-2009	Amend	8-1-2009	413-015-0470	8-3-2009	Amend	9-1-2009
411-320-0190	7-13-2009	Amend	8-1-2009	413-020-0200	7-1-2009	Amend(T)	8-1-2009
411-320-0200	7-13-2009	Amend	8-1-2009	413-020-0200	9-25-2009	Amend(T)	11-1-2009
411-340-0010	7-1-2009	Amend	8-1-2009	413-020-0200(T)	9-25-2009	Suspend	11-1-2009
411-340-0020	7-1-2009	Amend	8-1-2009	413-020-0210	7-1-2009	Amend(T)	8-1-2009
411-340-0030	7-1-2009	Amend	8-1-2009	413-020-0210	9-25-2009	Amend(T)	11-1-2009
411-340-0040	7-1-2009	Amend	8-1-2009	413-020-0210(T)	9-25-2009	Suspend	11-1-2009
411-340-0050	7-1-2009	Amend	8-1-2009	413-020-0230	7-1-2009	Amend(T)	8-1-2009
411-340-0060	7-1-2009	Amend	8-1-2009	413-020-0230	9-25-2009	Amend(T)	11-1-2009
411-340-0070	7-1-2009	Amend	8-1-2009	413-020-0230(T)	9-25-2009	Suspend	11-1-2009
411-340-0080	7-1-2009	Amend	8-1-2009	413-020-0233	7-1-2009	Amend(T)	8-1-2009
411-340-0090	7-1-2009	Amend	8-1-2009	413-020-0233	9-25-2009	Amend(T)	11-1-2009
411-340-0100	7-1-2009	Amend	8-1-2009	413-020-0233(T)	9-25-2009	Suspend	11-1-2009
411-340-0110	7-1-2009	Amend	8-1-2009	413-020-0236	7-1-2009	Amend(T)	8-1-2009
411-340-0120	7-1-2009	Amend	8-1-2009	413-020-0236	9-25-2009	Amend(T)	11-1-2009
411-340-0130	7-1-2009	Amend	8-1-2009	413-020-0236(T)	9-25-2009	Suspend	11-1-2009
411-340-0140	7-1-2009	Amend	8-1-2009	413-020-0240	7-1-2009	Amend(T)	8-1-2009
411-340-0150	7-1-2009	Amend	8-1-2009	413-020-0240	9-25-2009	Amend(T)	11-1-2009
411-340-0160	7-1-2009	Amend	8-1-2009	413-020-0240(T)	9-25-2009	Suspend	11-1-2009
411-340-0170	7-1-2009	Amend	8-1-2009	413-020-0245	7-1-2009	Amend(T)	8-1-2009
411-340-0180	7-1-2009	Amend	8-1-2009	413-020-0245	9-25-2009	Amend(T)	11-1-2009
411-350-0010	3-1-2009	Amend	4-1-2009	413-020-0245(T)	9-25-2009	Suspend	11-1-2009
411-350-0020	3-1-2009	Amend	4-1-2009	413-020-0255	7-1-2009	Amend(T)	8-1-2009
411-350-0030	3-1-2009	Amend	4-1-2009	413-020-0255	9-25-2009	Amend(T)	11-1-2009
411-350-0040	3-1-2009	Amend	4-1-2009	413-020-0255(T)	9-25-2009	Suspend	11-1-2009
411-350-0050	3-1-2009	Amend	4-1-2009	413-030-0400	11-3-2009	Amend	12-1-2009
411-350-0060	3-1-2009	Am. & Ren.	4-1-2009	413-030-0405	9-1-2009	Amend(T)	10-1-2009
411-350-0070	3-1-2009	Repeal	4-1-2009	413-030-0405	11-3-2009	Amend	12-1-2009
411-350-0080	3-1-2009	Amend	4-1-2009	413-030-0405(T)	11-3-2009	Repeal	12-1-2009
411-350-0090	3-1-2009	Repeal	4-1-2009	413-030-0410	9-1-2009	Amend(T)	10-1-2009
411-350-0100	3-1-2009	Amend	4-1-2009	413-030-0410	11-3-2009	Amend	12-1-2009
411-350-0110	3-1-2009	Amend	4-1-2009	413-030-0410(T)	11-3-2009	Repeal	12-1-2009
411-350-0115	3-1-2009	Adopt	4-1-2009	413-030-0415	9-1-2009	Amend(T)	10-1-2009
411-350-0120	3-1-2009	Amend	4-1-2009	413-030-0415	11-3-2009	Repeal	12-1-2009
413-010-0170	11-3-2009	Amend	12-1-2009	413-030-0420	11-3-2009	Repeal	12-1-2009
413-010-0175	11-3-2009	Adopt	12-1-2009	413-030-0425	11-3-2009	Repeal	12-1-2009
413-010-0180	11-3-2009	Amend	12-1-2009	413-030-0430	11-3-2009	Amend	12-1-2009
413-010-0500	7-1-2009	Amend(T)	8-1-2009	413-030-0435	11-3-2009	Repeal	12-1-2009
413-010-0500	7-1-2009	Amend(T)	8-1-2009	413-030-0440	11-3-2009	Repeal	12-1-2009
413-010-0500	9-1-2009	Amend(T)	10-1-2009	413-030-0445	9-1-2009	Amend(T)	10-1-2009
413-010-0500(T)	9-1-2009	Suspend	10-1-2009	413-030-0445	11-3-2009	Amend	12-1-2009
413-010-0505	8-12-2009	Adopt(T)	9-1-2009	413-030-0445(T)	11-3-2009	Repeal	12-1-2009
413-010-0505(T)	8-12-2009	Suspend	9-1-2009	413-030-0449	11-3-2009	Adopt	12-1-2009
413-010-0510	7-1-2009	Adopt(T)	8-1-2009	413-030-0450	9-1-2009	Amend(T)	10-1-2009
413-010-0515	7-1-2009	Adopt(T)	8-1-2009	413-030-0450	11-3-2009	Repeal	12-1-2009
413-010-0515	8-12-2009	Adopt(T)	9-1-2009	413-030-0454	11-3-2009	Adopt	12-1-2009
413-010-0515(T)	8-12-2009	Suspend	9-1-2009	413-030-0455	11-3-2009	Repeal	12-1-2009
413-010-0520	7-1-2009	Adopt(T)	8-1-2009	413-030-0460	11-3-2009	Adopt	12-1-2009
413-010-0525	7-1-2009	Adopt(T)	8-1-2009	413-040-0005	7-1-2009	Amend(T)	8-1-2009
413-010-0530	7-1-2009	Adopt(T)	8-1-2009	413-040-0006	7-1-2009	Amend(T)	8-1-2009
413-010-0535	7-1-2009	Adopt(T)	8-1-2009	413-040-0010	7-1-2009	Amend(T)	8-1-2009
413-015-0211	11-3-2009	Amend	12-1-2009	413-040-0011	7-1-2009	Amend(T)	8-1-2009
413-015-0214	11-3-2009	Adopt	12-1-2009	413-040-0013	7-1-2009	Amend(T)	8-1-2009
413-015-0403	11-3-2009	Adopt	12-1-2009	413-040-0016	7-1-2009	Amend(T)	8-1-2009

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
413-040-0024	7-1-2009	Amend(T)	8-1-2009	413-070-0925	9-28-2009	Amend	11-1-2009
413-050-0000	3-19-2009	Amend	4-1-2009	413-070-0925(T)	7-1-2009	Suspend	8-1-2009
413-050-0005	3-19-2009	Amend	4-1-2009	413-070-0930	3-31-2009	Amend(T)	5-1-2009
413-050-0010	3-19-2009	Amend	4-1-2009	413-070-0930	7-1-2009	Amend(T)	8-1-2009
413-050-0020	3-19-2009	Amend	4-1-2009	413-070-0930	9-28-2009	Amend	11-1-2009
413-050-0030	3-19-2009	Amend	4-1-2009	413-070-0930(T)	7-1-2009	Suspend	8-1-2009
413-050-0040	3-19-2009	Amend	4-1-2009	413-070-0935	3-31-2009	Amend(T)	5-1-2009
413-050-0050	3-19-2009	Amend	4-1-2009	413-070-0935	7-1-2009	Amend(T)	8-1-2009
413-070-0520	11-3-2009	Amend	12-1-2009	413-070-0935	9-28-2009	Amend	11-1-2009
413-070-0524	11-3-2009	Amend	12-1-2009	413-070-0935(T)	7-1-2009	Suspend	8-1-2009
413-070-0528	11-3-2009	Repeal	12-1-2009	413-070-0937	3-31-2009	Amend(T)	5-1-2009
413-070-0532	11-3-2009	Amend	12-1-2009	413-070-0937	7-1-2009	Amend(T)	8-1-2009
413-070-0536	11-3-2009	Amend	12-1-2009	413-070-0937	9-28-2009	Amend	11-1-2009
413-070-0540	11-3-2009	Amend	12-1-2009	413-070-0937(T)	7-1-2009	Suspend	8-1-2009
413-070-0544	11-3-2009	Repeal	12-1-2009	413-070-0940	3-31-2009	Amend(T)	5-1-2009
413-070-0548	11-3-2009	Amend	12-1-2009	413-070-0940	7-1-2009	Amend(T)	8-1-2009
413-070-0550	11-3-2009	Adopt	12-1-2009	413-070-0940	9-28-2009	Amend	11-1-2009
413-070-0552	11-3-2009	Amend	12-1-2009	413-070-0940(T)	7-1-2009	Suspend	8-1-2009
413-070-0556	11-3-2009	Amend	12-1-2009	413-070-0945	3-31-2009	Amend(T)	5-1-2009
413-070-0560	11-3-2009	Repeal	12-1-2009	413-070-0945	7-1-2009	Amend(T)	8-1-2009
413-070-0565	11-3-2009	Adopt	12-1-2009	413-070-0945	9-28-2009	Amend	11-1-2009
413-070-0620	7-1-2009	Amend(T)	8-1-2009	413-070-0945(T)	7-1-2009	Suspend	8-1-2009
413-070-0625	7-1-2009	Amend(T)	8-1-2009	413-070-0950	3-31-2009	Suspend	5-1-2009
413-070-0630	7-1-2009	Amend(T)	8-1-2009	413-070-0950	9-28-2009	Repeal	11-1-2009
413-070-0640	7-1-2009	Amend(T)	8-1-2009	413-070-0955	3-31-2009	Amend(T)	5-1-2009
413-070-0700	11-3-2009	Repeal	12-1-2009	413-070-0955	7-1-2009	Amend(T)	8-1-2009
413-070-0710	11-3-2009	Repeal	12-1-2009	413-070-0955	9-28-2009	Amend	11-1-2009
413-070-0720	11-3-2009	Repeal	12-1-2009	413-070-0955(T)	7-1-2009	Suspend	8-1-2009
413-070-0730	11-3-2009	Repeal	12-1-2009	413-070-0960	3-31-2009	Amend(T)	5-1-2009
413-070-0740	11-3-2009	Repeal	12-1-2009	413-070-0960	7-1-2009	Amend(T)	8-1-2009
413-070-0750	11-3-2009	Repeal	12-1-2009	413-070-0960	9-28-2009	Amend	11-1-2009
413-070-0900	3-31-2009	Amend(T)	5-1-2009	413-070-0960(T)	7-1-2009	Suspend	8-1-2009
413-070-0900	7-1-2009	Amend(T)	8-1-2009	413-070-0965	3-31-2009	Amend(T)	5-1-2009
413-070-0900	9-28-2009	Amend	11-1-2009	413-070-0965	7-1-2009	Suspend	8-1-2009
413-070-0900(T)	7-1-2009	Suspend	8-1-2009	413-070-0965	9-28-2009	Amend	11-1-2009
413-070-0905	3-31-2009	Amend(T)	5-1-2009	413-070-0970	3-31-2009	Amend(T)	5-1-2009
413-070-0905	7-1-2009	Amend(T)	8-1-2009	413-070-0970	7-1-2009	Suspend	8-1-2009
413-070-0905	9-28-2009	Amend	11-1-2009	413-070-0970	9-28-2009	Amend	11-1-2009
413-070-0905(T)	7-1-2009	Suspend	8-1-2009	413-070-0980	3-31-2009	Amend(T)	5-1-2009
413-070-0909	9-28-2009	Adopt	11-1-2009	413-070-0980	7-1-2009	Suspend	8-1-2009
413-070-0910	3-31-2009	Suspend	5-1-2009	413-070-0980	9-28-2009	Repeal	11-1-2009
413-070-0910	9-28-2009	Repeal	11-1-2009	413-070-0981	3-31-2009	Suspend	5-1-2009
413-070-0915	3-31-2009	Amend(T)	5-1-2009	413-070-0981	9-28-2009	Repeal	11-1-2009
413-070-0915	7-1-2009	Amend(T)	8-1-2009	413-070-0982	7-1-2009	Amend(T)	8-1-2009
413-070-0915	9-28-2009	Amend	11-1-2009	413-070-0982	9-28-2009	Repeal	11-1-2009
413-070-0915(T)	7-1-2009	Suspend	8-1-2009	413-080-0000	7-1-2009	Amend(T)	8-1-2009
413-070-0917	3-31-2009	Amend(T)	5-1-2009	413-080-0010	7-1-2009	Amend(T)	8-1-2009
413-070-0917	7-1-2009	Amend(T)	8-1-2009	413-080-0020	7-1-2009	Amend(T)	8-1-2009
413-070-0917	9-28-2009	Amend	11-1-2009	413-080-0030	7-1-2009	Amend(T)	8-1-2009
413-070-0917(T)	7-1-2009	Suspend	8-1-2009	413-080-0040	7-1-2009	Amend(T)	8-1-2009
413-070-0920	3-31-2009	Amend(T)	5-1-2009	413-080-0050	7-1-2009	Amend(T)	8-1-2009
413-070-0920	7-1-2009	Amend(T)	8-1-2009	413-080-0055	7-1-2009	Amend(T)	8-1-2009
413-070-0920	9-28-2009	Amend	11-1-2009	413-080-0059	7-1-2009	Amend(T)	8-1-2009
413-070-0920(T)	7-1-2009	Suspend	8-1-2009	413-080-0063	7-1-2009	Amend(T)	8-1-2009
413-070-0925	3-31-2009	Amend(T)	5-1-2009	413-090-0000	7-1-2009	Amend(T)	8-1-2009
413-070-0925	7-1-2009	Amend(T)	8-1-2009	413-090-0000	8-12-2009	Amend(T)	9-1-2009

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
413-090-0000	9-1-2009	Amend(T)	10-1-2009	413-090-0150(T)	8-12-2009	Suspend	9-1-2009
413-090-0000	9-25-2009	Amend(T)	11-1-2009	413-090-0150(T)	9-25-2009	Suspend	11-1-2009
413-090-0000(T)	8-12-2009	Suspend	9-1-2009	413-090-0160	7-1-2009	Suspend	8-1-2009
413-090-0000(T)	9-1-2009	Suspend	10-1-2009	413-090-0170	7-1-2009	Suspend	8-1-2009
413-090-0000(T)	9-25-2009	Suspend	11-1-2009	413-090-0180	7-1-2009	Suspend	8-1-2009
413-090-0005	7-1-2009	Amend(T)	8-1-2009	413-090-0190	7-1-2009	Suspend	8-1-2009
413-090-0005	9-1-2009	Amend(T)	10-1-2009	413-090-0200	7-1-2009	Suspend	8-1-2009
413-090-0005	9-25-2009	Amend(T)	11-1-2009	413-090-0210	7-1-2009	Amend(T)	8-1-2009
413-090-0005(T)	9-1-2009	Suspend	10-1-2009	413-120-0400	2-2-2009	Amend	3-1-2009
413-090-0005(T)	9-25-2009	Suspend	11-1-2009	413-120-0400(T)	2-2-2009	Repeal	3-1-2009
413-090-0010	7-1-2009	Amend(T)	8-1-2009	413-120-0410	2-2-2009	Repeal	3-1-2009
413-090-0010	8-12-2009	Amend(T)	9-1-2009	413-120-0420	2-2-2009	Amend	3-1-2009
413-090-0010	9-1-2009	Amend(T)	10-1-2009	413-120-0420(T)	2-2-2009	Repeal	3-1-2009
413-090-0010	9-25-2009	Amend(T)	11-1-2009	413-120-0440	2-2-2009	Amend	3-1-2009
413-090-0010(T)	8-12-2009	Suspend	9-1-2009	413-120-0440(T)	2-2-2009	Repeal	3-1-2009
413-090-0010(T)	9-1-2009	Suspend	10-1-2009	413-120-0450	2-2-2009	Amend	3-1-2009
413-090-0010(T)	9-25-2009	Suspend	11-1-2009	413-120-0450(T)	2-2-2009	Repeal	3-1-2009
413-090-0021	7-1-2009	Adopt(T)	8-1-2009	413-120-0455	2-2-2009	Amend	3-1-2009
413-090-0021	9-25-2009	Adopt(T)	11-1-2009	413-120-0455(T)	2-2-2009	Repeal	3-1-2009
413-090-0021(T)	9-25-2009	Suspend	11-1-2009	413-120-0460	2-2-2009	Amend	3-1-2009
413-090-0030	7-1-2009	Amend(T)	8-1-2009	413-120-0460(T)	2-2-2009	Repeal	3-1-2009
413-090-0030	8-12-2009	Amend(T)	9-1-2009	413-120-0470	2-2-2009	Amend	3-1-2009
413-090-0030	9-25-2009	Amend(T)	11-1-2009	413-120-0470(T)	2-2-2009	Repeal	3-1-2009
413-090-0030(T)	8-12-2009	Suspend	9-1-2009	413-130-0000	7-1-2009	Amend(T)	8-1-2009
413-090-0030(T)	9-25-2009	Suspend	11-1-2009	413-130-0010	7-1-2009	Amend(T)	8-1-2009
413-090-0040	7-1-2009	Amend(T)	8-1-2009	413-130-0020	7-1-2009	Amend(T)	8-1-2009
413-090-0040	9-25-2009	Amend(T)	11-1-2009	413-130-0030	7-1-2009	Amend(T)	8-1-2009
413-090-0040(T)	9-25-2009	Suspend	11-1-2009	413-130-0040	7-1-2009	Amend(T)	8-1-2009
413-090-0050	7-1-2009	Amend(T)	8-1-2009	413-130-0045	7-1-2009	Adopt(T)	8-1-2009
413-090-0050	9-25-2009	Amend(T)	11-1-2009	413-130-0050	7-1-2009	Amend(T)	8-1-2009
413-090-0050(T)	9-25-2009	Suspend	11-1-2009	413-130-0060	7-1-2009	Amend(T)	8-1-2009
413-090-0100	7-1-2009	Amend(T)	8-1-2009	413-130-0070	7-1-2009	Amend(T)	8-1-2009
413-090-0110	7-1-2009	Amend(T)	8-1-2009	413-130-0075	7-1-2009	Amend(T)	8-1-2009
413-090-0110	9-25-2009	Amend(T)	11-1-2009	413-130-0080	7-1-2009	Amend(T)	8-1-2009
413-090-0110(T)	9-25-2009	Suspend	11-1-2009	413-130-0090	7-1-2009	Amend(T)	8-1-2009
413-090-0120	7-1-2009	Amend(T)	8-1-2009	413-130-0100	7-1-2009	Amend(T)	8-1-2009
413-090-0120	9-25-2009	Amend(T)	11-1-2009	413-130-0110	7-1-2009	Amend(T)	8-1-2009
413-090-0120(T)	9-25-2009	Suspend	11-1-2009	413-130-0115	7-1-2009	Amend(T)	8-1-2009
413-090-0130	7-1-2009	Amend(T)	8-1-2009	413-130-0120	7-1-2009	Amend(T)	8-1-2009
413-090-0130	8-12-2009	Amend(T)	9-1-2009	413-130-0125	7-1-2009	Amend(T)	8-1-2009
413-090-0130	9-25-2009	Amend(T)	11-1-2009	413-130-0127	7-1-2009	Suspend	8-1-2009
413-090-0130(T)	8-12-2009	Suspend	9-1-2009	413-130-0130	7-1-2009	Amend(T)	8-1-2009
413-090-0130(T)	9-25-2009	Suspend	11-1-2009	413-200-0270	2-2-2009	Amend	3-1-2009
413-090-0133	9-25-2009	Adopt(T)	11-1-2009	413-200-0272	2-2-2009	Amend	3-1-2009
413-090-0135	7-1-2009	Adopt(T)	8-1-2009	413-200-0272(T)	2-2-2009	Repeal	3-1-2009
413-090-0135	8-12-2009	Adopt(T)	9-1-2009	413-200-0274	2-2-2009	Amend	3-1-2009
413-090-0135	9-25-2009	Adopt(T)	11-1-2009	413-200-0274(T)	2-2-2009	Repeal	3-1-2009
413-090-0135(T)	8-12-2009	Suspend	9-1-2009	413-200-0276	2-2-2009	Amend	3-1-2009
413-090-0135(T)	9-25-2009	Suspend	11-1-2009	413-200-0278	2-2-2009	Amend	3-1-2009
413-090-0136	9-25-2009	Adopt(T)	11-1-2009	413-200-0278(T)	2-2-2009	Repeal	3-1-2009
413-090-0140	7-1-2009	Amend(T)	8-1-2009	413-200-0281	2-2-2009	Amend	3-1-2009
413-090-0140	9-25-2009	Amend(T)	11-1-2009	413-200-0281(T)	2-2-2009	Repeal	3-1-2009
413-090-0140(T)	9-25-2009	Suspend	11-1-2009	413-200-0283	2-2-2009	Amend	3-1-2009
413-090-0150	7-1-2009	Amend(T)	8-1-2009	413-200-0283(T)	2-2-2009	Repeal	3-1-2009
413-090-0150	8-12-2009	Amend(T)	9-1-2009	413-200-0287	2-2-2009	Amend	3-1-2009
413-090-0150	9-25-2009	Amend(T)	11-1-2009	413-200-0287(T)	2-2-2009	Repeal	3-1-2009

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
413-200-0292	2-2-2009	Amend	3-1-2009	436-009-0050	7-1-2009	Amend	7-1-2009
413-200-0292(T)	2-2-2009	Repeal	3-1-2009	436-009-0060	7-1-2009	Amend	7-1-2009
413-200-0296	2-2-2009	Amend	3-1-2009	436-009-0070	1-1-2009	Amend	1-1-2009
413-200-0301	2-2-2009	Amend	3-1-2009	436-009-0080	1-1-2009	Amend	1-1-2009
413-200-0305	2-2-2009	Amend	3-1-2009	436-009-0090	1-1-2009	Amend	1-1-2009
413-200-0306	2-2-2009	Amend	3-1-2009	436-009-0090	7-1-2009	Amend	7-1-2009
413-200-0306(T)	2-2-2009	Repeal	3-1-2009	436-009-0095	1-1-2009	Adopt	1-1-2009
413-200-0308	2-2-2009	Amend	3-1-2009	436-009-0100	1-1-2009	Amend	1-1-2009
413-200-0314	2-2-2009	Amend	3-1-2009	436-010-0230	7-1-2009	Amend	7-1-2009
413-200-0314(T)	2-2-2009	Repeal	3-1-2009	436-010-0275	7-1-2009	Amend	7-1-2009
413-200-0335	2-2-2009	Amend	3-1-2009	436-015-0007	1-1-2009	Adopt	1-1-2009
413-200-0354	2-2-2009	Amend	3-1-2009	436-015-0120	1-1-2009	Amend	1-1-2009
413-200-0358	2-2-2009	Amend	3-1-2009	436-060-0005	1-1-2009	Amend	1-1-2009
413-200-0362	2-2-2009	Amend	3-1-2009	436-060-0009	1-1-2009	Amend	1-1-2009
413-200-0371	2-2-2009	Amend	3-1-2009	436-060-0010	1-1-2009	Amend	1-1-2009
413-200-0371(T)	2-2-2009	Repeal	3-1-2009	436-060-0015	1-1-2009	Amend	1-1-2009
413-200-0379	2-2-2009	Amend	3-1-2009	436-060-0017	1-1-2009	Amend	1-1-2009
413-200-0383	2-2-2009	Amend	3-1-2009	436-060-0018	1-1-2009	Amend	1-1-2009
413-200-0383(T)	2-2-2009	Repeal	3-1-2009	436-060-0020	1-1-2009	Amend	1-1-2009
413-200-0386	2-2-2009	Amend	3-1-2009	436-060-0025	1-1-2009	Amend	1-1-2009
413-200-0388	2-2-2009	Amend	3-1-2009	436-060-0035	1-1-2009	Amend	1-1-2009
413-200-0390	2-2-2009	Amend	3-1-2009	436-060-0060	1-1-2009	Amend	1-1-2009
413-200-0393	2-2-2009	Amend	3-1-2009	436-060-0105	1-1-2009	Amend	1-1-2009
413-200-0395	2-2-2009	Amend	3-1-2009	436-060-0135	1-1-2009	Amend	1-1-2009
413-200-0396	2-2-2009	Amend	3-1-2009	436-060-0137	1-1-2009	Amend	1-1-2009
416-340-0010	4-17-2009	Amend	5-1-2009	436-060-0147	1-1-2009	Amend	1-1-2009
416-340-0020	4-17-2009	Amend	5-1-2009	436-060-0150	1-1-2009	Amend	1-1-2009
416-340-0020	10-28-2009	Amend	12-1-2009	436-060-0153	1-1-2009	Adopt	1-1-2009
416-340-0030	4-17-2009	Amend	5-1-2009	436-060-0155	1-1-2009	Amend	1-1-2009
416-340-0040	4-17-2009	Amend	5-1-2009	436-060-0500	1-1-2009	Amend	1-1-2009
416-340-0060	4-17-2009	Amend	5-1-2009	436-160-0002	1-1-2010	Amend	11-1-2009
416-340-0070	4-17-2009	Amend	5-1-2009	436-160-0003	1-1-2010	Amend	11-1-2009
416-440-0015	7-27-2009	Amend	9-1-2009	436-160-0004	1-1-2010	Amend	11-1-2009
416-440-0020	7-27-2009	Amend	9-1-2009	436-160-0080	1-1-2010	Amend	11-1-2009
416-440-0035	7-27-2009	Amend	9-1-2009	436-160-0410	1-1-2010	Amend	11-1-2009
416-530-0070	2-2-2009	Amend	3-1-2009	436-160-0420	1-1-2010	Amend	11-1-2009
416-530-0200	11-2-2009	Adopt	12-1-2009	437-001-0015	2-3-2009	Amend	3-1-2009
423-001-0006	12-12-2008	Amend(T)	1-1-2009	437-001-0015	10-5-2009	Amend	11-1-2009
423-001-0006	6-24-2009	Amend	8-1-2009	437-001-0055	10-5-2009	Amend	11-1-2009
423-010-0023	12-12-2008	Amend	1-1-2009	437-001-0057	10-5-2009	Amend	11-1-2009
436-009-0004	7-1-2009	Amend	7-1-2009	437-001-0160	2-3-2009	Amend	3-1-2009
436-009-0005	1-1-2009	Amend	1-1-2009	437-001-0205	2-3-2009	Amend	3-1-2009
436-009-0008	1-1-2009	Amend	1-1-2009	437-001-0420	10-5-2009	Amend	11-1-2009
436-009-0010	7-1-2009	Amend	7-1-2009	437-001-0760	2-3-2009	Amend	3-1-2009
436-009-0015	7-1-2009	Amend	7-1-2009	437-001-1015	2-3-2009	Amend	3-1-2009
436-009-0018	1-1-2009	Adopt	1-1-2009	437-001-1020	2-3-2009	Amend	3-1-2009
436-009-0018	7-1-2009	Amend	7-1-2009	437-002-0005	5-29-2009	Amend	7-1-2009
436-009-0020	1-1-2009	Amend	1-1-2009	437-002-0067	4-17-2009	Repeal	5-1-2009
436-009-0020	7-1-2009	Amend	7-1-2009	437-002-0069	4-17-2009	Repeal	5-1-2009
436-009-0022	1-1-2009	Amend	1-1-2009	437-002-0071	4-17-2009	Repeal	5-1-2009
436-009-0022	7-1-2009	Amend	7-1-2009	437-002-0072	4-17-2009	Adopt	5-1-2009
436-009-0030	1-1-2009	Amend	1-1-2009	437-002-0073	4-17-2009	Repeal	5-1-2009
436-009-0030	7-1-2009	Amend	7-1-2009	437-002-0074	4-17-2009	Adopt	5-1-2009
436-009-0035	1-1-2009	Amend	1-1-2009	437-002-0075	4-17-2009	Repeal	5-1-2009
436-009-0040	1-1-2009	Amend	1-1-2009	437-002-0076	4-17-2009	Adopt	5-1-2009
436-009-0040	7-1-2009	Amend	7-1-2009	437-002-0080	5-29-2009	Amend	7-1-2009

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
437-002-0120	5-29-2009	Amend	7-1-2009	441-730-0246	8-21-2009	Amend(T)	10-1-2009
437-002-0170	9-21-2009	Adopt	11-1-2009	441-730-0250	6-2-2009	Amend	7-1-2009
437-002-0180	5-29-2009	Amend	7-1-2009	441-730-0255	6-2-2009	Amend	7-1-2009
437-002-0182	10-1-2009	Amend	8-1-2009	441-730-0270	6-2-2009	Repeal	7-1-2009
437-002-0187	12-31-2008	Amend	2-1-2009	441-730-0271	6-2-2009	Adopt	7-1-2009
437-002-0256	7-21-2009	Amend	8-1-2009	441-730-0272	6-2-2009	Adopt	7-1-2009
437-002-0320	4-17-2009	Amend	5-1-2009	441-730-0275	6-2-2009	Amend	7-1-2009
437-002-0360	5-29-2009	Amend	7-1-2009	441-730-0280	6-2-2009	Amend	7-1-2009
437-003-0001	5-29-2009	Amend	7-1-2009	441-730-0310	6-2-2009	Amend	7-1-2009
437-004-1120	1-26-2009	Amend	3-1-2009	441-730-0320	6-2-2009	Amend	7-1-2009
437-004-6000	9-21-2009	Amend	11-1-2009	441-755-0300	9-9-2009	Amend	10-1-2009
437-005-0001	5-29-2009	Amend	7-1-2009	441-755-0310	9-9-2009	Amend	10-1-2009
437-005-0002	5-29-2009	Amend	7-1-2009	441-760-0020	9-25-2009	Repeal	10-1-2009
437-005-0002	6-5-2009	Amend	7-1-2009	441-760-0030	9-25-2009	Repeal	10-1-2009
437-005-0003	5-29-2009	Amend	7-1-2009	441-760-0040	9-25-2009	Repeal	10-1-2009
437-005-0003	6-5-2009	Amend	7-1-2009	441-760-0050	9-25-2009	Repeal	10-1-2009
437-007-0010	9-21-2009	Amend	11-1-2009	441-760-0060	9-25-2009	Repeal	10-1-2009
438-005-0055	1-1-2010	Amend	11-1-2009	441-760-0070	9-25-2009	Repeal	10-1-2009
438-006-0055	1-1-2010	Amend	11-1-2009	441-760-0080	9-25-2009	Repeal	10-1-2009
438-015-0038	1-1-2010	Amend	11-1-2009	441-760-0090	9-25-2009	Repeal	10-1-2009
438-015-0055	1-1-2010	Amend	11-1-2009	441-760-0100	9-25-2009	Repeal	10-1-2009
438-015-0065	1-1-2010	Amend	11-1-2009	441-760-0110	9-25-2009	Repeal	10-1-2009
438-015-0070	1-1-2010	Amend	11-1-2009	441-760-0120	9-25-2009	Repeal	10-1-2009
438-015-0110	1-1-2010	Amend	11-1-2009	441-760-0130	9-25-2009	Repeal	10-1-2009
440-045-0020	1-1-2010	Amend	11-1-2009	441-760-0140	9-25-2009	Repeal	10-1-2009
440-045-0025	1-1-2010	Amend	11-1-2009	441-760-0150	9-25-2009	Repeal	10-1-2009
441-005-0010	9-25-2009	Amend	10-1-2009	441-760-0160	9-25-2009	Repeal	10-1-2009
441-025-0060	2-3-2009	Adopt	3-1-2009	441-760-0170	9-25-2009	Repeal	10-1-2009
441-135-0020	11-1-2009	Adopt	12-1-2009	441-760-0180	9-25-2009	Repeal	10-1-2009
441-500-0020	2-3-2009	Amend	3-1-2009	441-760-0190	9-25-2009	Repeal	10-1-2009
441-500-0020	9-25-2009	Amend	10-1-2009	441-760-0200	9-25-2009	Repeal	10-1-2009
441-505-3046	8-21-2009	Amend(T)	10-1-2009	441-760-0210	9-25-2009	Repeal	10-1-2009
441-505-3070	8-7-2009	Adopt	9-1-2009	441-760-0220	9-25-2009	Repeal	10-1-2009
441-505-3075	8-7-2009	Adopt	9-1-2009	441-760-0230	9-25-2009	Repeal	10-1-2009
441-505-3080	8-7-2009	Adopt	9-1-2009	441-760-0240	9-25-2009	Repeal	10-1-2009
441-505-3085	8-7-2009	Adopt	9-1-2009	441-760-0250	9-25-2009	Repeal	10-1-2009
441-505-4010	9-25-2009	Amend	10-1-2009	441-760-0260	9-25-2009	Repeal	10-1-2009
441-710-0540	8-21-2009	Amend(T)	10-1-2009	441-760-0265	9-25-2009	Repeal	10-1-2009
441-730-0010	6-2-2009	Amend	7-1-2009	441-760-0270	9-25-2009	Repeal	10-1-2009
441-730-0015	6-2-2009	Amend	7-1-2009	441-760-0280	9-25-2009	Repeal	10-1-2009
441-730-0025	6-2-2009	Amend	7-1-2009	441-760-0290	9-25-2009	Repeal	10-1-2009
441-730-0030	2-3-2009	Amend	3-1-2009	441-760-0300	9-25-2009	Repeal	10-1-2009
441-730-0030	6-2-2009	Amend	7-1-2009	441-760-0310	9-25-2009	Repeal	10-1-2009
441-730-0050	6-2-2009	Amend	7-1-2009	441-850-0042	8-21-2009	Amend(T)	10-1-2009
441-730-0070	6-2-2009	Amend	7-1-2009	441-865-0025	12-10-2008	Adopt	1-1-2009
441-730-0080	6-2-2009	Amend	7-1-2009	441-910-0000	8-14-2009	Amend(T)	9-1-2009
441-730-0100	6-2-2009	Amend	7-1-2009	441-910-0092	8-14-2009	Suspend	9-1-2009
441-730-0110	6-2-2009	Amend	7-1-2009	441-910-0095	8-14-2009	Suspend	9-1-2009
441-730-0120	6-2-2009	Amend	7-1-2009	441-910-9000	8-14-2009	Adopt(T)	9-1-2009
441-730-0150	6-2-2009	Amend	7-1-2009	441-910-9001	8-14-2009	Adopt(T)	9-1-2009
441-730-0165	6-2-2009	Adopt	7-1-2009	441-925-0010	1-1-2010	Repeal	10-1-2009
441-730-0170	6-2-2009	Amend	7-1-2009	441-925-0020	1-1-2010	Repeal	10-1-2009
441-730-0180	6-2-2009	Amend	7-1-2009	441-925-0030	1-1-2010	Repeal	10-1-2009
441-730-0200	6-2-2009	Amend	7-1-2009	441-925-0040	1-1-2010	Repeal	10-1-2009
441-730-0205	6-2-2009	Amend	7-1-2009	442-001-0000	1-1-2009	Amend	2-1-2009
441-730-0210	6-2-2009	Amend	7-1-2009	442-001-0005	1-1-2009	Amend	2-1-2009

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
442-001-0010	1-1-2009	Repeal	2-1-2009	459-030-0030	2-12-2009	Amend	3-1-2009
442-001-0015	1-1-2009	Repeal	2-1-2009	459-050-0037	11-26-2008	Amend	1-1-2009
442-001-0050	1-1-2009	Adopt	2-1-2009	459-050-0075	2-12-2009	Amend	3-1-2009
442-001-0060	1-1-2009	Adopt	2-1-2009	459-070-0001	2-12-2009	Amend	3-1-2009
442-001-0070	1-1-2009	Adopt	2-1-2009	459-075-0060	7-21-2009	Adopt	9-1-2009
442-001-0080	1-1-2009	Adopt	2-1-2009	459-075-0175	11-26-2008	Adopt	1-1-2009
442-001-0090	1-1-2009	Adopt	2-1-2009	459-075-0300	7-21-2009	Adopt	9-1-2009
442-001-0100	1-1-2009	Adopt	2-1-2009	459-076-0001	2-12-2009	Amend	3-1-2009
442-001-0110	1-1-2009	Adopt	2-1-2009	459-080-0060	7-21-2009	Adopt	9-1-2009
442-001-0120	1-1-2009	Adopt	2-1-2009	459-080-0100	2-12-2009	Amend	3-1-2009
442-001-0130	1-1-2009	Adopt	2-1-2009	459-080-0200	4-6-2009	Amend	6-1-2009
442-001-0140	1-1-2009	Adopt	2-1-2009	459-080-0250	4-6-2009	Amend	6-1-2009
442-001-0150	1-1-2009	Adopt	2-1-2009	459-080-0300	7-21-2009	Adopt	9-1-2009
442-001-0160	1-1-2009	Adopt	2-1-2009	461-001-0000	1-1-2009	Amend	2-1-2009
443-002-0070	2-12-2009	Amend(T)	3-1-2009	461-001-0000	4-1-2009	Amend	5-1-2009
443-002-0070	4-15-2009	Amend	5-1-2009	461-001-0000	7-1-2009	Amend	8-1-2009
443-002-0070(T)	4-15-2009	Repeal	5-1-2009	461-001-0000	10-1-2009	Amend(T)	11-1-2009
443-002-0110	10-5-2009	Amend	11-1-2009	461-001-0025	1-1-2009	Amend	2-1-2009
443-002-0180	4-15-2009	Amend	5-1-2009	461-001-0030	7-1-2009	Amend	8-1-2009
459-005-0001	2-12-2009	Amend	3-1-2009	461-101-0010	1-1-2009	Amend	2-1-2009
459-005-0055	7-21-2009	Amend	9-1-2009	461-101-0010	10-1-2009	Amend(T)	11-1-2009
459-005-0058	7-21-2009	Repeal	9-1-2009	461-105-0006	10-1-2009	Adopt(T)	11-1-2009
459-005-0060	7-21-2009	Amend	9-1-2009	461-110-0210	10-1-2009	Amend(T)	11-1-2009
459-005-0250	7-21-2009	Amend	9-1-2009	461-110-0330	1-1-2009	Amend	2-1-2009
459-005-0525	11-26-2008	Amend	1-1-2009	461-110-0330	5-1-2009	Amend(T)	6-1-2009
459-005-0535	11-26-2008	Amend	1-1-2009	461-110-0330	10-1-2009	Amend	11-1-2009
459-005-0545	11-26-2008	Amend	1-1-2009	461-110-0330(T)	10-1-2009	Repeal	11-1-2009
459-007-0001	4-6-2009	Amend	5-1-2009	461-110-0350	1-1-2009	Amend	2-1-2009
459-007-0005	4-6-2009	Amend	6-1-2009	461-110-0350	4-1-2009	Amend	5-1-2009
459-007-0015	4-6-2009	Amend	5-1-2009	461-110-0370	4-1-2009	Amend	5-1-2009
459-007-0020	4-6-2009	Amend	5-1-2009	461-110-0370	10-1-2009	Amend	11-1-2009
459-007-0025	4-6-2009	Amend	5-1-2009	461-110-0530	5-1-2009	Amend(T)	6-1-2009
459-007-0050	4-6-2009	Amend	5-1-2009	461-110-0530	7-1-2009	Amend	8-1-2009
459-007-0060	4-6-2009	Amend	5-1-2009	461-110-0530	7-1-2009	Amend(T)	8-1-2009
459-007-0080	4-6-2009	Amend	5-1-2009	461-110-0530	10-1-2009	Amend	11-1-2009
459-007-0110	4-6-2009	Amend	5-1-2009	461-110-0530(T)	7-1-2009	Repeal	8-1-2009
459-007-0230	4-6-2009	Amend	5-1-2009	461-110-0530(T)	10-1-2009	Repeal	11-1-2009
459-007-0240	4-6-2009	Amend	5-1-2009	461-110-0630	7-1-2009	Amend	8-1-2009
459-007-0250	4-6-2009	Amend	5-1-2009	461-115-0030	8-28-2009	Amend(T)	10-1-2009
459-007-0300	4-6-2009	Amend	5-1-2009	461-115-0050	1-1-2009	Amend	2-1-2009
459-007-0320	4-6-2009	Adopt	6-1-2009	461-115-0050	7-1-2009	Amend	8-1-2009
459-007-0330	4-6-2009	Adopt	6-1-2009	461-115-0050	8-1-2009	Amend(T)	9-1-2009
459-007-0340	4-6-2009	Adopt	6-1-2009	461-115-0050	8-28-2009	Amend(T)	10-1-2009
459-007-0400	4-6-2009	Adopt	6-1-2009	461-115-0050(T)	8-28-2009	Suspend	10-1-2009
459-007-0410	4-6-2009	Adopt	6-1-2009	461-115-0530	1-1-2009	Amend	2-1-2009
459-007-0420	4-6-2009	Adopt	6-1-2009	461-115-0705	5-6-2009	Amend(T)	6-1-2009
459-007-0900	4-6-2009	Amend	5-1-2009	461-115-0705	9-29-2009	Amend	11-1-2009
459-010-0010	11-26-2008	Amend	1-1-2009	461-115-0705	10-1-2009	Amend(T)	11-1-2009
459-010-0300	6-3-2009	Adopt	7-1-2009	461-120-0110	4-1-2009	Amend(T)	4-1-2009
459-011-0100	2-12-2009	Amend	3-1-2009	461-120-0110	4-1-2009	Amend(T)	5-1-2009
459-011-0110	2-12-2009	Amend	3-1-2009	461-120-0110(T)	4-1-2009	Suspend	5-1-2009
459-013-0260	11-26-2008	Amend	1-1-2009	461-120-0125	1-1-2009	Amend(T)	2-1-2009
459-015-0001	2-12-2009	Amend	3-1-2009	461-120-0125	4-1-2009	Amend	5-1-2009
459-017-0060	4-6-2009	Amend	5-1-2009	461-120-0125	5-1-2009	Amend(T)	6-1-2009
459-030-0011	2-12-2009	Amend	3-1-2009	461-120-0125	10-1-2009	Amend	11-1-2009
459-030-0025	2-12-2009	Amend	3-1-2009	461-120-0125	10-1-2009	Amend(T)	11-1-2009

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
461-120-0125(T)	4-1-2009	Repeal	5-1-2009	461-135-0832	1-1-2009	Amend	2-1-2009
461-120-0125(T)	10-1-2009	Repeal	11-1-2009	461-135-0900	5-1-2009	Amend(T)	6-1-2009
461-120-0210	10-1-2009	Amend(T)	11-1-2009	461-135-0900	10-1-2009	Amend	11-1-2009
461-120-0310	7-1-2009	Amend(T)	8-1-2009	461-135-0900(T)	10-1-2009	Repeal	11-1-2009
461-120-0310	10-1-2009	Amend	11-1-2009	461-135-0990	10-1-2009	Amend(T)	11-1-2009
461-120-0310	10-1-2009	Amend(T)	11-1-2009	461-135-1100	10-1-2009	Amend(T)	11-1-2009
461-120-0310(T)	10-1-2009	Repeal	11-1-2009	461-135-1102	1-1-2009	Amend	2-1-2009
461-120-0315	10-1-2009	Amend(T)	11-1-2009	461-135-1110	7-1-2009	Amend	8-1-2009
461-120-0340	7-1-2009	Amend(T)	8-1-2009	461-135-1125	8-28-2009	Amend(T)	10-1-2009
461-120-0340	10-1-2009	Amend	11-1-2009	461-135-1149	10-1-2009	Adopt(T)	11-1-2009
461-120-0340(T)	10-1-2009	Repeal	11-1-2009	461-135-1175	4-1-2009	Amend	5-1-2009
461-120-0345	10-1-2009	Amend(T)	11-1-2009	461-135-1175	6-1-2009	Amend(T)	7-1-2009
461-120-0510	10-1-2009	Amend(T)	11-1-2009	461-135-1175	10-1-2009	Amend	11-1-2009
461-125-0170	8-1-2009	Amend(T)	9-1-2009	461-135-1175(T)	10-1-2009	Repeal	11-1-2009
461-125-0170	10-29-2009	Amend(T)	12-1-2009	461-135-1195	1-1-2009	Amend	2-1-2009
461-125-0170(T)	10-29-2009	Suspend	12-1-2009	461-135-1195	7-1-2009	Amend(T)	8-1-2009
461-130-0310	10-1-2009	Amend	11-1-2009	461-135-1195	10-1-2009	Amend	11-1-2009
461-130-0335	1-1-2009	Amend	2-1-2009	461-135-1195(T)	10-1-2009	Repeal	11-1-2009
461-135-0010	1-1-2009	Amend	2-1-2009	461-135-1230	4-1-2009	Amend	5-1-2009
461-135-0010	4-1-2009	Amend(T)	5-1-2009	461-135-1250	1-1-2009	Amend(T)	2-1-2009
461-135-0010	5-6-2009	Amend(T)	6-1-2009	461-135-1250	4-1-2009	Amend	5-1-2009
461-135-0010	9-29-2009	Amend	11-1-2009	461-135-1250(T)	4-1-2009	Repeal	5-1-2009
461-135-0010(T)	5-6-2009	Suspend	6-1-2009	461-140-0040	4-1-2009	Amend	5-1-2009
461-135-0070	5-1-2009	Amend(T)	6-1-2009	461-145-0080	7-1-2009	Amend(T)	8-1-2009
461-135-0070	8-1-2009	Amend(T)	9-1-2009	461-145-0080	10-1-2009	Amend	11-1-2009
461-135-0070	10-29-2009	Amend	12-1-2009	461-145-0080(T)	10-1-2009	Repeal	11-1-2009
461-135-0070(T)	8-1-2009	Suspend	9-1-2009	461-145-0130	10-1-2009	Amend(T)	11-1-2009
461-135-0075	1-1-2009	Amend	2-1-2009	461-145-0143	3-3-2009	Adopt(T)	4-1-2009
461-135-0075	7-1-2009	Amend	8-1-2009	461-145-0143	8-31-2009	Adopt	10-1-2009
461-135-0075	7-1-2009	Amend(T)	8-1-2009	461-145-0143	9-1-2009	Amend(T)	10-1-2009
461-135-0075	7-1-2009	Amend(T)	8-1-2009	461-145-0330	7-29-2009	Amend(T)	9-1-2009
461-135-0075	10-1-2009	Amend	11-1-2009	461-145-0330(T)	9-1-2009	Suspend	10-1-2009
461-135-0075(T)	1-1-2009	Repeal	2-1-2009	461-145-0380	1-1-2009	Amend	2-1-2009
461-135-0075(T)	7-1-2009	Repeal	8-1-2009	461-145-0380	7-1-2009	Amend	8-1-2009
461-135-0075(T)	10-1-2009	Repeal	11-1-2009	461-145-0380	7-29-2009	Amend(T)	9-1-2009
461-135-0082	5-1-2009	Amend(T)	6-1-2009	461-145-0380(T)	9-1-2009	Suspend	10-1-2009
461-135-0082	10-1-2009	Amend	11-1-2009	461-145-0455	4-1-2009	Amend	5-1-2009
461-135-0082(T)	10-1-2009	Repeal	11-1-2009	461-145-0460	4-1-2009	Amend	5-1-2009
461-135-0085	1-1-2009	Amend	2-1-2009	461-145-0540	1-1-2009	Amend	2-1-2009
461-135-0089	1-1-2009	Amend	2-1-2009	461-145-0550	3-3-2009	Amend(T)	4-1-2009
461-135-0095	10-1-2009	Amend(T)	11-1-2009	461-145-0550	8-31-2009	Amend	10-1-2009
461-135-0096	10-1-2009	Amend(T)	11-1-2009	461-145-0580	4-1-2009	Amend	5-1-2009
461-135-0400	4-1-2009	Amend(T)	4-1-2009	461-145-0820	1-1-2009	Amend	2-1-2009
461-135-0400	4-1-2009	Amend(T)	5-1-2009	461-145-0830	1-1-2009	Amend	2-1-2009
461-135-0400	9-29-2009	Amend	11-1-2009	461-145-0840	1-1-2009	Repeal	2-1-2009
461-135-0400(T)	4-1-2009	Suspend	5-1-2009	461-150-0020	7-1-2009	Amend	8-1-2009
461-135-0405	5-1-2009	Amend(T)	6-1-2009	461-150-0030	7-1-2009	Amend	8-1-2009
461-135-0405	10-1-2009	Amend	11-1-2009	461-150-0042	7-1-2009	Amend	8-1-2009
461-135-0405(T)	10-1-2009	Repeal	11-1-2009	461-150-0047	7-1-2009	Repeal	8-1-2009
461-135-0415	7-1-2009	Amend	8-1-2009	461-150-0048	1-1-2009	Repeal	2-1-2009
461-135-0475	4-1-2009	Amend(T)	5-1-2009	461-150-0049	1-1-2009	Amend	2-1-2009
461-135-0475	7-1-2009	Amend(T)	8-1-2009	461-150-0049	7-1-2009	Repeal	8-1-2009
461-135-0475(T)	7-1-2009	Suspend	8-1-2009	461-150-0050	1-1-2009	Amend	2-1-2009
461-135-0730	1-1-2009	Amend	2-1-2009	461-150-0050	7-1-2009	Amend	8-1-2009
461-135-0745	1-1-2009	Amend	2-1-2009	461-150-0055	7-1-2009	Amend	8-1-2009
461-135-0780	1-1-2009	Amend	2-1-2009	461-150-0055	10-1-2009	Amend(T)	11-1-2009

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
461-150-0060	7-1-2009	Amend	8-1-2009	461-160-0300	7-1-2009	Amend	8-1-2009
461-150-0070	7-1-2009	Amend	8-1-2009	461-160-0410	1-1-2009	Amend	2-1-2009
461-150-0080	7-1-2009	Amend	8-1-2009	461-160-0410	4-1-2009	Amend	5-1-2009
461-150-0090	7-1-2009	Amend	8-1-2009	461-160-0420	10-1-2009	Amend	11-1-2009
461-150-0100	7-1-2009	Amend	8-1-2009	461-160-0430	10-1-2009	Amend	11-1-2009
461-155-0030	5-1-2009	Amend(T)	6-1-2009	461-160-0550	1-1-2009	Amend(T)	2-1-2009
461-155-0030	10-1-2009	Amend	11-1-2009	461-160-0550	4-1-2009	Amend	5-1-2009
461-155-0030(T)	10-1-2009	Repeal	11-1-2009	461-160-0550	7-1-2009	Amend	8-1-2009
461-155-0150	4-1-2009	Amend(T)	4-1-2009	461-160-0550(T)	4-1-2009	Repeal	5-1-2009
461-155-0150	9-29-2009	Amend	11-1-2009	461-160-0551	1-1-2009	Amend(T)	2-1-2009
461-155-0175	10-1-2009	Suspend	11-1-2009	461-160-0551	4-1-2009	Amend	5-1-2009
461-155-0180	1-27-2009	Amend	3-1-2009	461-160-0551	7-1-2009	Amend	8-1-2009
461-155-0180	10-1-2009	Amend(T)	11-1-2009	461-160-0551(T)	4-1-2009	Repeal	5-1-2009
461-155-0190	4-1-2009	Amend(T)	5-1-2009	461-160-0580	1-1-2009	Amend	2-1-2009
461-155-0190	7-1-2009	Amend	8-1-2009	461-160-0620	1-1-2009	Amend	2-1-2009
461-155-0190	10-1-2009	Amend	11-1-2009	461-160-0620	7-1-2009	Amend	8-1-2009
461-155-0190(T)	7-1-2009	Repeal	8-1-2009	461-160-0700	10-1-2009	Amend(T)	11-1-2009
461-155-0225	10-1-2009	Amend(T)	11-1-2009	461-165-0010	7-1-2009	Amend	8-1-2009
461-155-0235	1-27-2009	Amend	3-1-2009	461-165-0030	1-1-2009	Amend	2-1-2009
461-155-0250	1-1-2009	Amend	2-1-2009	461-165-0060	4-1-2009	Amend	5-1-2009
461-155-0250	3-1-2009	Amend(T)	4-1-2009	461-165-0060	4-1-2009	Amend(T)	5-1-2009
461-155-0250	7-1-2009	Amend	8-1-2009	461-165-0060	7-1-2009	Amend	8-1-2009
461-155-0250(T)	7-1-2009	Repeal	8-1-2009	461-165-0060(T)	4-1-2009	Repeal	5-1-2009
461-155-0270	1-1-2009	Amend	2-1-2009	461-165-0060(T)	7-1-2009	Repeal	8-1-2009
461-155-0290	4-1-2009	Amend(T)	5-1-2009	461-165-0130	7-1-2009	Amend	8-1-2009
461-155-0290	7-1-2009	Amend	8-1-2009	461-165-0140	7-1-2009	Amend	8-1-2009
461-155-0290(T)	7-1-2009	Repeal	8-1-2009	461-165-0180	4-1-2009	Amend	5-1-2009
461-155-0291	4-1-2009	Amend(T)	5-1-2009	461-165-0410	4-1-2009	Amend	5-1-2009
461-155-0291	7-1-2009	Amend	8-1-2009	461-165-0420	4-1-2009	Amend	5-1-2009
461-155-0291(T)	7-1-2009	Repeal	8-1-2009	461-170-0010	1-1-2009	Amend	2-1-2009
461-155-0295	1-1-2009	Amend	2-1-2009	461-170-0010	10-1-2009	Amend	11-1-2009
461-155-0295	4-1-2009	Amend(T)	5-1-2009	461-170-0011	4-1-2009	Amend	5-1-2009
461-155-0295	7-1-2009	Amend	8-1-2009	461-170-0015	1-1-2009	Am. & Ren.	2-1-2009
461-155-0295(T)	7-1-2009	Repeal	8-1-2009	461-170-0020	1-1-2009	Am. & Ren.	2-1-2009
461-155-0300	1-1-2009	Amend	2-1-2009	461-170-0025	1-1-2009	Am. & Ren.	2-1-2009
461-155-0320	1-1-2009	Amend	2-1-2009	461-170-0030	1-1-2009	Am. & Ren.	2-1-2009
461-155-0360	10-1-2009	Amend(T)	11-1-2009	461-170-0035	1-1-2009	Am. & Ren.	2-1-2009
461-155-0500	1-1-2009	Amend	2-1-2009	461-170-0100	1-1-2009	Amend	2-1-2009
461-155-0500(T)	1-1-2009	Repeal	2-1-2009	461-170-0101	1-1-2009	Amend	2-1-2009
461-155-0526	1-1-2009	Amend	2-1-2009	461-170-0101	4-1-2009	Amend	5-1-2009
461-155-0526(T)	1-1-2009	Repeal	2-1-2009	461-170-0102	1-1-2009	Amend	2-1-2009
461-155-0600	1-1-2009	Amend	2-1-2009	461-170-0102	4-1-2009	Amend	5-1-2009
461-155-0600(T)	1-1-2009	Repeal	2-1-2009	461-170-0103	4-1-2009	Amend	5-1-2009
461-155-0610	1-1-2009	Amend	2-1-2009	461-170-0104	4-1-2009	Amend	5-1-2009
461-155-0610(T)	1-1-2009	Repeal	2-1-2009	461-170-0120	1-1-2009	Amend	2-1-2009
461-155-0660	7-1-2009	Amend	8-1-2009	461-170-0150	1-1-2009	Amend	2-1-2009
461-155-0700	1-1-2009	Adopt	2-1-2009	461-170-0150	4-1-2009	Amend	5-1-2009
461-155-0700	10-1-2009	Amend	11-1-2009	461-170-0150	7-1-2009	Amend	8-1-2009
461-155-0700(T)	1-1-2009	Repeal	2-1-2009	461-170-0150	10-1-2009	Amend	11-1-2009
461-155-0710	1-1-2009	Adopt	2-1-2009	461-170-0160	1-1-2009	Amend	2-1-2009
461-155-0710(T)	1-1-2009	Repeal	2-1-2009	461-170-0160	4-1-2009	Amend	5-1-2009
461-160-0015	10-1-2009	Amend(T)	11-1-2009	461-170-0160	10-1-2009	Amend	11-1-2009
461-160-0040	4-1-2009	Amend(T)	4-1-2009	461-170-0170	1-1-2009	Repeal	2-1-2009
461-160-0040	9-29-2009	Amend	11-1-2009	461-170-0200	1-1-2009	Amend	2-1-2009
461-160-0060	4-1-2009	Amend	5-1-2009	461-175-0010	10-1-2009	Amend	11-1-2009
461-160-0100	1-1-2009	Amend	2-1-2009	461-175-0200	10-1-2009	Amend	11-1-2009

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
461-175-0220	1-1-2009	Amend	2-1-2009	461-193-1230	4-1-2009	Amend	5-1-2009
461-175-0240	1-1-2009	Amend	2-1-2009	461-193-1310	4-1-2009	Repeal	5-1-2009
461-175-0270	1-1-2009	Amend	2-1-2009	461-195-0501	7-1-2009	Amend	8-1-2009
461-175-0270	10-1-2009	Amend	11-1-2009	461-195-0521	4-1-2009	Amend(T)	5-1-2009
461-175-0280	1-1-2009	Amend	2-1-2009	461-195-0521	7-1-2009	Amend	8-1-2009
461-175-0280	4-1-2009	Amend	5-1-2009	461-195-0521	10-1-2009	Amend	11-1-2009
461-175-0280	10-1-2009	Amend	11-1-2009	461-195-0521(T)	7-1-2009	Repeal	8-1-2009
461-175-0305	1-1-2009	Amend	2-1-2009	461-195-0621	7-1-2009	Amend	8-1-2009
461-180-0005	1-1-2009	Amend	2-1-2009	462-110-0010	10-1-2009	Amend	10-1-2009
461-180-0005	10-1-2009	Amend	11-1-2009	462-120-0030	10-1-2009	Amend	10-1-2009
461-180-0006	4-1-2009	Amend	5-1-2009	462-120-0040	10-1-2009	Amend	10-1-2009
461-180-0020	10-1-2009	Amend	11-1-2009	462-120-0050	10-1-2009	Amend	10-1-2009
461-180-0030	10-1-2009	Amend	11-1-2009	462-120-0100	10-1-2009	Amend	10-1-2009
461-180-0070	4-1-2009	Amend	5-1-2009	462-120-0110	10-1-2009	Amend	10-1-2009
461-180-0085	10-1-2009	Amend(T)	11-1-2009	462-130-0010	10-1-2009	Amend	10-1-2009
461-180-0090	1-1-2009	Amend	2-1-2009	462-130-0040	10-1-2009	Amend	10-1-2009
461-180-0090	10-1-2009	Amend(T)	11-1-2009	462-130-0070	10-1-2009	Amend	10-1-2009
461-180-0120	10-1-2009	Amend	11-1-2009	462-140-0040	10-1-2009	Amend	10-1-2009
461-180-0125	1-1-2009	Amend	2-1-2009	462-140-0060	10-1-2009	Amend	10-1-2009
461-190-0199	10-1-2009	Amend	11-1-2009	462-140-0070	10-1-2009	Amend	10-1-2009
461-190-0360	5-1-2009	Amend(T)	6-1-2009	462-140-0130	10-1-2009	Amend	10-1-2009
461-190-0360	10-1-2009	Amend	11-1-2009	462-140-0150	10-1-2009	Amend	10-1-2009
461-190-0360(T)	10-1-2009	Repeal	11-1-2009	462-140-0250	10-1-2009	Amend	10-1-2009
461-193-0000	4-1-2009	Amend	5-1-2009	462-140-0340	10-1-2009	Amend	10-1-2009
461-193-0001	4-1-2009	Repeal	5-1-2009	462-140-0350	10-1-2009	Amend	10-1-2009
461-193-0005	4-1-2009	Repeal	5-1-2009	462-150-0010	10-1-2009	Amend	10-1-2009
461-193-0007	4-1-2009	Repeal	5-1-2009	462-150-0020	10-1-2009	Amend	10-1-2009
461-193-0010	4-1-2009	Amend	5-1-2009	462-150-0030	10-1-2009	Amend	10-1-2009
461-193-0016	4-1-2009	Repeal	5-1-2009	462-150-0040	10-1-2009	Amend	10-1-2009
461-193-0026	4-1-2009	Repeal	5-1-2009	462-150-0060	10-1-2009	Amend	10-1-2009
461-193-0031	4-1-2009	Amend	5-1-2009	462-150-0070	10-1-2009	Amend	10-1-2009
461-193-0031	5-1-2009	Amend(T)	6-1-2009	462-150-0080	10-1-2009	Amend	10-1-2009
461-193-0031	10-1-2009	Amend	11-1-2009	462-160-0110	10-1-2009	Amend	10-1-2009
461-193-0031(T)	10-1-2009	Repeal	11-1-2009	462-160-0120	10-1-2009	Amend	10-1-2009
461-193-0040	4-1-2009	Repeal	5-1-2009	462-160-0130	10-1-2009	Amend	10-1-2009
461-193-0042	4-1-2009	Amend	5-1-2009	462-160-0140	10-1-2009	Amend	10-1-2009
461-193-0046	4-1-2009	Repeal	5-1-2009	462-200-0340	10-1-2009	Amend	10-1-2009
461-193-0130	4-1-2009	Amend	5-1-2009	462-200-0370	10-1-2009	Amend	10-1-2009
461-193-0185	4-1-2009	Amend	5-1-2009	462-200-0380	10-1-2009	Repeal	10-1-2009
461-193-0190	4-1-2009	Amend	5-1-2009	462-210-0030	7-1-2009	Amend	6-1-2009
461-193-0221	4-1-2009	Amend	5-1-2009	462-220-0030	7-1-2009	Amend	6-1-2009
461-193-0240	4-1-2009	Amend	5-1-2009	462-220-0070	7-1-2009	Amend	6-1-2009
461-193-0246	4-1-2009	Amend	5-1-2009	471-007-0200	8-5-2009	Adopt(T)	9-1-2009
461-193-0470	4-1-2009	Amend	5-1-2009	471-007-0210	8-5-2009	Adopt(T)	9-1-2009
461-193-0560	4-1-2009	Amend	5-1-2009	471-007-0220	8-5-2009	Adopt(T)	9-1-2009
461-193-0610	4-1-2009	Repeal	5-1-2009	471-007-0230	8-5-2009	Adopt(T)	9-1-2009
461-193-0640	4-1-2009	Repeal	5-1-2009	471-007-0240	8-5-2009	Adopt(T)	9-1-2009
461-193-0650	4-1-2009	Amend	5-1-2009	471-007-0250	8-5-2009	Adopt(T)	9-1-2009
461-193-0650	7-1-2009	Repeal	8-1-2009	471-007-0260	8-5-2009	Adopt(T)	9-1-2009
461-193-0660	4-1-2009	Repeal	5-1-2009	471-007-0270	8-5-2009	Adopt(T)	9-1-2009
461-193-0670	4-1-2009	Amend	5-1-2009	471-007-0280	8-5-2009	Adopt(T)	9-1-2009
461-193-0690	4-1-2009	Amend	5-1-2009	471-007-0285	8-5-2009	Adopt(T)	9-1-2009
461-193-0890	4-1-2009	Amend	5-1-2009	471-007-0290	8-5-2009	Adopt(T)	9-1-2009
461-193-0940	4-1-2009	Amend	5-1-2009	471-007-0300	8-5-2009	Adopt(T)	9-1-2009
461-193-0960	4-1-2009	Amend	5-1-2009	471-007-0310	8-5-2009	Adopt(T)	9-1-2009
461-193-1200	4-1-2009	Amend	5-1-2009	471-010-0025	12-1-2008	Adopt	1-1-2009

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
471-010-0045	12-1-2008	Adopt	1-1-2009	573-076-0020	8-14-2009	Adopt	9-1-2009
471-030-0012	7-1-2009	Adopt(T)	8-1-2009	573-076-0030	8-14-2009	Adopt	9-1-2009
471-030-0012	11-1-2009	Adopt	12-1-2009	573-076-0040	8-14-2009	Adopt	9-1-2009
471-030-0038	6-29-2009	Amend(T)	8-1-2009	573-076-0050	8-14-2009	Adopt	9-1-2009
471-030-0038	11-1-2009	Amend	12-1-2009	573-076-0060	8-14-2009	Adopt	9-1-2009
471-030-0150	6-29-2009	Amend(T)	8-1-2009	573-076-0070	8-14-2009	Adopt	9-1-2009
471-030-0150	11-1-2009	Amend	12-1-2009	573-076-0080	8-14-2009	Adopt	9-1-2009
471-030-0220	11-1-2009	Adopt(T)	12-1-2009	573-076-0090	8-14-2009	Adopt	9-1-2009
471-031-0072	12-1-2008	Amend	1-1-2009	573-076-0100	8-14-2009	Adopt	9-1-2009
471-031-0151	12-1-2008	Amend	1-1-2009	573-076-0110	8-14-2009	Adopt	9-1-2009
471-031-0190	12-1-2008	Adopt	1-1-2009	573-076-0120	8-14-2009	Adopt	9-1-2009
471-031-0195	12-1-2008	Adopt	1-1-2009	573-076-0130	8-14-2009	Adopt	9-1-2009
471-031-0200	12-1-2008	Adopt	1-1-2009	574-031-0000	7-29-2009	Amend	9-1-2009
471-031-0205	12-1-2008	Adopt	1-1-2009	574-031-0030	7-29-2009	Amend	9-1-2009
471-031-0210	12-1-2008	Adopt	1-1-2009	574-031-0040	7-29-2009	Amend	9-1-2009
471-031-0215	12-1-2008	Adopt	1-1-2009	574-032-0020	7-29-2009	Amend	9-1-2009
471-031-0220	12-1-2008	Adopt	1-1-2009	574-032-0030	7-29-2009	Amend	9-1-2009
471-031-0225	12-1-2008	Adopt	1-1-2009	574-032-0040	7-29-2009	Amend	9-1-2009
471-031-0230	12-1-2008	Adopt	1-1-2009	574-032-0120	7-29-2009	Amend	9-1-2009
543-060-0000	3-2-2009	Amend	4-1-2009	574-032-0150	7-29-2009	Amend	9-1-2009
543-060-0010	3-2-2009	Amend	4-1-2009	574-050-0005	2-13-2009	Amend	3-1-2009
543-060-0020	3-2-2009	Amend	4-1-2009	574-050-0005	7-29-2009	Amend	9-1-2009
543-060-0030	3-2-2009	Amend	4-1-2009	576-003-0000	6-9-2009	Adopt(T)	7-1-2009
543-060-0040	3-2-2009	Amend	4-1-2009	576-003-0000	8-26-2009	Adopt	9-1-2009
543-060-0060	3-2-2009	Amend	4-1-2009	576-003-0000(T)	8-26-2009	Repeal	9-1-2009
543-060-0070	3-2-2009	Adopt	4-1-2009	576-003-0005	6-9-2009	Adopt(T)	7-1-2009
571-060-0005	7-1-2009	Amend	6-1-2009	576-003-0005	8-26-2009	Adopt	9-1-2009
571-060-0005	7-1-2009	Amend	8-1-2009	576-003-0005(T)	8-26-2009	Repeal	9-1-2009
573-040-0005	6-15-2009	Amend	7-1-2009	576-003-0010	6-9-2009	Adopt(T)	7-1-2009
573-050-0025	10-4-2009	Amend	11-1-2009	576-003-0010	8-26-2009	Adopt	9-1-2009
573-050-0040	10-4-2009	Amend	11-1-2009	576-003-0010(T)	8-26-2009	Repeal	9-1-2009
573-050-0045	10-4-2009	Amend	11-1-2009	576-003-0020	6-9-2009	Adopt(T)	7-1-2009
573-075-0000	8-14-2009	Repeal	9-1-2009	576-003-0020	8-26-2009	Adopt	9-1-2009
573-075-0010	8-14-2009	Repeal	9-1-2009	576-003-0020(T)	8-26-2009	Repeal	9-1-2009
573-075-0020	8-14-2009	Repeal	9-1-2009	576-003-0040	6-9-2009	Adopt(T)	7-1-2009
573-075-0030	8-14-2009	Repeal	9-1-2009	576-003-0040	8-26-2009	Adopt	9-1-2009
573-075-0040	8-14-2009	Repeal	9-1-2009	576-003-0040(T)	8-26-2009	Repeal	9-1-2009
573-075-0050	8-14-2009	Repeal	9-1-2009	576-003-0050	6-9-2009	Adopt(T)	7-1-2009
573-075-0060	8-14-2009	Repeal	9-1-2009	576-003-0050	8-26-2009	Adopt	9-1-2009
573-075-0070	8-14-2009	Repeal	9-1-2009	576-003-0050(T)	8-26-2009	Repeal	9-1-2009
573-075-0080	8-14-2009	Repeal	9-1-2009	576-003-0060	6-9-2009	Adopt(T)	7-1-2009
573-075-0090	8-14-2009	Repeal	9-1-2009	576-003-0060	8-26-2009	Adopt	9-1-2009
573-075-0100	8-14-2009	Repeal	9-1-2009	576-003-0060(T)	8-26-2009	Repeal	9-1-2009
573-075-0110	8-14-2009	Repeal	9-1-2009	576-003-0070	6-9-2009	Adopt(T)	7-1-2009
573-075-0130	8-14-2009	Repeal	9-1-2009	576-003-0070	8-26-2009	Adopt	9-1-2009
573-075-0140	8-14-2009	Repeal	9-1-2009	576-003-0070(T)	8-26-2009	Repeal	9-1-2009
573-075-0150	8-14-2009	Repeal	9-1-2009	576-003-0080	6-9-2009	Adopt(T)	7-1-2009
573-075-0160	8-14-2009	Repeal	9-1-2009	576-003-0080	8-26-2009	Adopt	9-1-2009
573-075-0170	8-14-2009	Repeal	9-1-2009	576-003-0080(T)	8-26-2009	Repeal	9-1-2009
573-075-0180	8-14-2009	Repeal	9-1-2009	576-003-0090	6-9-2009	Adopt(T)	7-1-2009
573-075-0190	8-14-2009	Repeal	9-1-2009	576-003-0090	8-26-2009	Adopt	9-1-2009
573-075-0200	8-14-2009	Amend	9-1-2009	576-003-0090(T)	8-26-2009	Repeal	9-1-2009
573-075-0210	8-14-2009	Repeal	9-1-2009	576-003-0100	6-9-2009	Adopt(T)	7-1-2009
573-075-0220	8-14-2009	Repeal	9-1-2009	576-003-0100	8-26-2009	Adopt	9-1-2009
573-076-0000	8-14-2009	Adopt	9-1-2009	576-003-0100(T)	8-26-2009	Repeal	9-1-2009
573-076-0010	8-14-2009	Adopt	9-1-2009	576-003-0110	6-9-2009	Adopt(T)	7-1-2009

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
576-003-0110	8-26-2009	Adopt	9-1-2009	580-021-0026	10-12-2009	Adopt	11-1-2009
576-003-0110(T)	8-26-2009	Repeal	9-1-2009	580-021-0027	3-13-2009	Adopt(T)	4-1-2009
576-003-0120	6-9-2009	Adopt(T)	7-1-2009	580-023-0005	10-12-2009	Repeal	11-1-2009
576-003-0120	8-26-2009	Adopt	9-1-2009	580-023-0010	10-12-2009	Repeal	11-1-2009
576-003-0120(T)	8-26-2009	Repeal	9-1-2009	580-023-0015	10-12-2009	Repeal	11-1-2009
576-010-0000	7-1-2009	Amend	8-1-2009	580-023-0020	10-12-2009	Repeal	11-1-2009
576-030-0015	7-1-2009	Amend	8-1-2009	580-023-0025	10-12-2009	Repeal	11-1-2009
576-030-0020	7-1-2009	Amend	8-1-2009	580-023-0030	10-12-2009	Repeal	11-1-2009
576-030-0025	7-1-2009	Amend	8-1-2009	580-023-0035	10-12-2009	Repeal	11-1-2009
576-030-0030	7-1-2009	Repeal	8-1-2009	580-023-0040	10-12-2009	Repeal	11-1-2009
576-030-0035	7-1-2009	Amend	8-1-2009	580-023-0045	10-12-2009	Repeal	11-1-2009
576-030-0040	7-1-2009	Amend	8-1-2009	580-023-0050	10-12-2009	Repeal	11-1-2009
576-030-0045	7-1-2009	Amend	8-1-2009	580-023-0055	10-12-2009	Repeal	11-1-2009
576-030-0050	7-1-2009	Amend	8-1-2009	580-023-0060	10-12-2009	Repeal	11-1-2009
576-030-0050	10-15-2009	Amend	11-1-2009	580-023-0065	10-12-2009	Repeal	11-1-2009
576-030-0055	7-1-2009	Amend	8-1-2009	580-023-0106	10-12-2009	Adopt	11-1-2009
576-030-0060	7-1-2009	Amend	8-1-2009	580-023-0111	10-12-2009	Adopt	11-1-2009
576-030-0070	7-1-2009	Amend	8-1-2009	580-023-0116	10-12-2009	Adopt	11-1-2009
576-030-0090	7-1-2009	Amend	8-1-2009	580-023-0121	10-12-2009	Adopt	11-1-2009
576-060-0031	7-1-2009	Amend	8-1-2009	580-023-0126	10-12-2009	Adopt	11-1-2009
577-031-0125	9-28-2009	Amend	9-1-2009	580-023-0131	10-12-2009	Adopt	11-1-2009
577-031-0130	9-28-2009	Amend	9-1-2009	580-023-0136	10-12-2009	Adopt	11-1-2009
577-031-0131	9-28-2009	Amend	9-1-2009	580-023-0141	10-12-2009	Adopt	11-1-2009
577-031-0132	9-28-2009	Amend	9-1-2009	580-023-0146	10-12-2009	Adopt	11-1-2009
577-031-0133	9-28-2009	Amend	9-1-2009	580-023-0151	10-12-2009	Adopt	11-1-2009
577-031-0135	9-28-2009	Amend	9-1-2009	580-040-0035	1-22-2009	Amend	3-1-2009
577-031-0136	9-28-2009	Amend	9-1-2009	580-040-0040	2-20-2009	Amend(T)	4-1-2009
577-031-0137	9-28-2009	Amend	9-1-2009	580-040-0040	3-13-2009	Amend(T)	4-1-2009
577-031-0138	9-28-2009	Adopt	9-1-2009	580-040-0040	7-20-2009	Amend(T)	9-1-2009
577-031-0139	9-28-2009	Adopt	9-1-2009	580-040-0040	10-1-2009	Amend(T)	11-1-2009
577-031-0140	9-28-2009	Amend	9-1-2009	580-040-0040(T)	3-13-2009	Suspend	4-1-2009
577-031-0141	9-28-2009	Amend	9-1-2009	580-040-0040(T)	10-1-2009	Suspend	11-1-2009
577-031-0142	9-28-2009	Amend	9-1-2009	581-001-0100	12-19-2008	Amend	2-1-2009
577-031-0143	9-28-2009	Amend	9-1-2009	581-011-0050	6-29-2009	Amend	8-1-2009
577-031-0144	9-28-2009	Adopt	9-1-2009	581-011-0052	6-29-2009	Amend	8-1-2009
577-031-0145	9-28-2009	Amend	9-1-2009	581-011-0055	6-29-2009	Amend	8-1-2009
577-031-0146	9-28-2009	Amend	9-1-2009	581-011-0060	6-29-2009	Amend	8-1-2009
577-031-0147	9-28-2009	Amend	9-1-2009	581-011-0065	6-29-2009	Amend	8-1-2009
577-031-0148	9-28-2009	Amend	9-1-2009	581-011-0066	6-29-2009	Amend	8-1-2009
577-060-0020	5-14-2009	Amend(T)	6-1-2009	581-011-0067	6-29-2009	Amend	8-1-2009
577-060-0020	8-1-2009	Amend	8-1-2009	581-011-0070	6-29-2009	Amend	8-1-2009
577-060-0020	8-24-2009	Amend(T)	10-1-2009	581-011-0071	6-29-2009	Amend	8-1-2009
577-070-0005	9-15-2009	Amend	9-1-2009	581-011-0072	6-29-2009	Repeal	8-1-2009
577-070-0010	9-15-2009	Amend	9-1-2009	581-011-0073	6-29-2009	Repeal	8-1-2009
577-070-0015	9-15-2009	Amend	9-1-2009	581-011-0074	6-29-2009	Repeal	8-1-2009
577-070-0020	9-15-2009	Amend	9-1-2009	581-011-0075	6-29-2009	Amend	8-1-2009
577-070-0025	9-15-2009	Amend	9-1-2009	581-011-0076	6-29-2009	Repeal	8-1-2009
577-070-0030	9-15-2009	Amend	9-1-2009	581-011-0077	6-29-2009	Repeal	8-1-2009
577-070-0035	9-15-2009	Amend	9-1-2009	581-011-0078	6-29-2009	Repeal	8-1-2009
577-070-0040	9-15-2009	Amend	9-1-2009	581-011-0079	6-29-2009	Repeal	8-1-2009
577-070-0045	9-15-2009	Amend	9-1-2009	581-011-0080	6-29-2009	Amend	8-1-2009
577-070-0050	9-15-2009	Amend	9-1-2009	581-011-0086	6-29-2009	Amend	8-1-2009
577-072-0030	1-1-2010	Adopt	9-1-2009	581-011-0087	6-29-2009	Adopt	8-1-2009
578-041-0030	9-2-2009	Amend	10-1-2009	581-011-0090	6-29-2009	Amend	8-1-2009
579-020-0006	3-12-2009	Amend	4-1-2009	581-011-0095	6-29-2009	Amend	8-1-2009
579-020-0006	8-14-2009	Amend	9-1-2009	581-011-0114	6-29-2009	Adopt	8-1-2009

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
581-011-0117	6-29-2009	Amend	8-1-2009	582-010-0025	2-11-2009	Suspend	3-1-2009
581-011-0118	6-29-2009	Repeal	8-1-2009	582-010-0030	2-11-2009	Suspend	3-1-2009
581-011-0119	6-29-2009	Repeal	8-1-2009	582-050-0000	3-27-2009	Amend	5-1-2009
581-011-0120	6-29-2009	Repeal	8-1-2009	582-070-0010	2-11-2009	Amend(T)	3-1-2009
581-011-0125	6-29-2009	Repeal	8-1-2009	582-070-0020	2-11-2009	Amend(T)	3-1-2009
581-011-0130	6-29-2009	Repeal	8-1-2009	582-080-0010	2-11-2009	Amend(T)	3-1-2009
581-011-0131	6-29-2009	Repeal	8-1-2009	582-080-0020	2-11-2009	Amend(T)	3-1-2009
581-011-0135	6-29-2009	Repeal	8-1-2009	582-080-0030	2-11-2009	Amend(T)	3-1-2009
581-011-0136	2-24-2009	Adopt(T)	4-1-2009	582-080-0040	2-11-2009	Amend(T)	3-1-2009
581-011-0140	6-29-2009	Repeal	8-1-2009	582-080-0050	2-11-2009	Amend(T)	3-1-2009
581-011-0142	2-24-2009	Adopt(T)	4-1-2009	582-085-0004	2-11-2009	Suspend	3-1-2009
581-011-0145	6-29-2009	Repeal	8-1-2009	582-100-0040	12-19-2008	Amend(T)	2-1-2009
581-011-0210	6-29-2009	Repeal	8-1-2009	582-100-0040	3-27-2009	Amend	5-1-2009
581-022-0610	12-19-2008	Amend	2-1-2009	582-100-0040(T)	3-27-2009	Repeal	5-1-2009
581-022-0615	9-1-2009	Amend(T)	10-1-2009	584-005-0005	5-15-2009	Amend(T)	6-1-2009
581-022-0711	12-19-2008	Adopt	2-1-2009	584-005-0005	10-5-2009	Amend	11-1-2009
581-022-1060	6-29-2009	Amend	8-1-2009	584-005-0005(T)	10-5-2009	Repeal	11-1-2009
581-022-1130	6-30-2009	Amend(T)	8-1-2009	584-017-0042	9-22-2009	Amend	11-1-2009
581-022-1131	4-23-2009	Amend	6-1-2009	584-019-0003	10-5-2009	Amend	11-1-2009
581-022-1310	6-29-2009	Amend	8-1-2009	584-021-0105	5-15-2009	Amend(T)	6-1-2009
581-022-1330	6-29-2009	Amend	8-1-2009	584-021-0105	10-5-2009	Amend	11-1-2009
581-022-1622	6-29-2009	Amend	8-1-2009	584-021-0105(T)	10-5-2009	Repeal	11-1-2009
581-022-1640	6-29-2009	Amend	8-1-2009	584-021-0140	5-15-2009	Amend(T)	6-1-2009
581-022-1650	6-29-2009	Amend	8-1-2009	584-021-0140	10-5-2009	Amend	11-1-2009
581-045-0190	6-29-2009	Amend	8-1-2009	584-021-0140(T)	10-5-2009	Repeal	11-1-2009
581-045-0500	6-29-2009	Amend	8-1-2009	584-021-0150	5-15-2009	Amend(T)	6-1-2009
581-045-0505	6-29-2009	Amend	8-1-2009	584-021-0150	10-5-2009	Amend	11-1-2009
581-045-0515	6-29-2009	Amend	8-1-2009	584-021-0150(T)	10-5-2009	Repeal	11-1-2009
581-045-0522	6-29-2009	Adopt	8-1-2009	584-021-0210	5-15-2009	Amend(T)	6-1-2009
581-045-0525	6-29-2009	Amend	8-1-2009	584-021-0210	10-5-2009	Amend	11-1-2009
581-045-0530	6-29-2009	Amend	8-1-2009	584-021-0210(T)	10-5-2009	Repeal	11-1-2009
581-045-0535	6-29-2009	Amend	8-1-2009	584-023-0005	9-22-2009	Amend	11-1-2009
581-045-0538	6-29-2009	Adopt	8-1-2009	584-023-0015	9-22-2009	Amend	11-1-2009
581-045-0545	6-29-2009	Amend	8-1-2009	584-023-0025	9-22-2009	Repeal	11-1-2009
581-045-0550	6-29-2009	Amend	8-1-2009	584-036-0010	3-12-2009	Amend	4-1-2009
581-045-0555	6-29-2009	Amend	8-1-2009	584-036-0015	3-12-2009	Amend	4-1-2009
581-045-0565	6-29-2009	Amend	8-1-2009	584-036-0025	10-5-2009	Amend	11-1-2009
581-045-0570	6-29-2009	Amend	8-1-2009	584-036-0055	2-27-2009	Amend(T)	4-1-2009
581-045-0575	6-29-2009	Repeal	8-1-2009	584-036-0055	9-22-2009	Amend	11-1-2009
581-053-0517	6-29-2009	Amend	8-1-2009	584-036-0067	10-5-2009	Amend	11-1-2009
581-053-5556	10-28-2009	Renumber	12-1-2009	584-036-0080	3-12-2009	Amend	4-1-2009
582-001-0003	12-19-2008	Amend(T)	2-1-2009	584-036-0082	9-22-2009	Amend	11-1-2009
582-001-0003	3-27-2009	Amend	5-1-2009	584-036-0083	3-12-2009	Adopt	4-1-2009
582-001-0003(T)	3-27-2009	Repeal	5-1-2009	584-040-0005	5-15-2009	Amend(T)	6-1-2009
582-001-0005	12-19-2008	Amend(T)	2-1-2009	584-040-0005	10-5-2009	Amend	11-1-2009
582-001-0005	3-27-2009	Amend	5-1-2009	584-040-0005(T)	10-5-2009	Repeal	11-1-2009
582-001-0005(T)	3-27-2009	Repeal	5-1-2009	584-048-0006	5-15-2009	Amend(T)	6-1-2009
582-001-0010	12-19-2008	Amend(T)	2-1-2009	584-048-0006	10-5-2009	Am. & Ren.	11-1-2009
582-001-0010	3-27-2009	Amend	5-1-2009	584-048-0006(T)	10-5-2009	Repeal	11-1-2009
582-001-0010(T)	3-27-2009	Repeal	5-1-2009	584-048-0010	5-15-2009	Suspend	6-1-2009
582-010-0005	2-11-2009	Suspend	3-1-2009	584-048-0010	10-5-2009	Repeal	11-1-2009
582-010-0010	2-11-2009	Suspend	3-1-2009	584-048-0015	5-15-2009	Suspend	6-1-2009
582-010-0015	2-11-2009	Suspend	3-1-2009	584-048-0015	10-5-2009	Repeal	11-1-2009
582-010-0020	2-11-2009	Suspend	3-1-2009	584-048-0020	5-15-2009	Suspend	6-1-2009
582-010-0021	2-11-2009	Suspend	3-1-2009	584-048-0020	10-5-2009	Repeal	11-1-2009
582-010-0022	2-11-2009	Suspend	3-1-2009	584-048-0025	5-15-2009	Amend(T)	6-1-2009

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
584-048-0025	10-5-2009	Am. & Ren.	11-1-2009	584-060-0040	3-12-2009	Repeal	4-1-2009
584-048-0025(T)	10-5-2009	Repeal	11-1-2009	584-060-0062	9-22-2009	Amend	11-1-2009
584-048-0030	5-15-2009	Amend(T)	6-1-2009	584-060-0071	9-22-2009	Amend	11-1-2009
584-048-0030	10-5-2009	Am. & Ren.	11-1-2009	584-060-0091	3-12-2009	Repeal	4-1-2009
584-048-0030(T)	10-5-2009	Repeal	11-1-2009	584-060-0171	3-12-2009	Amend	4-1-2009
584-048-0032	10-5-2009	Am. & Ren.	11-1-2009	584-060-0171	5-15-2009	Amend(T)	6-1-2009
584-048-0035	5-15-2009	Amend(T)	6-1-2009	584-060-0181	3-12-2009	Amend	4-1-2009
584-048-0035	10-5-2009	Am. & Ren.	11-1-2009	584-060-0182	3-12-2009	Adopt	4-1-2009
584-048-0035(T)	10-5-2009	Repeal	11-1-2009	584-060-0190	10-5-2009	Amend	11-1-2009
584-048-0040	10-5-2009	Repeal	11-1-2009	584-060-0200	10-5-2009	Amend	11-1-2009
584-048-0067	5-15-2009	Suspend	6-1-2009	584-060-0210	3-12-2009	Amend	4-1-2009
584-048-0067	10-5-2009	Am. & Ren.	11-1-2009	584-065-0060	10-5-2009	Amend	11-1-2009
584-048-0067(T)	10-5-2009	Repeal	11-1-2009	584-070-0012	5-15-2009	Amend(T)	6-1-2009
584-048-0070	5-15-2009	Amend(T)	6-1-2009	584-070-0014	5-15-2009	Amend(T)	6-1-2009
584-048-0070	10-5-2009	Am. & Ren.	11-1-2009	584-070-0014	10-5-2009	Amend	11-1-2009
584-048-0070(T)	10-5-2009	Repeal	11-1-2009	584-070-0014(T)	10-5-2009	Repeal	11-1-2009
584-048-0085	5-15-2009	Amend(T)	6-1-2009	584-070-0022	5-15-2009	Amend(T)	6-1-2009
584-048-0085	10-5-2009	Am. & Ren.	11-1-2009	584-070-0022	10-5-2009	Amend	11-1-2009
584-048-0085(T)	10-5-2009	Repeal	11-1-2009	584-070-0022(T)	10-5-2009	Repeal	11-1-2009
584-048-0090	5-15-2009	Suspend	6-1-2009	584-070-0211	5-15-2009	Amend(T)	6-1-2009
584-048-0090	10-5-2009	Repeal	11-1-2009	584-070-0211	10-5-2009	Amend	11-1-2009
584-048-0095	5-15-2009	Amend(T)	6-1-2009	584-070-0211(T)	10-5-2009	Repeal	11-1-2009
584-048-0095	10-5-2009	Am. & Ren.	11-1-2009	584-070-0221	5-15-2009	Amend(T)	6-1-2009
584-048-0095(T)	10-5-2009	Repeal	11-1-2009	584-070-0221	10-5-2009	Amend	11-1-2009
584-048-0105	5-15-2009	Suspend	6-1-2009	584-070-0221(T)	10-5-2009	Repeal	11-1-2009
584-048-0105	10-5-2009	Repeal	11-1-2009	584-070-0310	5-15-2009	Amend(T)	6-1-2009
584-048-0110	5-15-2009	Amend(T)	6-1-2009	584-080-0002	5-15-2009	Amend(T)	6-1-2009
584-048-0110	10-5-2009	Am. & Ren.	11-1-2009	584-080-0002	10-5-2009	Amend	11-1-2009
584-048-0110(T)	10-5-2009	Repeal	11-1-2009	584-080-0002(T)	10-5-2009	Repeal	11-1-2009
584-048-0115	5-15-2009	Suspend	6-1-2009	584-080-0012	5-15-2009	Amend(T)	6-1-2009
584-048-0115	10-5-2009	Repeal	11-1-2009	584-080-0012	10-5-2009	Amend	11-1-2009
584-048-0120	10-5-2009	Repeal	11-1-2009	584-080-0012(T)	10-5-2009	Repeal	11-1-2009
584-050-0004	3-12-2009	Am. & Ren.	4-1-2009	584-080-0022	5-15-2009	Amend(T)	6-1-2009
584-050-0040	3-12-2009	Amend	4-1-2009	584-080-0022	10-5-2009	Amend	11-1-2009
584-050-0042	3-12-2009	Am. & Ren.	4-1-2009	584-080-0022(T)	10-5-2009	Repeal	11-1-2009
584-050-0043	3-12-2009	Am. & Ren.	4-1-2009	584-080-0031	5-15-2009	Amend(T)	6-1-2009
584-050-0100	3-12-2009	Adopt	4-1-2009	584-080-0031	10-5-2009	Amend	11-1-2009
584-052-0027	3-12-2009	Amend	4-1-2009	584-080-0031(T)	10-5-2009	Repeal	11-1-2009
584-052-0030	3-12-2009	Amend	4-1-2009	584-080-0161	5-15-2009	Amend(T)	6-1-2009
584-052-0031	3-12-2009	Amend	4-1-2009	584-090-0001	10-5-2009	Amend	11-1-2009
584-052-0032	3-12-2009	Amend	4-1-2009	584-090-0005	10-5-2009	Amend	11-1-2009
584-052-0033	3-12-2009	Amend	4-1-2009	584-100-0006	3-12-2009	Amend	4-1-2009
584-060-0002	5-15-2009	Amend(T)	6-1-2009	585-005-0015	6-11-2009	Adopt	7-1-2009
584-060-0002	10-5-2009	Amend	11-1-2009	585-005-0020	6-11-2009	Adopt	7-1-2009
584-060-0002(T)	10-5-2009	Repeal	11-1-2009	585-005-0025	6-11-2009	Adopt	7-1-2009
584-060-0012	5-15-2009	Amend(T)	6-1-2009	585-005-0030	6-11-2009	Adopt	7-1-2009
584-060-0012	11-2-2009	Amend	12-1-2009	585-005-0035	6-11-2009	Adopt	7-1-2009
584-060-0013	5-15-2009	Amend(T)	6-1-2009	585-005-0040	6-11-2009	Adopt	7-1-2009
584-060-0013	10-5-2009	Amend	11-1-2009	585-005-0045	6-11-2009	Adopt	7-1-2009
584-060-0013(T)	10-5-2009	Repeal	11-1-2009	585-005-0050	6-11-2009	Adopt	7-1-2009
584-060-0014	5-15-2009	Amend(T)	6-1-2009	585-005-0055	6-11-2009	Adopt	7-1-2009
584-060-0014	10-5-2009	Amend	11-1-2009	585-005-0060	6-11-2009	Adopt	7-1-2009
584-060-0014(T)	10-5-2009	Repeal	11-1-2009	585-005-0065	6-11-2009	Adopt	7-1-2009
584-060-0022	5-15-2009	Amend(T)	6-1-2009	585-005-0070	6-11-2009	Adopt	7-1-2009
584-060-0022	10-5-2009	Amend	11-1-2009	585-005-0075	6-11-2009	Adopt	7-1-2009
584-060-0022(T)	10-5-2009	Repeal	11-1-2009	585-010-0310	4-13-2009	Amend	5-1-2009

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
585-020-0005	4-13-2009	Amend	5-1-2009	603-057-0510	5-7-2009	Amend	6-1-2009
585-020-0010	8-7-2009	Amend	9-1-2009	603-057-0510(T)	5-7-2009	Repeal	6-1-2009
585-020-0015	8-7-2009	Amend	9-1-2009	603-057-0515	1-23-2009	Suspend	3-1-2009
585-020-0020	4-13-2009	Amend	5-1-2009	603-057-0515	5-7-2009	Repeal	6-1-2009
585-020-0020	8-7-2009	Amend	9-1-2009	603-057-0520	1-23-2009	Amend(T)	3-1-2009
585-020-0025	4-13-2009	Amend	5-1-2009	603-057-0520	5-7-2009	Amend	6-1-2009
585-020-0025	8-7-2009	Amend	9-1-2009	603-057-0520(T)	5-7-2009	Repeal	6-1-2009
585-020-0030	4-13-2009	Amend	5-1-2009	603-057-0525	1-23-2009	Amend(T)	3-1-2009
585-020-0030	8-7-2009	Amend	9-1-2009	603-057-0525	5-7-2009	Amend	6-1-2009
585-020-0040	4-13-2009	Amend	5-1-2009	603-057-0525(T)	5-7-2009	Repeal	6-1-2009
585-020-0040	8-7-2009	Amend	9-1-2009	603-057-0530	1-23-2009	Amend(T)	3-1-2009
585-020-0045	4-13-2009	Amend	5-1-2009	603-057-0530	5-7-2009	Amend	6-1-2009
585-020-0045	8-7-2009	Amend	9-1-2009	603-057-0530(T)	5-7-2009	Repeal	6-1-2009
585-020-0050	8-7-2009	Amend	9-1-2009	603-057-0532	1-23-2009	Adopt(T)	3-1-2009
585-020-0055	4-13-2009	Repeal	5-1-2009	603-057-0532	5-7-2009	Adopt	6-1-2009
585-020-0055	8-7-2009	Repeal	9-1-2009	603-057-0532(T)	5-7-2009	Repeal	6-1-2009
585-020-0060	4-13-2009	Amend	5-1-2009	603-074-0080	1-30-2009	Amend	3-1-2009
585-020-0060	8-7-2009	Amend	9-1-2009	603-076-0100	6-30-2009	Adopt(T)	8-1-2009
589-002-0100	8-5-2009	Amend(T)	9-1-2009	603-076-0105	6-30-2009	Adopt(T)	8-1-2009
589-002-0100	10-28-2009	Amend	12-1-2009	603-077-0101	7-15-2009	Amend(T)	8-1-2009
589-007-0500	7-6-2009	Amend	8-1-2009	603-077-0105	7-15-2009	Amend(T)	8-1-2009
589-007-0700	7-15-2009	Adopt(T)	8-1-2009	603-077-0110	7-15-2009	Amend(T)	8-1-2009
589-020-0225	12-29-2008	Amend	2-1-2009	603-077-0112	7-15-2009	Amend(T)	8-1-2009
603-011-0610	9-1-2009	Amend(T)	10-1-2009	603-077-0113	7-15-2009	Amend(T)	8-1-2009
603-011-0615	9-1-2009	Amend(T)	10-1-2009	603-077-0115	7-15-2009	Amend(T)	8-1-2009
603-011-0620	9-1-2009	Amend(T)	10-1-2009	603-077-0137	7-15-2009	Amend(T)	8-1-2009
603-027-0410	7-24-2009	Amend(T)	9-1-2009	603-077-0140	7-15-2009	Amend(T)	8-1-2009
603-027-0420	7-24-2009	Amend(T)	9-1-2009	619-005-0010	12-17-2008	Adopt	2-1-2009
603-027-0430	7-24-2009	Amend(T)	9-1-2009	619-005-0020	12-17-2008	Adopt	2-1-2009
603-027-0440	7-24-2009	Amend(T)	9-1-2009	619-005-0030	12-17-2008	Adopt	2-1-2009
603-027-0490	7-24-2009	Amend(T)	9-1-2009	619-005-0040	12-17-2008	Adopt	2-1-2009
603-052-0129	2-13-2009	Amend	3-1-2009	619-005-0050	12-17-2008	Adopt	2-1-2009
603-052-0153	2-13-2009	Amend	3-1-2009	619-005-0060	12-17-2008	Adopt	2-1-2009
603-052-0160	2-13-2009	Amend	3-1-2009	620-010-0020	3-1-2009	Amend	2-1-2009
603-052-0201	2-13-2009	Amend	3-1-2009	620-010-0020(T)	3-1-2009	Repeal	2-1-2009
603-052-0265	2-13-2009	Amend	3-1-2009	629-021-0700	5-11-2009	Amend	6-1-2009
603-052-0347	8-21-2009	Amend	10-1-2009	629-022-0030	2-1-2009	Amend	2-1-2009
603-052-0360	2-13-2009	Amend	3-1-2009	629-022-0035	2-1-2009	Adopt	2-1-2009
603-052-0850	9-16-2009	Amend	11-1-2009	629-022-0040	2-1-2009	Amend	2-1-2009
603-052-0860	9-16-2009	Amend	11-1-2009	629-022-0050	2-1-2009	Adopt	2-1-2009
603-052-0870	9-16-2009	Amend	11-1-2009	629-022-0060	2-1-2009	Adopt	2-1-2009
603-052-0880	9-16-2009	Amend	11-1-2009	629-022-0070	2-1-2009	Adopt	2-1-2009
603-052-1020	4-9-2009	Amend	5-1-2009	629-022-0080	2-1-2009	Adopt	2-1-2009
603-052-1230	4-9-2009	Amend	5-1-2009	629-022-0100	2-1-2009	Repeal	2-1-2009
603-052-1250	4-9-2009	Amend	5-1-2009	629-022-0110	2-1-2009	Amend	2-1-2009
603-057-0110	7-15-2009	Amend	8-1-2009	629-022-0120	2-1-2009	Amend	2-1-2009
603-057-0145	7-15-2009	Amend	8-1-2009	629-022-0130	2-1-2009	Amend	2-1-2009
603-057-0160	7-15-2009	Adopt	8-1-2009	629-022-0140	2-1-2009	Amend	2-1-2009
603-057-0180	7-15-2009	Adopt	8-1-2009	629-022-0150	2-1-2009	Amend	2-1-2009
603-057-0500	1-23-2009	Amend(T)	3-1-2009	629-022-0160	2-1-2009	Amend	2-1-2009
603-057-0500	5-7-2009	Amend	6-1-2009	629-022-0200	2-1-2009	Amend	2-1-2009
603-057-0500(T)	5-7-2009	Repeal	6-1-2009	629-022-0210	2-1-2009	Amend	2-1-2009
603-057-0502	1-23-2009	Adopt(T)	3-1-2009	629-022-0220	2-1-2009	Amend	2-1-2009
603-057-0502	5-7-2009	Adopt	6-1-2009	629-022-0230	2-1-2009	Amend	2-1-2009
603-057-0502(T)	5-7-2009	Repeal	6-1-2009	629-022-0250	2-1-2009	Amend	2-1-2009
603-057-0510	1-23-2009	Amend(T)	3-1-2009	629-022-0300	2-1-2009	Amend	2-1-2009

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
629-022-0320	2-1-2009	Amend	2-1-2009	635-004-0005	4-27-2009	Amend	6-1-2009
629-022-0380	2-1-2009	Amend	2-1-2009	635-004-0009	4-27-2009	Amend	6-1-2009
629-022-0390	2-1-2009	Amend	2-1-2009	635-004-0012	4-22-2009	Adopt	6-1-2009
629-022-0400	2-1-2009	Amend	2-1-2009	635-004-0014	11-21-2008	Amend	1-1-2009
629-022-0410	2-1-2009	Amend	2-1-2009	635-004-0016	1-1-2009	Amend(T)	2-1-2009
629-022-0500	2-1-2009	Repeal	2-1-2009	635-004-0016	2-23-2009	Amend(T)	4-1-2009
629-022-0600	2-1-2009	Repeal	2-1-2009	635-004-0016	4-22-2009	Amend	6-1-2009
629-022-0700	2-1-2009	Repeal	2-1-2009	635-004-0016(T)	2-23-2009	Suspend	4-1-2009
629-022-0800	2-1-2009	Adopt	2-1-2009	635-004-0016(T)	4-22-2009	Repeal	6-1-2009
629-022-0810	2-1-2009	Adopt	2-1-2009	635-004-0017	4-22-2009	Adopt	6-1-2009
629-022-0820	2-1-2009	Adopt	2-1-2009	635-004-0017	7-1-2009	Amend(T)	8-1-2009
629-022-0830	2-1-2009	Adopt	2-1-2009	635-004-0017	7-18-2009	Amend(T)	9-1-2009
629-022-0840	2-1-2009	Adopt	2-1-2009	635-004-0017	9-23-2009	Amend(T)	11-1-2009
629-022-0850	2-1-2009	Adopt	2-1-2009	635-004-0017(T)	7-18-2009	Suspend	9-1-2009
629-041-0100	3-25-2009	Amend(T)	5-1-2009	635-004-0017(T)	9-23-2009	Suspend	11-1-2009
629-041-0100	9-21-2009	Amend	10-1-2009	635-004-0018	4-27-2009	Amend	6-1-2009
632-030-0005	5-15-2009	Amend	6-1-2009	635-004-0019	12-4-2008	Amend(T)	1-1-2009
632-030-0010	5-15-2009	Amend	6-1-2009	635-004-0019	1-5-2009	Amend(T)	2-1-2009
632-030-0015	5-15-2009	Amend	6-1-2009	635-004-0019	3-18-2009	Amend(T)	5-1-2009
632-030-0016	5-15-2009	Amend	6-1-2009	635-004-0019	4-27-2009	Amend	6-1-2009
632-030-0017	5-15-2009	Amend	6-1-2009	635-004-0019	5-1-2009	Amend(T)	6-1-2009
632-030-0018	5-15-2009	Amend	6-1-2009	635-004-0019	7-2-2009	Amend(T)	8-1-2009
632-030-0019	5-15-2009	Amend	6-1-2009	635-004-0019	10-28-2009	Amend(T)	12-1-2009
632-030-0020	5-15-2009	Amend	6-1-2009	635-004-0019	11-2-2009	Amend(T)	12-1-2009
632-030-0021	5-15-2009	Amend	6-1-2009	635-004-0019(T)	12-4-2008	Suspend	1-1-2009
632-030-0022	5-15-2009	Amend	6-1-2009	635-004-0019(T)	3-18-2009	Suspend	5-1-2009
632-030-0024	5-15-2009	Amend	6-1-2009	635-004-0019(T)	4-27-2009	Repeal	6-1-2009
632-030-0025	5-15-2009	Amend	6-1-2009	635-004-0019(T)	7-2-2009	Suspend	8-1-2009
632-030-0026	5-15-2009	Adopt	6-1-2009	635-004-0019(T)	10-28-2009	Suspend	12-1-2009
632-030-0027	5-15-2009	Amend	6-1-2009	635-004-0019(T)	11-2-2009	Suspend	12-1-2009
632-030-0030	5-15-2009	Amend	6-1-2009	635-004-0020	11-21-2008	Amend	1-1-2009
632-030-0033	5-15-2009	Amend	6-1-2009	635-004-0025	8-10-2009	Amend	9-1-2009
632-030-0035	5-15-2009	Amend	6-1-2009	635-004-0027	1-1-2009	Amend(T)	2-1-2009
632-030-0040	5-15-2009	Amend	6-1-2009	635-004-0033	1-1-2009	Amend(T)	2-1-2009
632-030-0041	5-15-2009	Adopt	6-1-2009	635-004-0033	3-1-2009	Amend(T)	4-1-2009
632-030-0042	5-15-2009	Amend	6-1-2009	635-004-0033	4-27-2009	Amend	6-1-2009
632-030-0045	5-15-2009	Amend	6-1-2009	635-004-0033	7-1-2009	Amend(T)	8-1-2009
632-030-0049	5-15-2009	Adopt	6-1-2009	635-004-0033	10-10-2009	Amend(T)	11-1-2009
632-030-0052	5-15-2009	Adopt	6-1-2009	635-004-0033(T)	3-1-2009	Suspend	4-1-2009
632-030-0056	5-15-2009	Amend	6-1-2009	635-004-0033(T)	4-27-2009	Repeal	6-1-2009
632-030-0061	8-10-2009	Adopt(T)	9-1-2009	635-004-0033(T)	10-10-2009	Suspend	11-1-2009
632-030-0070	5-15-2009	Amend	6-1-2009	635-004-0035	11-21-2008	Amend	1-1-2009
635-001-0050	1-14-2009	Amend(T)	2-1-2009	635-004-0042	6-1-2009	Adopt(T)	6-1-2009
635-001-0321	11-3-2009	Amend	12-1-2009	635-004-0042	8-10-2009	Adopt	9-1-2009
635-001-0331	11-3-2009	Amend	12-1-2009	635-004-0042(T)	8-10-2009	Repeal	9-1-2009
635-001-0400	10-30-2009	Adopt(T)	12-1-2009	635-004-0048	11-21-2008	Amend	1-1-2009
635-003-0003	5-18-2009	Amend	7-1-2009	635-004-0050	11-21-2008	Amend	1-1-2009
635-003-0004	3-15-2009	Amend(T)	4-1-2009	635-004-0060	11-21-2008	Amend	1-1-2009
635-003-0004	5-18-2009	Amend	7-1-2009	635-004-0090	1-1-2009	Amend(T)	2-1-2009
635-003-0004(T)	5-18-2009	Repeal	7-1-2009	635-004-0090	4-27-2009	Amend	6-1-2009
635-003-0074	5-18-2009	Amend	7-1-2009	635-004-0090(T)	4-27-2009	Repeal	6-1-2009
635-003-0077	5-18-2009	Amend	7-1-2009	635-004-0135	11-21-2008	Amend	1-1-2009
635-003-0085	5-18-2009	Amend	7-1-2009	635-004-0170	11-21-2008	Amend	1-1-2009
635-003-0085	9-1-2009	Amend(T)	10-1-2009	635-005-0001	11-21-2008	Amend	1-1-2009
635-003-0085	10-19-2009	Amend(T)	12-1-2009	635-005-0005	11-21-2008	Amend	1-1-2009
635-003-0085(T)	10-19-2009	Suspend	12-1-2009	635-005-0005	12-17-2008	Amend	2-1-2009

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
635-005-0016	11-21-2008	Amend	1-1-2009	635-006-1015	4-22-2009	Amend	6-1-2009
635-005-0045	11-21-2008	Amend	1-1-2009	635-006-1035	11-21-2008	Amend	1-1-2009
635-005-0047	11-21-2008	Amend	1-1-2009	635-006-1035	12-17-2008	Amend	2-1-2009
635-005-0048	11-21-2008	Amend	1-1-2009	635-006-1035	4-22-2009	Amend	6-1-2009
635-005-0055	11-21-2008	Amend	1-1-2009	635-006-1065	10-7-2009	Amend	11-1-2009
635-005-0055	12-1-2008	Amend(T)	1-1-2009	635-006-1075	11-21-2008	Amend	1-1-2009
635-005-0055	5-29-2009	Amend(T)	7-1-2009	635-006-1075	4-22-2009	Amend	6-1-2009
635-005-0055	8-29-2009	Amend(T)	10-1-2009	635-006-1085	12-17-2008	Amend	2-1-2009
635-005-0055	10-7-2009	Amend	11-1-2009	635-006-1085	2-26-2009	Amend(T)	4-1-2009
635-005-0055(T)	5-29-2009	Suspend	7-1-2009	635-006-1085	4-22-2009	Amend	6-1-2009
635-005-0055(T)	10-7-2009	Repeal	11-1-2009	635-006-1085(T)	4-22-2009	Repeal	6-1-2009
635-005-0064	12-17-2008	Amend	2-1-2009	635-008-0050	8-12-2009	Amend	9-1-2009
635-005-0065	11-21-2008	Amend	1-1-2009	635-008-0050	10-7-2009	Amend	11-1-2009
635-005-0065	12-17-2008	Amend	2-1-2009	635-008-0055	4-27-2009	Amend	6-1-2009
635-005-0067	12-17-2008	Amend	2-1-2009	635-008-0095	6-10-2009	Amend	7-1-2009
635-005-0068	12-17-2008	Adopt	2-1-2009	635-008-0123	4-27-2009	Amend	6-1-2009
635-005-0069	12-17-2008	Adopt	2-1-2009	635-008-0140	4-27-2009	Amend	6-1-2009
635-005-0084	11-21-2008	Amend	1-1-2009	635-008-0145	1-15-2009	Amend	2-1-2009
635-005-0090	11-21-2008	Amend	1-1-2009	635-008-0147	3-11-2009	Amend(T)	4-1-2009
635-005-0095	11-21-2008	Amend	1-1-2009	635-008-0147	3-30-2009	Amend(T)	5-1-2009
635-005-0100	11-21-2008	Amend	1-1-2009	635-008-0147	8-12-2009	Amend	9-1-2009
635-005-0135	11-21-2008	Amend	1-1-2009	635-008-0151	1-1-2010	Amend	12-1-2009
635-005-0140	11-21-2008	Amend	1-1-2009	635-008-0155	8-12-2009	Amend	9-1-2009
635-005-0145	11-21-2008	Amend	1-1-2009	635-008-0210	8-26-2009	Adopt(T)	10-1-2009
635-005-0180	11-21-2008	Amend	1-1-2009	635-010-0007	1-1-2010	Amend	12-1-2009
635-006-0001	11-21-2008	Amend	1-1-2009	635-010-0157	1-1-2010	Amend	12-1-2009
635-006-0001	8-10-2009	Amend	9-1-2009	635-010-0170	12-9-2008	Amend(T)	1-1-2009
635-006-0132	11-21-2008	Amend	1-1-2009	635-010-0170	5-14-2009	Amend(T)	6-1-2009
635-006-0133	11-21-2008	Amend	1-1-2009	635-010-0170	1-1-2010	Amend	12-1-2009
635-006-0145	11-21-2008	Amend	1-1-2009	635-010-0170(T)	5-14-2009	Suspend	6-1-2009
635-006-0145	10-7-2009	Amend	11-1-2009	635-011-0100	1-1-2009	Amend	2-1-2009
635-006-0150	11-21-2008	Amend	1-1-2009	635-013-0003	1-1-2009	Amend	2-1-2009
635-006-0160	8-10-2009	Amend	9-1-2009	635-013-0003	5-18-2009	Amend	7-1-2009
635-006-0165	11-21-2008	Amend	1-1-2009	635-013-0004	1-1-2009	Amend	2-1-2009
635-006-0200	11-21-2008	Amend	1-1-2009	635-013-0007	5-18-2009	Amend	7-1-2009
635-006-0205	11-21-2008	Amend	1-1-2009	635-013-0007	8-1-2009	Amend(T)	9-1-2009
635-006-0205	8-10-2009	Amend	9-1-2009	635-013-0009	3-15-2009	Amend(T)	4-1-2009
635-006-0207	11-21-2008	Amend	1-1-2009	635-013-0009	8-1-2009	Amend(T)	9-1-2009
635-006-0210	11-21-2008	Amend	1-1-2009	635-013-0009(T)	8-1-2009	Suspend	9-1-2009
635-006-0211	11-21-2008	Amend	1-1-2009	635-014-0080	1-1-2009	Amend	2-1-2009
635-006-0212	6-16-2009	Amend(T)	7-1-2009	635-014-0090	1-1-2009	Amend	2-1-2009
635-006-0213	11-21-2008	Amend	1-1-2009	635-014-0090	5-22-2009	Amend(T)	6-1-2009
635-006-0215	11-21-2008	Amend	1-1-2009	635-014-0090	6-15-2009	Amend(T)	7-1-2009
635-006-0215	6-16-2009	Amend(T)	7-1-2009	635-014-0090	8-1-2009	Amend(T)	9-1-2009
635-006-0215	6-25-2009	Amend(T)	8-1-2009	635-014-0090	9-1-2009	Amend(T)	10-1-2009
635-006-0215(T)	6-25-2009	Suspend	8-1-2009	635-014-0090	9-22-2009	Amend(T)	11-1-2009
635-006-0225	11-21-2008	Amend	1-1-2009	635-014-0090(T)	6-15-2009	Suspend	7-1-2009
635-006-0225	6-16-2009	Amend(T)	7-1-2009	635-014-0090(T)	8-1-2009	Suspend	9-1-2009
635-006-0230	11-21-2008	Amend	1-1-2009	635-014-0090(T)	9-1-2009	Suspend	10-1-2009
635-006-0232	1-13-2009	Amend	2-1-2009	635-014-0090(T)	9-22-2009	Suspend	11-1-2009
635-006-0235	11-21-2008	Amend	1-1-2009	635-016-0080	1-1-2009	Amend	2-1-2009
635-006-0412	11-21-2008	Amend	1-1-2009	635-016-0090	1-1-2009	Amend	2-1-2009
635-006-0425	11-21-2008	Amend	1-1-2009	635-016-0090	6-1-2009	Amend(T)	7-1-2009
635-006-0810	11-21-2008	Amend	1-1-2009	635-016-0090	7-1-2009	Amend(T)	8-1-2009
635-006-0850	12-17-2008	Amend	2-1-2009	635-016-0090	8-1-2009	Amend(T)	9-1-2009
635-006-0910	12-17-2008	Amend	2-1-2009	635-016-0090	9-18-2009	Amend(T)	11-1-2009

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
635-016-0090	11-7-2009	Amend(T)	12-1-2009	635-023-0128	1-1-2009	Amend	2-1-2009
635-016-0090(T)	7-1-2009	Suspend	8-1-2009	635-023-0128	5-18-2009	Amend	7-1-2009
635-016-0090(T)	9-18-2009	Suspend	11-1-2009	635-023-0128	6-16-2009	Amend(T)	7-1-2009
635-016-0090(T)	11-7-2009	Suspend	12-1-2009	635-023-0130	1-1-2009	Amend	2-1-2009
635-017-0080	1-1-2009	Amend	2-1-2009	635-023-0130	5-18-2009	Amend	7-1-2009
635-017-0090	1-1-2009	Amend	2-1-2009	635-023-0130	10-22-2009	Amend(T)	12-1-2009
635-017-0090	2-25-2009	Amend	4-1-2009	635-023-0134	1-1-2009	Amend	2-1-2009
635-017-0090	3-1-2009	Amend(T)	3-1-2009	635-023-0134	5-30-2009	Amend(T)	7-1-2009
635-017-0090	6-30-2009	Amend(T)	8-1-2009	635-023-0134	7-1-2009	Amend(T)	8-1-2009
635-017-0090	9-1-2009	Amend(T)	10-1-2009	635-023-0134	10-18-2009	Amend(T)	11-1-2009
635-017-0090	9-28-2009	Amend(T)	11-1-2009	635-023-0134(T)	7-1-2009	Suspend	8-1-2009
635-017-0090	10-5-2009	Amend(T)	11-1-2009	635-039-0080	1-1-2009	Amend	2-1-2009
635-017-0090(T)	2-25-2009	Repeal	4-1-2009	635-039-0080	4-27-2009	Amend	6-1-2009
635-017-0090(T)	9-28-2009	Suspend	11-1-2009	635-039-0085	1-1-2009	Amend	2-1-2009
635-017-0090(T)	10-5-2009	Suspend	11-1-2009	635-039-0085	4-27-2009	Amend	6-1-2009
635-017-0095	1-1-2009	Amend	2-1-2009	635-039-0085	5-22-2009	Amend(T)	7-1-2009
635-017-0095	1-1-2009	Amend(T)	2-1-2009	635-039-0085	8-16-2009	Amend(T)	9-1-2009
635-017-0095	2-25-2009	Amend	4-1-2009	635-039-0090	1-1-2009	Amend	2-1-2009
635-017-0095(T)	2-25-2009	Repeal	4-1-2009	635-039-0090	2-2-2009	Amend(T)	3-1-2009
635-018-0080	1-1-2009	Amend	2-1-2009	635-039-0090	4-27-2009	Amend	6-1-2009
635-018-0090	1-1-2009	Amend	2-1-2009	635-039-0090	9-13-2009	Amend(T)	10-1-2009
635-018-0090	4-15-2009	Amend(T)	4-1-2009	635-039-0090(T)	4-27-2009	Repeal	6-1-2009
635-018-0090	8-1-2009	Amend(T)	7-1-2009	635-041-0005	11-21-2008	Amend	1-1-2009
635-018-0090	9-1-2009	Amend(T)	10-1-2009	635-041-0010	11-21-2008	Amend	1-1-2009
635-019-0080	1-1-2009	Amend	2-1-2009	635-041-0030	11-21-2008	Amend	1-1-2009
635-019-0090	1-1-2009	Amend	2-1-2009	635-041-0030	2-26-2009	Amend	4-1-2009
635-019-0090	10-18-2009	Amend(T)	11-1-2009	635-041-0040	11-21-2008	Amend	1-1-2009
635-019-0090	10-18-2009	Amend(T)	11-1-2009	635-041-0045	11-21-2008	Amend	1-1-2009
635-019-0090(T)	10-18-2009	Suspend	11-1-2009	635-041-0060	11-21-2008	Amend	1-1-2009
635-021-0080	1-1-2009	Amend	2-1-2009	635-041-0061	11-21-2008	Amend	1-1-2009
635-021-0090	1-1-2009	Amend	2-1-2009	635-041-0061	2-26-2009	Amend	4-1-2009
635-021-0090	5-30-2009	Amend(T)	7-1-2009	635-041-0063	11-21-2008	Amend	1-1-2009
635-021-0090	6-13-2009	Amend(T)	7-1-2009	635-041-0063	2-26-2009	Amend	4-1-2009
635-021-0090	7-5-2009	Amend(T)	8-1-2009	635-041-0063	8-1-2009	Amend(T)	9-1-2009
635-021-0090(T)	6-13-2009	Suspend	7-1-2009	635-041-0065	11-21-2008	Amend	1-1-2009
635-021-0090(T)	7-5-2009	Suspend	8-1-2009	635-041-0065	2-2-2009	Amend(T)	3-1-2009
635-023-0080	1-1-2009	Amend	2-1-2009	635-041-0065	2-16-2009	Amend(T)	3-1-2009
635-023-0090	1-1-2009	Amend	2-1-2009	635-041-0065	3-6-2009	Amend(T)	4-1-2009
635-023-0095	1-1-2009	Amend	2-1-2009	635-041-0065(T)	2-16-2009	Suspend	3-1-2009
635-023-0095	1-1-2009	Amend(T)	2-1-2009	635-041-0065(T)	3-6-2009	Suspend	4-1-2009
635-023-0095	2-26-2009	Amend	4-1-2009	635-041-0075	8-1-2009	Amend(T)	9-1-2009
635-023-0095	4-13-2009	Amend(T)	5-1-2009	635-041-0075	8-24-2009	Amend(T)	10-1-2009
635-023-0095	6-6-2009	Amend(T)	7-1-2009	635-041-0075	9-13-2009	Amend(T)	10-1-2009
635-023-0095	7-9-2009	Amend(T)	8-1-2009	635-041-0075	9-21-2009	Amend(T)	11-1-2009
635-023-0095	7-24-2009	Amend(T)	9-1-2009	635-041-0075	9-29-2009	Amend(T)	11-1-2009
635-023-0095(T)	2-26-2009	Repeal	4-1-2009	635-041-0075	10-14-2009	Amend(T)	11-1-2009
635-023-0095(T)	6-6-2009	Suspend	7-1-2009	635-041-0075(T)	8-24-2009	Suspend	10-1-2009
635-023-0095(T)	7-9-2009	Suspend	8-1-2009	635-041-0075(T)	9-13-2009	Suspend	10-1-2009
635-023-0095(T)	7-24-2009	Suspend	9-1-2009	635-041-0075(T)	9-21-2009	Suspend	11-1-2009
635-023-0125	1-1-2009	Amend	2-1-2009	635-041-0075(T)	9-29-2009	Suspend	11-1-2009
635-023-0125	2-26-2009	Amend	4-1-2009	635-041-0075(T)	10-14-2009	Suspend	11-1-2009
635-023-0125	3-1-2009	Amend(T)	3-1-2009	635-041-0076	5-16-2009	Amend(T)	6-1-2009
635-023-0125	5-15-2009	Amend(T)	6-1-2009	635-041-0076	5-27-2009	Amend(T)	7-1-2009
635-023-0125	6-12-2009	Amend(T)	7-1-2009	635-041-0076	6-16-2009	Amend(T)	7-1-2009
635-023-0125(T)	2-26-2009	Repeal	4-1-2009	635-041-0076	6-30-2009	Amend(T)	8-1-2009
635-023-0125(T)	6-12-2009	Suspend	7-1-2009	635-041-0076	7-8-2009	Amend(T)	8-1-2009

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
635-041-0076	7-15-2009	Amend(T)	8-1-2009	635-042-0145(T)	9-5-2009	Suspend	10-1-2009
635-041-0076(T)	5-27-2009	Suspend	7-1-2009	635-042-0160	2-15-2009	Amend(T)	3-1-2009
635-041-0076(T)	6-16-2009	Suspend	7-1-2009	635-042-0160	5-17-2009	Amend(T)	6-1-2009
635-041-0076(T)	6-30-2009	Suspend	8-1-2009	635-042-0160	8-4-2009	Amend(T)	9-1-2009
635-041-0076(T)	7-8-2009	Suspend	8-1-2009	635-042-0160	9-5-2009	Amend(T)	10-1-2009
635-041-0076(T)	7-15-2009	Suspend	8-1-2009	635-042-0160(T)	5-17-2009	Suspend	6-1-2009
635-041-0510	11-21-2008	Amend	1-1-2009	635-042-0160(T)	9-5-2009	Suspend	10-1-2009
635-041-0520	11-21-2008	Amend	1-1-2009	635-042-0170	2-15-2009	Amend(T)	3-1-2009
635-041-0600	11-21-2008	Amend	1-1-2009	635-042-0170	8-4-2009	Amend(T)	9-1-2009
635-042-0001	11-21-2008	Amend	1-1-2009	635-042-0170	9-5-2009	Amend(T)	10-1-2009
635-042-0007	11-21-2008	Amend	1-1-2009	635-042-0170(T)	9-5-2009	Suspend	10-1-2009
635-042-0022	11-21-2008	Amend	1-1-2009	635-042-0180	2-15-2009	Amend(T)	3-1-2009
635-042-0022	3-27-2009	Amend(T)	5-1-2009	635-042-0180	3-6-2009	Amend(T)	4-1-2009
635-042-0022	4-7-2009	Amend(T)	5-1-2009	635-042-0180	4-7-2009	Amend(T)	5-1-2009
635-042-0022	4-14-2009	Amend(T)	5-1-2009	635-042-0180	5-17-2009	Amend(T)	6-1-2009
635-042-0022(T)	4-7-2009	Suspend	5-1-2009	635-042-0180	8-4-2009	Amend(T)	9-1-2009
635-042-0022(T)	4-14-2009	Suspend	5-1-2009	635-042-0180	9-5-2009	Amend(T)	10-1-2009
635-042-0027	6-18-2009	Amend(T)	7-1-2009	635-042-0180	9-13-2009	Amend(T)	10-1-2009
635-042-0031	8-4-2009	Amend(T)	9-1-2009	635-042-0180	9-30-2009	Amend(T)	11-1-2009
635-042-0031	8-8-2009	Amend(T)	9-1-2009	635-042-0180(T)	3-6-2009	Suspend	4-1-2009
635-042-0031	8-21-2009	Amend(T)	10-1-2009	635-042-0180(T)	4-7-2009	Suspend	5-1-2009
635-042-0031	8-25-2009	Amend(T)	10-1-2009	635-042-0180(T)	5-17-2009	Suspend	6-1-2009
635-042-0031	8-27-2009	Amend(T)	10-1-2009	635-042-0180(T)	9-5-2009	Suspend	10-1-2009
635-042-0031(T)	8-8-2009	Suspend	9-1-2009	635-042-0180(T)	9-13-2009	Suspend	10-1-2009
635-042-0031(T)	8-21-2009	Suspend	10-1-2009	635-042-0180(T)	9-30-2009	Suspend	11-1-2009
635-042-0031(T)	8-25-2009	Suspend	10-1-2009	635-043-0033	1-1-2010	Amend	12-1-2009
635-042-0031(T)	8-27-2009	Suspend	10-1-2009	635-043-0105	4-13-2009	Amend(T)	5-1-2009
635-042-0060	9-24-2009	Amend(T)	11-1-2009	635-043-0105	8-11-2009	Amend(T)	9-1-2009
635-042-0060	9-30-2009	Amend(T)	11-1-2009	635-043-0105(T)	8-11-2009	Suspend	9-1-2009
635-042-0060	10-5-2009	Amend(T)	11-1-2009	635-043-0120	1-1-2010	Amend	12-1-2009
635-042-0060	10-7-2009	Amend(T)	11-1-2009	635-044-0002	9-8-2009	Amend	10-1-2009
635-042-0060	10-13-2009	Amend(T)	11-1-2009	635-044-0005	9-8-2009	Amend	10-1-2009
635-042-0060	10-20-2009	Amend(T)	12-1-2009	635-044-0015	9-8-2009	Amend	10-1-2009
635-042-0060	10-27-2009	Amend(T)	12-1-2009	635-044-0030	1-1-2010	Amend	12-1-2009
635-042-0060(T)	9-30-2009	Suspend	11-1-2009	635-044-0035	9-8-2009	Amend	10-1-2009
635-042-0060(T)	10-5-2009	Suspend	11-1-2009	635-044-0060	9-8-2009	Amend	10-1-2009
635-042-0060(T)	10-7-2009	Suspend	11-1-2009	635-044-0060	1-1-2010	Amend	12-1-2009
635-042-0060(T)	10-13-2009	Suspend	11-1-2009	635-044-0130	9-8-2009	Amend	10-1-2009
635-042-0060(T)	10-20-2009	Suspend	12-1-2009	635-045-0000	1-1-2009	Amend	2-1-2009
635-042-0060(T)	10-27-2009	Suspend	12-1-2009	635-045-0000	8-12-2009	Amend	9-1-2009
635-042-0110	11-21-2008	Amend	1-1-2009	635-045-0000	1-1-2010	Amend	12-1-2009
635-042-0110	6-1-2009	Amend(T)	7-1-2009	635-045-0002	1-1-2009	Amend	2-1-2009
635-042-0130	1-1-2009	Amend(T)	2-1-2009	635-045-0002	9-8-2009	Amend	10-1-2009
635-042-0130	2-26-2009	Amend	4-1-2009	635-045-0002	1-1-2010	Amend	12-1-2009
635-042-0130(T)	2-26-2009	Repeal	4-1-2009	635-047-0025	1-1-2010	Amend	12-1-2009
635-042-0133	2-26-2009	Amend	4-1-2009	635-047-0035	1-1-2010	Amend	12-1-2009
635-042-0135	1-1-2009	Amend(T)	2-1-2009	635-047-0045	1-1-2010	Amend	12-1-2009
635-042-0135	2-2-2009	Amend(T)	3-1-2009	635-048-0030	1-1-2010	Amend	12-1-2009
635-042-0135(T)	2-2-2009	Suspend	3-1-2009	635-048-0080	5-7-2009	Amend(T)	6-1-2009
635-042-0145	2-15-2009	Amend(T)	3-1-2009	635-049-0025	6-10-2009	Amend	7-1-2009
635-042-0145	3-11-2009	Amend(T)	4-1-2009	635-049-0055	6-10-2009	Repeal	7-1-2009
635-042-0145	5-17-2009	Amend(T)	6-1-2009	635-049-0065	6-10-2009	Adopt	7-1-2009
635-042-0145	8-4-2009	Amend(T)	9-1-2009	635-049-0067	6-10-2009	Adopt	7-1-2009
635-042-0145	9-5-2009	Amend(T)	10-1-2009	635-049-0069	6-10-2009	Adopt	7-1-2009
635-042-0145(T)	3-11-2009	Suspend	4-1-2009	635-049-0071	6-10-2009	Adopt	7-1-2009
635-042-0145(T)	5-17-2009	Suspend	6-1-2009	635-049-0073	6-10-2009	Adopt	7-1-2009

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
635-049-0090	6-10-2009	Repeal	7-1-2009	635-066-0010	1-1-2010	Amend	12-1-2009
635-049-0200	5-6-2009	Repeal	6-1-2009	635-066-0010	1-1-2010	Amend	12-1-2009
635-049-0205	11-24-2008	Amend	1-1-2009	635-066-0020	1-1-2009	Amend	2-1-2009
635-049-0210	1-1-2009	Repeal	2-1-2009	635-067-0000	1-1-2009	Amend	2-1-2009
635-049-0235	1-1-2009	Adopt	2-1-2009	635-067-0000	6-10-2009	Amend	7-1-2009
635-049-0255	5-6-2009	Adopt	6-1-2009	635-067-0000	1-1-2010	Amend	12-1-2009
635-049-0270	1-1-2010	Amend	12-1-2009	635-067-0004	1-1-2009	Amend	2-1-2009
635-050-0180	1-1-2010	Amend	12-1-2009	635-067-0010	1-1-2010	Amend	12-1-2009
635-051-0000	8-12-2009	Amend	9-1-2009	635-067-0024	1-1-2010	Amend	12-1-2009
635-051-0075	8-28-2009	Amend(T)	10-1-2009	635-067-0028	1-1-2010	Amend	12-1-2009
635-052-0000	8-12-2009	Amend	9-1-2009	635-067-0029	1-1-2010	Amend	12-1-2009
635-053-0000	8-12-2009	Amend	9-1-2009	635-067-0030	9-9-2009	Amend(T)	10-1-2009
635-054-0000	8-12-2009	Amend	9-1-2009	635-067-0032	1-1-2010	Amend	12-1-2009
635-055-0015	1-1-2010	Amend	12-1-2009	635-067-0034	1-1-2010	Amend	12-1-2009
635-055-0025	1-1-2010	Amend	12-1-2009	635-067-0034	1-1-2010	Amend	12-1-2009
635-055-0035	1-1-2009	Amend	2-1-2009	635-067-0041	1-1-2010	Amend	12-1-2009
635-055-0035	5-15-2009	Amend(T)	4-1-2009	635-067-0041	1-1-2010	Amend	12-1-2009
635-055-0035	1-1-2010	Amend	12-1-2009	635-068-0000	3-1-2009	Amend	4-1-2009
635-055-0037	1-1-2009	Adopt	2-1-2009	635-068-0000	6-10-2009	Amend	7-1-2009
635-055-0037	1-1-2010	Amend	12-1-2009	635-069-0000	2-3-2009	Amend	3-1-2009
635-056-0075	1-1-2010	Amend	12-1-2009	635-069-0000	6-10-2009	Amend	7-1-2009
635-060-0000	1-1-2009	Amend	2-1-2009	635-070-0000	4-1-2009	Amend	5-1-2009
635-060-0000	8-12-2009	Amend	9-1-2009	635-070-0000	6-10-2009	Amend	7-1-2009
635-060-0000	1-1-2010	Amend	12-1-2009	635-071-0000	4-1-2009	Amend	5-1-2009
635-060-0005	1-1-2010	Amend	12-1-2009	635-071-0000	6-10-2009	Amend	7-1-2009
635-060-0005	1-1-2010	Amend	12-1-2009	635-072-0000	1-1-2009	Amend	2-1-2009
635-060-0008	5-12-2009	Amend(T)	6-1-2009	635-072-0000	1-1-2010	Amend	12-1-2009
635-060-0008	5-14-2009	Amend(T)	6-1-2009	635-073-0000	2-3-2009	Amend	3-1-2009
635-060-0009	1-1-2009	Amend	2-1-2009	635-073-0000	6-10-2009	Amend	7-1-2009
635-060-0009	5-28-2009	Amend(T)	7-1-2009	635-073-0065	2-3-2009	Amend	3-1-2009
635-060-0023	1-1-2010	Amend	12-1-2009	635-073-0070	2-3-2009	Amend	3-1-2009
635-060-0046	6-10-2009	Amend	7-1-2009	635-073-0090	1-1-2010	Amend	12-1-2009
635-060-0046	1-1-2010	Amend	12-1-2009	635-075-0005	5-5-2009	Amend(T)	6-1-2009
635-060-0055	1-1-2009	Amend	2-1-2009	635-075-0005	6-10-2009	Amend	7-1-2009
635-060-0055	1-1-2010	Amend	12-1-2009	635-075-0005	1-1-2010	Amend	12-1-2009
635-065-0001	1-1-2009	Amend	2-1-2009	635-075-0005	1-1-2010	Amend	12-1-2009
635-065-0001	1-1-2010	Amend	12-1-2009	635-075-0005(T)	6-10-2009	Repeal	7-1-2009
635-065-0015	6-10-2009	Amend	7-1-2009	635-075-0010	1-1-2010	Amend	12-1-2009
635-065-0015	9-2-2009	Amend(T)	10-1-2009	635-075-0026	1-1-2010	Amend	12-1-2009
635-065-0015	1-1-2010	Amend	12-1-2009	635-075-0035	1-1-2010	Amend	12-1-2009
635-065-0090	1-1-2010	Amend	12-1-2009	635-080-0050	1-1-2009	Amend	2-1-2009
635-065-0301	1-1-2010	Amend	12-1-2009	635-080-0051	1-1-2009	Amend	2-1-2009
635-065-0401	1-1-2009	Amend	2-1-2009	635-080-0053	1-1-2010	Amend	12-1-2009
635-065-0401	1-1-2010	Amend	12-1-2009	635-080-0062	1-1-2009	Amend	2-1-2009
635-065-0501	1-1-2010	Amend	12-1-2009	635-080-0063	1-1-2009	Amend	2-1-2009
635-065-0625	1-1-2009	Amend	2-1-2009	635-080-0063	1-1-2010	Amend	12-1-2009
635-065-0625	1-1-2010	Amend	12-1-2009	635-090-0140	1-1-2010	Amend	12-1-2009
635-065-0705	1-1-2010	Amend	12-1-2009	635-100-0001	9-8-2009	Amend	10-1-2009
635-065-0720	10-7-2009	Amend	11-1-2009	635-100-0040	9-8-2009	Amend	10-1-2009
635-065-0740	1-1-2009	Amend	2-1-2009	635-195-0000	11-24-2008	Adopt	1-1-2009
635-065-0740	1-1-2010	Amend	12-1-2009	635-195-0010	11-24-2008	Adopt	1-1-2009
635-065-0760	1-1-2009	Amend	2-1-2009	635-200-0030	1-1-2010	Amend	12-1-2009
635-065-0765	1-9-2009	Amend	2-1-2009	635-200-0050	1-1-2010	Amend	12-1-2009
635-066-0000	1-1-2009	Amend	2-1-2009	643-010-0010	9-1-2009	Amend	10-1-2009
635-066-0000	1-1-2010	Amend	12-1-2009	647-010-0010	7-1-2009	Amend	6-1-2009
635-066-0010	1-1-2009	Amend	2-1-2009	660-024-0000	4-16-2009	Amend	5-1-2009

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
660-024-0010	4-16-2009	Amend	5-1-2009	690-382-0100	6-18-2009	Amend	8-1-2009
660-024-0020	4-16-2009	Amend	5-1-2009	690-382-0300	6-18-2009	Amend	8-1-2009
660-024-0030	4-16-2009	Amend	5-1-2009	690-382-0500	6-18-2009	Amend	8-1-2009
660-024-0040	4-16-2009	Amend	5-1-2009	690-382-0700	6-18-2009	Amend	8-1-2009
660-024-0050	4-16-2009	Amend	5-1-2009	690-512-0040	7-1-2009	Amend	8-1-2009
660-024-0060	4-16-2009	Amend	5-1-2009	690-512-0100	7-1-2009	Adopt	8-1-2009
660-024-0070	4-16-2009	Amend	5-1-2009	731-050-0030	5-20-2009	Adopt(T)	7-1-2009
660-024-0080	4-16-2009	Adopt	5-1-2009	731-070-0240	7-29-2009	Amend(T)	9-1-2009
660-033-0120	1-2-2009	Amend	2-1-2009	731-070-0245	7-29-2009	Adopt(T)	9-1-2009
660-033-0130	1-2-2009	Amend	2-1-2009	732-005-0000	8-24-2009	Amend(T)	10-1-2009
660-041-0000	8-18-2009	Amend(T)	10-1-2009	732-005-0010	8-24-2009	Amend(T)	10-1-2009
660-041-0010	4-2-2009	Amend	5-1-2009	732-005-0016	8-24-2009	Amend(T)	10-1-2009
660-041-0010	8-18-2009	Amend(T)	10-1-2009	732-005-0021	8-24-2009	Amend(T)	10-1-2009
660-041-0020	8-18-2009	Amend(T)	10-1-2009	732-005-0027	8-24-2009	Amend(T)	10-1-2009
660-041-0080	8-18-2009	Amend(T)	10-1-2009	732-005-0031	8-24-2009	Amend(T)	10-1-2009
660-041-0095	8-18-2009	Adopt(T)	10-1-2009	732-005-0036	8-24-2009	Amend(T)	10-1-2009
660-041-0110	4-2-2009	Amend	5-1-2009	732-005-0046	8-24-2009	Amend(T)	10-1-2009
660-041-0170	4-2-2009	Adopt	5-1-2009	732-005-0051	8-24-2009	Amend(T)	10-1-2009
661-010-0015	8-5-2009	Amend(T)	9-1-2009	732-005-0056	8-24-2009	Amend(T)	10-1-2009
661-010-0038	8-5-2009	Amend(T)	9-1-2009	732-005-0061	8-24-2009	Amend(T)	10-1-2009
661-010-0050	8-5-2009	Amend(T)	9-1-2009	732-005-0066	8-24-2009	Amend(T)	10-1-2009
670-010-0005	7-1-2009	Amend	7-1-2009	732-005-0076	8-24-2009	Amend(T)	10-1-2009
670-010-0006	7-1-2009	Repeal	7-1-2009	732-005-0081	8-24-2009	Amend(T)	10-1-2009
670-010-0010	7-1-2009	Amend	7-1-2009	732-030-0005	8-24-2009	Adopt(T)	10-1-2009
670-010-0011	7-1-2009	Amend	7-1-2009	732-030-0010	8-24-2009	Adopt(T)	10-1-2009
690-180-0005	7-30-2009	Adopt(T)	9-1-2009	732-030-0015	8-24-2009	Adopt(T)	10-1-2009
690-180-0005	9-2-2009	Amend(T)	10-1-2009	732-030-0020	8-24-2009	Adopt(T)	10-1-2009
690-180-0005(T)	9-2-2009	Suspend	10-1-2009	732-030-0025	8-24-2009	Adopt(T)	10-1-2009
690-180-0010	7-30-2009	Adopt(T)	9-1-2009	732-030-0030	8-24-2009	Adopt(T)	10-1-2009
690-180-0100	7-30-2009	Adopt(T)	9-1-2009	732-030-0035	8-24-2009	Adopt(T)	10-1-2009
690-180-0200	7-30-2009	Adopt(T)	9-1-2009	733-030-0006	4-3-2009	Amend	5-1-2009
690-180-0300	7-30-2009	Adopt(T)	9-1-2009	733-030-0011	4-3-2009	Amend	5-1-2009
690-180-0300(T)	9-2-2009	Suspend	10-1-2009	733-030-0016	4-3-2009	Amend	5-1-2009
690-200-0050	1-2-2009	Amend	2-1-2009	733-030-0021	4-3-2009	Amend	5-1-2009
690-205-0200	1-2-2009	Amend	2-1-2009	733-030-0021	9-29-2009	Amend	11-1-2009
690-205-0205	1-2-2009	Adopt	2-1-2009	733-030-0026	4-3-2009	Amend	5-1-2009
690-215-0005	1-2-2009	Amend	2-1-2009	733-030-0036	4-3-2009	Amend	5-1-2009
690-215-0006	1-2-2009	Adopt	2-1-2009	733-030-0045	4-3-2009	Amend	5-1-2009
690-215-0025	1-2-2009	Adopt	2-1-2009	733-030-0050	4-3-2009	Amend	5-1-2009
690-215-0030	1-2-2009	Amend	2-1-2009	733-030-0055	4-3-2009	Amend	5-1-2009
690-215-0035	1-2-2009	Adopt	2-1-2009	733-030-0060	4-3-2009	Amend	5-1-2009
690-215-0040	1-2-2009	Amend	2-1-2009	733-030-0065	4-3-2009	Amend	5-1-2009
690-220-0030	1-2-2009	Amend	2-1-2009	733-030-0080	4-3-2009	Amend	5-1-2009
690-220-0040	1-2-2009	Amend	2-1-2009	733-030-0085	4-3-2009	Amend	5-1-2009
690-220-0050	1-2-2009	Amend	2-1-2009	733-030-0090	4-3-2009	Amend	5-1-2009
690-220-0060	1-2-2009	Repeal	2-1-2009	733-030-0095	4-3-2009	Amend	5-1-2009
690-220-0070	1-2-2009	Amend	2-1-2009	733-030-0100	4-3-2009	Amend	5-1-2009
690-220-0080	1-2-2009	Amend	2-1-2009	733-030-0105	4-3-2009	Amend	5-1-2009
690-220-0115	1-2-2009	Adopt	2-1-2009	733-030-0110	4-3-2009	Amend	5-1-2009
690-240-0010	1-2-2009	Amend	2-1-2009	733-030-0115	4-3-2009	Amend	5-1-2009
690-240-0035	1-2-2009	Amend	2-1-2009	733-030-0120	4-3-2009	Amend	5-1-2009
690-240-0375	1-2-2009	Amend	2-1-2009	733-030-0125	4-3-2009	Amend	5-1-2009
690-240-0385	1-2-2009	Adopt	2-1-2009	733-030-0130	4-3-2009	Amend	5-1-2009
690-380-0090	6-18-2009	Amend	8-1-2009	733-030-0135	4-3-2009	Amend	5-1-2009
690-380-0100	6-18-2009	Amend	8-1-2009	733-030-0140	4-3-2009	Repeal	5-1-2009
690-380-4010	6-18-2009	Amend	8-1-2009	733-030-0150	4-3-2009	Amend	5-1-2009

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
733-030-0155	4-3-2009	Amend	5-1-2009	734-078-0017	4-17-2009	Adopt	6-1-2009
733-030-0160	4-3-2009	Amend	5-1-2009	734-082-0015	3-20-2009	Amend	5-1-2009
733-030-0180	4-3-2009	Amend	5-1-2009	734-082-0025	3-20-2009	Amend	5-1-2009
733-030-0190	4-3-2009	Amend	5-1-2009	734-082-0040	3-20-2009	Amend	5-1-2009
733-030-0250	4-3-2009	Amend	5-1-2009	735-010-0030	10-1-2009	Amend	11-1-2009
733-030-0260	4-3-2009	Amend	5-1-2009	735-010-0130	1-1-2009	Amend	1-1-2009
733-030-0270	4-3-2009	Amend	5-1-2009	735-010-0130(T)	1-1-2009	Repeal	1-1-2009
733-030-0280	4-3-2009	Amend	5-1-2009	735-016-0030	6-1-2009	Amend	7-1-2009
733-030-0290	4-3-2009	Amend	5-1-2009	735-016-0070	6-1-2009	Amend	7-1-2009
733-030-0300	4-3-2009	Amend	5-1-2009	735-022-0090	8-24-2009	Amend	10-1-2009
733-030-0320	4-3-2009	Amend	5-1-2009	735-024-0015	9-29-2009	Amend(T)	11-1-2009
733-030-0330	4-3-2009	Amend	5-1-2009	735-024-0025	9-29-2009	Amend(T)	11-1-2009
733-030-0340	4-3-2009	Amend	5-1-2009	735-032-0010	10-1-2009	Amend(T)	11-1-2009
733-030-0350	4-3-2009	Amend	5-1-2009	735-032-0036	2-20-2009	Adopt	4-1-2009
733-030-0400	6-1-2009	Adopt	7-1-2009	735-040-0097	8-24-2009	Amend(T)	10-1-2009
733-030-0410	6-1-2009	Adopt	7-1-2009	735-040-0098	8-24-2009	Adopt(T)	10-1-2009
733-030-0420	6-1-2009	Adopt	7-1-2009	735-046-0010	8-24-2009	Amend(T)	10-1-2009
733-030-0430	6-1-2009	Adopt	7-1-2009	735-046-0050	8-24-2009	Amend(T)	10-1-2009
733-030-0440	6-1-2009	Adopt	7-1-2009	735-050-0000	8-24-2009	Amend	10-1-2009
733-030-0450	6-1-2009	Adopt	7-1-2009	735-060-0040	7-1-2009	Amend	8-1-2009
733-030-0460	6-1-2009	Adopt	7-1-2009	735-060-0055	7-1-2009	Amend	8-1-2009
733-030-0470	6-1-2009	Adopt	7-1-2009	735-060-0057	7-1-2009	Amend	8-1-2009
733-030-0480	6-1-2009	Adopt	7-1-2009	735-060-0065	7-1-2009	Amend	8-1-2009
733-030-0520	11-10-2009	Adopt(T)	12-1-2009	735-060-0105	7-1-2009	Amend	8-1-2009
734-017-0015	9-29-2009	Amend	11-1-2009	735-060-0110	7-1-2009	Amend	8-1-2009
734-017-0025	9-29-2009	Amend	11-1-2009	735-060-0120	7-1-2009	Amend	8-1-2009
734-059-0015	2-20-2009	Amend	4-1-2009	735-060-0130	7-1-2009	Amend	8-1-2009
734-060-0000	3-23-2009	Adopt	5-1-2009	735-062-0005	1-1-2009	Amend	1-1-2009
734-060-0010	2-20-2009	Amend	4-1-2009	735-062-0014	1-1-2009	Adopt	1-1-2009
734-060-0105	2-20-2009	Amend	4-1-2009	735-062-0014(T)	1-1-2009	Repeal	1-1-2009
734-060-0175	2-20-2009	Amend	4-1-2009	735-062-0015	1-1-2009	Amend	1-1-2009
734-060-0185	2-20-2009	Amend	4-1-2009	735-062-0015(T)	1-1-2009	Repeal	1-1-2009
734-062-0005	7-20-2009	Amend	9-1-2009	735-062-0020	1-1-2009	Amend	1-1-2009
734-062-0010	7-20-2009	Amend	9-1-2009	735-062-0020(T)	1-1-2009	Repeal	1-1-2009
734-062-0015	7-20-2009	Amend	9-1-2009	735-062-0040	2-20-2009	Amend	4-1-2009
734-062-0020	7-20-2009	Amend	9-1-2009	735-062-0078	2-20-2009	Adopt	4-1-2009
734-062-0025	7-20-2009	Repeal	9-1-2009	735-062-0080	2-20-2009	Amend	4-1-2009
734-062-0030	7-20-2009	Amend	9-1-2009	735-062-0080	7-1-2009	Amend	8-1-2009
734-062-0035	7-20-2009	Amend	9-1-2009	735-062-0096	3-20-2009	Adopt	5-1-2009
734-062-0040	7-20-2009	Amend	9-1-2009	735-062-0140	2-20-2009	Amend	4-1-2009
734-062-0045	7-20-2009	Repeal	9-1-2009	735-062-0310	10-27-2009	Amend	12-1-2009
734-062-0100	3-23-2009	Adopt	5-1-2009	735-062-0385	10-27-2009	Adopt	12-1-2009
734-062-0105	3-23-2009	Adopt	5-1-2009	735-063-0000	2-20-2009	Adopt	4-1-2009
734-062-0110	3-23-2009	Adopt	5-1-2009	735-063-0050	2-20-2009	Amend	4-1-2009
734-062-0115	3-23-2009	Adopt	5-1-2009	735-063-0055	2-20-2009	Repeal	4-1-2009
734-062-0120	3-23-2009	Adopt	5-1-2009	735-063-0060	2-20-2009	Amend	4-1-2009
734-062-0125	3-23-2009	Adopt	5-1-2009	735-063-0065	2-20-2009	Amend	4-1-2009
734-071-0010	12-15-2008	Amend	1-1-2009	735-063-0070	2-20-2009	Amend	4-1-2009
734-072-0010	3-20-2009	Amend	5-1-2009	735-063-0075	2-20-2009	Amend	4-1-2009
734-072-0020	3-20-2009	Amend	5-1-2009	735-064-0020	6-25-2009	Amend	8-1-2009
734-072-0022	3-20-2009	Amend	5-1-2009	735-064-0040	6-25-2009	Amend	8-1-2009
734-072-0030	3-20-2009	Amend	5-1-2009	735-064-0110	12-15-2008	Amend	1-1-2009
734-073-0110	12-15-2008	Amend	1-1-2009	735-070-0043	1-26-2009	Adopt	3-1-2009
734-073-0120	12-15-2008	Repeal	1-1-2009	735-070-0043(T)	1-26-2009	Repeal	3-1-2009
734-075-0010	3-20-2009	Amend	5-1-2009	735-150-0005	3-20-2009	Amend	5-1-2009
734-078-0015	4-17-2009	Amend	6-1-2009	735-150-0005	9-29-2009	Amend(T)	11-1-2009

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
735-158-0000	3-20-2009	Amend	5-1-2009	736-015-0015	8-1-2009	Amend	7-1-2009
735-158-0005	3-20-2009	Adopt	5-1-2009	736-015-0015	9-29-2009	Amend	11-1-2009
735-158-0010	3-20-2009	Adopt	5-1-2009	736-015-0020	2-10-2009	Amend	3-1-2009
735-160-0010	2-20-2009	Amend	4-1-2009	736-015-0020	9-29-2009	Amend	11-1-2009
735-160-0011	2-20-2009	Amend	4-1-2009	736-015-0026	9-29-2009	Amend	11-1-2009
735-160-0012	2-20-2009	Repeal	4-1-2009	736-015-0030	9-29-2009	Amend	11-1-2009
735-160-0013	2-20-2009	Repeal	4-1-2009	736-015-0035	6-2-2009	Amend	7-1-2009
735-160-0075	2-20-2009	Amend	4-1-2009	736-015-0035	9-29-2009	Amend	11-1-2009
735-160-0080	2-20-2009	Amend	4-1-2009	736-015-0040	2-10-2009	Amend	3-1-2009
735-160-0085	2-20-2009	Repeal	4-1-2009	736-015-0040	9-29-2009	Amend	11-1-2009
735-160-0093	2-20-2009	Repeal	4-1-2009	736-015-0043	9-29-2009	Adopt	11-1-2009
735-160-0125	2-20-2009	Amend	4-1-2009	736-018-0045	2-1-2009	Amend	2-1-2009
735-170-0000	7-1-2009	Amend	7-1-2009	736-018-0045	4-1-2009	Amend	4-1-2009
735-170-0010	7-1-2009	Amend	7-1-2009	736-018-0045	5-1-2009	Amend	5-1-2009
735-170-0020	7-1-2009	Amend	7-1-2009	736-018-0045	5-1-2009	Amend	5-1-2009
735-170-0030	7-1-2009	Repeal	7-1-2009	736-018-0045	6-1-2009	Amend	6-1-2009
735-170-0040	7-1-2009	Amend	7-1-2009	736-018-0045	9-3-2009	Amend	10-1-2009
735-170-0045	7-1-2009	Amend	7-1-2009	736-018-0045	10-1-2009	Amend	10-1-2009
735-170-0050	7-1-2009	Amend	7-1-2009	736-050-0001	9-28-2009	Amend(T)	11-1-2009
735-170-0060	7-1-2009	Repeal	7-1-2009	736-050-0002	9-28-2009	Suspend	11-1-2009
735-170-0070	7-1-2009	Repeal	7-1-2009	736-050-0005	9-28-2009	Suspend	11-1-2009
735-170-0080	7-1-2009	Repeal	7-1-2009	736-050-0100	9-28-2009	Amend(T)	11-1-2009
735-170-0090	7-1-2009	Amend	7-1-2009	736-050-0105	9-28-2009	Amend(T)	11-1-2009
735-170-0100	7-1-2009	Amend	7-1-2009	736-050-0110	9-28-2009	Suspend	11-1-2009
735-170-0105	7-1-2009	Adopt	7-1-2009	736-050-0112	9-28-2009	Adopt(T)	11-1-2009
735-170-0110	7-1-2009	Amend	7-1-2009	736-050-0115	9-28-2009	Suspend	11-1-2009
735-170-0115	7-1-2009	Adopt	7-1-2009	736-050-0120	9-28-2009	Amend(T)	11-1-2009
735-170-0120	7-1-2009	Amend	7-1-2009	736-050-0125	9-28-2009	Amend(T)	11-1-2009
735-170-0130	7-1-2009	Amend	7-1-2009	736-050-0130	9-28-2009	Suspend	11-1-2009
735-170-0140	7-1-2009	Amend	7-1-2009	736-050-0135	9-28-2009	Amend(T)	11-1-2009
735-174-0000	7-1-2009	Amend	7-1-2009	736-050-0140	9-28-2009	Amend(T)	11-1-2009
735-174-0010	7-1-2009	Amend	7-1-2009	736-050-0150	9-28-2009	Suspend	11-1-2009
735-174-0020	7-1-2009	Amend	7-1-2009	736-140-0010	6-2-2009	Adopt(T)	7-1-2009
735-174-0030	7-1-2009	Amend	7-1-2009	736-140-0020	6-2-2009	Adopt(T)	7-1-2009
735-174-0035	7-1-2009	Adopt	7-1-2009	736-146-0010	12-15-2008	Amend	1-1-2009
735-174-0040	7-1-2009	Amend	7-1-2009	736-146-0012	12-15-2008	Amend	1-1-2009
735-174-0045	7-1-2009	Adopt	7-1-2009	736-146-0015	12-15-2008	Amend	1-1-2009
735-176-0000	7-1-2009	Amend	7-1-2009	736-146-0020	12-15-2008	Amend	1-1-2009
735-176-0010	7-1-2009	Amend	7-1-2009	736-146-0025	12-15-2008	Repeal	1-1-2009
735-176-0015	7-1-2009	Repeal	7-1-2009	736-146-0030	12-15-2008	Repeal	1-1-2009
735-176-0017	7-1-2009	Adopt	7-1-2009	736-146-0040	12-15-2008	Repeal	1-1-2009
735-176-0018	7-1-2009	Repeal	7-1-2009	736-146-0050	12-15-2008	Amend	1-1-2009
735-176-0019	7-1-2009	Adopt	7-1-2009	736-146-0060	12-15-2008	Amend	1-1-2009
735-176-0020	7-1-2009	Amend	7-1-2009	736-146-0070	12-15-2008	Amend	1-1-2009
735-176-0021	7-1-2009	Adopt	7-1-2009	736-146-0080	12-15-2008	Amend	1-1-2009
735-176-0022	7-1-2009	Adopt	7-1-2009	736-146-0090	12-15-2008	Amend	1-1-2009
735-176-0030	7-1-2009	Amend	7-1-2009	736-146-0100	12-15-2008	Amend	1-1-2009
735-176-0040	7-1-2009	Amend	7-1-2009	736-146-0110	12-15-2008	Amend	1-1-2009
735-176-0045	7-1-2009	Adopt	7-1-2009	736-146-0120	12-15-2008	Amend	1-1-2009
736-004-0062	12-15-2008	Amend	1-1-2009	736-146-0130	12-15-2008	Amend	1-1-2009
736-004-0062	6-18-2009	Amend	8-1-2009	736-146-0140	12-15-2008	Amend	1-1-2009
736-010-0040	12-15-2008	Amend	1-1-2009	736-147-0010	12-15-2008	Amend	1-1-2009
736-010-0040	6-18-2009	Amend	8-1-2009	736-147-0020	12-15-2008	Repeal	1-1-2009
736-010-0055	12-15-2008	Amend	1-1-2009	736-147-0030	12-15-2008	Amend	1-1-2009
736-010-0055	6-18-2009	Amend	8-1-2009	736-147-0040	12-15-2008	Adopt	1-1-2009
736-015-0006	9-29-2009	Amend	11-1-2009	736-147-0050	12-15-2008	Amend	1-1-2009

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
736-147-0060	12-15-2008	Amend	1-1-2009	800-010-0025	2-5-2009	Amend	3-1-2009
736-147-0070	12-15-2008	Adopt	1-1-2009	800-010-0030	2-5-2009	Amend	3-1-2009
736-148-0010	12-15-2008	Amend	1-1-2009	800-010-0040	2-5-2009	Amend	3-1-2009
736-148-0020	12-15-2008	Amend	1-1-2009	800-010-0041	2-5-2009	Amend	3-1-2009
736-149-0010	12-15-2008	Amend	1-1-2009	800-010-0042	2-5-2009	Amend	3-1-2009
737-010-0000	9-29-2009	Adopt(T)	11-1-2009	800-015-0005	2-5-2009	Amend	3-1-2009
737-010-0010	9-29-2009	Adopt(T)	11-1-2009	800-015-0010	2-5-2009	Amend	3-1-2009
737-010-0020	9-29-2009	Adopt(T)	11-1-2009	800-015-0015	2-5-2009	Amend	3-1-2009
740-015-0020	12-15-2008	Amend	1-1-2009	800-015-0020	2-5-2009	Amend	3-1-2009
740-015-0040	12-15-2008	Amend	1-1-2009	800-015-0030	2-5-2009	Amend	3-1-2009
740-035-0020	9-29-2009	Amend	11-1-2009	800-020-0015	2-5-2009	Amend	3-1-2009
740-035-0110	9-29-2009	Amend	11-1-2009	800-020-0020	2-5-2009	Amend	3-1-2009
740-035-0145	9-29-2009	Adopt	11-1-2009	800-020-0025	2-5-2009	Amend	3-1-2009
740-035-0150	9-29-2009	Amend	11-1-2009	800-020-0030	2-5-2009	Amend	3-1-2009
740-035-0160	9-29-2009	Amend	11-1-2009	800-020-0035	2-5-2009	Amend	3-1-2009
740-035-0165	9-29-2009	Adopt	11-1-2009	800-025-0020	2-5-2009	Amend	3-1-2009
740-060-0045	9-29-2009	Adopt	11-1-2009	800-025-0023	2-5-2009	Amend	3-1-2009
740-060-0050	9-29-2009	Repeal	11-1-2009	800-025-0025	2-5-2009	Amend	3-1-2009
740-060-0100	9-29-2009	Amend	11-1-2009	800-025-0027	2-5-2009	Amend	3-1-2009
740-100-0010	4-1-2009	Amend	5-1-2009	800-025-0030	2-5-2009	Amend	3-1-2009
740-100-0060	4-1-2009	Amend	5-1-2009	800-025-0040	2-5-2009	Amend	3-1-2009
740-100-0065	4-1-2009	Adopt	5-1-2009	800-025-0050	2-5-2009	Amend	3-1-2009
740-100-0070	4-1-2009	Amend	5-1-2009	800-025-0060	2-5-2009	Amend	3-1-2009
740-100-0080	4-1-2009	Amend	5-1-2009	800-025-0070	2-5-2009	Amend	3-1-2009
740-100-0085	4-1-2009	Adopt	5-1-2009	800-030-0025	2-5-2009	Amend	3-1-2009
740-100-0090	4-1-2009	Amend	5-1-2009	800-030-0050	2-5-2009	Amend	3-1-2009
740-100-0100	4-1-2009	Amend	5-1-2009	801-001-0035	1-1-2009	Amend	2-1-2009
740-110-0010	4-1-2009	Amend	5-1-2009	801-010-0010	1-1-2009	Amend	2-1-2009
740-110-0080	4-1-2009	Amend	5-1-2009	801-010-0050	1-1-2009	Amend	2-1-2009
740-300-0035	9-29-2009	Amend	11-1-2009	801-010-0115	1-1-2009	Amend	2-1-2009
741-100-0005	2-20-2009	Adopt	4-1-2009	801-010-0345	1-1-2009	Amend	2-1-2009
741-100-0020	2-20-2009	Amend	4-1-2009	801-030-0020	1-1-2009	Amend	2-1-2009
741-100-0030	2-20-2009	Amend	4-1-2009	801-040-0010	1-1-2009	Amend	2-1-2009
741-100-0040	2-20-2009	Adopt	4-1-2009	801-040-0090	1-1-2009	Amend	2-1-2009
741-105-0010	2-20-2009	Repeal	4-1-2009	804-001-0002	7-1-2009	Amend	7-1-2009
741-105-0020	2-20-2009	Repeal	4-1-2009	806-001-0003	5-14-2009	Amend	6-1-2009
741-105-0030	2-20-2009	Repeal	4-1-2009	806-001-0003	7-1-2009	Amend	7-1-2009
741-110-0020	2-20-2009	Amend	4-1-2009	806-010-0020	7-10-2009	Amend	8-1-2009
741-110-0030	2-20-2009	Amend	4-1-2009	806-010-0037	7-10-2009	Amend	8-1-2009
741-110-0040	2-20-2009	Amend	4-1-2009	806-010-0080	11-5-2009	Amend	12-1-2009
741-110-0050	2-20-2009	Amend	4-1-2009	806-010-0095	2-5-2009	Amend	3-1-2009
741-110-0060	2-20-2009	Amend	4-1-2009	806-010-0140	11-13-2009	Amend	12-1-2009
741-110-0070	2-20-2009	Amend	4-1-2009	808-001-0008	7-1-2009	Amend	7-1-2009
741-110-0080	2-20-2009	Amend	4-1-2009	808-002-0155	10-28-2009	Adopt	12-1-2009
741-110-0090	2-20-2009	Amend	4-1-2009	808-002-0205	10-28-2009	Adopt	12-1-2009
741-115-0030	2-20-2009	Amend	4-1-2009	808-002-0278	10-28-2009	Adopt	12-1-2009
741-115-0040	2-20-2009	Amend	4-1-2009	808-002-0480	6-1-2009	Amend	7-1-2009
741-115-0060	2-20-2009	Amend	4-1-2009	808-002-0495	10-28-2009	Amend	12-1-2009
741-115-0070	2-20-2009	Amend	4-1-2009	808-002-0780	2-1-2009	Amend	3-1-2009
741-120-0020	2-20-2009	Amend	4-1-2009	808-003-0010	10-14-2009	Amend(T)	11-1-2009
741-120-0040	2-20-2009	Amend	4-1-2009	808-003-0045	7-1-2009	Amend	7-1-2009
741-125-0020	2-20-2009	Repeal	4-1-2009	808-003-0095	6-3-2009	Amend(T)	7-1-2009
741-200-0010	2-20-2009	Amend	4-1-2009	808-003-0095	10-28-2009	Amend	12-1-2009
741-200-0040	2-20-2009	Amend	4-1-2009	808-003-0095(T)	10-28-2009	Repeal	12-1-2009
741-200-0065	2-20-2009	Adopt	4-1-2009	808-003-0100	7-1-2009	Amend	7-1-2009
800-010-0020	2-5-2009	Amend	3-1-2009	808-003-0105	7-1-2009	Amend	7-1-2009

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
808-003-0110	10-28-2009	Repeal	12-1-2009	812-020-0065	11-20-2008	Adopt	1-1-2009
808-003-0130	7-1-2009	Amend	7-1-2009	812-020-0070	11-20-2008	Adopt	1-1-2009
808-003-0130	10-28-2009	Amend(T)	12-1-2009	812-020-0070	2-1-2009	Amend	3-1-2009
808-003-0610	10-28-2009	Adopt	12-1-2009	812-020-0071	7-1-2009	Adopt	8-1-2009
808-003-0611	10-28-2009	Adopt	12-1-2009	812-020-0072	11-20-2008	Adopt	1-1-2009
808-003-0612	10-28-2009	Adopt	12-1-2009	812-020-0080	11-20-2008	Adopt	1-1-2009
808-003-0613	10-28-2009	Adopt	12-1-2009	812-020-0082	11-20-2008	Adopt	1-1-2009
808-003-0614	10-28-2009	Adopt	12-1-2009	812-020-0085	11-20-2008	Adopt	1-1-2009
808-003-0615	10-28-2009	Adopt	12-1-2009	812-020-0087	11-20-2008	Adopt	1-1-2009
808-003-0616	10-28-2009	Adopt	12-1-2009	812-020-0090	11-20-2008	Adopt	1-1-2009
808-040-0020	5-13-2009	Amend(T)	6-1-2009	812-021-0000	7-1-2009	Adopt	8-1-2009
808-040-0020	10-28-2009	Amend	12-1-2009	812-021-0005	7-1-2009	Adopt	8-1-2009
808-040-0020(T)	10-28-2009	Repeal	12-1-2009	812-021-0010	7-1-2009	Adopt	8-1-2009
808-040-0050	5-13-2009	Amend(T)	6-1-2009	812-021-0011	7-1-2009	Adopt	8-1-2009
808-040-0050	10-28-2009	Amend	12-1-2009	812-021-0015	7-1-2009	Adopt	8-1-2009
808-040-0050(T)	10-28-2009	Repeal	12-1-2009	812-021-0019	7-1-2009	Adopt	8-1-2009
808-040-0080	5-13-2009	Amend(T)	6-1-2009	812-021-0023	7-1-2009	Adopt	8-1-2009
808-040-0080	10-28-2009	Amend	12-1-2009	812-021-0025	7-1-2009	Adopt	8-1-2009
808-040-0080(T)	10-28-2009	Repeal	12-1-2009	812-021-0028	7-1-2009	Adopt	8-1-2009
809-010-0025	7-1-2009	Amend	7-1-2009	812-021-0030	7-1-2009	Adopt	8-1-2009
811-015-0025	12-23-2008	Amend	2-1-2009	812-021-0031	7-1-2009	Adopt	8-1-2009
811-015-0030	1-29-2009	Amend	3-1-2009	812-021-0032	7-1-2009	Adopt	8-1-2009
812-001-0200	2-23-2009	Amend(T)	4-1-2009	812-021-0033	7-1-2009	Adopt	8-1-2009
812-001-0200	6-1-2009	Amend	6-1-2009	812-021-0034	7-1-2009	Adopt	8-1-2009
812-001-0200(T)	6-1-2009	Repeal	6-1-2009	812-021-0035	7-1-2009	Adopt	8-1-2009
812-001-0220	6-1-2009	Adopt	6-1-2009	812-021-0037	7-1-2009	Adopt	8-1-2009
812-002-0060	11-20-2008	Amend	1-1-2009	812-021-0040	7-1-2009	Adopt	8-1-2009
812-002-0262	2-1-2009	Adopt	3-1-2009	812-021-0042	7-1-2009	Adopt	8-1-2009
812-002-0420	11-20-2008	Amend	1-1-2009	812-021-0045	7-1-2009	Adopt	8-1-2009
812-002-0420	6-1-2009	Amend	6-1-2009	812-021-0047	7-1-2009	Adopt	8-1-2009
812-003-0120	6-1-2009	Amend	6-1-2009	813-110-0010	2-9-2009	Amend(T)	3-1-2009
812-003-0140	2-1-2009	Amend	3-1-2009	813-110-0010	8-5-2009	Amend	9-1-2009
812-003-0140	9-1-2009	Amend	10-1-2009	813-110-0010(T)	8-5-2009	Repeal	9-1-2009
812-003-0141	2-1-2009	Adopt	3-1-2009	817-005-0005	6-1-2009	Amend	7-1-2009
812-003-0200	6-1-2009	Amend	6-1-2009	817-010-0101	6-1-2009	Amend	7-1-2009
812-003-0320	6-1-2009	Amend	6-1-2009	817-020-0005	6-1-2009	Am. & Ren.	7-1-2009
812-003-0325	9-1-2009	Adopt	10-1-2009	817-020-0011	6-1-2009	Am. & Ren.	7-1-2009
812-003-0330	6-1-2009	Amend	6-1-2009	817-020-0012	6-1-2009	Am. & Ren.	7-1-2009
812-003-0330	9-1-2009	Amend	10-1-2009	817-020-0015	6-1-2009	Amend	7-1-2009
812-003-0450	11-20-2008	Repeal	1-1-2009	817-030-0005	12-1-2008	Amend(T)	1-1-2009
812-005-0280	11-20-2008	Amend	1-1-2009	817-030-0005	6-1-2009	Amend	7-1-2009
812-005-0280	6-1-2009	Amend	6-1-2009	817-030-0015	12-1-2008	Amend(T)	1-1-2009
812-005-0280	9-1-2009	Amend	10-1-2009	817-030-0015	6-1-2009	Amend	7-1-2009
812-005-0800	11-20-2008	Amend	1-1-2009	817-030-0020	12-1-2008	Amend(T)	1-1-2009
812-005-0800	2-1-2009	Amend	3-1-2009	817-030-0020	6-1-2009	Amend	7-1-2009
812-005-0800	6-1-2009	Amend	6-1-2009	817-030-0040	12-1-2008	Amend(T)	1-1-2009
812-005-0800	9-1-2009	Amend	10-1-2009	817-030-0040	6-1-2009	Amend	7-1-2009
812-006-0100	11-20-2008	Amend	1-1-2009	817-030-0045	12-1-2008	Amend(T)	1-1-2009
812-006-0200	11-20-2008	Amend	1-1-2009	817-030-0045	6-1-2009	Amend	7-1-2009
812-006-0300	6-1-2009	Amend	6-1-2009	817-030-0065	12-1-2008	Amend(T)	1-1-2009
812-006-0400	6-1-2009	Amend	6-1-2009	817-030-0065	6-1-2009	Amend	7-1-2009
812-012-0170	6-1-2009	Adopt	6-1-2009	817-030-0100	12-1-2008	Suspend	1-1-2009
812-020-0050	11-20-2008	Adopt	1-1-2009	817-030-0100	6-1-2009	Repeal	7-1-2009
812-020-0055	11-20-2008	Adopt	1-1-2009	817-035-0010	6-1-2009	Amend	7-1-2009
812-020-0060	11-20-2008	Adopt	1-1-2009	817-035-0030	12-1-2008	Amend(T)	1-1-2009
812-020-0062	11-20-2008	Adopt	1-1-2009	817-035-0030	6-1-2009	Amend	7-1-2009

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
817-035-0050	6-1-2009	Amend	7-1-2009	830-030-0000	7-1-2009	Amend	8-1-2009
817-035-0070	6-1-2009	Amend	7-1-2009	830-030-0050	7-1-2009	Amend	8-1-2009
817-035-0090	6-1-2009	Amend	7-1-2009	830-030-0060	7-1-2009	Amend	8-1-2009
817-035-0110	6-1-2009	Amend	7-1-2009	830-040-0000	7-1-2009	Amend	8-1-2009
817-040-0003	7-1-2009	Amend(T)	8-1-2009	830-040-0040	7-1-2009	Amend	8-1-2009
818-001-0000	11-1-2009	Amend	12-1-2009	833-020-0050	12-26-2008	Amend	2-1-2009
818-001-0087	7-1-2009	Amend(T)	7-1-2009	833-020-0164	12-26-2008	Amend	2-1-2009
818-001-0087	11-1-2009	Amend	12-1-2009	833-025-0050	12-26-2008	Amend	2-1-2009
818-001-0090	11-1-2009	Adopt	12-1-2009	833-030-0001	12-26-2008	Amend	2-1-2009
818-007-0087(T)	11-1-2009	Repeal	12-1-2009	833-030-0010	12-26-2008	Amend	2-1-2009
818-012-0030	11-1-2009	Amend	12-1-2009	833-060-0001	12-26-2008	Am. & Ren.	2-1-2009
818-021-0012	11-1-2009	Amend	12-1-2009	833-060-0001	12-26-2008	Am. & Ren.	2-1-2009
818-021-0025	11-1-2009	Amend	12-1-2009	833-060-0001	12-26-2008	Am. & Ren.	2-1-2009
818-021-0050	11-1-2009	Amend	12-1-2009	833-060-0001	12-26-2008	Am. & Ren.	2-1-2009
818-021-0060	11-1-2009	Amend	12-1-2009	833-060-0001	12-26-2008	Am. & Ren.	2-1-2009
818-021-0070	11-1-2009	Amend	12-1-2009	833-060-0001	12-26-2008	Am. & Ren.	2-1-2009
818-035-0010	11-1-2009	Amend	12-1-2009	833-060-0001	12-26-2008	Am. & Ren.	2-1-2009
818-035-0030	11-1-2009	Amend	12-1-2009	836-009-0020	10-1-2009	Adopt(T)	11-1-2009
818-035-0080	11-1-2009	Repeal	12-1-2009	836-009-0025	10-1-2009	Adopt(T)	11-1-2009
818-035-0090	11-1-2009	Repeal	12-1-2009	836-009-0030	10-1-2009	Adopt(T)	11-1-2009
818-035-0100	11-1-2009	Amend	12-1-2009	836-009-0035	10-1-2009	Adopt(T)	11-1-2009
818-042-0070	11-1-2009	Amend	12-1-2009	836-009-0040	10-1-2009	Adopt(T)	11-1-2009
818-042-0080	11-1-2009	Amend	12-1-2009	836-011-0000	1-29-2009	Amend	3-1-2009
820-010-0010	11-13-2009	Amend	12-1-2009	836-012-0331	7-9-2009	Adopt(T)	8-1-2009
820-010-0204	11-13-2009	Amend	12-1-2009	836-042-0030	11-13-2009	Repeal	12-1-2009
820-010-0206	11-13-2009	Amend	12-1-2009	836-042-0045	1-1-2009	Amend	2-1-2009
820-010-0208	11-13-2009	Amend	12-1-2009	836-042-0085	11-13-2009	Amend	12-1-2009
820-010-0215	12-12-2008	Amend	1-1-2009	836-042-0220	11-13-2009	Amend	12-1-2009
820-010-0215	11-13-2009	Amend	12-1-2009	836-043-0005	1-1-2009	Amend	1-1-2009
820-010-0225	11-13-2009	Amend	12-1-2009	836-043-0009	1-1-2009	Amend	1-1-2009
820-010-0226	11-13-2009	Amend	12-1-2009	836-043-0017	1-1-2009	Amend	1-1-2009
820-010-0227	11-13-2009	Amend	12-1-2009	836-043-0021	1-1-2009	Amend	1-1-2009
820-010-0228	11-13-2009	Amend	12-1-2009	836-043-0024	1-1-2009	Amend	1-1-2009
820-010-0230	11-13-2009	Amend	12-1-2009	836-043-0028	1-1-2009	Amend	1-1-2009
820-010-0300	11-13-2009	Amend	12-1-2009	836-043-0032	1-1-2009	Amend	1-1-2009
820-010-0305	11-13-2009	Amend	12-1-2009	836-043-0034	1-1-2009	Adopt	1-1-2009
820-010-0325	5-15-2009	Amend	6-1-2009	836-043-0036	1-1-2009	Repeal	1-1-2009
820-010-0415	11-13-2009	Amend	12-1-2009	836-043-0037	1-1-2009	Repeal	1-1-2009
820-010-0425	11-13-2009	Amend	12-1-2009	836-043-0041	1-1-2009	Amend	1-1-2009
820-010-0427	11-13-2009	Amend	12-1-2009	836-043-0044	1-1-2009	Amend	1-1-2009
820-010-0465	11-13-2009	Amend	12-1-2009	836-043-0046	1-1-2009	Amend	1-1-2009
820-010-0470	11-13-2009	Amend	12-1-2009	836-043-0046	8-14-2009	Amend	9-1-2009
820-010-0480	11-13-2009	Adopt	12-1-2009	836-043-0048	1-1-2009	Amend	1-1-2009
820-010-0505	11-13-2009	Amend	12-1-2009	836-043-0050	1-1-2009	Amend	1-1-2009
820-010-0510	11-13-2009	Amend	12-1-2009	836-043-0053	1-1-2009	Amend	1-1-2009
820-010-0520	11-13-2009	Amend	12-1-2009	836-043-0056	8-14-2009	Amend	9-1-2009
820-010-0605	11-13-2009	Amend	12-1-2009	836-043-0060	1-1-2009	Amend	1-1-2009
820-010-0620	11-13-2009	Amend	12-1-2009	836-043-0062	1-1-2009	Amend	1-1-2009
820-010-0635	5-15-2009	Amend	6-1-2009	836-043-0064	1-1-2009	Amend	1-1-2009
820-030-0060	5-15-2009	Amend	6-1-2009	836-043-0066	1-1-2009	Amend	1-1-2009
820-040-0005	5-15-2009	Amend	6-1-2009	836-043-0068	1-1-2009	Amend	1-1-2009
830-001-0000	7-1-2009	Amend	8-1-2009	836-043-0070	1-1-2009	Repeal	1-1-2009
830-011-0000	7-1-2009	Amend	8-1-2009	836-043-0071	1-1-2009	Adopt	1-1-2009
830-011-0020	7-1-2009	Amend	8-1-2009	836-043-0076	1-1-2009	Amend	1-1-2009
830-011-0040	7-1-2009	Amend	8-1-2009	836-043-0079	1-1-2009	Amend	1-1-2009
830-020-0030	7-1-2009	Amend	8-1-2009	836-043-0082	1-1-2009	Amend	1-1-2009

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
836-043-0086	1-1-2009	Repeal	1-1-2009	837-046-0160	6-2-2009	Adopt(T)	7-1-2009
836-043-0087	1-1-2009	Adopt	1-1-2009	837-046-0180	6-2-2009	Adopt(T)	7-1-2009
836-043-0089	1-1-2009	Amend	1-1-2009	839-003-0005	12-5-2008	Amend	1-1-2009
836-051-0106	12-9-2008	Amend	1-1-2009	839-003-0010	12-5-2008	Amend	1-1-2009
836-051-0750	12-9-2008	Adopt	1-1-2009	839-003-0020	12-5-2008	Amend	1-1-2009
836-051-0755	12-9-2008	Adopt	1-1-2009	839-003-0025	12-5-2008	Amend	1-1-2009
836-051-0760	12-9-2008	Adopt	1-1-2009	839-003-0040	12-5-2008	Amend	1-1-2009
836-051-0765	12-9-2008	Adopt	1-1-2009	839-003-0045	12-5-2008	Amend	1-1-2009
836-051-0770	12-9-2008	Adopt	1-1-2009	839-003-0050	12-5-2008	Amend	1-1-2009
836-051-0775	12-9-2008	Adopt	1-1-2009	839-003-0055	12-5-2008	Amend	1-1-2009
836-052-0119	7-1-2009	Amend	8-1-2009	839-003-0060	12-5-2008	Amend	1-1-2009
836-052-0129	7-1-2009	Amend	8-1-2009	839-003-0065	12-5-2008	Amend	1-1-2009
836-052-0132	7-1-2009	Adopt	8-1-2009	839-003-0070	12-5-2008	Amend	1-1-2009
836-052-0133	7-1-2009	Amend	8-1-2009	839-003-0080	12-5-2008	Amend	1-1-2009
836-052-0134	7-1-2009	Amend	8-1-2009	839-003-0085	12-5-2008	Amend	1-1-2009
836-052-0141	7-1-2009	Adopt	8-1-2009	839-003-0090	12-5-2008	Amend	1-1-2009
836-052-0142	7-1-2009	Amend	8-1-2009	839-003-0095	12-5-2008	Amend	1-1-2009
836-052-0192	7-1-2009	Adopt	8-1-2009	839-003-0100	12-5-2008	Amend	1-1-2009
836-052-0900	10-1-2009	Amend	9-1-2009	839-003-0200	12-5-2008	Amend	1-1-2009
836-053-0850	4-28-2009	Adopt(T)	6-1-2009	839-003-0205	12-5-2008	Amend	1-1-2009
836-053-0850	10-23-2009	Adopt	12-1-2009	839-003-0210	12-5-2008	Amend	1-1-2009
836-053-0850(T)	10-23-2009	Repeal	12-1-2009	839-003-0215	12-5-2008	Amend	1-1-2009
836-053-0855	4-28-2009	Adopt(T)	6-1-2009	839-003-0220	12-5-2008	Amend	1-1-2009
836-053-0855	10-23-2009	Adopt	12-1-2009	839-003-0225	12-5-2008	Amend	1-1-2009
836-053-0855(T)	10-23-2009	Repeal	12-1-2009	839-003-0230	12-5-2008	Amend	1-1-2009
836-053-0860	4-28-2009	Adopt(T)	6-1-2009	839-003-0235	12-5-2008	Amend	1-1-2009
836-053-0860	10-23-2009	Adopt	12-1-2009	839-003-0240	12-5-2008	Amend	1-1-2009
836-053-0860(T)	10-23-2009	Repeal	12-1-2009	839-003-0245	12-5-2008	Amend	1-1-2009
836-053-0865	4-28-2009	Adopt(T)	6-1-2009	839-005-0000	12-5-2008	Amend	1-1-2009
836-053-0865	10-23-2009	Adopt	12-1-2009	839-005-0003	12-5-2008	Amend	1-1-2009
836-053-0865(T)	10-23-2009	Repeal	12-1-2009	839-005-0010	12-5-2008	Amend	1-1-2009
836-072-0001	12-10-2008	Adopt	1-1-2009	839-005-0016	12-5-2008	Amend	1-1-2009
836-072-0005	12-10-2008	Adopt	1-1-2009	839-005-0026	12-5-2008	Amend	1-1-2009
836-072-0010	12-10-2008	Adopt	1-1-2009	839-005-0195	12-5-2008	Amend	1-1-2009
836-072-0015	12-10-2008	Adopt	1-1-2009	839-005-0200	12-5-2008	Amend	1-1-2009
836-072-0020	12-10-2008	Adopt	1-1-2009	839-005-0205	12-5-2008	Amend	1-1-2009
836-072-0025	12-10-2008	Adopt	1-1-2009	839-005-0220	12-5-2008	Amend	1-1-2009
836-072-0030	12-10-2008	Adopt	1-1-2009	839-020-0050	1-12-2009	Amend	2-1-2009
836-072-0035	12-10-2008	Adopt	1-1-2009	839-025-0013	8-5-2009	Amend(T)	9-1-2009
836-072-0040	12-10-2008	Adopt	1-1-2009	839-025-0020	8-5-2009	Amend(T)	9-1-2009
836-072-0045	12-10-2008	Adopt	1-1-2009	839-025-0030	8-5-2009	Amend(T)	9-1-2009
836-080-0160	11-1-2009	Adopt	12-1-2009	839-025-0035	8-5-2009	Amend(T)	9-1-2009
837-012-0530	4-10-2009	Amend	5-1-2009	839-025-0085	8-5-2009	Amend(T)	9-1-2009
837-012-0625	4-10-2009	Amend	5-1-2009	839-025-0200	8-5-2009	Amend(T)	9-1-2009
837-012-0750	4-10-2009	Amend	5-1-2009	839-025-0210	8-5-2009	Amend(T)	9-1-2009
837-040-0001	12-31-2008	Amend	2-1-2009	839-025-0530	8-5-2009	Amend(T)	9-1-2009
837-040-0015	12-31-2008	Adopt	2-1-2009	839-025-0700	12-1-2008	Amend	1-1-2009
837-040-0020	12-31-2008	Amend	2-1-2009	839-025-0700	12-29-2008	Amend	2-1-2009
837-046-0000	6-2-2009	Adopt(T)	7-1-2009	839-025-0700	1-1-2009	Amend	2-1-2009
837-046-0020	6-2-2009	Adopt(T)	7-1-2009	839-025-0700	1-6-2009	Amend	2-1-2009
837-046-0040	6-2-2009	Adopt(T)	7-1-2009	839-025-0700	1-12-2009	Amend	2-1-2009
837-046-0060	6-2-2009	Adopt(T)	7-1-2009	839-025-0700	2-11-2009	Amend	3-1-2009
837-046-0080	6-2-2009	Adopt(T)	7-1-2009	839-025-0700	3-17-2009	Amend	5-1-2009
837-046-0100	6-2-2009	Adopt(T)	7-1-2009	839-025-0700	3-24-2009	Amend	5-1-2009
837-046-0120	6-2-2009	Adopt(T)	7-1-2009	839-025-0700	4-1-2009	Amend	5-1-2009
837-046-0140	6-2-2009	Adopt(T)	7-1-2009	839-025-0700	6-10-2009	Amend	7-1-2009

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
839-025-0700	6-30-2009	Amend	8-1-2009	847-026-0015	10-23-2009	Adopt(T)	12-1-2009
839-025-0700	7-1-2009	Amend	8-1-2009	847-026-0020	10-23-2009	Adopt(T)	12-1-2009
839-025-0700	7-1-2009	Amend	8-1-2009	847-035-0011	10-23-2009	Amend	12-1-2009
839-025-0700	7-10-2009	Amend	8-1-2009	847-035-0030	5-1-2009	Amend	6-1-2009
839-025-0700	7-16-2009	Amend	9-1-2009	847-035-0030	7-20-2009	Amend	9-1-2009
839-025-0700	7-22-2009	Amend	9-1-2009	847-035-0030	10-23-2009	Amend	12-1-2009
839-025-0700	7-29-2009	Amend	9-1-2009	847-035-0030	10-23-2009	Amend(T)	12-1-2009
839-025-0700	8-18-2009	Amend	10-1-2009	847-050-0037	7-14-2009	Amend(T)	8-1-2009
839-025-0700	9-14-2009	Amend	10-1-2009	847-050-0037	10-23-2009	Amend	12-1-2009
839-025-0700	9-21-2009	Amend	11-1-2009	847-065-0000	5-1-2009	Amend	6-1-2009
839-025-0700	10-1-2009	Amend	11-1-2009	847-065-0005	10-23-2009	Adopt	12-1-2009
839-025-0700	10-8-2009	Amend	11-1-2009	847-070-0016	7-20-2009	Amend	9-1-2009
839-025-0700	11-12-2009	Amend	12-1-2009	847-070-0019	1-22-2009	Amend	3-1-2009
839-025-0750	3-1-2009	Amend	4-1-2009	847-070-0020	1-22-2009	Amend	3-1-2009
839-025-0750	4-16-2009	Amend	5-1-2009	847-070-0045	1-22-2009	Amend	3-1-2009
845-001-0005	8-1-2009	Amend	8-1-2009	848-005-0010	5-14-2009	Amend	6-1-2009
845-005-0320	7-1-2009	Amend	8-1-2009	848-005-0010	7-1-2009	Amend	6-1-2009
845-005-0321	7-1-2009	Adopt	8-1-2009	848-010-0015	1-2-2009	Amend	2-1-2009
845-005-0405	4-1-2009	Amend	5-1-2009	848-010-0020	1-2-2009	Amend	2-1-2009
845-005-0410	4-1-2009	Amend	5-1-2009	848-010-0022	1-2-2009	Adopt	2-1-2009
845-005-0415	4-1-2009	Amend	5-1-2009	848-010-0026	1-2-2009	Amend	2-1-2009
845-005-0415	7-15-2009	Amend(T)	8-1-2009	848-010-0044	1-2-2009	Amend	2-1-2009
845-005-0415	1-11-2010	Amend	12-1-2009	848-015-0030	1-2-2009	Amend	2-1-2009
845-005-0431	11-1-2009	Adopt	10-1-2009	848-020-0030	1-2-2009	Amend	2-1-2009
845-006-0335	4-1-2009	Amend	5-1-2009	848-020-0060	1-2-2009	Amend	2-1-2009
845-006-0345	5-1-2009	Amend	6-1-2009	848-035-0020	1-2-2009	Amend	2-1-2009
845-006-0425	7-1-2009	Amend	8-1-2009	848-035-0030	1-2-2009	Amend	2-1-2009
845-006-0452	11-1-2009	Adopt	10-1-2009	848-035-0035	1-2-2009	Adopt	2-1-2009
845-006-0500	5-1-2009	Amend	6-1-2009	848-035-0040	1-2-2009	Amend	2-1-2009
845-007-0025	9-1-2009	Repeal	10-1-2009	848-040-0100	1-2-2009	Amend	2-1-2009
845-008-0030	12-1-2009	ReNUMBER	12-1-2009	848-040-0117	1-2-2009	Amend	2-1-2009
845-008-0045	7-1-2009	Am. & Ren.	8-1-2009	848-040-0145	1-2-2009	Amend	2-1-2009
845-010-0154	12-20-2008	Adopt	2-1-2009	848-040-0160	1-2-2009	Amend	2-1-2009
845-013-0050	5-1-2009	Amend	6-1-2009	848-040-0175	1-2-2009	Adopt	2-1-2009
845-013-0060	5-1-2009	Amend	6-1-2009	848-045-0020	1-2-2009	Amend	2-1-2009
845-020-0025	1-1-2009	Amend	2-1-2009	850-030-0035	10-6-2009	Amend	11-1-2009
845-020-0035	1-1-2009	Amend	2-1-2009	850-030-0195	10-6-2009	Amend	11-1-2009
847-001-0030	5-1-2009	Amend	6-1-2009	850-030-0195	10-13-2009	Amend(T)	11-1-2009
847-005-0005	1-22-2009	Amend	3-1-2009	850-030-0195	1-1-2010	Amend	12-1-2009
847-005-0005	9-11-2009	Amend(T)	10-1-2009	850-035-0230	4-30-2009	Amend	6-1-2009
847-008-0020	1-22-2009	Amend	3-1-2009	850-035-0230	10-6-2009	Amend	11-1-2009
847-008-0040	1-22-2009	Amend	3-1-2009	850-035-0230	10-13-2009	Amend(T)	11-1-2009
847-008-0060	5-1-2009	Amend	6-1-2009	850-035-0230	1-1-2010	Amend	12-1-2009
847-008-0070	1-22-2009	Adopt	3-1-2009	850-040-0210	10-6-2009	Amend	11-1-2009
847-008-0070	10-23-2009	Amend	12-1-2009	850-040-0210	10-13-2009	Amend(T)	11-1-2009
847-010-0051	10-23-2009	Amend	12-1-2009	850-040-0210	1-1-2010	Amend	12-1-2009
847-010-0054	1-22-2009	Repeal	3-1-2009	850-060-0225	12-8-2008	Amend	1-1-2009
847-010-0055	1-22-2009	Repeal	3-1-2009	850-060-0225	6-17-2009	Amend	8-1-2009
847-010-0066	10-23-2009	Amend	12-1-2009	850-060-0226	12-8-2008	Amend	1-1-2009
847-010-0073	5-1-2009	Amend	6-1-2009	850-060-0226	6-17-2009	Amend	8-1-2009
847-010-0100	1-22-2009	Amend	3-1-2009	851-002-0010	10-7-2009	Amend	11-1-2009
847-020-0130	1-22-2009	Amend	3-1-2009	851-002-0040	10-7-2009	Amend	11-1-2009
847-020-0170	4-9-2009	Amend(T)	5-1-2009	851-031-0090	6-26-2009	Amend	8-1-2009
847-026-0000	10-23-2009	Adopt(T)	12-1-2009	851-050-0138	11-26-2008	Amend	1-1-2009
847-026-0005	10-23-2009	Adopt(T)	12-1-2009	851-056-0006	11-26-2008	Amend	1-1-2009
847-026-0010	10-23-2009	Adopt(T)	12-1-2009	851-056-0022	11-26-2008	Amend	1-1-2009

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
851-061-0090	5-15-2009	Amend	6-1-2009	856-010-0010	6-23-2009	Amend	8-1-2009
851-062-0020	11-26-2008	Amend	1-1-2009	856-010-0010	8-5-2009	Amend	9-1-2009
851-062-0120	6-26-2009	Amend	8-1-2009	856-010-0015	2-10-2009	Amend(T)	3-1-2009
851-063-0035	5-15-2009	Amend	6-1-2009	856-010-0015	8-24-2009	Amend	10-1-2009
852-005-0005	7-1-2009	Amend	7-1-2009	856-010-0016	8-24-2009	Amend	10-1-2009
852-070-0005	7-1-2009	Amend	7-1-2009	856-010-0022	6-19-2009	Adopt	8-1-2009
852-070-0055	7-1-2009	Amend	7-1-2009	858-030-0005	10-1-2009	Amend(T)	11-1-2009
852-070-0060	7-1-2009	Amend	7-1-2009	859-040-0010	12-17-2008	Amend(T)	2-1-2009
855-007-0010	1-5-2009	Adopt(T)	2-1-2009	859-040-0010	5-5-2009	Amend	6-1-2009
855-007-0010	6-22-2009	Adopt	8-1-2009	859-040-0010(T)	5-5-2009	Repeal	6-1-2009
855-007-0010	8-19-2009	Amend(T)	10-1-2009	859-040-0015	12-17-2008	Amend(T)	2-1-2009
855-007-0010(T)	6-22-2009	Repeal	8-1-2009	859-040-0015	5-5-2009	Amend	6-1-2009
855-007-0020	1-5-2009	Adopt(T)	2-1-2009	859-040-0015(T)	5-5-2009	Repeal	6-1-2009
855-007-0020	6-22-2009	Adopt	8-1-2009	860-021-0305	8-25-2009	Amend	10-1-2009
855-007-0020(T)	6-22-2009	Repeal	8-1-2009	860-021-0405	8-25-2009	Amend	10-1-2009
855-007-0030	1-5-2009	Adopt(T)	2-1-2009	860-021-0505	8-25-2009	Amend	10-1-2009
855-007-0030	6-22-2009	Adopt	8-1-2009	860-022-0041	4-15-2009	Amend(T)	5-1-2009
855-007-0030(T)	6-22-2009	Repeal	8-1-2009	860-022-0041	10-2-2009	Amend	11-1-2009
855-007-0040	1-5-2009	Adopt(T)	2-1-2009	860-022-0041(T)	10-2-2009	Repeal	11-1-2009
855-007-0040	6-22-2009	Adopt	8-1-2009	860-022-0070	3-25-2009	Amend	5-1-2009
855-007-0040(T)	6-22-2009	Repeal	8-1-2009	860-024-0010	12-29-2008	Amend	2-1-2009
855-007-0050	1-5-2009	Adopt(T)	2-1-2009	860-024-0020	5-5-2009	Amend	6-1-2009
855-007-0050	6-22-2009	Adopt	8-1-2009	860-024-0021	5-5-2009	Amend	6-1-2009
855-007-0050(T)	6-22-2009	Repeal	8-1-2009	860-027-0400	2-5-2009	Adopt	3-1-2009
855-007-0060	1-5-2009	Adopt(T)	2-1-2009	860-032-0620	4-14-2009	Amend	5-1-2009
855-007-0060	6-22-2009	Adopt	8-1-2009	860-033-0001	11-13-2009	Amend	12-1-2009
855-007-0060(T)	6-22-2009	Repeal	8-1-2009	860-033-0005	11-13-2009	Amend	12-1-2009
855-007-0080	1-5-2009	Adopt(T)	2-1-2009	860-033-0006	11-13-2009	Amend	12-1-2009
855-007-0080	6-22-2009	Adopt	8-1-2009	860-033-0007	11-13-2009	Amend	12-1-2009
855-007-0080(T)	6-22-2009	Repeal	8-1-2009	860-033-0008	11-13-2009	Amend	12-1-2009
855-007-0090	1-5-2009	Adopt(T)	2-1-2009	860-033-0009	11-13-2009	Amend	12-1-2009
855-007-0090	6-22-2009	Adopt	8-1-2009	860-033-0010	11-13-2009	Amend	12-1-2009
855-007-0090(T)	6-22-2009	Repeal	8-1-2009	860-033-0030	11-13-2009	Amend	12-1-2009
855-007-0100	1-5-2009	Adopt(T)	2-1-2009	860-033-0035	11-13-2009	Amend	12-1-2009
855-007-0100	6-22-2009	Adopt	8-1-2009	860-033-0040	11-13-2009	Amend	12-1-2009
855-007-0100(T)	6-22-2009	Repeal	8-1-2009	860-033-0045	11-13-2009	Amend	12-1-2009
855-007-0110	1-5-2009	Adopt(T)	2-1-2009	860-033-0046	11-13-2009	Amend	12-1-2009
855-007-0110	6-22-2009	Adopt	8-1-2009	860-033-0050	11-13-2009	Amend	12-1-2009
855-007-0110(T)	6-22-2009	Repeal	8-1-2009	860-033-0055	11-13-2009	Adopt	12-1-2009
855-007-0120	1-5-2009	Adopt(T)	2-1-2009	860-033-0100	11-13-2009	Amend	12-1-2009
855-007-0120	6-22-2009	Adopt	8-1-2009	860-033-0505	11-13-2009	Amend	12-1-2009
855-007-0120(T)	6-22-2009	Repeal	8-1-2009	860-033-0506	11-13-2009	Amend	12-1-2009
855-060-0003	6-26-2009	Adopt(T)	8-1-2009	860-033-0510	11-13-2009	Amend	12-1-2009
855-062-0003	6-26-2009	Adopt(T)	8-1-2009	860-033-0530	11-13-2009	Amend	12-1-2009
855-062-0005	6-26-2009	Adopt(T)	8-1-2009	860-033-0535	11-13-2009	Amend	12-1-2009
855-062-0020	6-26-2009	Adopt(T)	8-1-2009	860-033-0536	11-13-2009	Amend	12-1-2009
855-062-0030	6-26-2009	Adopt(T)	8-1-2009	860-033-0537	11-13-2009	Amend	12-1-2009
855-062-0040	6-26-2009	Adopt(T)	8-1-2009	860-033-0540	11-13-2009	Amend	12-1-2009
855-062-0050	6-26-2009	Adopt(T)	8-1-2009	860-033-0545	11-13-2009	Amend	12-1-2009
855-065-0001	6-26-2009	Amend(T)	8-1-2009	860-033-0560	11-13-2009	Amend	12-1-2009
855-065-0005	6-26-2009	Amend(T)	8-1-2009	860-034-0010	5-5-2009	Amend	6-1-2009
855-065-0006	6-26-2009	Amend(T)	8-1-2009	860-034-0120	5-5-2009	Amend	6-1-2009
855-110-0003	6-26-2009	Adopt(T)	8-1-2009	860-034-0180	8-25-2009	Amend	10-1-2009
855-110-0007	6-26-2009	Amend(T)	8-1-2009	860-034-0260	8-25-2009	Amend	10-1-2009
855-110-0010	6-26-2009	Amend(T)	8-1-2009	860-034-0310	5-5-2009	Amend	6-1-2009
856-010-0008	6-23-2009	Adopt	8-1-2009	860-038-0220	6-25-2009	Amend	8-1-2009

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
860-038-0300	6-25-2009	Amend	8-1-2009	863-015-0120	1-1-2009	Am. & Ren.	1-1-2009
860-082-0005	8-26-2009	Adopt	10-1-2009	863-015-0130	1-1-2009	Amend	1-1-2009
860-082-0010	8-26-2009	Adopt	10-1-2009	863-015-0135	1-1-2009	Amend	1-1-2009
860-082-0015	8-26-2009	Adopt	10-1-2009	863-015-0140	1-1-2009	Amend	1-1-2009
860-082-0020	8-26-2009	Adopt	10-1-2009	863-015-0145	1-1-2009	Amend	1-1-2009
860-082-0025	8-26-2009	Adopt	10-1-2009	863-015-0150	1-1-2009	Amend	1-1-2009
860-082-0030	8-26-2009	Adopt	10-1-2009	863-015-0155	1-1-2009	Amend	1-1-2009
860-082-0035	8-26-2009	Adopt	10-1-2009	863-015-0160	1-1-2009	Am. & Ren.	1-1-2009
860-082-0040	8-26-2009	Adopt	10-1-2009	863-015-0165	1-1-2009	Repeal	1-1-2009
860-082-0045	8-26-2009	Adopt	10-1-2009	863-015-0175	1-1-2009	Amend	1-1-2009
860-082-0050	8-26-2009	Adopt	10-1-2009	863-015-0180	1-1-2009	Repeal	1-1-2009
860-082-0055	8-26-2009	Adopt	10-1-2009	863-015-0185	1-1-2009	Repeal	1-1-2009
860-082-0060	8-26-2009	Adopt	10-1-2009	863-015-0186	1-1-2009	Amend	1-1-2009
860-082-0065	8-26-2009	Adopt	10-1-2009	863-015-0188	1-1-2009	Adopt	1-1-2009
860-082-0070	8-26-2009	Adopt	10-1-2009	863-015-0190	1-1-2009	Amend	1-1-2009
860-082-0075	8-26-2009	Adopt	10-1-2009	863-015-0195	1-1-2009	Repeal	1-1-2009
860-082-0080	8-26-2009	Adopt	10-1-2009	863-015-0200	1-1-2009	Amend	1-1-2009
860-082-0085	8-26-2009	Adopt	10-1-2009	863-015-0205	1-1-2009	Amend	1-1-2009
860-083-0005	6-25-2009	Adopt	8-1-2009	863-015-0210	1-1-2009	Amend	1-1-2009
860-083-0005	8-5-2009	Amend	9-1-2009	863-015-0215	1-1-2009	Amend	1-1-2009
860-083-0010	8-5-2009	Adopt	9-1-2009	863-015-0220	1-1-2009	Repeal	1-1-2009
860-083-0050	6-25-2009	Adopt	8-1-2009	863-015-0225	1-1-2009	Am. & Ren.	1-1-2009
860-083-0100	8-5-2009	Adopt	9-1-2009	863-015-0230	1-1-2009	Am. & Ren.	1-1-2009
860-083-0200	8-5-2009	Adopt	9-1-2009	863-015-0250	1-1-2009	Amend	1-1-2009
860-083-0300	8-5-2009	Adopt	9-1-2009	863-015-0255	1-1-2009	Amend	1-1-2009
860-083-0350	8-5-2009	Adopt	9-1-2009	863-015-0260	1-1-2009	Amend	1-1-2009
860-083-0400	8-5-2009	Adopt	9-1-2009	863-015-0265	1-1-2009	Amend	1-1-2009
860-083-0500	8-5-2009	Adopt	9-1-2009	863-015-0275	1-1-2009	Amend	1-1-2009
863-014-0000	1-1-2009	Adopt	1-1-2009	863-024-0000	1-1-2009	Adopt	1-1-2009
863-014-0003	1-1-2009	Adopt	1-1-2009	863-024-0003	1-1-2009	Adopt	1-1-2009
863-014-0038	1-1-2009	Adopt	1-1-2009	863-024-0005	1-1-2009	Adopt	1-1-2009
863-014-0042	1-1-2009	Adopt	1-1-2009	863-024-0010	1-1-2009	Adopt	1-1-2009
863-015-0000	1-1-2009	Adopt	1-1-2009	863-024-0015	1-1-2009	Adopt	1-1-2009
863-015-0005	1-1-2009	Am. & Ren.	1-1-2009	863-024-0020	1-1-2009	Adopt	1-1-2009
863-015-0010	1-1-2009	Am. & Ren.	1-1-2009	863-024-0030	1-1-2009	Adopt	1-1-2009
863-015-0015	1-1-2009	Am. & Ren.	1-1-2009	863-024-0050	1-1-2009	Adopt	1-1-2009
863-015-0020	1-1-2009	Am. & Ren.	1-1-2009	863-024-0055	1-1-2009	Adopt	1-1-2009
863-015-0025	1-1-2009	Repeal	1-1-2009	863-024-0060	1-1-2009	Adopt	1-1-2009
863-015-0030	1-1-2009	Am. & Ren.	1-1-2009	863-024-0061	1-1-2009	Adopt	1-1-2009
863-015-0035	1-1-2009	Am. & Ren.	1-1-2009	863-024-0062	1-1-2009	Adopt	1-1-2009
863-015-0040	1-1-2009	Am. & Ren.	1-1-2009	863-024-0063	1-1-2009	Adopt	1-1-2009
863-015-0045	1-1-2009	Am. & Ren.	1-1-2009	863-024-0065	1-1-2009	Adopt	1-1-2009
863-015-0050	1-1-2009	Am. & Ren.	1-1-2009	863-024-0070	1-1-2009	Adopt	1-1-2009
863-015-0055	1-1-2009	Am. & Ren.	1-1-2009	863-024-0075	1-1-2009	Adopt	1-1-2009
863-015-0060	1-1-2009	Am. & Ren.	1-1-2009	863-024-0076	1-1-2009	Adopt	1-1-2009
863-015-0061	1-1-2009	Am. & Ren.	1-1-2009	863-024-0085	1-1-2009	Adopt	1-1-2009
863-015-0062	1-1-2009	Am. & Ren.	1-1-2009	863-024-0095	1-1-2009	Adopt	1-1-2009
863-015-0063	1-1-2009	Am. & Ren.	1-1-2009	863-024-0100	1-1-2009	Adopt	1-1-2009
863-015-0065	1-1-2009	Am. & Ren.	1-1-2009	863-025-0005	1-1-2009	Amend	1-1-2009
863-015-0070	1-1-2009	Am. & Ren.	1-1-2009	863-025-0010	1-1-2009	Amend	1-1-2009
863-015-0075	1-1-2009	Am. & Ren.	1-1-2009	863-025-0015	1-1-2009	Amend	1-1-2009
863-015-0076	1-1-2009	Am. & Ren.	1-1-2009	863-025-0020	1-1-2009	Amend	1-1-2009
863-015-0080	1-1-2009	Am. & Ren.	1-1-2009	863-025-0025	1-1-2009	Amend	1-1-2009
863-015-0085	1-1-2009	Am. & Ren.	1-1-2009	863-025-0030	1-1-2009	Amend	1-1-2009
863-015-0095	1-1-2009	Am. & Ren.	1-1-2009	863-025-0035	1-1-2009	Amend	1-1-2009
863-015-0100	1-1-2009	Am. & Ren.	1-1-2009	863-025-0040	1-1-2009	Amend	1-1-2009

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
863-025-0045	1-1-2009	Amend	1-1-2009	877-040-0000	7-1-2009	Amend	7-1-2009
863-025-0050	1-1-2009	Amend	1-1-2009	877-040-0003	7-1-2009	Amend	7-1-2009
863-025-0055	1-1-2009	Amend	1-1-2009	877-040-0010	7-1-2009	Amend	7-1-2009
863-025-0060	1-1-2009	Amend	1-1-2009	877-040-0015	7-1-2009	Amend	7-1-2009
863-025-0065	1-1-2009	Amend	1-1-2009	877-040-0020	7-1-2009	Repeal	7-1-2009
863-025-0070	1-1-2009	Amend	1-1-2009	877-040-0045	7-1-2009	Amend	7-1-2009
863-025-0080	1-1-2009	Amend	1-1-2009	877-040-0050	7-1-2009	Amend	7-1-2009
863-027-0000	1-1-2009	Adopt	1-1-2009	877-040-0055	7-1-2009	Amend	7-1-2009
863-027-0005	1-1-2009	Adopt	1-1-2009	918-008-0075	1-1-2009	Amend	2-1-2009
863-050-0000	1-1-2009	Amend	1-1-2009	918-008-0080	1-1-2009	Amend	2-1-2009
863-050-0015	1-1-2009	Amend	1-1-2009	918-008-0085	1-1-2009	Amend	2-1-2009
863-050-0020	1-1-2009	Amend	1-1-2009	918-008-0090	1-1-2009	Amend	2-1-2009
863-050-0025	1-1-2009	Amend	1-1-2009	918-008-0095	1-1-2009	Amend	2-1-2009
863-050-0030	1-1-2009	Amend	1-1-2009	918-008-0110	1-1-2009	Amend	2-1-2009
863-050-0033	1-1-2009	Amend	1-1-2009	918-008-0115	1-1-2009	Amend	2-1-2009
863-050-0035	1-1-2009	Amend	1-1-2009	918-020-0370	1-1-2009	Adopt	2-1-2009
863-050-0040	1-1-2009	Repeal	1-1-2009	918-050-0000	1-1-2009	Amend	1-1-2009
863-050-0050	1-1-2009	Amend	1-1-2009	918-050-0010	1-1-2009	Amend	1-1-2009
863-050-0052	1-1-2009	Adopt	1-1-2009	918-050-0020	1-1-2009	Amend	1-1-2009
863-050-0055	1-1-2009	Amend	1-1-2009	918-050-0030	1-1-2009	Amend	1-1-2009
863-050-0060	1-1-2009	Amend	1-1-2009	918-050-0100	1-1-2009	Amend	1-1-2009
863-050-0065	1-1-2009	Amend	1-1-2009	918-050-0100	10-1-2009	Amend	11-1-2009
863-050-0066	1-1-2009	Amend	1-1-2009	918-050-0110	1-1-2009	Amend	1-1-2009
863-050-0100	1-1-2009	Amend	1-1-2009	918-050-0120	1-1-2009	Amend	1-1-2009
863-050-0105	1-1-2009	Amend	1-1-2009	918-050-0130	1-1-2009	Amend	1-1-2009
863-050-0115	1-1-2009	Amend	1-1-2009	918-050-0140	1-1-2009	Amend	1-1-2009
863-050-0150	1-1-2009	Amend	1-1-2009	918-050-0150	1-1-2009	Amend	1-1-2009
863-050-0151	1-1-2009	Repeal	1-1-2009	918-050-0160	1-1-2009	Amend	1-1-2009
863-050-0205	1-1-2009	Repeal	1-1-2009	918-050-0170	1-1-2009	Amend	1-1-2009
863-050-0210	1-1-2009	Repeal	1-1-2009	918-225-0430	1-1-2009	Amend	2-1-2009
863-050-0215	1-1-2009	Repeal	1-1-2009	918-225-0435	1-1-2009	Amend	2-1-2009
863-050-0220	1-1-2009	Repeal	1-1-2009	918-225-0445	1-1-2009	Adopt	2-1-2009
863-050-0225	1-1-2009	Repeal	1-1-2009	918-225-0450	1-1-2009	Amend	2-1-2009
863-050-0230	1-1-2009	Repeal	1-1-2009	918-225-0570	1-1-2009	Amend	2-1-2009
863-050-0235	1-1-2009	Repeal	1-1-2009	918-225-0600	7-16-2009	Amend(T)	9-1-2009
863-050-0240	1-1-2009	Amend	1-1-2009	918-225-0605	7-16-2009	Suspend	9-1-2009
875-010-0090	12-15-2008	Amend	1-1-2009	918-225-0610	7-16-2009	Suspend	9-1-2009
875-010-0090	4-20-2009	Amend	6-1-2009	918-225-0630	7-16-2009	Amend(T)	9-1-2009
875-011-0010	10-15-2009	Amend	11-1-2009	918-261-0015	1-1-2009	Adopt	2-1-2009
875-020-0005	12-15-2008	Amend	1-1-2009	918-261-0015(T)	1-1-2009	Repeal	2-1-2009
875-030-0010	12-15-2008	Amend	1-1-2009	918-282-0140	7-1-2009	Amend	8-1-2009
875-030-0010	10-15-2009	Amend	11-1-2009	918-305-0280	4-1-2009	Amend	5-1-2009
875-030-0020	10-15-2009	Amend	11-1-2009	918-311-0065	1-1-2009	Adopt	2-1-2009
875-030-0025	10-15-2009	Amend	11-1-2009	918-311-0065(T)	1-1-2009	Repeal	2-1-2009
875-030-0050	12-15-2008	Amend	1-1-2009	918-311-0080	7-27-2009	Adopt(T)	9-1-2009
877-001-0000	7-1-2009	Repeal	7-1-2009	918-311-0080	10-1-2009	Adopt	11-1-2009
877-001-0005	7-1-2009	Amend	7-1-2009	918-400-0455	1-1-2009	Amend	2-1-2009
877-001-0010	7-1-2009	Repeal	7-1-2009	918-400-0458	1-1-2009	Amend	2-1-2009
877-020-0060	7-1-2009	Adopt	7-1-2009	918-400-0800	7-16-2009	Amend(T)	9-1-2009
877-030-0100	7-1-2009	Amend	7-1-2009	918-480-0010	2-1-2009	Amend	3-1-2009
877-035-0000	7-1-2009	Amend	7-1-2009	918-480-0010	10-1-2009	Amend	11-1-2009
877-035-0005	7-1-2009	Repeal	7-1-2009	918-480-0010(T)	2-1-2009	Repeal	3-1-2009
877-035-0010	7-1-2009	Amend	7-1-2009	918-480-0150	1-1-2009	Adopt	2-1-2009
877-035-0012	7-1-2009	Amend	7-1-2009	918-480-0150(T)	1-1-2009	Repeal	2-1-2009
877-035-0013	7-1-2009	Amend	7-1-2009	943-001-0000	9-14-2009	Adopt(T)	10-1-2009
877-035-0015	7-1-2009	Amend	7-1-2009	943-001-0010	9-14-2009	Adopt(T)	10-1-2009

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
943-001-0015	9-14-2009	Adopt(T)	10-1-2009				
951-003-0005	7-20-2009	Amend(T)	9-1-2009				
951-006-0000	1-1-2010	Adopt	12-1-2009				
951-006-0001	1-1-2010	Adopt	12-1-2009				
951-006-0005	1-1-2010	Adopt	12-1-2009				
951-006-0010	1-1-2010	Adopt	12-1-2009				
951-006-0020	1-1-2010	Adopt	12-1-2009				