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Secretary of State
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INFORMATION ABOUT ADMINISTRATIVE RULES

General Information

The Administrative Rules Unit, Archives Division, Secretary of State publishes the Oregon *Administrative Rules Compilation* and the online *Oregon Bulletin*. The *Oregon Administrative Rules Compilation* is an annual print publication containing complete text of Oregon Administrative Rules (OARs) filed through November 15 of the previous year. The *Oregon Bulletin* is a monthly online supplement that contains rule text adopted or amended after publication of the print Compilation, as well as Notices of Proposed Rulemaking and Rulemaking Hearing. The Bulletin also includes certain non-OAR items when they are submitted, such as Executive Orders of the Governor, Opinions of the Attorney General and Department of Environmental Quality cleanup notices.

Background on Oregon Administrative Rules

ORS 183.310(9) defines "rule" as "any agency directive, standard, regulation or statement of general applicability that implements, interprets or prescribes law or policy, or describes the procedure or practice requirements of any agency." Agencies may adopt, amend, repeal or renumber rules, permanently or temporarily (up to 180 days), using the procedures outlined in the *Oregon Attorney General's Administrative Law Manual*. The Administrative Rules Unit assists agencies with the notification, filing and publication requirements of the administrative rulemaking process.

OAR Citations

Every Administrative Rule uses the same numbering sequence of a three-digit chapter number followed by a three-digit division number and a four-digit rule number (000-000-0000). For example, Oregon Administrative Rules, chapter 166, division 500, rule 0020 is cited as OAR 166-500-0020.

Understanding an Administrative Rule's "History"

State agencies operate in an environment of ever-changing laws, public concerns and legislative mandates which necessitate ongoing rulemaking. To track changes to individual rules and organize the original rule documents for permanent retention, the Administrative Rules Unit maintains history lines for each rule, located at the end of the rule text. OAR histories contain the rule's statutory authority, statutes implemented and dates of each authorized modification to the rule text. Changes are listed chronologically in abbreviated form, with the most recent change listed last. In the history line "OSA 4-1993, f. & cert. ef. 11-10-93," for example, "OSA" is short for Oregon State Archives; "4-1993" indicates this was 4th administrative rule filing by the Archives in 1993; "f. & cert. ef. 11-10-93" means the rule was filed and certified effective on November 10, 1993.

Locating Current Versions of Administrative Rules

The online version of the OAR Compilation is updated on the first of each month to include all rule actions filed with the Administrative Rules Unit by the 15th of the previous month. The annual printed OAR Compilation volumes contain text for all rules filed through November 15 of the previous year. Administrative Rules created or changed after publication in the print Compilation will appear in a subsequent edition of the online Bulletin. These are listed by rule number in the Bulletin's OAR Revision Cumulative Index, which is updated monthly. The listings specify each rule's effective date, rulemaking action, and the issue of the Bulletin that contains the full text of the adopted or amended rule.

Locating Administrative Rule Publications

Printed volumes of the Compilation are deposited in Oregon's Public Documents Depository Libraries listed in OAR 543-070-0000. Complete sets and individual volumes of the printed OAR Compilation may be ordered from the Administrative Rules Unit, Archives Division, 800 Summer Street NE, Salem, Oregon 97301, (503) 373-0701.

Filing Adminstrative Rules and Notices

All hearing and rulemaking notices, and permanent and temporary rules, are filed through the Administrative Rules Unit's online filing system. To expedite the rulemaking process, agencies are encouraged to file a Notice of Proposed Rulemaking Hearing specifying hearing date, time and location, and to submit their filings early in the submission period. All notices and rules must be filed by the 15th of the month to be included in the next month's Bulletin and OAR Compilation postings. Filings must contain the date stamp from the deadline day or earlier to be published the following month.

Administratrative Rules Coordinators and Delegation of Signing Authority

Each agency that engages in rulemaking must appoint a rules coordinator and file an Appointment of Agency Rules Coordinator form with the Administrative Rules Unit. Agencies that delegate rulemaking authority to an officer or employee within the agency must also file a Delegation of Rulemaking Authority form. It is the agency's responsibility to monitor the rulemaking authority of selected employees and keep the forms updated. The Administrative Rules Unit does not verify agency signatures as part of the rulemaking process.

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.

The official copy of an Oregon Administrative Rule is contained in the Administrative Order filed at the Archives Division. Any discrepancies with the published version are satisfied in favor of the Administrative Order.

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OREGON DEPARTMENT OF AGRICULTURE

180-Day Emergency Quarantine Rule: Benton, Hood River, Jackson, Lane, Linn, Marion, Multnomah, Washington and Yamhill counties for *Xylellafastidiosa*

AUTHORITY FOR QUARANTINE

The Director of the Department of Agriculture shall issue a written order declaring a quarantine if the Director determines that:

1. A disease or an infestation has a significantly adverse effect on plants, animals, fowl, or bees;
2. The disease or infestation is not widely prevalent or distributed within the state;
3. The disease or infestation exists in another state, territory, or country, or in any locality within this state; and,
4. Following the procedure for declaring a quarantine by rule under ORS 561.510 would create aserious danger of the disease or infestation spreading within the state during the time required by the procedure.

ORS 561.560(1)

In addition to its quarantine powers, the Director of the Department of Agriculture is authorized and directed to use such methods as may be necessary to prevent the introduction into the state of dangerous plant diseases, and to apply methods necessary to prevent the spread and to establish control and accomplish the eradication of such pests and diseases as may seriously endanger the agricultural and horticultural interests of the state. ORS 570.305.

If an emergency exists and postponement of the effective date of the quarantine would result in serious prejudice to the public health, safety or welfare, or to the health, safety or welfare of the affected parties, the Director may adopt temporary rules to make the quarantine effective immediately as authorized by ORS 183.355. ORS 561.510(3); ORS 561.560(4).

From after the time that any quarantine order becomes effective through temporary rules, it shall be unlawful for any person, firm or corporation to violate either in whole or in part any of the provisions of such order, or of any rule or regulation promulated pursuant to a quarantine order. ORS 561.590. In addition to any fine or other penalty, a person who violates a quarantine order or temporary rule is subject to a civil penalty imposed by the State Department of Agriculture. ORS 561.995.

FINDINGS OF FACT

1. On October 30,2015, the Oregon Department of Agriculture detected the bacterium *Xylella fastidiosa* in Perry pear *(Pyrus)* plants grown at the USDA National Clonal Germplasm Repository (NCGR), Corvallis, OR. This is the first officially confirmed detection of *X.fastidiosa* in the State of Oregon. Previously, this pathogen has been reported in 25 states, primarily in the south (Pscheidt, J.W., and C.M. Ocamb (eds), 2015 Pacific Northhwest Plant Disease Management Handbook, Oregon State University, Corvallis OR, p. 4G-29 and 4M-4) The closest infested state is California. The disease has also recently been reported in the European Union (Boscia D., 2014, Occurence of *Xylellafastidiosa* in Apulia, *Proceedings of the International Symposium on the European outbreak of Xylellafastidiosa in olive,* Gallipoli-Locorotondo, Italy, 21-24 October 2014, p. 30.)

2. This pathogen is considered a quarantine pest by the State because it causes Pierce's Disease on *Vitis* (grapevine) and *Vaccinium* (blueberries). In addition, *X.fastidiosa* infects and causes disease on *Lolium* (ryegrass), *Quercus* (oak), *Acer* (maple), *Rubus* (blackberry and raspberry), *Prunus* (stone fruits), and many other plant genera grown commercially or in the wild. This infestation poses a serious danger to Oregon's environment and wine grape, blueberry, black and raspberry, and nursery industries.

3. When a plant is infected with *X.fastidiosa*, the bacterium reproduces in the xylem (vascular tissue) of the plant, blocking water movement within the plant. Thus, initial symptoms look like drought stress with leaf margins turning yellow or red and eventually dying. Fruit clusters in grapes and other plants will shrivel and raisin. Dried leaves will often fall off, with petioles remaining attached to the plant. The bacterium spreads within the plant, usually from the point of infection toward the root system, causing dieback in infected canes and branches. Infected grapes usually die within 5-years of becoming infected.

4. Potentially infected *Pyrus* plant material was shipped from the NCGR to 22locations in nine counties within the state. Shipments of potentially infected *Pyrus* plant material are ongoing from these 22 locations.

CONCLUSIONS OF LAW

An infestation of *X.jastidiosa* would seriously prejudice the health of Oregon's environment and wine grape, blueberry, blackberry, raspberry, and nursery industries. ORS 561.510(3); ORS 561.560(1).

QUARANTINE ORDER

(1) Area under quarantine.

The counties of Benton, Hood River, Jackson, Lane, Linn, Marion, Multnomah, Washington andYamhill.

(2) Commodities covered.

All *Pyrus* plants and plant parts and any other plant, product, or article that an official inspector determines to present a risk of spreading *Xylellafastidiosa*. All life stages of *X.fastidiosa*.

(3) Prohibitions.

(a) *Pyrus* nursery stock and other propagative materials grown in the quarantined area are not eligible for sale or shipment unless the following conditions are met:

(i) An official delimitation survey has been conducted in the county and has determined that *X.fastidiosa*-infected plants have not become established in the county; OR,

(ii) The nursery or growing location has been established as a Pest-Free Place of Production based on the international guidelines set forth in Decision 20151789/EU, applicable May 18, 2015.

(b) On sites where *X.fastidiosa* is detected, the affected landowner shall work with the Department to develop a response plan to eradicate the pathogen and mitigate risk of further spread. This response plan may include some or all of the following requirements:

(i) Destruction of all *Pyrus* plants identified as infected by official survey; and,

(ii) Conduction of a delimitation survey within all other host plants grown within 10- meters of known infected plants at the site;

(iii) Destruction of all other plants found infected by *X.fastidiosa;*

(iv) After final destruction of all known infected plant materials, continued monitoring of any remaining *Pyrus* and other host plants for a period not to exceed 90-days of active plant growth; site;

(v) Sanitation of all equipment and tools used for normal cultural practices within the

(vi) Monitoring and, if necessary, treatment for known insect vectors of *X.fastidiosa* using appropriately labelled pesticides.

(4) Additional Quarantine Requirements.

Sites on which *X.fastidiosa* has been detected and on which mitigation activities as described in Section (3)(b) have been implemented may be eligible to ship *Pyrus* plant materials intra- and interstate provided an official survey conducted after the 90-day hold period identifies no additional infected plants.

(5) Violation of Quarantine.

Violation of this emergency quarantine may result in suspension or revocation of the nursery's licence (ORS 571.125) and/or civil penalties of up to $10,000 as provided by ORS 570.995.

Signed this 17th day of November, 2015.
/s/ Katy Coba
Katy Coba, Director
Oregon Department of Agriculture

NOTICE: This order is a final order other than contested case. Jurisdiction for judicial review of order other than contested cases is conferred upon the circuit court pursuant to ORS 183.484.

REQUEST FOR COMMENTS PROPOSED PROSPECTIVE PURCHASER AGREEMENT FOR ROMAINE ELECTRIC FACILITY

COMMENTS DUE: 5 p.m., Thursday, Dec. 31, 2015
PROJECT LOCATION: Block D, Lots 1-4, Willamette Heights Addition in Portland, Oregon

PROPOSAL: The Department of Environmental Quality DEQ seeks comments on its proposed consent order for a prospective purchaser agreement with Nick Stearns, Inc., referred to as NSI, concerning the acquisition of the Romaine Electric property also described as Tax Lot 4700 on Multnomah County Map 1N1E29DC and located at 1831 NW 28th Ave. in Portland, Oregon. NSI plans to acquire the property and construct a multi-family residential building

HIGHLIGHTS: The property was undeveloped prior to 1922, when the existing building was constructed. A single-family residence was located in the southwest corner of the property between 1924 and 1983. The commercial building was occupied by a shoe manufacturing company between 1922 and the late 1940s. From the late 1940s to 2005, the property was occupied by Faulkner Automotive Electric Company and operations during this period included assembly, remanufacturing, warehousing and retail sales of automotive electrical parts. Solvents, primarily Stoddard, were used for degreasing and cleaning. Underground storage tanks for new and spent Stoddard solvent, formerly located in the northern and southwestern portions, respectively, of the property, were decommissioned in the mid-1980s. The property was purchased by Romaine Electric in 2005.

In Apr. 2015, Hahn and Associates, Inc. performed an investigation at the property to determine if there was evidence for historical releases. Total petroleum hydrocarbons consistent with Stoddard solvent were detected in soil from one boring. In addition, chlorinated solvents including tetrachloroethene and trichloroethene were detected in 13 sub-slab and nine subsurface soil gas samples at concentrations above residential and occupational worker risk-based concentrations for the vapor intrusion pathway.

In Jun. 2015, Terracon Consultants, Inc., referred to as Terracon, bored into the soil at the property to identify sources for chlorinated solvents previously detected in soil gas. Soil sampling in the area containing the highest concentrations of chlorinated solvents in soil gas did not identify a subsurface source and Terracon concluded the contamination originated off-property. Soil samples collected from a boring near the western property boundary contained detectable levels of Stoddard solvent consistent with historical information.

In Sep. 2015, soil gas samples collected in the area of a former dry cleaner southeast of the property did not contain elevated levels of chlorinated solvents and Terracon concluded it was not a primary source. However, soil-gas testing performed by Terracon did not rule out unacceptable vapor intrusion risks to occupants of residential buildings located west of the property. Soil borings in the reported location of a former vapor degreaser at the property did not reveal chlorinated solvents in soil at concentrations consistent with historic releases.

DEQ proposes to enter into a consent order with NSI. Under the terms of the consent order, NSI agrees to install a vapor mitigation control on future buildings constructed at the property and confirm its effectiveness, unless further cleanup removes unacceptable levels of chlorinated solvents in soil gas and/or the building design incorporates surface grade parking within its footprint. NSI is further required to implement a remedy, acceptable to DEQ, for preventing intrusion of soil vapors containing chlorinated solvents into nearby residential buildings and confirm its effectiveness. NSI must also decommission a suspected solvent underground storage tank and perform necessary cleanup, prepare a soil management plan and execute an Easement and Equitable Servitudes.

HOW TO COMMENT: Email comments to DEQ Project Manager Jeff K. Schatz or mail to 700 NE Multnomah St., Ste 600 in Portland, OR 97232-4100. For more information contact the project manager at 503-229-5024.

Find information about requesting a review of DEQ project files.

Find the file review application form.

To access site summary information and other documents in the DEQ Environmental Cleanup Site Information database, select "Search complete ECSI database" then enter 6049 in the Site ID box and click "Submit" at the bottom of the page. Next, click the link labeled 6049 in the Site ID/Info column. Alternatively, you may go directly to the database website for this page at http://www.deq.state.or.us/Webdocs/Forms/Output/FPController.ashx?SourceId=6049&SourceIdType=11.

If you do not have web access and want to review the project file contact the DEQ project manager.

THE NEXT STEP: DEQ will review and consider all comments received during the comment period. If DEQ decides to enter into the consent order, it will be executed by the parties and recorded with Multnomah County.

ACCESSIBILITY INFORMATION: DEQ is committed to accommodating people with disabilities. If you need information in another format, please contact DEQ toll free in Oregon at 800-452-4011, email at deqinfo@deq.state.or.us, or 711 for people with hearing impairments.

REQUEST FOR COMMENTS
PROPOSED PROSPECTIVE PURCHASER AGREEMENT WITH AG PROPERTIES, LLC

COMMENTS DUE: 5 p.m., Thursday, Dec. 31, 2015

PROJECT LOCATION: Lot 11 at 23303 NE Sandy Boulevard, Fairview, Oregon

PROPOSAL: The Department of Environmental Quality seeks comments on its proposed consent judgment for a prospective purchaser agreement with AG properties, LLC concerning its acquisition of real property located at Lot 11, 23303 NE Sandy Boulevard, Fairview, Oregon.

HIGHLIGHTS: AG Properties LLC. proposes to enter into a prospective purchaser agreement (PPA) with DEQ addressing lot 11 of the Townsend Business Park facility (ECSI No. 4230), which had been formerly used for agricultural production, including growing and processing berries. This former use involved the application of certain pesticides which remained in soil on lot 11. As part of the proposed PPA, AG Properties agrees to perform certain measures to address pesticide contamination remaining on the subject parcel including sampling of residual pesticide concentrations in soil prior to construction of commercial buildings, installation of features that comprise a protective cap, and appropriate management of site soil. Dependent on conditions identified during proposed sampling, the project may require and equitable easement and servitude to ensure the cap placed on the lot will remain protective of human health and the environment.

DEQ created the prospective purchaser agreement program in 1995 through amendments to the state's Environmental Cleanup Law. The prospective purchaser agreement is a tool that expedites the cleanup of contaminated property and encourages property transactions that would otherwise not likely occur because of the liabilities associated with purchasing a contaminated site.

The proposed consent judgment will provide AG Properties, LLC with a release from liability for claims by the State of Oregon under ORS 465.200 to 465.545 and 465.990, 466.640, and 468B.310 regarding existing hazardous substance releases at or from the property. The proposed consent judgment will also provide AG Properties LLC with third party liability protection.

HOW TO COMMENT: Send comments to DEQ Project Manager Paul Seidel at 700 NE Multnomah Street, Suite 600, Portland, Oregon or by email to seidel.paul@deq.state.or.us. For more information contact the project manager at 503-229-5614.

Find information about requesting a review of DEQ project files.

Find the file review application form:

To access site summary information and other documents in the DEQ Environmental Cleanup Site Information database, select "Search complete ECSI database", then enter ECSI#4230] in the Site ID box and click "Submit" at the bottom of the page. Alternatively, you may go directly to the database website for this page.

If you do not have web access and want to review the project file contact the DEQ project manager.

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

ACCESSIBILITY INFORMATION: DEQ is committed to accommodating people with disabilities. If you need information in another format, please contact DEQ toll free in Oregon at 800-

452-4011, email at deqinfo@deq.state.or.us, or 711 for people with hearing impairments.

REQUEST FOR COMMENTS
PROPOSED PROSPECTIVE PURCHASER AGREEMENT FOR CROWN CORK AND SEAL FACILITY

COMMENTS DUE: 5 p.m., Thursday, Dec. 31, 2015
PROJECT LOCATION: 10200 North Lombard St., Portland, Oregon
PROPOSAL: The Department of Environmental Quality seeks comments on its proposed consent order for a prospective purchaser agreement with 10200 North Lombard LLC concerning the acquisition of property located at 10200 North Lombard, Portland, Oregon.
HIGHLIGHTS: The Property is an approximately 23-acre site. The property has been improved with an industrial building of 240,000 square feet and has been used for manufacturing metal cans from 1950 until November 2011. The property has been vacant since November 2011, when Crown Cork and Seal ceased operations on the property. The prospective purchaser plans to renovate the building and lease it to one or more tenants for industrial and warehousing purposes.

Concentrations of certain volatile organic compounds have been detected in exceedance of applicable risk-based concentrations for vapor intrusion into buildings, based on occupational use. The volatile organic compounds have been detected in soil borings and sub-slab vapor probes below a portion of the building known as the Coater Mixing Room. The consent order will require the implementation of a remedy to be selected by DEQ in a separate record of decision. The remedy will require engineering controls to prevent intrusion into the building of sub-slab vapor at concentrations exceeding applicable risk based concentrations. The purchaser will also be required to conduct any soil-disturbing activities in accordance with an approved contaminated media management plan. Finally, the purchaser will be required to record a deed restriction prohibiting interference with the engineering controls and requiring compliance with the approved contaminated media management plan.

DEQ created the prospective purchaser agreement program in 1995 through amendments to the state's Environmental Cleanup Law. The prospective purchaser agreement is a tool that expedites the cleanup of contaminated property and encourages property transactions that would otherwise not likely occur because of the liabilities associated with purchasing a contaminated site.

The proposed consent order will provide 10200 North Lombard, LLC with a release from liability for claims by the State of Oregon under ORS 465.200 to 465.545 and 465.990, 466.640, and 468B.310 regarding existing hazardous substance releases at or from the property. The proposed consent order will also provide 10200 North Lombard, LLC with third party liability protection.
HOW TO COMMENT: Send comments to DEQ Project Manager Jim Orr at 700 NE Multnomah St. Suite 600, Portland OR 97232 or orr.jim@deq.state.or.us. For more information contact the project manager at 503-229-5039.

Request DEQ project file review.

File review application form

Access site summary information and other documents in the DEQ Environmental Cleanup Site Information database, select "Search complete ECSI database," then enter 5864 in the Site ID box and click "Submit" at the bottom of the page. Next, click the link labeled 5864 in the Site ID/Info column. Alternatively, you may go directly to the database website for this page at http://www.deq.state.or.us/Webdocs/Forms/Output/FPController.ashx?SourceId=5864&SourceIdType=1.

If you do not have web access and want to review the project file contact the DEQ project manager.
THE NEXT STEP: DEQ will review consider all public comments received during the comment period. If DEQ decides to enter into the consent order, it will be executed by the parties and recorded with Multnomah County.
ACCESSIBILITY INFORMATION: DEQ is committed to accommodating people with disabilities. If you need information in another format, please contact DEQ toll free in Oregon at 800-452-4011, email at deqinfo@deq.state.or.us or 711 for people with hearing impairments.

REQUEST FOR COMMENTS
PROPOSED CERTIFICATE OF COMPLETION FOR MCCURDY FAMILY, LLC

COMMENTS DUE: 5 p.m., Thursday, Dec. 31, 2015
PROJECT LOCATION: 444 SW Boundary St., Portland
PROPOSAL: DEQ is preparing to certify that all required actions have been satisfactorily completed. This project has resulted in both environmental and economic benefits.
HIGHLIGHTS: In August 2013 McCurdy Family, LLC entered a Prospective Purchaser Agreement (PPA) Consent Judgment with DEQ and agreed to implement a contaminated media management plan on the subject property, including identifying and properly disposing of contaminated soil and groundwater during project construction, and capping the property with a combination of buildings, pavement and three feet of clean soil.

DEQ reviewed the requirements of the PPA and the corresponding actions, and has made a preliminary determination that all obligations of the PPA have been satisfactorily performed and proposes to issue a certification of completion.

DEQ created the Prospective Purchaser Agreement Program in 1995 through amendments to the state's Environmental Cleanup Law. The prospective purchaser agreement is a tool that expedites the cleanup of contaminated property and encourages property transactions that would otherwise not likely occur because of the liabilities associated with purchasing a contaminated site.

The certification of completion confirms McCurdy Family, LLC's release from liability for claims by the State of Oregon under ORS 465.200 to 465.545 and 465.990, 466.640, and 468B.310 regarding existing hazardous substance releases at or from the property. The consent judgment and certification of completion also provide McCurdy Family, LLC with third party liability protection.
HOW TO COMMENT: Email comments to DEQ Project Manager Kevin Dana or mail to Kevin Dana at 700 NE Multnomah Street, Suite 600, Portland, Oregon, 97232. For more information contact the project manager at 503-229-5369.

Find information about requesting a review of DEQ project files.

Find the file review application form.

Get site summary information and other documents from the DEQ Environmental Cleanup Site Information database. Click "Search complete ECSI database," then enter **5790** in the Site ID box and click "Submit" at the bottom of the page. Next, click the link labeled **5790** in the Site ID/Info column. Alternatively, you may go directly to the database website for this page at http://www.deq.state.or.us/lq/ECSI/ecsidetail.asp?seqnbr=5790.

If you do not have web access and want to review the project file contact the DEQ project manager.
THE NEXT STEP: DEQ will consider all public comments received by the date and time stated above before making a final decision regarding the completion certification of the remedial actions taken at the site. A public notice of DEQ's final decision will be issued.
ACCESSIBILITY INFORMATION: DEQ is committed to accommodating people with disabilities. If you need information in another format, please contact DEQ toll free in Oregon at 800-452-4011, email at deqinfo@deq.state.or.us, or 711 for people with hearing impairments.

REQUEST FOR COMMENTS
PROPOSED CLEANUP DECISION FOR PORT OF PORTLAND CONCOURSE AB RAMP SITE

COMMENTS DUE: 5 p.m., Wednesday, Dec. 30
PROJECT LOCATION: 7000 NE Airport Way, Portland, Oregon

PROPOSAL: DEQ is soliciting public comments on the proposed conditional no further action decision at the Port of Portland Concourse A-B site. DEQ has approved remedial action activities implemented at the site, which are consistent with the selected remedy required under the December 2011 Record of Decision and the August 2012 Consent Order. Remedial action at the site to address soil and groundwater contamination is complete, and no further action is needed provided the site controls are maintained by the Port. Site controls include documenting the site in the Master Airport Layout Plan and a site specific Contaminated Media Management Plan to be provided to employees and contractors prior to subsurface work on the site. This proposed determination meets the requirements of Oregon Administrative Rules Chapter 340, Division 122, and Chapter 340 Division 122, Sections 010 to 0140 for Cleanup Sites; and the requirements of ORS 465.320 and 465.325(10)(b) for a Certification of Completion.

HIGHLIGHTS: The site is located on an active aircraft ramp between Concourses A and B at Portland International Airport. It occupies a level area covering approximately two acres and is paved for active aircraft operations. Current and reasonably likely future land uses in the Locality of the Facility are active airfield-related. A soil and groundwater investigation identified releases of jet fuel at the site in the form of light non-aqueous phase liquid (LNAPL) on the water table and in the groundwater smear-zone. The final remedial action required monitoring of LNAPL presence in existing monitoring wells, removal of LNAPL from wells by manual bailing or purging with a portable pump, recycling of the recovered LNAPL, demonstrating that an LNAPL thickness of 0.1 feet or less was maintained for a period of 25 consecutive months without additional LNAPL removal, and development and installation of the site controls described above.

HOW TO COMMENT: Send comments to DEQ Project Manager Anna Coates at 700 NE Multnomah St., Ste. 600, Portland, Oregon or email. For more information contact the project manager at 503-229-5213.

Request a DEQ project file review.

Find a file review application form at: http://www.deq.state.or.us/records/RecordsRequestForm.pdf

Access site summary information and other documents in the DEQ Environmental Cleanup Site Information database, select "Search complete ECSI database," then enter ECSI 4739 in the Site ID box and click "Submit" at the bottom of the page. Next, click the link labeled ECSI 4739 in the Site ID/Info column. Alternatively, you may go directly to the database website for this page at: http://www.deq.state.or.us/lq/ECSI/ecsilist.asp?SiteID=4739&Bus_Name=&Address=&County=ALL&City=&Zip_Code=&LatitudeMin=&LatitudeMax=&LongitudeMin=&LongitudeMax=&Township=All&TownshipZone=N&Range=1&RangeZone=E&Section=All&ActionCode=All&Substance=None&Alias=None&Submit=Submit&listtype=lis.

If you do not have web access and want to review the project file contact the DEQ project manager.

THE NEXT STEP: Once the public comment period has closed DEQ will consider all comments before making a decision concerning the conditional No Further Action determination and the Certificate of Completion.

ACCESSIBILITY INFORMATION: DEQ is committed to accommodating people with disabilities. If you need information in another format, please contact DEQ toll free in Oregon at 800-452-4011, 711 for people with hearing impairments or email.

REQUEST FOR COMMENTS PROPOSED NO FURTHER ACTION DETERMINATION FOR ARBOR HEIGHTS PROPERTIES

COMMENTS DUE: 5 p.m., Thursday Dec. 31, 2015

PROJECT LOCATION: Area of intersection NW Greenwood Drive and NW Modena Ave., Portland

PROPOSAL: The proposed No Further Action determination meets the requirements of Oregon Administrative Rules Chapter 340, Division 122, Sections 0010 to 0140 and Oregon Revised Statutes 465.200 through 465.455. The Arbor Heights Properties are a proposed residential subdivision located in Washington County about six miles northwest of downtown Portland and about 1.6 miles east of Portland Community College, Rock Creek Campus.

HIGHLIGHTS: A portion of the Arbor Heights Properties was formerly known as the Kroell Property which included a small chrome-plating operation. In 2012, DEQ found that Kroell property soils contained elevated concentrations of hexavalent chromium. DEQ required the removal and offsite disposal of 386 tons of chromium-contaminated soil from the area of the plating operation. DEQ issued a No Further Action Determination for the Kroell Property on June 5, 2013.

Soil samples collected on the Arbor Heights Properties following site grading showed that hexavalent chromium was present in soil on 11 lots. This contamination is associated with the former Kroell Property. An additional 2578 tons of chromium-contaminated soil was removed from the 11 lots. Testing of residual soil from the Arbor Heights Properties indicates that most chromium-contaminated soil has been removed from the 11 lots and meets DEQ Risk Based Concentrations for future residents as well as construction and excavation workers. Residual contamination has been covered in most areas by at least three feet of clean soil, or is located in the street right-of-way where contact by future residents is unlikely.

HOW TO COMMENT: Send comments to DEQ Project Manager Kenneth Thiessen at 700 NE Multnomah St., Suite 600, Portland, Oregon 97232. For more information, contact the project manager at 503-229-6015.

Find information about requesting a review of DEQ project files or the file review application form.

To access site summary information and other documents in the DEQ Environmental Cleanup Site Information database, select "Search complete ECSI database," then enter 1095 in the Site ID box and click "Submit" at the bottom of the page. Next, click the link labeled ECSI 1095 in the Site ID/Info column. Alternatively, you may go directly to the database website for this page at http://www.deq.state.or.us/lq/ECSI/ecsidetail.asp?seqnbr=1095

If you do not have web access and want to review the project file contact the DEQ project manager.

THE NEXT STEP: Once the public comment period has closed DEQ will consider all comments before making a decision concerning the proposed no further action determination.

ACCESSIBILITY INFORMATION: DEQ is committed to accommodating people with disabilities. If you need information in another format, please contact DEQ toll free in Oregon at 800-452-4011, email at deqinfo@deq.state.or.us, or 711 for people with hearing impairments.

PUBLIC NOTICE OF A RECOMMENDATION OF CONDITIONAL NO FURTHER ACTION FOR THE SOS PLUMBING & DRAIN PROPERTY, LOCATED AT 165 WATER STREET, ASHLAND, OREGON

Oregon Department of Environmental Quality (DEQ) is giving public notice of a proposed Conditional No Further Action determination for a cleanup of soil contamination at the SOS Plumbing & Drain property, located at 165 Water Street, Ashland, Oregon. In the November 23, 2015 Staff Report, DEQ recommended a Conditional No Further Action determination for the site.

Contamination in soil and groundwater at the site resulted from historic past practices at the facility involving the storage and distribution of fuel oil, leading to releases of petroleum hydrocarbons to the soil and groundwater. In 2015, SOS Plumbing & Drain completed a removal action at the site, removing 212 tons of petroleum contaminated soil down to a depth of four feet.

If you have any comments about the proposed Conditional No Further Action determination, please send them to Norman Read no later than 5 p.m., December 30, 2015 at DEQ, 165 E. 7th Avenue, Suite 100, Eugene, OR 97401. You can also email Norman Read at read.norm@deq.state.or.us.

To access DEQ's draft Conditional No Further Action Memo and other documents in the DEQ Environmental Cleanup Site Information database, go to: www.deq.state.or.us/lq/ECSI/ecsi.htm then enter "4951" in the Site ID box and click "Submit" at the bottom of the page. Next, click the link labeled "4951" in the Site ID/Info column. To review the project file in person, call the Eugene DEQ Reception at (541) 686-7838 for a file review appointment. All comments will be addressed and considered before DEQ makes its final decision to formalize the Conditional No Further Action status for the site.

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 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. Oral comments may be submitted at the appropriate time during a rulemaking hearing as outlined in OAR 137-001-0030.

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

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

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

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Board of Examiners for Engineering and Land Surveying
Chapter 820

Rule Caption: To adopt a photogrammetry examination rule and to amend the Oregon specific examination rule.
Stat. Auth.: ORS 670.310 & 672.255
Stats. Implemented: ORS 672.002–672.325
Proposed Adoptions: 820-010-3020
Proposed Amendments: 820-020-0040
Last Date for Comment: 1-4-16, Close of Business
Summary: OAR 820-010-3020 — The language proposed relates to the photogrammetry examination required for registration as a Registered Professional Land Surveyor.

OAR 820-020-0040 — The proposed revisions update the examination subversion rule to apply only to the Oregon specific examinations administered by the Board.
Rules Coordinator: Jenn Gilbert
Address: Board of Examiners for Engineering and Land Surveying, 670 Hawthorne Ave. SE, Suite 220, Salem, OR 97301
Telephone: (503) 934-2107

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Department of Administrative Services
Chapter 125

Rule Caption: Adopts and Amends Qualified Rehabilitation Facilities and Public Contracting Rules

Date:	Time:	Location:
12-16-15	1 p.m.	DAS Bachelor Butte Conf. Rm. #11 1225 Ferry St. SE Salem, OR 97301

Hearing Officer: Jay Jackson
Stat. Auth.: ORS 279A.050, 279A.065 & 279A.070
Stats. Implemented: ORS 279A.020, 279A.030 & 279A.065, 279A.070, 279A.100, 279A.105, 279A.110, 279A.140; 2015 Oregon Laws, Chapter 646 (HB 2375)
Proposed Adoptions: Rules in 125-246, 125-246-0130 through 125-246-0199, 125-246-0200 through 125-246-0230, 125-247-0185
Proposed Amendments: 125-055-0040, 125-246-0100, 125-246-0110, 125-246-0200; 125-246-0210, 125-246-0220, 125-246-0330, 125-246-0500, 125-247-0100, 125-247-0260, 125-247-0270, 125-247-0500, 125-247-0640, 125-248-0100, 125-248-0220, 125-249-0100, 125-249-0120, 125-249-0370, 125-249-0390, 125-249-0440
Last Date for Comment: 12-16-15, 5 p.m.
Summary: In 1977, the Oregon legislature passed the "Products of Disabled Individuals" act or Qualified Rehabilitation Facility (QRF) law. The QRF law obliges all state and local governments, school districts and other tax supported political bodies in Oregon, to purchase goods and services from QRFs when the product or service meets their requirements. ORS 279.845 requires the Department of Administrative Services (DAS) to make rules to carry out the purposes of the QRF law, ORS 279.835 to 279.855. The Rules interpreting these statutes were revised in 2003, and again in 2010. In 2015, the Legislature made changes to select sections of the QRF law. Now, in response to the legislative changes, DAS needs to amend the select Rule listed in this filing. The Agency requests public comment on whether other options should be considered for achieving the rules' substantive goals while reducing the negative economic impact of the rule on business.

Since 2005, the Department of Administrative Services (DAS) has developed and amended rules (Rules) to put into practice the Public Contracting Code, ORS 279ABC (Code). The Rules apply to state agencies subject to DAS procurement authority (Agencies). In 2015, the Legislature made changes to select sections of the Code and to ORS 279. In addition to the legislative changes to the Code, the Department of Justice and Agencies requested select Rule changes to streamline or reduce duplications. Now, in response to the legislative changes and requests for change from stakeholders, DAS needs to amend the select Rules listed in this filing.
Rules Coordinator: Janet Chambers
Address: Department of Administrative Services, 155 Cottage St. NE, Salem, OR 97301
Telephone: (503) 378-5522

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Rule Caption: Amends and repeals rules to streamline criminal records requirements statewide.

Date:	Time:	Location:
12-15-15	9 a.m.	State Capitol 900 Court St. NE, HR 50 Salem, OR

Hearing Officer: Wendy Heckman
Stat. Auth.: ORS 181.516, 181.533, 181.534, 181.547, 184.340,184.365
Other Auth.: HB3168 (2013) HB 2250 (2015)
Stats. Implemented: 181.516, 181.533, 181.534, 181.547
Proposed Amendments: 125-007-0200, 125-007-0210, 125-007-0220, 125-007-0250, 125-007-0260, 125-007-0270, 125-007-0300, 125-007-0310, 125-007-0330
Proposed Repeals: 125-007-0230, 125-007-0240, 125-007-0280, 125-007-0290, 125-007-0320
Last Date for Comment: 12-15-15, 5 p.m.
Summary: Enrolled HB 3168, from the 2013 legislative session provided the Department of Administrative services designated authority to develop state-wide criminal records administrative rules. Enrolled HB 2250, from the 2015 legislative session introduced additional streamlining efforts and added requirement for establishing state-wide administrative rules. The administrative rules are being amended and repealed in compliance with these laws.

Section 6, of Enrolled HB 3168 from the 2013 legislative session states: ".....rules adopted by an authorized agency, as defined in ORS 181.533, 181.534 and the Department of Human Services or the Oregon Health Authority under ORS 181.533, 181.534, 181.537 and 418.016 that are in effect on the effect date of this 2013 Act continue in effect until superseded or repealed by rules adopted by the Oregon Department of Administrative Services....."

Therefore, agencies described in this section, must repeal all criminal records related administrative rules upon adoption of these rules.

These rules provide direction on when a criminal records check shall be conducted and streamlines the process state-wide.

Rules Coordinator: Janet Chambers
Address: Department of Administrative Services, 155 Cottage St. NE, Salem, OR 97301
Telephone: (503) 378-5522

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Rule Caption: Amending rules governing disposition and acquisition of real property interests

Date:	Time:	Location:
12-16-15	2 p.m.	1225 Ferry St. SE, Wallowa Mt. Conference Rm. Salem, OR 97301

Hearing Officer: Shannon Ryan
Stat. Auth.: ORS 184.340, 270.015 & 270.100
Stats. Implemented: ORS 244.010, 270.005, 270.100, 270.010, 270.105, 270.110, 270.120, 270.130, 270.135, 270.140, 273.785, 2015 OL Ch. 572 (HB 3524) & 2015 OL Ch. 285 (SB 224)
Proposed Amendments: 125-045-0200, 125-045-0205, 125-045-0225, 125-045-0235, 125-045-0245
Last Date for Comment: 12-23-15, 5 p.m.
Summary: Oregon law requires the Department of State Lands, the Oregon Department of Transportation and the Department of Administrative Services to sell surplus real property. Agencies routinely review properties to make this determination and if parcels are not needed, they are offered for sale, first to other state agencies, then to local government entities, then to the public. Properties that will be needed in the future are leased until such times they are needed. The sale and lease of these lands generates revenues that fund a variety of things such as schools and state highway investments, depending on the agency that sells the land.

House Bill 3524 directs state agencies to Offer Certain lands first to nonprofit organizations and federally recognized Indian tribes for affordable housing development. The subject property must be within an urban growth boundary, an urban reserve, a rural community, or an urban unincorporated community; not being used for a public purpose, and not needed for public use within five years.

SB224 exempts Oregon Health Authority (OHA) and Department of Human Services (DHS) from certain provisions relating to acquiring, holding or disposing of real property or equitable interest in real property or in mineral or geothermal resource right; operative January 1, 2016. Federal and state law require the Oregon Health Authority (OHA) and the Department of Human Services (DHS) to have Estate Recovery Programs for public programs such as Medicaid for long-term care recipients. DHS and OHA are required to seek reimbursement from the assets of the deceased individual, with certain exceptions, for some or all of the benefits the individual received. As part of the estate recovery process, DHS will acquire the title to residential real property, pursuant to the authority granted under ORS 410.075 and ORS 411.340. Due to the fact that the process to sell state-owned real property is time consuming and expensive, the Department of Veterans' Affairs and the Housing and Community Services Department have been granted exemptions from these requirements. SB224 grants OHA and DHS the same exemptions for the real property that the Estate Recovery Program acquires.

Rules Coordinator: Janet Chambers
Address: Department of Administrative Services, 155 Cottage St. NE, Salem, OR 97301
Telephone: (503) 378-5522

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Department of Agriculture
Chapter 603

Rule Caption: Establishes fees for the certification of qualified equipment for certain food processors.

Date:	Time:	Location:
1-5-16	10 a.m.	Oregon Dept. of Agriculture 635 Capitol St. NE Basement Conference Rm. D Salem OR 97301

Hearing Officer: Staff
Stat. Auth.: ORS 561 & 307.453–460
Other Auth.: H.R. 3125 78th Legislative Assembly (OR 2015)
Stats. Implemented: ORS 307.453–460
Proposed Adoptions: 603-025-0151, 603-025-0152
Proposed Amendments: 603-025-0150
Last Date for Comment: 1-8-16, 5 p.m.
Summary: Oregon law establishes criteria that allows some qualified food processing equipment to be exempt from property taxation when it is used to process grains, bakery products, dairy products, and eggs. Food processors that are engaged in the business of producing alcholic beverages, marijuana, or any product containing marijuana or marijuana extract do not qualify for the exemption. Persons engaged in the production of bakery products do not qualify for the exemption unless the person maintains a wholesale license issued by the Oregon Department of Agriculture. Machinery and equipment used to process grains or bakery products must have a real market value of at least $100,000 when placed in service to be eliglble for the exemption. Furthermore, qualified machinery and equipement used to process bakery products is ineligible for the exemption if the proceeds from retail sales made at the processing site constitute more than 10% of all proceeds from sales made at the processing site.

This rulemaking fixes fees that the Department of Agriculture will assess and collect from food processors when certifiying qualified machinery and equipment for purposes of the tax exemption. The Department of Agriculture is authorized to certify qualified machinery and equipment in ORS 307. Additionally, the Oregon Legislative Assembly passes House Bill 3125 in 2015, which further amended ORS 307 to authorize the Department of Agriculture to fix, assess and collect, fees that are reasonably necessary to cover the costs of certification and administration of certifying qualified machinery and equipment. Plus, the scale of fees may vary according to the locatin of the qualified machinery and equipment.

The proposed fees include: (1) a charge of service at the rate of $95 per hour; (2) travel time at the rate of $95 per hour; (3) mileage, lodging, and per diem reimbursed rates established by the Department of Administrative Services (DAS); and (4) an application fee of $100 for each request that is submitted and received by the Department of Agriculture. Each request may include more than one item of machinery and equipment, but if additional requests are submitted, the application fee will be reassessed.

Rules Coordinator: Sue Gooch
Address: Department of Agriculture, 635 Capitol St. NE, Salem, OR 97301
Telephone: (503) 986-4583

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

Rule Caption: Amending certification requirements for building officials, inspectors and plans examiners.

Date:	Time:	Location:
12-16-15	9:30 a.m.	1535 Edgewater St. NW Salem, OR 97304

Hearing Officer: Richard J. Baumann
Stat. Auth.: ORS 446.250, 446.255, 447.010, 455.030, 455.055, 445.062, 455.110, 455.622, 455.720, 455.730, 455.735 & 455.740
Stats. Implemented: ORS 446.250, 446.255, 447.010, 455.030, 455.055, 445.062, 455.110, 455.622, 455.720, 455.730, 455.735 & 455.740
Proposed Adoptions: Rules in 918-098, 918-281, 918-695
Proposed Amendments: Rules in 918-098, 918-281, 918-695
Proposed Repeals: Rules in 918-098, 918-281, 918-695

Last Date for Comment: 12-18-15, 5 p.m.
Summary: These proposed rules amend the division's certification requirements for persons performing work in Oregon as a building official, inspector, or plans examiner. These proposed rules contain a variety of changes including, but not limited to: persons qualify for certain certifications using a nationally recognized certification; amending the renewal requirements for the Oregon Inspector Certification, eliminating new application provisions for a manufactured structure installation inspector and park and camp inspector certifications, and modifying qualification requirements for persons who want to perform medical gas plumbing inspections. Additionally, these rules clarify the duties and responsibilities of building officials, inspectors, and plans examiners.
Rules Coordinator: Holly A. Tucker
Address: Department of Consumer and Business Services, Building Codes Division, PO Box 14470, Salem, OR 97309-0404
Telephone: (503) 378-5331

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

Rule Caption: Adopt changes to the fall protection standard and slide guard use in construction.

Date:	Time:	Location:
1-7-16	1:30 p.m.	City of Seaside City Hall, Court Chambers 989 Broadway Seaside, OR 97138
1-12-16	10 a.m.	Oregon OSHA, Durham Plaza 16760 SW Upper Boones Ferry Rd. Suite 200 Tigard, OR 97224
1-13-16	10 a.m.	Oregon OSHA 1140 Willagillespie Rd.,Suite 42 Eugene, OR 97401-6730
1-14-16	10 a.m.	City of Medford, Lausmann Annex, Rm. 151 200 S. Ivy Medford, OR 97501
1-20-16	10 a.m.	Oregon OSHA, Red Oaks Square 1230 NE Third St., Suite A-115 Bend, OR 97701-4374

Hearing Officer: Sue Joye
Stat. Auth.: ORS 654.025(2) & 656.726(4)
Stats. Implemented: ORS 654.001–654.295
Proposed Adoptions: 437-003-2501
Proposed Amendments: 437-003-0001, 437-003-0134, 437-003-0503, 437-003-1500, 437-003-1501
Proposed Repeals: 437-003-3502
Last Date for Comment: 1-27-16, 5 p.m.
Summary: The Occupational Safety and Health (OSH) Act of 1970, encourages states to develop and operate their own workplace safety and health programs and prevents state enforcement of OSHA standards unless the state has a federal OSHA-approved State Plan that meets the requirements under Section 18 (State Jurisdiction and State Plans) of the OSH Act. Section 18 criterion for initial and continuing State Plan approval includes the promulgation and enforcement of workplace safety and health standards that federal OSHA considers "at least as effective as" their own program standards. The purpose of the Oregon Safe Employment Act includes the statement that one purpose of the state law is to "assure that Oregon assumes fullest responsibility...for the development, administration and enforcement of safety and health laws and standards" in accordance with the OSH Act (ORS 654.003(6)).

Oregon OSHA and federal OSHA have been in conversation about the fall protection issue for some time. During October of 2015, Oregon OSHA received written confirmation from federal OSHA that Oregon OSHA's fall protection requirements for construction activities cannot be considered at least as effective as the Occupational Safety and Health Administration's (OSHA) requirements. Federal OSHA identified two specific items of concern that Oregon OSHA must address:

1) Oregon's 10-foot general fall protection trigger height for construction activities is inconsistent with federal OSHA's 6-foot trigger height. A "trigger height" is a specified minimum height at or above which workers must be protected from fall hazards. Oregon's 10-foot general trigger height for construction activities applies to any walking/working surface except for those permitted by another standard. "437-003-1500(7) Walking/working surface means any surface, whether horizontal or vertical on which an employee walks or works, including, but not limited to, floors, roofs, ramps, bridges, runways, formwork, beams, columns, trusses and concrete reinforcing steel but not ladders, vehicles, or trailers, on which employees must be located in order to perform their job duties." Lowering Oregon's 10-foot general trigger height to a 6-foot general fall protection trigger height for construction activities is needed to comply with the State Plan requirements under Section 18 of the OSH Act.

2) Oregon's allowance of slide guards as an acceptable fall protection system for construction activities is inconsistent with federal OSHA's fall protection requirements. "437-003-1500(6) Slide guard system means a fall protection system designed to prevent employees from sliding off a sloped roof to a lower level. The system consists of manufactured brackets (roof brackets) used in conjunction with dimensional lumber, or a site built system of similar designed and dimension." They are currently allowed in Oregon on roofs with slopes of 3:12 to 8:12 and ground-to-eave heights of 25 feet or less. Since federal OSHA does not consider slide guard systems as effective as conventional fall protection systems such as guardrails systems, safety net systems, or personal fall arrest systems, prohibiting their use as a sole or primary fall protection system is needed to comply with the State Plan requirements under Section 18 of the OSH Act.

In the interest of continuing its efforts to better protect Oregon workers under its own State Plan, Oregon OSHA, in collaboration with an ad hoc fall protection subcommittee of the Construction Advisory Committee, is proposing a two-step approach that will address federal OSHA's concerns and provide affected employers two reasonable time periods to acquire knowledge of, and comply with, these proposed rule changes.

Fall protection trigger height requirements covered under Subdivisions 3/L (Scaffolding), 3/R (Steel Erection), 3/S (Underground Construction), 3/CC (Cranes and Derricks in Construction); Division 2 (General Occupational Safety and Health Rules); Division 4 (Agriculture); and Division 7 (Forest Activities), are unaffected by this rulemaking.

Oregon OSHA proposes to revise the general fall protection requirements covered under Division 3 (Construction Industry), Subdivisions 3/M (Fall Protection) and 3/E (Personal Protective and Life Saving Equipment).

The proposed revisions to Subdivision 3/M, include amending the 10-foot general trigger height for fall protection to 6 feet, and revoking the use of slide guards as a sole or primary fall protection system. Fall protection and falling object protection requirements currently under 437-003-1501(1) through (5) were removed due to redundancy or revised and renumbered for clarification as a result of this rulemaking.

The proposed revisions to Subdivision 3/E, include repealing 437-003-0134(5)(a), which has a 10-foot general fall protection trigger height requirement, due to redundancy, and revises and renumbers 437-003-0134(5)(b) for clarification.

The tentative effective dates of the proposed rule changes are:

1) January 1, 2017, for the 6-foot general fall protection trigger height under Subdivision 3/M.

2) October 1, 2017, for prohibiting the use of slide guard systems as a sole or primary fall protection system.

Please visit our web site www.orosha.org

Click 'Rules' 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

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

Rule Caption: Threshold (split point) for reporting individual claims by self-insured employers

Date:	Time:	Location:
12-21-15	10 a.m.	Room E, Labor & Industries Bldg. 350 Winter St. NE Salem, OR

Hearing Officer: Fred Bruyns
Stat. Auth.: ORS 656.407, 656.430 & 656.726(4)
Stats. Implemented: ORS 656.407 & 656.430
Proposed Amendments: 436-050-0003, 436-050-0175
Last Date for Comment: 12-23-15, Close of Business
Summary: The public may also listen to the hearing or testify by telephone:

Dial-in number is 1-213-787-0529; Access code is 9221262#.

The agency proposes to index the threshold for reporting individual claims by self-insured employers to the National Council on Compensation Insurance (NCCI) split point as published in agency Bulletin 209, and to remove the NCCI split point dollar amount from the rules. The split point will increase from $15,500 to $16,000 effective Jan. 1, 2016.
Rules Coordinator: Fred Bruyns
Address: Department of Consumer and Business Services, Workers' Compensation Division, PO Box 14480, Salem, OR 97309-0405
Telephone: (503) 947-7717

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Department of Fish and Wildlife
Chapter 635

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

Date:	Time:	Location:
1-15-16	8 a.m.	4034 Fairview Industrial Dr. SE Salem, OR 97302

Hearing Officer: Oregon Fish & Wildlife Commission
Stat. Auth.: ORS 506.119
Stats. Implemented: ORS 506.109 & 506.720
Proposed Amendments: 635-006-0232
Last Date for Comment: 1-15-16, Close of Hearing
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: Michelle Tate
Address: Department of Fish and Wildlife, 4034 Fairview Industrial Dr. SE, Salem, OR 97302
Telephone: (503) 947-6044

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Rule Caption: Groundfish and Coastal Pelagic Species Fisheries Regulations.

Date:	Time:	Location:
1-15-16	8 a.m.	4034 Fairview Industrial Dr. SE Salem, OR 97302

Hearing Officer: Oregon Fish & Wildlife Commission
Stat. Auth.: ORS 496.138, 496.162, 506.036, 506.109, 506.119 & 506.129
Other Auth.: Oregon SB 1510 (2012).
Stats. Implemented: ORS 196.540-196.555, 496.162, 506.109 & 506.129
Proposed Adoptions: Rules in 635-004, 635-005, 635-012, 635-039
Proposed Amendments: Rules in 635-004, 635-005, 635-012, 635-039
Proposed Repeals: Rules in 635-004, 635-005, 635-012, 635-039
Last Date for Comment: 1-15-16, Close of Hearing
Summary: These rules establish annual groundfish management measures and harvest limits for 2016 commercial and sport groundfish fisheries. Modifications to coastal pelagic species (CPS) regulations bring Oregon concurrent with federally adopted regulations for Pacific mackerel and expand existing Oregon sardine regulations for: fishing gear, bycatch, reduction processing and pumping fish from another vessel's seine to apply to a number of other coastal pelagic species. In addition, mackerels are added to the list of species for which harvest is prohibited inside the Cape Perpetua Seabird Protection Area. Coastal pelagic species include: Pacific sardine, Pacific mackerel, market squid, jack mackerel, northern anchovy, and krill.

Housekeeping and technical corrections to the regulations will occur to ensure rule consistency.
Rules Coordinator: Michelle Tate
Address: Department of Fish and Wildlife, 4034 Fairview Industrial Dr. SE, Salem, OR 97302
Telephone: (503) 947-6044

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Department of Forestry
Chapter 629

Rule Caption: Recreational- and commercial-use of State Forests lands.

Date:	Time:	Location:
12-17-15	6 p.m.	Department of Forestry 2600 State St., Bldg D Salem, OR 97310
1-4-16	6 p.m.	World Forestry Center 4033 SW Canyon Rd. Portland, OR 97221
1-15-16	6 p.m.	Department of Forestry 92219 Hwy. 202 Astoria OR 97103

Hearing Officer: Justin Butteris
Stat. Auth.: ORS 530.050
Stats. Implemented: ORS 530.010–530.040 & 530.990
Proposed Adoptions: 629-025-0021, 629-025-0022, 629-025-0090, 629-025-0099
Proposed Amendments: 629-025-0000, 629-025-0005, 629-025-0011, 629-025-0020, 629-025-0030, 629-025-0040, 629-025-0050, 629-025-0060, 629-025-0070
Last Date for Comment: 2-8-16, 5 p.m.
Summary: The proposed rules are intended to address challenges faced by the Department in implementing its recreation program on State Forest lands. Increases in use of facilities and changes in the types of uses have resulted in conflicts between recreating publics. Increased use has also created issues with sanitation, safety, and vandalism. Proposed changes are intended to reduce conflict and provide the Department with tools to address issues.

The proposed rules also include new rules regarding permitting, and health and safety standards for large commercial events, as directed by the passage of House Bill 2453 in 2015.

The proposal includes the following actions:

- Amend 629-025-0000 to include commercial-use as a purpose of the rules.
- Amend 629-025-0005 to modify, add, and delete defined terms used in the rules.
- Amend 629-025-0011 to add commercial events to the list of activities that may require a permit from the State Forester.
- Amend 629-025-0020 to clarify the conditions and process for obtaining a permit for organized events.
- Adopt 629-025-0021 to provide the process and conditions for obtaining a large commercial event permit.

- Adopt 629-025-0022 to provide the health and safety standards required for a large commercial event.

- Amend 629-025-0030 to make changes to the fees for recreation on State Forest Lands.

- Amend 629-025-0040 to address public conduct with regard to waste, unattended property, fighting, indecency, and weed-free forage.

- Amend 629-025-0050 to remove prohibition on possession of loaded firearms and add prohibition on nudity in designated recreation areas.

- Amend 629-025-0060 to provide clarification on the presence of service animals and stock animals, and to address occupancy of campsites.

- Amend 629-025-0080 to provide clarification on when and how unattended personal property will be removed.

- Adopt 629-025-0090 to address how rules in this Rule Division will be enforced.

- Adopt 629-025-0099 to provide clarification on the penalty level for violations of rules in this Division.

Proposed draft rules can be accessed on our agency website at http://www.oregon.gov/ODF/Pages/index.aspx or by contacting Justin Butteris at (503) 945-7481.

Written comments must be received by 5:00 p.m., February 8, 2016. Submissions should be addressed to Justin Butteris, State Forests Policy Analyst, Oregon Department of Forestry, 2600 State Street, Building D, Salem, OR 97310 or sent via email to ODF.SFCOMMENTS@oregon.gov

Rules Coordinator: Sabrina Perez
Address: Department of Forestry, 2600 State St., Salem, OR 97310
Telephone: (503) 945-7210

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Department of Human Services,
Self-Sufficiency Programs
Chapter 461

Rule Caption: Amending rules relating to public assistance programs

Date:	**Time:**	**Location:**
12-21-15	11 a.m.	500 Summer St. NE, Rm. 257 Salem, OR 97301

Hearing Officer: Kris Skaro
Stat. Auth.: ORS 409.050, 411.060, 411.070 & 411.816
Other Auth.: Food and Nutrition Act of 2008
Stats. Implemented: ORS 409.010, 409.050, 409.610, 411.060, 411.070, 411.816, 411.825 & 411.837
Proposed Amendments: 461-130-0310, 461-130-0330, 461-135-0400, 461-155-0180, 461-165-0030
Last Date for Comment: 12-23-15, 5 p.m.
Summary: OAR 461-130-0310 about participation classifications is being amended to comply with the federal exemption criteria for ABAWD (able-bodied adults without dependents) which states that in the SNAP program an individual receiving benefits under Title IV of the Social Security Act is exempt from employment program participation.

OAR 461-130-0330 about disqualifications is being amended to add a reference to the ABAWD rule, OAR 461-135-0520, which has information about disqualification as it relates to time limits for ABAWD clients.

OAR 461-135-0400 about specific requirements of the ERDC program is being amended to state that a child care need may be established when one adult in a filing group is unemployed if Child Welfare confirms that supervised contact is required between the child and the unemployed parent or spouse who is living in the home with the child.

OAR 461-155-0180 about poverty related income standards (for non-medical programs) is being amended to reflect the annual Federal Poverty Level (FPL) adjustments. The poverty guidelines are updated annually by the US Department of Health and Human Services based on the Consumer Price Index for All Urban Consumers (CPI-U). The poverty guidelines are then used to determine financial eligibility for public assistance programs.

OAR 461-165-0030 about receipt of concurrent benefits is being amended to state that an individual receiving assistance through the Refugee Matching Grant Program may not receive REF or TANF assistance at the same time. The Refugee Matching Grant Program is a voluntary cash assistance alternative program funded by the Office of Refugee Resettlement and administered by local Refugee Resettlement Agencies.

In addition, non-substantive edits may be made to: ensure consistent terminology throughout self-sufficiency program rules and policies; make general updates consistent with current Department practices; update statutory and rule references; correct formatting and punctuation; remove unnecessary language; improve ease of reading; and clarify Department rules and processes.

Rules Coordinator: Kris Skaro
Address: Department of Human Services, Self-Sufficiency Programs, 500 Summer St. NE, E-48, Salem, OR 97301
Telephone: (503) 945-6067

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Department of Justice
Chapter 137

Rule Caption: Motor Vehicle Advertising

Date:	**Time:**	**Location:**
12-21-15	10 a.m.	1515 SW 5th Ave., Suite 410 Portland, OR 97201

Hearing Officer: Eva Novick
Stat. Auth.: ORS 646.608
Stats. Implemented: ORS 646.608
Proposed Amendments: 137-020-0050
Last Date for Comment: 12-21-15, 5 p.m.
Summary: OAR 137-020-0050, known as the "Motor Vehicle Advertising rule" was originally adopted in 1987. It was last substantively amended in 2008. The proposed amendments address changes in the industry, delete repetitive and outdated information, and 2015 HB 2282.
Rules Coordinator: Carol Riches
Address: Department of Justice, 1162 Court St. NE, Salem, OR 97301
Telephone: (503) 378-5987

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Rule Caption: Motor Vehicle Price and Sales Disclosure

Date:	**Time:**	**Location:**
12-21-15	10 a.m.	1515 SW 5th Ave., Suite 410 Portland, OR 97201

Hearing Officer: Eva Novick
Stat. Auth.: ORS 646.608
Stats. Implemented: ORS 646.608
Proposed Amendments: 137-020-0020
Last Date for Comment: 12-21-15, 5 p.m.
Summary: OAR 137-020-0020, known as the "Motor Vehicle Price and Sales Disclosure rule" was originally adopted in 1979. It was last substantively amended in 2008. The proposed amendment addresses changes in the industry, deletes repetitive and outdated information, and 2015 HB 2282.
Rules Coordinator: Carol Riches
Address: Department of Justice, 1162 Court St. NE, Salem, OR 97301
Telephone: (503) 378-5987

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Rule Caption: Amends Model Public Contract Rules; implements new laws on contractor responsibility, state contract templates.

Date:	**Time:**	**Location:**
12-18-15	10 a.m.	1215 State St. NE, Basement Redwood Conference Rm. Salem, OR 97301

Hearing Officer: Ellen Flint

Stat. Auth.: ORS 279A.065, 279B.060, OL 2015 Ch. 325, OL 2015 Ch. 454, OL 2015 Ch. 539, OL 2015 Ch. 565 & OL 2015 Ch. 646.
Stats. Implemented: ORS 200.005, 200.025, 200.035, 200.045, 200.055, 200.065, 200.075, 279A.065, 279A.105, 279A.110, 279B.060, 279B.110, 279B.235, 279C.110, 279C.375, 279C.395, 279C.520, OL 2015 Ch. 325, OL 2015 Ch. 454, OL 2015 Ch. 539, OL 2015Ch. 565 & OL 2015 Ch. 646
Proposed Adoptions: 137-046-0140
Proposed Amendments: 137-046-0110, 137-046-0200, 137-046-0210, 137-047-0260, 137-047-0640, 137-048-0220, 137-049-0120, 137-049-0370, 137-049-0390, 137-049-0440
Last Date for Comment: 12-18-15, Close of Business
Summary: The Attorney General proposes to amend the Model Public Contract Rules applicable to state and local contracting agencies to respond to legislative changes enacted in the 2015 Regular Session of the Oregon Legislative Assembly and to improve, clarify, and update the rules. Proposed changes would implement the following legislation: SB 491 (2015 Oregon Laws, chapter 454) (responsible bidders or proposers on contracts exceeding $500,000 with at least 50 employees must have certificate of training on the pay equity law, ORS 652.220); SB 675 (2015 Oregon Laws, chapter 539) (responsible bidders or proposers for goods or services contracts must attest that they complied with state and political subdivision tax laws); HB 2375 (2015 Oregon Laws, chapter 646) (Attorney General and Department of Administrative Services must develop solicitation templates, contract forms and contract templates for state agency public contracts); HB 2716 (2015 Oregon Laws, chapter 325) (contractors and subcontractors, in contracts awarded under disadvantaged, minority, women-owned and emerging small business program, must maintain certification under ORS 200.055); and HB 3303 (2015 Oregon Laws, chapter 565) (adds businesses owned by service-disabled veterans to the businesses for which participation in public contracts must be promoted under ORS chapter 200).

Another proposed change would modify OAR 137-047-0260(2)(c)(B), which prescribes requirements for competitive sealed proposals for contracts for goods and services. That amendment would require the application of equal measures of comparison to each of the proposers in a public contract solicitation, and would call for contracting agencies to use pricing criteria that would permit the agencies to reasonably estimate the costs of a contract, based on the proposals the agencies receive. Additional proposed rule amendments would update definitions and rule references to state officers and agencies whose titles have changed.
Rules Coordinator: Carol Riches
Address: Department of Justice, 1162 Court St. NE, Salem, OR 97301
Telephone: (503) 378-5987

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Rule Caption: Increases fees related to charitable organizations' filing of required annual financial reports

Date:	Time:	Location:
1-12-16	1:30 p.m.	Portland State Office Bldg. 800 NE Oregon St., #1D Portland, OR

Hearing Officer: Staff
Stat. Auth.: ORS 128.670(7) & (9)
Stats. Implemented: ORS 128.630, 128.650 & 128.670
Proposed Amendments: 137-010-0030
Last Date for Comment: 1-15-16, Close of Business
Summary: The proposed rule amends OAR 137-010-0030 to increase fees associated with registered charitable organizations' filing of annual financial reports required by ORS 128.650 and 128.670. ORS 128.670(7)(e) requires charitable report fees be sufficient to pay the expenses associated with the Department's charitable oversight program. The new fees will continue to be on a sliding scale based on income and assets.
Rules Coordinator: Carol Riches
Address: Department of Justice, 1162 Court St. NE, Salem, OR 97301
Telephone: (503) 378-5987

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Department of Public Safety Standards and Training
Chapter 259

Rule Caption: Changes "Liquor Enforcement Inspector" to "Regulatory Specialist" (HB3400); changes 259-008-0060 DUII Implied Consent (HB2372); housekeeping.
Stat. Auth.: ORS 176.260, 181.640, 181.644, 181.651, 181.652, 181.653, 181.665 & 183.341
Stats. Implemented: ORS 176.260, 181.640, 181.644, 181.651, 181.652, 181.653, 181.665 & 183.341
Proposed Amendments: 259-008-0005, 259-008-0010, 259-008-0025, 259-008-0040, 259-008-0060, 259-008-0100
Last Date for Comment: 12-21-15, Close of Business
Summary: In November, 2014, Ballot Measure 91 passed, which allows adults age 21 and older to legally possess and use recreational marijuana, effective July 1, 2015. On June 30, 2015, the Governor signed House Bill 3400, which provided the Oregon Liquor Control Commission with additional enforcement authority regarding recreational marijuana.

This proposed rule change implements provisions of House Bill 3400. The term "Liquor Enforcement Inspector" has been changed to "Regulatory Specialist" throughout the entire rule set." Further, the word "marijuana" has been added to the definition of "Regulatory Specialist."

Further, this proposed rule change removes language in OAR 259-008-0060 regarding DUII implied consent. Language was added in October, 2014, at the request of the Department of Justice, to remedy a discrepancy in ORS 813.131(2). On March 18, 2015, the Governor signed House Bill 2372, which corrected this issue. The proposed rule change also has minor housekeeping changes.
Rules Coordinator: Sharon Huck
Address: Department of Public Safety Standards and Training, 4190 Aumsville Hwy SE, Salem, OR 97317
Telephone: (503) 378-2432

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Rule Caption: To show DPSST's processes for granting an interim investigator's license and provide consistency with statute.
Stat. Auth.: ORS 703.430 & 703.480
Stats. Implemented: ORS 703.430 & 703.480
Proposed Amendments: 259-061-0120
Last Date for Comment: 12-21-15, Close of Business
Summary: ORS 703.430 outlines the requirements the Department must following when issuing an interim investigator's license. As part of the review of the Private Security and Investigator Oregon Administrative Rules, OAR 259-061-0120 was evaluated regarding issuing an interim investigator's license. After consideration, the rule language has been revised to clearly show the Department's process for granting an interim investigator's license and to provide consistency with statute.
Rules Coordinator: Sharon Huck
Address: Department of Public Safety Standards and Training, 4190 Aumsville Hwy SE, Salem, OR 97317
Telephone: (503) 378-2432

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Rule Caption: To clarify the expert witness exemption.
Stat. Auth.: ORS 703.430 & 703.480
Stats. Implemented: ORS 703.430 & 703.480
Proposed Amendments: 259-061-0018
Last Date for Comment: 12-21-15, Close of Business
Summary: This proposed rule change clarifies the expert witness exemption (ORS 703.407), by clearly stating that any person who is appearing or preparing to appear to offer an expert opinion is not required to be licensed if the person is not testifying to any factual

knowledge gained as a result of the person's investigation of a matter.

Rules Coordinator: Sharon Huck

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

Telephone: (503) 378-2432

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Rule Caption: Clarifies crowd management exemption; adds definitions.

Stat. Auth.: ORS 181.870, 181.871, 181.873 & 181.878

Stats. Implemented: ORS 181.870, 181.871, 181.873 & 181.878

Proposed Amendments: 259-060-0010, 259-060-0015, 259-060-0145

Proposed Repeals: 259-060-0010(T), 259-060-0015(T), 259-060-0145(T)

Last Date for Comment: 12-21-15, Close of Business

Summary: During a Private Security crowd management meeting in 2014, it became apparent that vagueness in the statutory language regarding the crowd management exemption (ORS 181.871 (k)(2)) was causing confusion in the industry about who is required to be certified and who is exempt.

The Event Security/Hospitality Subcommittee met in 2014 and 2015 to discuss the statutes and Oregon Administrative Rules (OAR) regarding crowd management. On May 13, 2015, the Subcommittee recommended that the Private Security and Investigator Policy Committee (PSIPC) consider amending the language in OAR 259-060-0010, 259-060-0015 and 259-060-0145 to add definitions and clarifying language regarding the crowd management exemption.

The Subcommittee added the definitions of "Confrontational Activity", "Crowd Management or Guest Services", "Incidental or Temporary Action", and "Organized Event" to OAR 259-060-0010. Further, in OAR 259-060-0015, they clarified the exemption found in ORS 181.871(2)(k) as it applies to individuals performing crowd management or guest services. Additionally, OAR 259-060-0145 was re-worded to show what is required of managers, contractors or employers who employ crowd management staff. The subcommittee also requested that the PSIPC authorize DPSST Director Gabliks to file a temporary rule with the Secretary of State, allowing the proposed rule change to take effect while the permanent rule making process is underway. The Subcommittee felt this would ease any confusion amongst constituents regarding the crowd management exemption.

On May 19, 2015, the PSIPC met and discussed the Event Security/Hospitality Subcommittee recommendations, the proposed amendments to OAR 259-060-0010, OAR 259-060-0015 and OAR 259-060-0145, and the request for the immediate filing of a temporary rule. The PSIPC recommended approving the amended language to the Board on Public Safety Standards and Training (Board) with an additional amendment to the definition of Crowd Management, subsection (c), to include that screening individuals for entry into an organized event does not include physical pat-down searches. Further, the PSIPC authorized Director Gabliks to approve filing a temporary rule while the permanent rulemaking process is underway. Following the PSIPC meeting, Director Gabliks approved filing the temporary rule. The temporary rule was filed on May 19, 2015.

On July 1, 2015, Legislative Council requested that the temporary rule language filed on May 19, 2015, be amended to correct an incorrect statutory reference in OAR 259-060-0015 (2) (a) (b). Legislative Council also asked that the temporary rule language in 259-060-0145 (1) be re-worded to more clearly state when individuals performing crowd management or guest services are exempt from private security professional certification. To facilitate Legislative Council's request, the proposed rule changes to OAR 259-060-0010, OAR 259-060-0015 and OAR 259-060-0145 were removed from the Board's consent agenda for correction and review by the PSIPC.

On August 18, 2015, the PSIPC met and discussed the proposed amendments to OAR 259-060-0010, OAR 259-060-0015 and OAR 259-060-0145. The PSIPC recommended approving the amended language to the Executive Committee of the Board to expedite the rule filing process before the temporary rules that are currently in place expire; however, the Executive Committee meeting was cancelled.

On October 22, 2015, the Board on Public Safety Standards and Training met and affirmed the PSIPC's recommendation to approve filing the proposed rule changes to OAR 259-060-0010, OAR 259-060-0015 and OAR 259-060-0145.

Rules Coordinator: Sharon Huck

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

Telephone: (503) 378-2432

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Rule Caption: To adopt the NFPA Standard 1021, 2014 Edition, Standards for Fire Officer Professional Qualifications.

Stat. Auth.: ORS 181.640

Stats. Implemented: ORS 181.640

Proposed Amendments: 259-009-0062

Last Date for Comment: 12-21-15, Close of Business

Summary: The Fire Policy Committee and Board on Public Safety Standards and Training previously reviewed and approved filing a proposed rule to adopt the National Fire Protection Association (NFPA) 1021 Fire Officer Standards. The proposed rule change was filed with the Secretary of State's Office and open for public comment from June 1 to June 22, 2015. Two public comments were received regarding the exclusion of a job performance requirement in the Fire Officer III standard, JPR 6.8, Emergency Management. Upon review, it was discovered that the that Fire Officer III standard, JPR 6.8, Emergency Management, was inadvertently omitted from the initially proposed rule language. The proposed rule language has been updated to include section 6.8 of the standard.

Rules Coordinator: Sharon Huck

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

Telephone: (503) 378-2432

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Rule Caption: Updates denial and revocation standards for fire service certification.

Stat. Auth.: ORS 181.610 & 181.640

Stats. Implemented: ORS 181.610 & 181.640

Proposed Amendments: 259-009-0059, 259-009-0070

Last Date for Comment: 12-21-15, Close of Business

Summary: On June 29, 2015, after approval by the Fire Policy Committee (FPC) and the Board on Public Safety Standards and Training (Board), DPSST filed a proposed rule regarding fire service denial and revocation standards as they relate to fire certification. The proposed rule change updated the core values, discharge for cause definitions, and DPSST's processes for discretionary convictions.

Interested parties were notified on July 23, 2015, that the rule would be open for public comment from August 1 to August 23, 2015. On July 23, 2015, a public comment was received. The public comment requested that the FPC consider "Pre-Screening" individuals with discretionary convictions, prior to the person attending a fire academy and applying for certification. Staff analysis of this request determined that DPSST has no jurisdiction over a fire service professional until they apply for certification. Current FPC members cannot dictate the actions of future FPC members, so any "Pre-Screening" decision made by current FPC members may be subject to change if FPC membership changed prior to the applicant applying for certification.

Further, in response to a clarifying question raised by a constituent, staff noticed an oversight with regard to the scope of revocation. In the rule language filed proposed on June 29, 2015, the language indicated that when the Department revoked the certification of any fire service professional or instructor under 259-009-0070, the revocation would encompass all fire service certificates the Department had issued to that person on or after January 15, 2003. This language con-

flicts with the statute that prohibits individuals who have been convicted of a Measure 11 crime from holding certification.

Additionally, the intention of the FPC workgroup was to eliminate this "look back" date, so the scope of revocation would include all certificates issued by the Department, regardless of the date the certification was issued. Due to these issues, staff recommended removing the January 15, 2003, date from the proposed language.

On August 26, 2015, DPSST presented the public comment and the oversight regarding scope of revocation to the FPC for their consideration. After reviewing the public comment and the staff analysis and recommendations, the FPC unanimously recommended accepting the staff recommendations, including the amendment to the scope of revocation. On October 22, 2015, the Board on Public Safety Standards and Training affirmed the FPC's recommendation.

Rules Coordinator: Sharon Huck
Address: Department of Public Safety Standards and Training, 4190 Aumsville Hwy SE, Salem, OR 97317
Telephone: (503) 378-2432

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Department of State Lands
Chapter 141

Rule Caption: Recommendations for Revisions to the General Authorizations and General Permits under the Removal-Fill Law

Date:	Time:	Location:
1-21-16	2:30 p.m.	Department of State Lands, Mill Creek Rm. 775 Summer St. NE Salem, OR 97301

Hearing Officer: Eric Metz
Stat. Auth.: ORS 196.600–196.692 & 196.795–196.990
Stats. Implemented: ORS 196.600-196.692 & 196.795-196.990
Proposed Adoptions: 141-080-0620 through 141-089-0835, 141-093-0100 through 141-093-0245
Last Date for Comment: 2-5-16, 5 p.m.
Summary: The Department of State Lands is in the process of reviewing the general authorizations and general permits, found in OAR 141-089 and OAR 141-093 respectively. Per ORS 196.850(7), the review of general authorizations must include public notice and opportunity for public hearing. Any comments or questions asked during this time, if applicable, will be incorporated into the final recommendation report. Upon completion of the review period, DSL may modify, reissue, or rescind the general authorizations and the general permits. The recommendations and review may result in Rulemaking Action; if this is the case, DSL will hold additional public hearings.

The Agency requests public comment on the recommendations report for other suggestions on how to improve the General Authorizations and General Permits.

Rules Coordinator: Sabrina L. Owings
Address: Department of State Lands, 775 Summer St. NE, Suite 100, Salem, OR 97301-1279
Telephone: (503) 986-5200

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Rule Caption: General Permit for Impacts to Vernal Pools and Other Waters of the State, Jackson County

Date:	Time:	Location:
12-18-15	2:30 p.m.	Lane County Public Works Willamette Bldg., Goodson Rm. 3040 N Delta Hwy. Eugene, OR 97408

Hearing Officer: Eric Metz
Stat. Auth.: ORS 196.600-196.692 & 196.795-196.990
Stats. Implemented: ORS 196.600-196.692 & 196.795-196.990
Proposed Amendments: 141-093-0180 through 141-093-0215
Last Date for Comment: 1-19-16, 5 p.m.
Summary: In 2012, The Department (DSL) created the Vernal Pool General Permit (GP) to coordinate with the regulatory framework established by the Biological Opinion from the United States Fish and Wildlife Service (USFWS) and the Army Corps of Engineers Regional General Permit (RGP-5) covering the same resources. These general permits will expire in early 2016; the USFWS Biological Opinion remains in effect. The Corps is finalizing a reauthorization of RGP-5 that will keep it in effect until January 1, 2021. At this time, DSL's General Permit for vernal pools has not yet been used. Therefore DSL is proposing to extend the Vernal Pool GP to a new expiration date of January 1, 2021.

The purpose of DSL's General Permit on vernal pools is to provide an expedited authorization for certain projects that involve removal-fill activities in vernal pool wetlands and includes a mitigation framework to conserve the rare species found in these wetlands. This rule does not take away the existing regulatory option of an individual DSL permit and separate consultation with the federal agencies.

Rules Coordinator: Sabrina L. Owings
Address: Department of State Lands, 775 Summer St. NE, Suite 100, Salem, OR 97301-1279
Telephone: (503) 986-5200

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Rule Caption: Establish an identification/notification process for historically filled lands, and requirements for creating new lands.

Date:	Time:	Location:
12-16-15	5 p.m.	Judge Guy Boyington Bldg. 857 Commercial St. Astoria, OR
12-17-15	5 p.m.	Coos Bay City Hall, Council Chambers 500 Central Ave. Coos Bay, OR

Hearing Officer: Chris Castelli
Stat. Auth.: ORS 183 - Re: administrative procedures & rules of state agencies; ORS 273 - Re: the creation & general powers of the Land Board; ORS 274 - Re: submerged & submersible land.
Other Auth.: Oregon Constitution, Article VIII, Section 5
Stats. Implemented: ORS 273 & 274
Proposed Adoptions: 141-068-0000, 141-068-0010, 141-068-0020, 141-068-0030, 141-068-0040, 141-068-0050, 141-068-0060, 141-068-0070, 141-068-0080, 141-068-0090, 141-068-0100, 141-068-0110, 141-068-0120, 141-068-0130, 141-068-0140
Proposed Amendments: 141-067-0130, 141-067-0150, 141-067-0155, 141-067-0170, 141-067-0195, 141-067-0215, 141-067-0220, 141-067-0270, 141-067-0300
Proposed Repeals: 141-067-0200
Last Date for Comment: 12-31-15, 5 p.m.
Summary: Senate Bill 912 was passed during the 2015 regular legislative session. This bill clarifies the distinction between "historically filled lands" and "new lands" for purposes of determining ownership and transfer of ownership of lands created upon submersible or submerged lands by artificial fill or deposit. Re-affirms the State Land Board's authority to sell, lease or trade the newly defined "historically filled lands," identical to their authority over "new lands." Establishes process for State Land Board to identify and declare state's interest in historically filled lands and to provide notice of declaration. This legislation is based on recommendations from the Filled Lands Advisory Group (FLAG) that reported on its work to the State Land Board in June 2014. This rulemaking addresses the recommendations of the FLAG and sets up the process and procedures for inventorying historically filled lands and notifying affected stakeholders.

OAR 141-067 will be amended to reflect the adoption of OAR 141-068. The process for identifying and selling or exchanging historically filled or new lands will be removed from division 67 and placed in division 68.

For additional information on this rulemaking process please visit the following link on the Departments website: http://www.oregon.gov/dsl/Pages/Rulemaking-Activity.aspx

To comment on this rulemaking, submit your comments by mail to:

Sabrina Owings, Rules Coordinator
OAR 141-068 Rulemaking
Department of State Lands
775 Summer Street N.E., Suite 100
Salem, Oregon 97301

To comment on this rulemaking, submit your comments by e-mail to: rulemaking@dsl.state.or.us

Rules Coordinator: Sabrina L. Owings
Address: Department of State Lands, 775 Summer St. NE, Suite 100, Salem, OR 97301-1279
Telephone: (503) 986-5200

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

Rule Caption: Implement HB 2432 to expand fireworks use for pest control, remove language, housekeeping.

Date:	Time:	Location:
12-22-15	10 a.m.	4760 Portland Rd. NE Salem, OR 97305-1760

Hearing Officer: Kristin Schafer
Stat. Auth.: ORS 476, 480
Other Auth.: HB 2432 (2015 OL Ch. 57)
Stats. Implemented: ORS 480.111-480.165
Proposed Amendments: 837-012-0305, 837-012-0310, 837-012-0315, 837-012-0320, 837-012-0325, 837-012-0330, 837-012-0340, 837-012-0350, 837-012-0360, 837-012-0370, 837-012-0500, 837-012-0510, 837-012-0515, 837-012-0520, 837-012-0525, 837-012-0530, 837-012-0535, 837-012-0540, 837-012-0545, 837-012-0550, 837-012-0555, 837-012-0560, 837-012-0565, 837-012-0570, 837-012-0600, 837-012-0605, 837-012-0610, 837-012-0615, 837-012-0620, 837-012-0625, 837-012-0630, 837-012-0635, 837-012-0640, 837-012-0645, 837-012-0650, 837-012-0655, 837-012-0660, 837-012-0665, 837-012-0670, 837-012-0675, 837-012-0700, 837-012-0710, 837-012-0720, 837-012-0730, 837-012-0740, 837-012-0750, 837-012-0760, 837-012-0770, 837-012-0780, 837-012-0790, 837-012-0800, 837-012-0810, 837-012-0820, 837-012-0830, 837-012-0835, 837-012-0840, 837-012-0850, 837-012-0855, 837-012-0860, 837-012-0865, 837-012-0870, 837-012-0875, 837-012-0880, 837-012-0890, 837-012-0900, 837-012-0910, 837-012-0920, 837-012-0940, 837-012-0950, 837-012-0960, 837-012-0970, 837-012-1000, 837-012-1010, 837-012-1020, 837-012-1030, 837-012-1040, 837-012-1050, 837-012-1060, 837-012-1070, 837-012-1080, 837-012-1090, 837-012-1100, 837-012-1110, 837-012-1120, 837-012-1130, 837-012-1140, 837-012-1150, 837-012-1160
Last Date for Comment: 12-22-15, 12 p.m.
Summary: Implements HB 2432 (2015 OL Ch. 57) which repeals ORS 480.122 allowing the use of fireworks to deter birds and animals.

Removes requirement for wait period stating the Office of State Fire Marshal will wait for check to clear financial institution before processing application for licenses and permits.

Removes language prohibiting firework displays during burn ban.

Routine housekeeping to clean-up rules and provide uniformity and better readability.

Rules Coordinator: Valerie Abrahamson
Address: Department of State Police, Office of State Fire Marshal, 4760 Portland Rd. NE, Salem, OR 97305-1760
Telephone: (503) 934-8211

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Land Conservation and Development Department
Chapter 660

Rule Caption: Minor and technical changes to conform to recent legislation and provide clarification.

Date:	Time:	Location:
1-14-16	8 a.m.	205 South Central Ave. Medford, OR

Hearing Officer: LCDC
Stat. Auth.: ORS 197.040
Other Auth.: Statewide Planning Goals (OAR Chapter 660, division 15)
Stats. Implemented: ORS 197 & 215
Proposed Amendments: 660-006-0005, 660-006-0010, 660-006-0025, 660-006-0026, 660-006-0027, 660-033-0030, 660-033-0045, 660-033-0120, 660-033-0130, 660-033-0135
Proposed Repeals: 660-033-0150
Last Date for Comment: 1-14-16, Close of Hearing
Summary: The proposed amendments will modify rules to make minor and technical changes to conform to recent legislation and to provide other clarifications. Conforming amendments will implement various provisions in HB 3400 and HB 2457.
Rules Coordinator: Casaria Taylor
Address: Land Conservation and Development Department, 635 Capitol St. NE, Suite 150, Salem, OR 97301
Telephone: (503) 373-0050, ext. 322

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Rule Caption: Periodic Review Procedures

Date:	Time:	Location:
1-14-16	8 a.m.	205 South Central Ave. Medford, OR

Hearing Officer: LCDC
Stat. Auth.: ORS 197.040
Other Auth.: ORS 197, Statewide Planning Goals (OAR Chapter 660, division 15)
Stats. Implemented: ORS 197.628–197.636
Proposed Amendments: Rules in 660-025
Last Date for Comment: 1-14-16, Close of Hearing
Summary: Amendments to ORS 197 made by HB 3282(2015) require that the Land Conservation and Development Commission make conforming amendments to OAR Chapter 660, division 25. The proposed amendments make these conforming amendments and other minor and technical changes to the division.
Rules Coordinator: Casaria Taylor
Address: Land Conservation and Development Department, 635 Capitol St. NE, Suite 150, Salem, OR 97301
Telephone: (503) 373-0050, ext. 322

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Rule Caption: Zoning of rural exception areas

Date:	Time:	Location:
1-14-16	8 a.m.	205 South Central Ave. Medford, OR

Hearing Officer: LCDC
Stat. Auth.: ORS 197.040
Other Auth.: ORS 197, Statewide Planning Goals (OAR Chapter 660, division 15)
Stats. Implemented: ORS 197.732–197.736
Proposed Amendments: 660-004-0018
Last Date for Comment: 1-14-16, Close of Hearing
Summary: HB 3214 (2015) requires the Land Conservation and Development Commission to amend OAR chapter 660, division 4 to allow for a rezoning that authorizes the change, continuation or expansion of an industrial use that has been in operation for the five years without requiring the local government to take a new exception to statewide planning goals related to agricultural and forest lands. The proposed amendments allow these and certain other rezonings without requiring a new exception.
Rules Coordinator: Casaria Taylor
Address: Land Conservation and Development Department, 635 Capitol St. NE, Suite 150, Salem, OR 97301
Telephone: (503) 373-0050, ext. 322

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Rule Caption: Modification of existing exceptions for transportation facilities in rural reserves

Date:	Time:	Location:
1-14-16	8 a.m.	205 South Central Ave. Medford, OR

Hearing Officer: LCDC
Stat. Auth.: ORS 195.141 & 197.040
Stats. Implemented: ORS 195.137–195.145
Proposed Amendments: 660-027-0070
Last Date for Comment: 1-14-16, Close of Hearing
Summary: Designation of rural reserves provides long-term protection for large blocks of agricultural and forest lands. Consistent with that policy intent, OAR 660-027-0070(4) specifies that new transportation facilities may not be built in rural reserves if an exception to Statewide Planning Goals 3, 4, 11 or 14 is required. The current method for modifying an exception is to take a new exception, which is prohibited in the rural reserves under OAR 660-027-0070(4). The proposed rule amendments modify the rural reserves rules to allow for a modification of an existing exception for a transportation facility.
Rules Coordinator: Casaria Taylor
Address: Land Conservation and Development Department, 635 Capitol St. NE, Suite 150, Salem, OR 97301
Telephone: (503) 373-0050, ext. 322

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Landscape Contractors Board
Chapter 808

Rule Caption: Update Landscape Contractors Board bond language to reflect new laws (SB580).
Stat. Auth.: ORS 670.310 & 671.670
Other Auth.: 2015 OL Ch. 672
Stats. Implemented: ORS 671.6990
Proposed Amendments: 808-003-0610
Last Date for Comment: 12-22-15, 5 p.m.
Summary: Update Landscape Contractors Board bond language to reflect new laws (SB 580).
Rules Coordinator: Kim Gladwill-Rowley
Address: Landscape Contractors Board, 2111 Front Street NE, Suite 2-101, Salem, OR 97301
Telephone: (503) 967-6291, ext. 223

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Mortuary and Cemetery Board
Chapter 830

Rule Caption: Relating to qualifications to practice a profession related to the final disposition of human remains.

Date:	Time:	Location:
12-22-15	10 a.m.	800 Oregon St., Rm. 445 Portland State Office Bldg. Portland, OR 97232

Hearing Officer: Chad Dresselhaus
Stat. Auth.: 2015 HB 2471
Stats. Implemented: 2015 HB 2471
Proposed Amendments: 830-011-0000, 830-011-0020, 830-011-0040, 830-020-0000, 830-020-0030, 830-020-0040, 830-030-0004, 830-030-0090
Last Date for Comment: 12-22-15, 4 p.m.
Summary: Changes qualifications to practice as funeral service practitioner or embalmer, and related to reciprocity and apprenticeship.
Rules Coordinator: Chad Dresselhaus
Address: Mortuary and Cemetery Board, 800 NE Oregon St., Suite 430, Portland, OR 97232
Telephone: (971) 673-1503

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Rule Caption: Relating to Temporary Operating Permit for a Cemetery that does not hold a valid license.

Date:	Time:	Location:
12-22-15	10 a.m.	800 Oregon St., Rm. 445 Portland State Office Bldg. Portland, OR 97232

Hearing Officer: Chad Dresselhaus
Stat. Auth.: 2015 HB 3242
Stats. Implemented: 2015 HB 3242
Proposed Adoptions: 830-011-0065
Last Date for Comment: 12-22-15, 4 p.m.
Summary: Permits State Mortuary and Cemetery Board to issue temporary permit to carry out existing prearrangement sales contracts to which cemetery is party and to effect rights of plot owners.
Rules Coordinator: Chad Dresselhaus
Address: Mortuary and Cemetery Board, 800 NE Oregon St., Suite 430, Portland, OR 97232
Telephone: (971) 673-1503

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Rule Caption: Relating to Indigent Disposition Program

Date:	Time:	Location:
12-22-15	10 a.m.	800 Oregon St., Rm. 445 Portland State Office Bldg. Portland, OR 97232

Hearing Officer: Chad Dresselhaus
Stat. Auth.: 2015 HB 3243
Stats. Implemented: 2015 HB 3243
Proposed Ren. & Amends: 333-012-0500 to 830-040-0090
Last Date for Comment: 12-22-15, 4 p.m.
Summary: To implement statutory transfer of program to OMCB.
Rules Coordinator: Chad Dresselhaus
Address: Mortuary and Cemetery Board, 800 NE Oregon St., Suite 430, Portland, OR 97232
Telephone: (971) 673-1503

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Oregon Business Development Department
Chapter 123

Rule Caption: Technical update of Strategic Investment Program (SIP) including implementation of HB 2652 and SB 129(2015).
Stat. Auth.: ORS 285A.075 & 285C.615(7)
Stats. Implemented: ORS 285C.600–285C.635 & 307.123
Proposed Amendments: Rules in 123-623
Last Date for Comment: 12-28-15, Close of Business
Summary: Proposed amendments to division 623 make a number of improvements for technical and reading purposes respective to the SIP property tax exemption, as well as to incorporate statutory changes by OrLaws 2015, chapters 515 and 757, that:

specify rural vs. urban in general, for Strategic Investment Zones and specially preserved rural areas from earlier law,

offer clearer, more precise language of:

- what is existing property that is not exempt from property taxes,
- a business firm's making early, incomplete application to the department to consequently begin its project, and
- application processing for approval by the Commission,

define the extent of consequences in violating Commission eligibility criteria for fully disclosing potentially foreseeable employment curtailments anywhere in state, and

rigorously address the employment information that must be reported annually by business firms (unrelated to program qualification) for purposes of data collection and "gain share," taking account of legislative deliberations and lessons learned, including:

- terminology that is as objective as possible in contrast to existing instructions that called for determinations by reporters,
- clarity for how a project's job retention equates to a preexisting workforce, in addition to which would be the jobs newly created with a project,
- establishment of such a preexisting workforce based on the original application or other factors, such as jobs moved from elsewhere in the state to the project site,
- reporting of jobs of a third-party who wholly operates the SIP project;
- composition of "compensation,"
- the case of multiple exempt projects by the same business that have overlapping workforce, and
- recourse to the Commission's considering suspension of property tax exemption for lack of information or any necessary follow-up.

Rules Coordinator: Mindee Sublette
Address: Oregon Business Development Department, 775 Summer St. NE, Suite 200, Salem, OR 97301
Telephone: (503) 986-0036

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Rule Caption: Technical/housekeeping enhancements to rules language for Oregon Investment Advantage program (income tax exemption)
Stat. Auth.: ORS 285A.075, 285C.503(3) and 285C.506(4), (6) & (7)
Stats. Implemented: ORS 285C.495, 258C.500–285C.506, 316.778 & 317.391
Proposed Amendments: Rules in 123-635
Last Date for Comment: 12-28-15, Close of Business
Summary: Proposed amendments to division 635 make a number of improvements for technical and reading purposes, including:

potentially setting a new date for annual determination of eligible counties in light of earlier releases of economic data by county (pursuant to the conclusion of OrLaws 2005, ch. 595, §3's no longer being operative after June 30, 2016),

clarifying for timely preliminary application before the start of construction that construction does not include site preparation that does not represent an improvement,

allowing preemptive local government support to obviate the official sending of application copies for vetting by local governments,

better, more precise guidelines specification for the effect of:

- the local objection process,
- twenty-four-month delay in annual certification and use of income tax exemption after commencement of business facility operations,
- business's foregoing certification/exemption in certain years.

Rules Coordinator: Mindee Sublette
Address: Oregon Business Development Department, 775 Summer St. NE, Suite 200, Salem, OR 97301
Telephone: (503) 986-0036

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Oregon Health Authority,
Division of Medical Assistance Programs
Chapter 410

Rule Caption: Begin to Require Prior Authorization for Payment of Gender Dysphoria Surgeries, OHP-FFS Program

Date:	Time:	Location:
12-15-15	10:30 a.m.	500 Summer St. NE, Rm. 137C Salem, OR 97301

Hearing Officer: Sandy Cafourek
Stat. Auth.: ORS 413.042
Stats. Implemented: ORS 414.025 & 414.065
Proposed Amendments: 410-130-0200
Last Date for Comment: 12-17-15, 5 p.m.
Summary: This rule specifies which medical surgical billing codes require prior authorization for payment for OHP enrolled clients in the FFS program. This rule change adds the billing codes for surgical treatments of gender dysphoria to the table of codes that require prior authorization.
Rules Coordinator: Sandy Cafourek
Address: Oregon Health Authority, Division of Medical Assistance Programs, 500 Summer St. NE, Salem, OR 97301
Telephone: (503) 945-6430

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Rule Caption: Amending PDL March 26, May 28, July 30, 2015 DUR/P&T Action

Date:	Time:	Location:
12-15-15	10:30 a.m.	500 Summer St. NE, Rm. 137C Salem, OR 97301

Hearing Officer: Sandy Cafourek
Stat. Auth.: ORS 413.032, 413.042, 414.065, 414.325, 414.330 to 414.414, 414.312, and 414.316
Stats. Implemented: ORS 414.065; 414.325, 414.334, 414.361, 414.369, 414.371, 414.353, and 414.354
Proposed Amendments: 410-121-0030
Proposed Repeals: 410-121-0030(T)
Last Date for Comment: 12-17-15, 5 p.m.
Summary: The Pharmaceutical Services Program administrative rules (division 121) govern Division payments for services provided to certain clients. The Division needs to amend rules as follows:

410-121-0030:
Preferred:
Viekiera Pak™;
Laxative drug class:
- Polyethylene glycol 3350;
- Lactulose;
- Senna products;
- Bulk forming laxatives less than $1/unit;
- Osmotic laxatives less than $1/unit;
- Surfactant, stimulant, and saline laxatives.

Isosorbide dinitrate — capsule ER;
Nitroglycerin — capsule ER;
Adalimumab (Humira Pediatric Crohn's™);
Calcium Citrate — tablet;
Buprenorphine HCL/Naloxone HCL;
Dexmethylphenidate HCL;
Chlorpromazine HCL;
Fluphenazine HCL;
Dabigatran;
Rivaroxaban;
Apixaban;
Edoxaban;
Linezolid;
Tobramycin (Tobi Poldhaler™);
Tobramycin / Nebulizer (Kitabis™ Pak);
All rectal subclass products;
All acetaminophen with codeine products;
Ibuprofen containing products;
Hydrocodone APAP solution;
Metoprolol Succinate;
Cilostazol;
Fluticasone Propionate;
Amlodipine-Olmesartan;
Enalapril-Hydrochlorothiazide;
Lisinopril-Hydrochlorothiazide;
Losartan-Hydrochlorothiazide;
Metoprolol Succinate-Hydrochlorothiazide;
Olmesartan-Amlodipine-Hydrochlorothiazide;
Olmesartan-Hydrochlorothiazide;
Propranolol-Hydrochlorothiazide;
Non-Preferred:
Bulk forming laxatives $1/unit or more;
Osmotic laxatives $1/unit or more;
Lubricant laxatives;
Cimetidine — tablet;
Spinosad;
Semprivir Sodium;
Tedizolid Phosphate;
Ivacaftor (Kalydeco™);
All Butalbital subclass products;
Pirfenidone;
Nintedanib Esylate;
All other agents in Intranasal Allergy;
Ketoconazole;
All other products in Combination Antihypertensives class.

Rules Coordinator: Sandy Cafourek
Address: Oregon Health Authority, Division of Medical Assistance Programs, 500 Summer St. NE, Salem, OR 97301
Telephone: (503) 945-6430

Rule Caption: Flexible Services, Definition, Direction and Reporting of Non-State Plan, Health Related Services

Date:	Time:	Location:
12-15-15	10:30 a.m.	500 Summer St. NE, Rm. 137C Salem, OR 97301

Hearing Officer: Sandy Cafourek
Stat. Auth.: ORS 413.042
Stats. Implemented: ORS 413.042
Proposed Adoptions: 410-141-3150
Proposed Repeals: 410-141-3150(T)
Last Date for Comment: 12-17-15, 5 p.m.
Summary: The Division needs to amend this rule to provide the CCO framework for compliance with the 1115 Waiver demonstration for the Oregon Health Plan-Waiver as they apply to non-state plan, health related services provided in-lieu of Medicaid managed care benefits. These services are intended to improve care delivery and member health and lower costs.
Rules Coordinator: Sandy Cafourek
Address: Oregon Health Authority, Division of Medical Assistance Programs, 500 Summer St. NE, Salem, OR 97301
Telephone: (503) 945-6430

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Rule Caption: Rewrite Rule to Implement House Bill 2306 (2015 Regular Session) for a Pharmacy Management Program

Date:	Time:	Location:
12-15-15	10:30 a.m.	500 Summer St. NE, Rm. 137C Salem, OR 97301

Hearing Officer: Sandy Cafourek
Stat. Auth.: ORS 413.042 & 414.065
Stats. Implemented: ORS 414.065 & OL 2013 Ch. 467 Sec. 2
Proposed Amendments: 410-121-0135
Last Date for Comment: 12-17-15, 5 p.m.
Summary: The Authority is rewriting OAR 410-121-0135 to align the Pharmacy Management Program with legislative intent, as contained in Oregon Laws 2015, chapter 467, section 2 (HB 2306). The program avoids overutilization of pharmaceutical services by restricting certain fee-for-service medical assistance recipients' pharmacy choices. Amendment of the existing rule will align the program with the statute.
Rules Coordinator: Sandy Cafourek
Address: Oregon Health Authority, Division of Medical Assistance Programs, 500 Summer St. NE, Salem, OR 97301
Telephone: (503) 945-6430

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Rule Caption: Implement Prescription Synchronization Policy for Medical Assistance Recipients Not Enrolled in a Coordinated Care Organization

Date:	Time:	Location:
12-15-15	10:30 a.m.	500 Summer St. NE, Rm. 137C Salem, OR 97301

Hearing Officer: Sandy Cafourek
Stat. Auth.: ORS 413.042, 414.065 & 414.325
Stats. Implemented: ORS 414.065
Proposed Amendments: 410-121-0000, 410-121-0146
Last Date for Comment: 12-17-15, 5 p.m.
Summary: The Authority is amending OAR 410-121-0000 and OAR 410-121-0146 to implement a prescription synchronization policy for fee-for-service medical assistance recipients. Synchronization aligns a patient's refills to maximize the number that may be refilled at the same time. The amendment aligns policy with legislative intent, as contained in Oregon Laws 2015, chapter 800, section 2 (SB 841).
Rules Coordinator: Sandy Cafourek
Address: Oregon Health Authority, Division of Medical Assistance Programs, 500 Summer St. NE, Salem, OR 97301
Telephone: (503) 945-6430

Rule Caption: OHP FFS Program, Begin Requiring Prior Authorization for Billing Out-of-Hospital Birth Services

Date:	Time:	Location:
12-15-15	10:30 a.m.	500 Summer St. NE, Room 137C Salem, OR 97301

Hearing Officer: Sandy Cafourek
Stat. Auth.: ORS 413.042
Stats. Implemented: ORS 414.025 & 414.065
Proposed Amendments: 410-130-0200
Proposed Repeals: 410-130-0200(T)
Last Date for Comment: 12-17-15, 5 p.m.
Summary: This rule specifies the medical billing codes for which the OHP FFS medical surgical program requires prior authorization (PA) for reimbursement. The codes for which PA is required are listed in Table 1 of the rule. The amendment to the rule adds the billing codes used for out-of-hospital birth services to the list of codes requiring prior authorization.
Rules Coordinator: Sandy Cafourek
Address: Oregon Health Authority, Division of Medical Assistance Programs, 500 Summer St. NE, Salem, OR 97301
Telephone: (503) 945-6430

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Rule Caption: Aligns Non-Emergent Medical Transportation Vehicle and Subcontractor Standards with New Statute Regarding Inhalants
Stat. Auth.: ORS 413.042 & 414.625
Stats. Implemented: ORS 414.625
Proposed Amendments: 410-141-3440
Last Date for Comment: 12-17-15, 5 p.m.
Summary: This rule amendment adds language regarding aerosolizing or vaporizing to the existing rule to bring subcontractor and vehicle standards into alignment with changes to the Oregon Indoor Clean Air Act made in HB 2456, which passed in the 2015 legislative session.
Rules Coordinator: Sandy Cafourek
Address: Oregon Health Authority, Division of Medical Assistance Programs, 500 Summer St. NE, Salem, OR 97301
Telephone: (503) 945-6430

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Rule Caption: Aligns Non-Emergent Medical Transportation Vehicle and Subcontractor Standards with New Statute Regarding Inhalants
Stat. Auth.: ORS 413.042
Stats. Implemented: ORS 414.065
Proposed Amendments: 410-136-3040
Last Date for Comment: 12-17-15, 5 p.m.
Summary: This amendment adds language regarding aerosolizing or vaporizing to the existing rule to bring subcontractor and vehicle standards into alignment with changes to the Oregon Indoor Clean Air Act made in HB 2456, which passed in the 2015 legislative session.
Rules Coordinator: Sandy Cafourek
Address: Oregon Health Authority, Division of Medical Assistance Programs, 500 Summer St. NE, Salem, OR 97301
Telephone: (503) 945-6430

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Rule Caption: Align Rule with Statute to Allow Reimbursement for Brand Name Version of a Covered Drug
Stat. Auth.: ORS 413.032, 413.042, 414.065, 414.325, 414.330–414.414, 414.312 & 414.316
Stats. Implemented: ORS 414.065, 414.325, 414.334, 414.361, 414.369, 414.371, 414.353 & 414.354
Proposed Amendments: 410-121-0030
Proposed Repeals: 410-121-0030(T)
Last Date for Comment: 12-17-15, 5 p.m.
Summary: Aligns rule with ORS 414.325 to allow the Division to limit reimbursement to a brand name version of a covered drug when

its cost is equal to or less than the cost of the generic version after receiving discounted prices and rebates.
Rules Coordinator: Sandy Cafourek
Address: Oregon Health Authority, Division of Medical Assistance Programs, 500 Summer St. NE, Salem, OR 97301
Telephone: (503) 945-6430

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Oregon Health Authority,
Health Licensing Office, Board of Licensed Dietitians
Chapter 834

Rule Caption: Senate Bill 230 changed the name of the recipient of the health care workforce survey.

Date:	Time:	Location:
12-29-15	9 a.m.	Health Licensing Office's Rhoades Conference Rm. 700 Summer St. NE Suite 320 Salem, OR 97301

Hearing Officer: Anne Thompson
Stat. Auth.: SB 230 & 691.435
Stats. Implemented: SB 230 & 691.435
Proposed Amendments: 834-020-0000, 834-030-0000, 834-030-0010, 034-050-0010
Last Date for Comment: 12-29-15, 10 a.m.
Summary: Senate Bill 230 (2015) changed the name of the recipient of the health care workforce survey and also requires licensees to take the survey on renewal. In addition to the demands of the bill, the Health Licensing Office's name has been changed from the Oregon Health Licensing Agency. The rules for the Board of Licensed Dietitians must be changed to align with the bill.
Rules Coordinator: Samantha Patnode
Address: Health Licensing Office, Board of Licensed Dietitians, 700 Summer St. NE, Suite 320, Salem, OR 97301-1287
Telephone: (503) 373-1917

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Oregon Health Authority,
Health Policy and Analytics
Chapter 409

Rule Caption: Proposed amendments to the All Payer All Claims data reporting program rule.

Date:	Time:	Location:
12-21-15	11 a.m.	500 Summer St., Rm. 554 Salem, OR 97301

Hearing Officer: Zarie Haverkate
Stat. Auth.: ORS 442.466
Stats. Implemented: ORS 442.464 & 442.466
Proposed Amendments: 409-025-0100, 409-025-0110, 409-025-0120, 409-025-0130, 409-025-0140, 409-025-0150, 409-025-0160, 409-025-0170
Last Date for Comment: 12-23-15, 5 p.m.
Summary: The Oregon Health Authority is proposing to amend the rules in order to update language, and align procedures with program needs, OHA priorities, and statutory requirements.
Rules Coordinator: Zarie Haverkate
Address: Oregon Health Authority, Health Policy and Analytics, 500 Summer St. NE, E-65, Salem, OR 97301
Telephone: (503) 931-6420

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Oregon Health Authority,
Public Health Division
Chapter 333

Rule Caption: New school, children's facility and health department immunization reporting requirements; removal of old religious exemptions

Date:	Time:	Location:
12-16-15	3 p.m.	Portland State Office Bldg. 800 NE Oregon St., Rm. 1D Portland, OR 97232

Hearing Officer: Jana Fussell
Stat. Auth.: ORS 431.262, 433.004 & 433.273
Other Auth.: 2015 OL Ch. 802 (Senate Bill 895)
Stats. Implemented: ORS 431.262, 433.001, 433.004, 433.006 & 433.235-433.284
Proposed Amendments: 333-050-0010, 333-050-0040, 333-050-0050, 333-050-0080, 333-050-0095, 333-050-0100, 333-050-0110
Proposed Repeals: 333-050-0010(T), 333-050-0040(T), 333-050-0050(T), 333-050-0080(T), 333-050-0095(T), 333-050-0100(T), 333-050-0110(T)
Last Date for Comment: 12-22-15, 5 p.m.
Summary: The Oregon Health Authority, Public Health Division is proposing to permanently amend administrative rules in chapter 333, division 50, relating to school immunization law. These rule amendments remove the provision allowing old religious exemptions signed prior to March 1, 2014. Parents of children with religious exemptions signed prior to March 1, 2014 will be required to submit updated documentation. These rule amendments clarify reporting requirements for schools and children's facilities, and add requirements for reporting immunization and nonmedical exemption status by vaccine for children in attendance for whom vaccine status is required to be documented. These rule amendments change the time by which a certified letter must be sent to a non-compliant school or children's facility from six calendar days to five working days. These rule amendments clarify notice to parents of susceptible children of exclusion when there is a case of a restrictable disease. These rule amendments describe new requirements for schools, children's facilities and local health departments to make immunization rates available.
Rules Coordinator: Brittany Sande
Address: Oregon Health Authority, Public Health Division, 800 NE Oregon St., Suite 930, Portland, OR 97232
Telephone: (971) 673-1291

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Rule Caption: Hospital and Ambulatory Surgery Center Legislative Action Rule Changes

Date:	Time:	Location:
12-17-15	2 p.m.	Portland State Office Bldg. 800 NE Oregon St., Rm. 221 Portland, OR 97232

Hearing Officer: Jana Fussell
Stat. Auth.: ORS 413.042, 441.025, 441.056, 441.060 & 2015 OL Ch. 373
Stats. Implemented: ORS 147.025, 441.015–441.065, 441.098, 441.222, 442.015, 678.362& 2015 OL Ch. 263, Ch. 373 Ch. 466 Ch. 789
Proposed Adoptions: 333-076-0137
Proposed Amendments: 333-076-0101, 333-076-0135, 333-500-0045, 333-505-0005, 333-505-0007, 333-505-0030, 333-505-0050, 333-510-0030, 333-515-0030, 333-520-0020, 333-520-0050, 333-525-0000, 333-535-0061, 333-535-0080, 333-535-0110
Proposed Repeals: 333-515-0050, 333-515-0060
Last Date for Comment: 12-22-15, 5 p.m.
Summary: The Oregon Health Authority, Public Health Division is proposing to permanently adopt, amend and repeal Oregon Administrative Rules relating to hospitals and ambulatory surgery centers in response to legislation that was passed in the 2015 legislative session, in addition to making minor housekeeping changes.

The proposed rule amendments address the following:

- Credentialing and privileges for nurse midwife nurse practitioners (HB 2930 (Oregon Laws 2015, chapter 63));
- Telemedicine provider credentialing (SB 569 (Oregon Laws 2013, chapter 414));
- Discharge planning requirements with lay caregivers and for persons hospitalized for mental health treatment (HB 2023 (Oregon Laws 2015, chapter 466) and HB 3378 (Oregon Laws 2015, chapter 263));
- Identification and necessary actions for persons in need of palliative care (SB 608 (Oregon Laws 2015, chapter 789));

- Record retention requirements;
- Practice of surgical technology and education requirements (HB 2876 (Oregon Laws 2015, chapter 373)); and
- Minor housekeeping corrections, alignment with other state agency rules and removal of duplicative rules.

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

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Rule Caption: Training on Lifesaving Treatments

Date:	Time:	Location:
12-17-15	3 p.m.	Portland State Office Bldg. 800 NE Oregon St., Rm. 221 Portland, OR 97232

Hearing Officer: Jana Fussell
Stat. Auth.: ORS 433.805 & 433.810
Other Auth.: 2015 OL Ch. 676
Stats. Implemented: ORS 433.800–433.830
Proposed Amendments: 333-055-0000, 333-055-0006, 333-055-0015, 333-055-0021, 333-055-0030, 333-055-0035
Last Date for Comment: 12-22-15, 5 p.m.
Summary: The Oregon Health Authority (Authority), Public Health Division is proposing to permanently amend Oregon Administrative Rules relating to the training of lifesaving treatments in response to legislation passed in 2015 (SB 875). SB 875 (Oregon Laws 2015, chapter 676) adds a training requirement for school personnel on the treatment of adrenal crisis when a parent notifies a school that a student has been diagnosed with adrenal insufficiency.

The proposed rules address the following:
- Adds definitions;
- Creates provisions for training school personnel on the treatment of adrenal crisis; and
- Updates the title of division 55 to more accurately reflect the subject of the rules within that division.

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

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Rule Caption: Tanning device registration fee

Date:	Time:	Location:
12-17-15	10:30 a.m.	Portland State Office Bldg. 800 NE Oregon St., Rm. 918 Portland, OR 97232

Hearing Officer: Jana Fussell
Stat. Auth.: ORS 453.729
Stats. Implemented: ORS 453.729
Proposed Amendments: 333-103-0025
Last Date for Comment: 12-22-15, 5 p.m.
Summary: The Oregon Health Authority, Public Health Division, Center for Health Protection is proposing to amend an Oregon Administrative Rule relating to the tanning device registration program within Radiation Protection Services (RPS).

The tanning program is proposing to amend OAR 333-103-0025, to propose a 50% increase relating to the tanning device registration fee as outlined in Senate Bill 228 (Oregon Laws 2015, chapter 778) passed during the 2015 legislative session.

The proposed fee increase raises the annual tanning device registration fee from $100 to $150 and will become effective January 1, 2016

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

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Rule Caption: Required certification for Local School Dental Sealant Programs

Date:	Time:	Location:
1-5-16	1 p.m.	Portland State Office Bldg. 800 NE Oregon St., Rm. 1D Portland, OR 97232

Hearing Officer: Jana Fussell
Stat. Auth.: 2015 OL Ch. 791
Stats. Implemented: 2015 OL Ch. 791
Proposed Adoptions: 333-028-0300, 333-028-0310, 333-028-0320, 333-028-0330, 333-028-0340, 333-028-0350
Last Date for Comment: 1-7-16, 5 p.m.
Summary: The Oregon Health Authority (OHA), Public Health Division, Oral Health Program is proposing to permanently adopt administrative rules in chapter 333, division 28 to certify and provide oversight of local school dental sealant programs. Senate Bill 660 (Oregon Laws 2015, chapter 791), which passed during the 2015 legislative session, requires local school dental sealant programs to be certified by the Oregon Health Authority before dental sealants can be provided in a school setting. Certification will provide schools and parents with assurance that a minimum set of standards will be met while delivering dental sealant services. The proposed rules provide guidance for local school dental sealant programs on the requirements for certification; application process for certification and recertification; monitoring of local school dental sealant programs; and decertification or provisional certification for programs out of compliance.
Rules Coordinator: Brittany Sande
Address: Oregon Health Authority, Public Health Division, 800 NE Oregon St., Suite 930, Portland, OR 97232
Telephone: (971) 673-1291

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Rule Caption: Prescription Drug Monitoring Program

Date:	Time:	Location:
12-16-15	1:30 p.m.	Portland State Office Bldg. 800 NE Oregon St., Rm. 618 Portland, OR 97232

Hearing Officer: Jana Fussell
Stat. Auth.: ORS 431.962
Stats. Implemented: ORS 431.962- 431.978 & 431.992
Proposed Renumberings: 410-121-4015 to 333-023-0815, 410-121-4020 to 333-023-0820
Proposed Ren. & Amends: 410-121-4000 to 333-023-0800, 410-121-4005 to 333-023-0805, 410-121-4010 to 333-023-0810
Last Date for Comment: 12-22-15, 5 p.m.
Summary: The Oregon Health Authority (Authority), Public Health Division is proposing to permanently amend OAR 410-121-4010 and renumber it to OAR 333-023-0810 to revise reporting requirements for the Prescription Drug Monitoring Program, based on the passage of SB 71 (Oregon Laws 2015, chapter 481). The Authority is also proposing to amend and renumber rules in OAR chapter 410 (Medical Assistance Programs), division 121 pertaining to the Prescription Drug Monitoring Program to chapter 333 (Public Health), division 23 since the Public Health Division is responsible for the administration of the program.
Rules Coordinator: Brittany Sande
Address: Oregon Health Authority, Public Health Division, 800 NE Oregon St., Suite 930, Portland, OR 97232
Telephone: (971) 673-1291

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Oregon Public Employees Retirement System
Chapter 459

Rule Caption: Clarify definitions in PERS Disability rules.

Date:	Time:	Location:
12-15-15	2 p.m.	PERS Boardroom 11410 SW 68th Pkwy. Tigard, OR 97223

Hearing Officer: Daniel Rivas
Stat. Auth.: ORS 238.650, 238A.450
Stats. Implemented: ORS 238.320–238.345, 238A.235

Proposed Amendments: 459-015-0001, 459-076-0001
Last Date for Comment: 12-29-15, 5 p.m.
Summary: PERS relies on physician statements and medical records in determining a member's eligibility for disability benefits. Currently, the definition of "physician" includes specialists who hold a doctorate rather than a degree in medicine. The modifications to the rules clarify that the definition of "physician" means a doctor with a degree in medicine and who is properly licensed to practice medicine, and who may also have other qualifications that fit within the various specialist categories, to clarify that a degree in medicine is a threshold qualification to be considered as a "physician." We have also added a definition for "orthopedic specialist physician," which is a term used in other administrative rules but was previously undefined.
Rules Coordinator: Daniel Rivas
Address: Oregon Public Employees Retirement System, PO Box 23700, Tigard, OR 97281
Telephone: (503) 603-7713

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Rule Caption: Establish a reimbursement schedule for providing medical records.

Date:	Time:	Location:
12-15-15	2 p.m.	PERS Boardroom 11410 SW 68th Pkwy. Tigard, OR 97223

Hearing Officer: Daniel Rivas
Stat. Auth.: ORS 238.620 & 238A.450
Stats. Implemented: ORS 238 & 238A
Proposed Adoptions: 459-005-0605
Last Date for Comment: 12-29-15, 5 p.m.
Summary: PERS regularly requests copies of medical records for disability eligibility determinations, ongoing reviews, appeals, and contested case hearings. The rate at which PERS reimburses medical providers for medical records has varied over time, and has not always been consistently applied. This rule will establish a published reimbursement schedule for requested medical records, providing consistency in the reimbursement we will pay providers of these records.
Rules Coordinator: Daniel Rivas
Address: Oregon Public Employees Retirement System, PO Box 23700, Tigard, OR 97281
Telephone: (503) 603-7713

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Rule Caption: Clarify rulemaking notice procedure.

Date:	Time:	Location:
12-15-15	2 p.m.	PERS Boardroom 11410 SW 68th Pkwy. Tigard, OR 97223

Hearing Officer: Daniel Rivas
Stat. Auth.: ORS 183.335 & 238.650
Stats. Implemented: ORS 183.335
Proposed Amendments: 459-001-0000
Last Date for Comment: 12-29-15, 5 p.m.
Summary: OAR 459-001-0000 sets forth the procedure for noticing the adoption, amendment, and repeal of administrative rules. The current rule, however, stipulates that notices of rulemaking will be sent via postal mail and lists a limited group of interested parties and employers as recipients of the rulemaking notices. The proposed rule modifications update the mailing requirement to conform to agency practice of emailing notices unless the recipient requests a postal mailing. The incomplete list of employers and interested parties has been removed, and section (2) has been updated to indicate that notices of rulemaking will be provided to all persons and organizations who request to receive the notices.
Rules Coordinator: Daniel Rivas
Address: Oregon Public Employees Retirement System, PO Box 23700, Tigard, OR 97281
Telephone: (503) 603-7713

Oregon Racing Commission
Chapter 462

Rule Caption: Amend rule 462-220-0080 to reflect legislative action. Changes payment structure between agency and general fund.

Date:	Time:	Location:
1-21-16	12:30 p.m.	800 NE Oregon St., (PSOB) Rm. 1C Portland, OR 97232

Hearing Officer: Charlie Williamson
Stat. Auth.: ORS 462.270(3)
Stats. Implemented: ORS 462.270(3), 462.725(4) Amended, Passed by House 6-30-15; passed by Senate 7-2-15
Proposed Amendments: 462-220-0080
Last Date for Comment: 1-21-16, 12:30 p.m.
Summary: Amendment changes distribution of receipts from Multi-Jurisdictional Simulcasting and Interactive Wagering Totalizators Hubs. Amended rule requires 25% of the receipts to be transferred to the general fund and retain 75% in the agency's cash account for the benefit of the pari-mutuel racing industry.
Rules Coordinator: Karen Parkman
Address: Oregon Racing Commission, 800 NE Oregon St., Suite 310, Portland, OR 97232
Telephone: (971) 673-0208

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Oregon State Marine Board
Chapter 250

Rule Caption: Amend designated wild and scenic waterway boating rules for consistency with federal regulations.
Stat. Auth.: ORS 830.110 & 830.175
Stats. Implemented: ORS 830.175
Proposed Adoptions: Rules in 250-030
Proposed Amendments: Rules in 250-030
Proposed Repeals: Rules in 250-030
Last Date for Comment: 12-31-15, 5 p.m.
Summary: The Oregon Wild and Scenic waterway rules in Chapter 250 Division 30 will be reviewed and amended, as necessary, to ensure consistency with existing federal regulations.
Rules Coordinator: June LeTarte
Address: Oregon State Marine Board, P.O. Box 14145, Salem, OR 97309-5065
Telephone: (503) 378-2617

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Oregon State Treasury
Chapter 170

Rule Caption: Modifies advance and current forward refunding rule requirements and updates permanent SEC Rule reference.
Stat. Auth.: ORS 287A.365
Stats. Implemented: ORS 287A.360–287A.380
Proposed Amendments: 170-062-0000
Last Date for Comment: 12-22-15, 5 p.m.
Summary: The amendment provides additional requirements and updates the reference number for SEC's Municipal Advisor Registration Permanent Rule.
Rules Coordinator: Dan McNally
Address: Oregon State Treasury, 350 Winter St. NE, Suite 100, Salem, OR 97301
Telephone: (503) 373-1028

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Psychiatric Security Review Board
Chapter 859

Rule Caption: PSRB Sex Offender Classification/Reclassification/Relief from Reporting

Date:	Time:	Location:
12-22-15	9:30 a.m.	610 SW Alder St., Suite 420 Portland, OR 97205

Hearing Officer: Sid Moore

Stat. Auth.: ORS 161.387(1), 181.801-181.812, OL Ch. 820 (HB 2320) & 2013 OL Ch. 708 (HB 2549)
Stats. Implemented: ORS 181.801–181.812, 2015 OL Ch. 820 (HB 2320) & 2013 OL Ch. 708 (HB 2549)
Proposed Adoptions: 859-400-0001, 859-400-0005, 859-400-0010, 859-400-0015, 859-400-0020, 859-400-0025, 859-400-0030, 859-400-0035, 859-400-0040, 859-400-0045
Last Date for Comment: 12-22-15, 5 p.m.
Summary: Both in 2013 and 2015, the Oregon Legislature passed new laws establishing a state-wide system that classifies registered sex offenders into three categories based on risk. This new law also authorizes some information regarding a sex offender to be released to the public and law enforcement, if necessary to protect the public. See 2015 Oregon Laws, Chapter 820 (HB 2320), 2013 Oregon Laws, Chapter 708 (HB 2549).

By December 2018, the PSRB, in cooperation with the Oregon Board of Parole & Post-Prison Supervision will classify all registered sex offenders, including those who have been found guilty except for insanity (GEI) of a sex crime or who have been found GEI of a crime and must register as a sex offender due to a prior conviction, even if the person is no longer on any PSRB supervision. All registrants will be classified with one of the following levels:

Level I — lowest risk.
Level II — moderate risk.
Level III — high risk.

Finally, beginning in December 2018, registrants who are eligible to do so may request reclassification or relief from registration. These proposed rules describe the classification process.
Rules Coordinator: Sid Moore
Address: Psychiatric Security Review Board, 610 SW Alder St., Suite 420, Portland, OR 97205
Telephone: (503) 229-5596

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Rule Caption: Amends previous rule: replaces "DSM IV-TR" with "DSM 5" for mental disease or defect diagnoses.

Date:	Time:	Location:
12-22-15	9:30 a.m.	610 SW Alder St., Suite 420 Portland, OR 97205

Hearing Officer: Sid Moore
Stat. Auth.: ORS 161.387
Stats. Implemented: ORS 161.295–161.400
Proposed Amendments: 859-010-0005
Last Date for Comment: 12-22-15, 5 p.m.
Summary: OAR 859-010-0005 sets forth definitions relevant and applicable to the Adult Psychiatric Security Review Board, including, in section 11, definitions of "mental disease or defect." Section 11 contains two references to a diagnostic tool—the Diagnostic and Statistical Manual of Mental Disorders IV, text revision (DSM IV-TR)—which the treatment community ceased using in October 2015 in favor of the DSM 5. This rule modification will reflect the treatment community's update to the most current version of the DSM, the DSM 5.
Rules Coordinator: Sid Moore
Address: Psychiatric Security Review Board, 610 SW Alder St., Suite 420, Portland, OR 97205
Telephone: (503) 229-5596

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Rule Caption: Clarifies Civil Commitment Hearing Rules

Date:	Time:	Location:
12-22-15	9:30 a.m.	610 SW Alder St., Suite 420 Portland, OR 97205

Hearing Officer: Sid Moore
Stat. Auth.: ORS 161.387(1), 426.701 & 426.702
Stats. Implemented: ORS 161.387(1), 426.0701 & 426.702
Proposed Amendments: 859-200-0070
Last Date for Comment: 12-22-15, 5 p.m.
Summary: Pursuant to ORS 426.702, the PSRB has the authority to certify a person under its jurisdiction for recommitment at the end of the 24 month commitment period. This law does not require that the PSRB hold a hearing to determine certification and the PSRB's current practice is not to hold a certification hearing. Instead, the PSRB has developed an administrative review process to seek the person's clinical team's recommendation regarding recommitment, notify the person of this recommendation and forward this information to the circuit court for possible recommitment. The current rule does not accurately describe this practice; therefore, the proposed amendment would remove reference to a PSRB "certification hearing."
Rules Coordinator: Sid Moore
Address: Psychiatric Security Review Board, 610 SW Alder St., Suite 420, Portland, OR 97205
Telephone: (503) 229-5596

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Public Utility Commission, Board of Maritime Pilots
Chapter 856

Rule Caption: Amendment to extend the duration of a graded license on a case-by-case basis.

Date:	Time:	Location:
1-21-16	2 p.m.	800 NE Oregon St., Rm. 1-D Portland, OR

Hearing Officer: Board of Maritime Pilots
Stat. Auth.: ORS 776.115 & 670.310
Stats. Implemented: ORS 776.115(4) & (7) & 670.310(1)
Proposed Amendments: 856-010-0012
Last Date for Comment: 1-21-16, Close of Business
Summary: The Board's rules do not currently allow a lower grade license to be extended or renewed to allow additional time to complete training when training is interrupted by medical leave. The amendment will allow the Board to extend a graded (limited) license on a case-by-case basis.
Rules Coordinator: Susan Johnson
Address: Public Utility Commission, Board of Maritime Pilots, 800 NE Oregon St., Suite 507, Portland, OR 97232
Telephone: (971) 673-1530

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Secretary of State, Elections Division
Chapter 165

Rule Caption: Adopts revisions to the State and Local Candidate Manuals and Political Party Manual
Stat. Auth.: ORS 246.150, 248.008 & 249.009
Stats. Implemented: ORS 248.008 & 249.009
Proposed Amendments: 165-010-0005
Last Date for Comment: 12-23-15, 5 p.m.
Summary: The proposed rule amendment adopts current revisions to the:

1) State Candidate's Manual as the procedures and forms to be used by candidates filing and running for federal or state office as that term is defined in ORS 249.002(10);

2) County, City and District Candidate's Manual as the procedures and forms to be used by candidates filing and running for elected office in a county, city or district; and

3) Political Party Manual as the procedures and forms to be used to form a minor political party and nominate candidates for elective office. This manual also includes information on qualifying as a major political party and a party's obligation to file organizational documents.

To request a draft copy of any 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: Designating Ballot Request Forms
Stat. Auth.: ORS 246.150, 254.465, 254.470
Other Auth.: Help America Vote Act P.L. 107-252
Stats. Implemented: ORS 247, 253, 254
Proposed Amendments: 165-007-0035
Last Date for Comment: 12-23-15, 5 p.m.
Summary: Replaces reference to "Federal Absentee Ballot Request Form" with "Federal Post Card Application". "Federal Post Card Application" is the current name for the federal form military and overseas voters must submit 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

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Rule Caption: Adopts revisions to the Initiative and Referendum Manuals, Circulator Training Manual, Recall and Referral Manuals
Stat. Auth.: ORS 246.150, 250.015, 250.048 & 255.135
Stats. Implemented: ORS 250.015, 250.045, 250.048, 250.052, 250.085, 250.105, 250.165, 250.168, 250.175, 250.185, 250.195, 250.205, 250.215, 250.265, 250.270, 250.275, 250.285, 250.296, 250.315, 250.325, 255.135, 255.140, 255.145, 255.155, 255.165, 255.175 & 255.215
Proposed Amendments: 165-014-0005
Proposed Repeals: 165-014-0280
Last Date for Comment: 12-23-15, 5 p.m.
Summary: 165-014-0005 — The proposed rule amendment adopts current revisions to the:

1) State Initiative and Referendum Manual as the procedures and forms to be used for the state initiative and referendum process;

2) County, City and District Initiative and Referendum Manual as the procedures, except where state law permits the procedure to be otherwise under local charter or ordinance, and forms to be used for the local initiative and referendum process;

3) Circulator Training Manual as the curriculum, procedures and forms to be used to register as required under ORS 250.048 by a person who will be paid to gather signatures on a state prospective initiative, initiative, referendum or recall petition;

4) Recall Manual as the procedures and forms to be used for the recall process; and

5) County, City and District Referral Manual as the procedures, except where state law permits the procedure to be otherwise under local charter or ordinance, and forms to be used for the local referral process.

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

165-014-0280 — This rule is proposed for repeal because the adoption of current revisions to the Circulator Training Manual is proposed under 165-014-0005.
Rules Coordinator: Brenda Bayes
Address: Secretary of State, Elections Division, 255 Capitol St. NE, Suite 501, Salem, OR 97310
Telephone: (503) 986-1518

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Rule Caption: Amends incorrect quote; clarifies minimum penalty for paying by signature and deadline for specified accounts
Stat. Auth.: ORS 246.150 & 260.262
Stats. Implemented: ORS 260.262 & 260.995
Proposed Amendments: 165-014-0100, 165-014-0260
Last Date for Comment: 12-23-15, 5 p.m.
Summary: OAR 165-014-0100 — This rule amendment establishes that the deadline for the first submittal of chief petitioner accounts is not until after the sponsorship phase, and that the first accounts submittal of the primary signature gathering effort should include the accounts for the sponsorship phase.

OAR 165-014-0260 — This rule amendment corrects an incorrect quote of Article IV, Section 1b of the Oregon Constitution and to clarify the minimum penalty for violations of Article IV, Section 1b of the Oregon Constitution.
Rules Coordinator: Brenda Bayes
Address: Secretary of State, Elections Division, 255 Capitol St. NE, Suite 501, Salem, OR 97310
Telephone: (503) 986-1518

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Rule Caption: Updates hearing request form references, clarifies deadlines and establishes transmittal of written exceptions, complaint requirements
Stat. Auth.: ORS 246.150 & 260.345
Stats. Implemented: ORS 246.232, 260.345 & 260.995
Proposed Adoptions: 165-001-0095
Proposed Amendments: 165-001-0016, 165-001-0025, 165-001-0034, 165-001-0050
Last Date for Comment: 12-23-15, 5 p.m.
Summary: OAR 165-001-0016, 165-001-0025, 165-001-0034 and 165-001-0050 are proposed for amendment to update references to the hearing request form number; to incorporate deadlines for issuing a default final order when no hearing is requested, a hearing request is cancelled or a person does not show up at the hearing; and to establish where and when written exceptions to a proposed order must be filed.

OAR 165-001-0095 is proposed for adoption to establish the requirements for complaints filed with the State Elections Division and establish procedures for complaints filed with other elections filing officers.
Rules Coordinator: Brenda Bayes
Address: Secretary of State, Elections Division, 255 Capitol St. NE, Suite 501, Salem, OR 97310
Telephone: (503) 986-1518

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Rule Caption: Adopts 2016 Campaign Finance Manual and amends process for administratively discontinuing a political committee
Stat. Auth.: ORS 246.150, 260.046, 260.156 & 260.200
Stats. Implemented: OSR 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, 260.145, 260.232 & 260.995
Proposed Amendments: 165-012-0005, 165-012-0240
Last Date for Comment: 12-23-15, 5 p.m.
Summary: OAR 165-012-0005 is proposed for amendment to adopt the 2016 Campaign Finance Manual and associated forms as the procedures and guidelines to be used for compliance with Oregon campaign finance regulations.

OAR 165-012-0240 is proposed for amendment to expand the manner in which a person may respond to a Notice of Discontinuation.
Rules Coordinator: Brenda Bayes
Address: Secretary of State, Elections Division, 255 Capitol St. NE, Suite 501, Salem, OR 97310
Telephone: (503) 986-1518

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Rule Caption: Updates mitigating circumstances for Other Campaign Finance Violations and amends Non-Campaign Finance Penalty Matrix
Stat. Auth.: ORS 246.150 & 260.200
Stats. Implemented: ORS 260.200, 260.215, 260.232 & 260.995
Proposed Amendments: 165-013-0010, 165-013-0020
Last Date for Comment: 12-23-15, 5 p.m.
Summary: 165-013-0010 is proposed for amendment to add an alternate transaction filer and independent expenditure filer to mitigating circumstances the Secretary may consider in reducing or waiving a penalty for Other Campaign Finance Violations.

165-013-0020 is proposed for amendment to clarify when an offense is considered to be a single or multiple violations, clarifies

the minimum penalty for violations of Article IV, section 1b of the Oregon Constitution, clarifies the minimum penalty for violations of ORS 260.569 and removes certain mitigating circumstances for violations of ORS 260.432.
Rules Coordinator: Brenda Bayes
Address: Secretary of State, Elections Division, 255 Capitol St. NE, Suite 501, Salem, OR 97310
Telephone: (503) 986-1518

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Rule Caption: Adopts revisions to the State Voters' Pamphlet Manual
Stat. Auth.: ORS 246.150, 251.014, 251.065, 251.075 & 251.255
Stats. Implemented: ORS 251.046, 251.049, 251.055, 251.065, 251.075, 251.085, 251.087, 251.095, 251.115, 251.255 & 251.285
Proposed Amendments: 165-016-0000
Last Date for Comment: 12-23-15, 5 p.m.
Summary: The proposed rule amendment adopts current revisions to the Voters' Pamphlet Manual and associated forms as the procedures by which statements, photos, or arguments must be filed as well as the order in which they will appear in the state voters' pamphlet, allowable formatting and provides a process for contacting statement or argument filers regarding required revisions.

To request a draft copy of any manual please contact Summer Davis, Compliance Specialist, phone 503-986-1518; fax 503-373-7414; or email 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

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Rule Caption: NVRA Agency Registration Procedures and Reporting Requirements
Stat. Auth.: ORS 246.150, 247.012 & 247.208
Stats. Implemented: ORS 247.208
Proposed Amendments: 165-005-0055, 165-005-0065, 165-005-0070
Last Date for Comment: 12-23-15, 5 p.m.
Summary: These rules are proposed for amendment to:

1) appropriately identify designated Voter Registration Agencies after organizational name change;

2) designate CCare as a Voter Registration Agency;

3) remove the requirement for the Secretary of State to print Voter Registration Agency reporting forms and instead allow for the Secretary to designate a print or electronic form that Voter Registration Agencies must use to report the number of registration cards submitted to county elections officials; and

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

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Rule Caption: Adopts revisions to the Restrictions on Political Campaigning by Public Employees, ORS 260.432 Manual
Stat. Auth.: ORS 246.150
Stats. Implemented: ORS 260.432
Proposed Amendments: 165-013-0030
Last Date for Comment: 12-23-15, 5 p.m.
Summary: The proposed rule adopts the current revisions to the Restrictions on Political Campaigning by Public Employees, ORS 260.432 Manual. This manual provides guidance on 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

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Teacher Standards and Practices Commission
Chapter 584

Rule Caption: Proposes new rules, amendments and repeals for licensure, program approval, and professional practices.
Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120-200, 223–232, 400, 455–495, 533 & 553
Proposed Adoptions: Rules in 584-010, 584-010-0120, Rules in 584-017, 584-017-1110, Rules in 584-050, 584-050-0150, Rules in 584-200, 584-210, 584-220, 584-225, 584-255, 584-400, 584-410, 584-420
Proposed Amendments: Rules in 584-010, 584-017, 584-018, 584-050, 584-210, 584-0220, 584-0255
Proposed Repeals: Rules in 584-010, 584-017, 584-018, 584-040, 584-052, 584-065, 584-066, 584-100, 584-100-0041
Last Date for Comment: 1-15-16, 5 p.m.
Summary: Proposing new rule divisions for licensure general provisions; specializations; program standards; and other new divisions. Moves current rules to new divisions. Makes possible changes to program approval standards and procedures. The purpose of the rulemaking is to implement new Teaching License system; reorder rules to improve clarity; and possibly make changes to program standards and procedures to align with new statutory requirements.
Rules Coordinator: Victoria Chamberlain
Address: Teacher Standards and Practices Commission, 250 Division St. NE, Salem, OR 97301
Telephone: (503) 378-6813

Appraiser Certification and Licensure Board
Chapter 161

Rule Caption: To amend date of the current edition of the Uniform Standards of Professional Appraisal Practice
Adm. Order No.: ACLB 3-2015(Temp)
Filed with Sec. of State: 10-27-2015
Certified to be Effective: 1-1-16 thru 6-28-16
Notice Publication Date:
Rules Amended: 161-002-0000, 161-025-0060
Subject: To amend OAR 161, Division 002, Rule 0000 and Division 025, Rule 0060 to update the current edition of the Uniform Standards of Professional Appraisal Practice
Rules Coordinator: Gae Lynne Cooper—(503) 485-2555

161-002-0000
Definitions

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

(1) "Accredited College or University" means a college or university that is accredited by the Commission on Colleges, or by an accrediting agency that is recognized by the U.S. Department 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 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) Property Conditions
(i) Limited readily available comparable sales data; or
(j) 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; or
(d) 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.

(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, 2016.

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

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; ALCB 2-2002, f. & cert. ef. 5-30-02; ACLB 2-2003, f. & cert. ef. 1-27-03; ACLB 1-2004, f. & cert. ef. 2-3-04; ACLB 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; ACLB 5-2009(Temp), f. 12-15-09, cert. ef. 1-1-10 thru 6-27-10; ACLB 2-2010, f. & cert. ef. 4-23-10; ACLB 3-2011, f. & cert. ef. 11-17-11; ACLB 4-2011(Temp), f. 12-22-11, cert. ef. 1-1-12 thru 6-27-12; ACLB 1-2012, f. 7-2-12, cert. ef. 7-3-12; ACLB 2-2012(Temp), f. & cert. ef. 8-3-12 thru 1-30-13; ACLB 1-2013, f. 1-30-13, cert. ef. 1-31-13; ACLB 5-2013, f. 10-29-13, cert. ef. 1-1-14; ACLB 3-2015(Temp), f. 10-27-15, cert. ef. 1-1-16 thru 6-28-16

161-025-0060
Appraisal Standards and USPAP

(1) All licensees must develop and communicate each appraisal assignment in compliance with these administrative rules and USPAP.

(2) A licensee employed by a group or organization that conducts itself in a manner that does not conform to USPAP Standards must take steps that are appropriate under the circumstances to ensure compliance with the Standards.

(3) All licensees must certify to what extent they personally inspected the property that is the subject of the appraisal assignment. Each report must clearly state that the subject property was: inspected both inside and out; inspected from the exterior only; or was not personally inspected by the licensee.

(4) In addition to certifying as to the extent of the subject's inspection, all licensees must also certify to what extent each of the comparable sales relied upon in the appraisal were personally inspected.

(5) All licensees must disclose in all appraisal reports whether the comparable sales analyzed in the appraisal report were or were not confirmed by a party to the transaction or an agent or representative of a party to the transaction.

(6) All licensees testifying or presenting evidence in an administrative or judicial proceeding must base their testimony or evidence only upon a written appraisal report or restricted appraisal report in compliance with USPAP, reflecting a report date that precedes the date of testimony, unless such testimony is being compelled by legal subpoena.

(7) The "Uniform Standards of Professional Appraisal Practice", 2016-2017 Edition, approved and adopted by the Appraisal Standards Board of the Appraisal Foundation, dated April 27, 1987, as amended on January 1, 2016, are incorporated into the Administrative Rules of the Appraiser Certification and Licensure Board as the standards of professional conduct which shall guide the behavior of licensed and certified appraisers in the State of Oregon. Copies of the Uniform Standards of Professional Appraisal Practice may be obtained from the Appraisal Foundation located at 1029 Vermont Avenue, N.W., Suite 900, Washington D.C. 20005-3517.

(8) All licensees must list their certificate or license number and expiration date in each appraisal report.

(9) All licensees must comply with USPAP and all other applicable administrative rules in OAR Chapter 161 in all valuation activity, unless such valuation activity qualifies as an exclusion to real estate appraisal activity under ORS 674.100(2) (h).

(10) Notwithstanding any other provision of these rules, a licensee acting in one of the following capacities is not subject to the requirements of Standard 3 of USPAP when examining an appraisal report and workfile as part of an official investigation being conducted by the Board:

(a) Board member;

(b) Employee; or

(c) Contractor or volunteer serving at the request of the Board.

[Publications: Publications referenced are available from the agency.]
Stat. Auth.: ORS 674.305(8) & 674.310
Stats. Implemented: ORS 674
Hist.: ACLB 1-1992(Temp), f. & cert. ef. 1-23-92; ACLB 2-1992, f. & cert. ef. 4-30-92; ACLB 4-1993(Temp), f. & cert. ef. 6-25-93; ACLB 1-1994, f. & cert. ef. 2-1-94; ACLB 4-1994, f. & cert. ef. 7-27-1994; ACLB 2-1996, f. & cert. ef. 2-13-96; ACLB 1-1997(Temp), f. 10-13-97, cert. ef. 1-1-98; ACLB 1-1998, f. 6-24-98, cert. ef. 7-1-89; ACLB 1-1999, f. 1-28-99, cert. ef. 3-31-99; ACLB 3-1999, f. 9-23-99, cert. ef. 1-1-00; ACLB 1-2000, f. & cert. ef. 2-29-00; ACLB 3-2000(Temp), f. 11-9-00, cert. ef. 11-9-00 thru 5-8-01; ACLB 1-2001(Temp), f. & cert. ef. 1-26-01 thru 7-25-01; ACLB 2-2001, f. 4-11-01, cert. ef. 4-12-01; ACLB 3-2001(Temp), f. & cert. ef. 7-12-01 thru 1-8-02; ACLB 1-2002, f. & cert. ef. 2-26-02; ALCB 2-2002, f. & cert. ef. 5-30-02; ACLB 2-2003, f. & cert. ef. 1-27-03; ACLB 1-2004, f. & cert. ef. 2-3-04; ACLB 1-2005, f. & cert. ef. 1-12-04; ACLB 4-2005, f. & cert. ef. 11-2-05; ACLB 1-2006(Temp), f. 6-29-06, cert. ef. 7-1-06 thru 12-28-06; ACLB 2-2006, f. & cert. ef. 7-26-06; ACLB 5-2007(Temp), f. 11-1-07, cert. ef. 1-1-08 thru 6-27-08; ACLB 1-2008, f. & cert. ef. 5-13-08; ACLB 3-2008, f. & cert. ef. 8-13-08; ACLB 1-2009, f. 1-28-09, cert. ef. 1-30-09; ACLB 5-2009(Temp), f. 12-15-09, cert. ef. 1-1-10 thru 6-27-10; ACLB 2-2010, f. & cert. ef. 4-23-10; ACLB 3-2011, f. & cert. ef. 11-17-11; ACLB 4-2011(Temp), f. 12-22-11, cert. ef. 1-1-12 thru 6-27-12; ACLB 1-2012, f. 7-2-12, cert. ef. 7-3-12; ACLB 5-2013, f. 10-29-13, cert. ef. 1-1-14; ACLB 6-2013(Temp), f. 12-19-13, cert. ef. 1-1-14 thru 6-2-14; ACLB 1-2014, f. & cert. ef. 4-22-14; ACLB 2-2014, f. & cert. ef. 5-20-14; ACLB 5-2014, f. 12-19-14, cert. ef. 1-1-15; ACLB 3-2015(Temp), f. 10-27-15, cert. ef. 1-1-16 thru 6-28-16

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Board of Chiropractic Examiners
Chapter 811

Rule Caption: Remove fee from rule; requires applicant to pay "current" background check fee; other minor cleanup.
Adm. Order No.: BCE 4-2015
Filed with Sec. of State: 10-29-2015
Certified to be Effective: 10-29-15
Notice Publication Date: 3-1-2015
Rules Amended: 811-010-0085
Subject: The amendment removes the fee in the rule (which is outdated) and replaces it with generic language - "current fee" (established by Oregon State Police
Rules Coordinator: Kelly J. Beringer—(503) 373-1573

811-010-0085
Application and Examination of Applicants

(1) Applicants shall be examined according to ORS 684.050 or 684.052.

(2) The Board shall provide a Candidate's Guide, which contains all necessary examination information.

(3) Fee and application deadlines are as follows:

(a) Application and $150 fee for chiropractic exams must be postmarked no later than 30 days prior to the first exam day.

(b) Request for retake of any section of the exam must be submitted in writing with a $100 reexamination fee postmarked no later than 30 days prior to the first exam day.

(c) Supporting documentation must be postmarked no later than 30 days prior to the first exam day.

(d) Deadlines may be waived by the Board for good cause.

(e) A complete set of fingerprints obtained from any state or local law enforcement agency, or from any other agency approved by the Board. Applicants shall use forms prescribed by the Board.

(f) Applicant must pay to the Board the current actual cost of conducting the state and federal background check

(g) Criminal background check results must be submitted prior to the 30 day deadline.

(4) Documents to be submitted prior to approval to take the Oregon Specifics Examinations:

(a) A completed, official application including a recent photograph and fingerprints;

(b) Evidence of the applicant's good moral character on the letterhead stationary of a Chiropractic physician;

(c) A signed affidavit attesting to successful completion of at least two years of liberal arts and sciences study in an accredited college. Original transcripts must be provided if requested by the Board; and

(d) A transcript certified by the registrar, from an approved chiropractic college, including transcripts of coursework as required by OAR 811-020-0006 (minimum Educational Requirements for physiotherapy and minor surgery/proctology). A transcript of grades is necessary from each chiropractic college attended.

(e) An official transcript of passing grades from the National Board of Chiropractic Examiners on Part I, II and III and physiotherapy.

(5) Documents and fee to be submitted prior to licensure include:

(a) $100 initial license fee.

(b) A diploma or other evidence of graduation certified by the registrar from an approved Chiropractic college.

(c) An official transcript of passing grades from the National Board of Chiropractic Examiners Part IV.

(6) All applicants must take and pass the Oregon Specifics Examination consisting of written examination in ethics and jurisprudence, obstetrics and gynecology, minor surgery and proctology. Applicants who have previously taken and passed obstetrics and gynecology, and/or minor surgery and proctology within the last five years from the date of application as received by the Board are not required to retake these tests, however all applicants must take and pass ethics and jurisprudence.

(7) Oregon Specifics Examination Grades:

(a) The Board shall determine the passing scores. Each section of the examination shall be graded separately using the Angoff Method, a criterion referenced model. Passing scores fluctuate between sections and between examinations. All examinations are designed to test minimal competency to protect the public health and safety.

(b) Examination grades will be released within 30 days of the examination date.

(8) Regrades: any request for regrade must be submitted in writing to the Board no later than 45 days after the date of the examination. A regrade involves a manual tally of points earned for the specific examination requested.

(9) An applicant failing to achieve a passing grade, as determined by the Board for each examination section, may make application to the Board for a re-examination in the failed sections .

(10) An applicant must take at least one of the failed section(s) within 13 months following the date when the applicant took the entire examination. If the applicant fails to re-test on at least one failed section within 13 months of the last examination, the file shall become inactive and the applicant must re-apply and take the entire examination.

(11) An applicant attempting to give aid or accepting aid from another while examinations are in progress shall fail the examination and will not be allowed to take the examination for a period of five (5) years.

(12) Refunds:

(a) The application fee is non-refundable; and

(b) The retake fee can be refunded until 10 days prior to the test date.

(c) The background check fee is non-refundable.

(13) The Board may reject applications for good cause, including evidence of unprofessional behavior.

(14) Effective June 1, 2001 applicants who have completed all requirements for licensure, including passage of all required examinations, must submit the initial license fee to obtain license within one year from the date they completed all the requirements. An applicant's initial license will be valid for a minimum of 180 days. However, if the applicant's next birth date is within the 180 days, the initial license will be valid for an additional 12 months beyond the applicant's birth date.

Stat. Auth.: ORS 684

Stats. Implemented: ORS 684.050 & 684.052

Hist.: 2CE 3, f. 10-9-59; 2CE 7, f. 7-9-68; 2CE 9, f. 10-16-70; 2CE 1-1978, f. 6-16-78, ef. 7-1-78; 2CE 2-1985, f. 11-13-85, ef. 12-1-85; CE 1-1993, f. 3-1-93, cert. ef. 4-1-93; CE 6-1993(Temp), f. 9-29-93, cert. ef. 11-3-93; CE 1-1994, f. & cert. ef. 7-26-94; CE 4-1995, f. & cert. ef. 12-6-95; CE 2-1997, f. & cert. ef. 7-29-97; CE 3-1997(Temp), f. & cert. ef. 9-25-97; CE 4-1997, f. & cert. ef. 11-3-97; BCE 3-2000, cert. ef. 8-23-00; BCE 1-2001, f. 1-31-01, cert. ef. 2-1-01; BCE 2-2002, f. & cert. ef. 5-29-02; BCE 2-2003, f. & cert. ef. 12-11-03; BCE 1-2004, f. & cert. ef. 6-7-04; BCE 2-2006, f. & cert. ef. 2-9-06; BCE 5-2006, f. & cert. ef. 11-24-06l: BCE 1-2007, f. & cert. ef. 11-30-07; BCE 1-2015, f. & cert. ef. 3-20-15; BCE 3-2015, f. 6-8-15, cert. ef. 7-1-15; BCE 4-2015, f. & cert. ef. 10-29-15

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Board of Examiners for Engineering and Land Surveying
Chapter 820

Rule Caption: Implement new processes as a result of the passing of SB297 and to define appurtenance.
Adm. Order No.: BEELS 8-2015
Filed with Sec. of State: 11-13-2015
Certified to be Effective: 11-13-15
Notice Publication Date: 10-1-2015
Rules Adopted: 820-001-0100, 820-005-0001, 820-005-0005, 820-005-0015, 820-005-0020, 820-005-0025, 820-005-0030, 820-005-0040, 820-005-0045, 820-005-0055, 820-005-0060, 820-005-0070, 820-005-0075, 820-005-0080, 820-005-0085, 820-005-1000, 820-010-1000, 820-010-1010, 820-010-1020, 820-010-2000, 820-010-2010, 820-010-2020, 820-010-3000, 820-010-3010, 820-010-4000, 820-010-5000, 820-010-5010, 820-001-0200, 820-080-1000, 820-020-0050, 820-015-0060, 820-015-0070, 820-080-0005, 820-080-0010
Rules Amended: 820-040-0005
Rules Repealed: 820-001-0100(T), 820-001-0200(T), 820-005-0001(T), 820-005-0005(T), 820-005-0015(T), 820-005-0020(T), 820-005-0025(T), 820-005-0030(T), 820-005-0040(T), 820-005-0045(T), 820-005-0055(T), 820-005-0060(T), 820-005-0070(T), 820-005-0075(T), 820-005-0080(T), 820-005-0085(T), 820-005-1000(T), 820-010-0010, 820-010-0200, 820-010-0204, 820-010-0205, 820-010-0206, 820-010-0207, 820-010-0208, 820-010-0209, 820-010-0210, 820-010-0212, 820-010-0213, 820-010-0214, 820-010-0215, 820-010-0225, 820-010-0226, 820-010-0227, 820-010-0228, 820-010-0230, 820-010-0231, 820-010-0235, 820-010-0236, 820-010-0255, 820-010-0325, 820-010-0400, 820-010-0415, 820-010-0417, 820-010-0420, 820-010-0425, 820-010-0427, 820-010-0430, 820-010-0440, 820-010-0442, 820-010-0443, 820-010-0444, 820-010-0450, 820-010-0455, 820-010-0460, 820-010-0463, 820-010-0465, 820-010-0470, 820-010-0480, 820-010-0600, 820-010-0625, 820-010-1000(T), 820-010-1010(T), 820-010-1020(T), 820-010-2000(T), 820-010-2010(T), 820-010-2020(T), 820-010-3000(T), 820-010-3010(T), 820-010-4000(T), 820-010-5000(T), 820-010-5010(T), 820-020-0050(T), 820-020-0060, 820-020-0070, 820-080-0005(T), 820-080-0010(T), 820-080-1000(T), 820-010-0500, 820-010-0605, 820-010-0617, 820-010-0619, 820-010-0300, 820-010-0305
Subject: To permanently adopt rules that allow the Board to continue processing applications for registration as a professional engineer, land surveyor, photogrammetrist, and for certification as a water right examiner. Although the qualifications for registration or certification have not changed, SB 297 eliminated the two-step application process. The changes allow the applicant to submit an application for registration or certification once the applicant meets the minimum requirements, which include passing the required examinations and obtaining the required experience. Applicants may still gain additional years of experience instead of graduating from an approved curriculum. The changes also allow an applicant to complete these requirements in any order prior to submitting an application. Other housekeeping changes were made to reorganize the rules. Over the years, rules that did not apply to licensure were filed under division 10 - Licensing, such as the Board's budget, fees, and refunds and charges. This filing adopts new division 80 - Fees. In addition, the qualifications for the Board Administrator and the procedure for requesting new branches of a profession were also in division 10 - Licensing. This filing includes moving them to division 1 - Procedural Rules, while moving the rules for civil penalties to division 15. Further, the definitional rules are adopted in the new division 5 - Definitions.

This filing also includes amending OAR 820-040-0005 to define an appurtenance.
Rules Coordinator: Jenn Gilbert—(503) 934-2107

820-001-0100
Request to Add New Branch

Persons desiring to be registered as a professional engineer, professional land surveyor, or professional photogrammetrist naming a branch other than one listed under OAR 820-010-1000, 820-010-2000, or 820-010-3000 as one in which the individual is especially qualified may petition the Board to amend the list. Procedures are designated in the Model Rules of Procedure under the Administrative Procedure Act, OAR 137-001-0070. Information in the petition shall include:

(1) The public need for recognition of the new branch as that need relates to safeguarding life, health, and property;

(2) The number of potential registrants that would be affected;

(3) Whether the new branch is a specialty under an already recognized profession; and

(4) Recommendations for examination sources in that branch.

Stat. Auth.: ORS 670.310 & 672.255
Stats. Implemented: ORS 672.002 - 672.325
Hist.: BEELS 5-2015(Temp), f. & cert. ef. 8-19-15 thru 2-12-16; BEELS 8-2015, f. & cert. ef. 11-13-15

820-001-0200
Qualifications of Administrative Officer (Administrator)

The administrative officer of the Oregon State Board of Examiners for Engineering and Land Surveying authorized by ORS 670.306 shall:

(1) Not be a member of the Board.

(2) Serve at the pleasure of the Board.

(3) Receive such compensation as the Board may determine.

(4) Perform such duties as assigned by the Board.

Stat. Auth.: ORS 670.306, 670.310 & 672.255
Stats. Implemented: ORS 672.002 - 672.325
Hist.: BEELS 5-2015(Temp), f. & cert. ef. 8-19-15 thru 2-12-16; BEELS 8-2015, f. & cert. ef. 11-13-15

820-005-0001
Definitions

The following definitions have been adopted by the Board to assist registrants and the general public in their interpretation of specific portions of OAR Chapter 820 and ORS 672.002 to 672.325.

Stat. Auth.: ORS 670.310 & 672.255
Stats. Implemented: ORS 672.002 - 372.325
Hist.: BEELS 5-2015(Temp), f. & cert. ef. 8-19-15 thru 2-12-16; BEELS 8-2015, f. & cert. ef. 11-13-15

820-005-0005
Board

"Board" means the Oregon State Board of Examiners for Engineering and Land Surveying provided by ORS 672.240.

Stat. Auth.: ORS 182.454, 182.456, 670.310, 672.240, & 672.255
Stats. Implemented: ORS 672.002 - 372.325
Hist.: BEELS 5-2015(Temp), f. & cert. ef. 8-19-15 thru 2-12-16; BEELS 8-2015, f. & cert. ef. 11-13-15

820-005-0015
Certificate Authority

"Certificate Authority" is the third party that issues and manages digital certificates (private and public keys) for digital signatures.

Stat. Auth.: ORS 670.310 & 672.255
Stats. Implemented: ORS 672.002 - 372.325
Hist.: BEELS 5-2015(Temp), f. & cert. ef. 8-19-15 thru 2-12-16; BEELS 8-2015, f. & cert. ef. 11-13-15

820-005-0020
Digital Certificate

"Digital certificate" is required to affix a digital signature, for the recipient to verify the identity of the signor, and for the recipient to verify that the contents of the document have not been altered since the signature was affixed.

Stat. Auth.: ORS 670.310 & 672.255
Stats. Implemented: ORS 672.002 - 372.325
Hist.: BEELS 5-2015(Temp), f. & cert. ef. 8-19-15 thru 2-12-16; BEELS 8-2015, f. & cert. ef. 11-13-15

820-005-0025
Digital Signature

"Digital signature" means a type of electronic signature that transforms a message through the use of an algorithm or series of algorithms that provide a key pair, private and public, for signor verification, document security and authentication.

Stat. Auth.: ORS 670.310 & 672.255
Stats. Implemented: ORS 672.002 - 372.325
Hist.: BEELS 5-2015(Temp), f. & cert. ef. 8-19-15 thru 2-12-16; BEELS 8-2015, f. & cert. ef. 11-13-15

820-005-0030
Engineering — Practice

"Practice of engineering" refers to ORS 672.005 and 672.007.

Stat. Auth.: ORS 670.310, 672.005, 672.007, & 672.255
Stats. Implemented: ORS 672.002 - 372.325
Hist.: BEELS 5-2015(Temp), f. & cert. ef. 8-19-15 thru 2-12-16; BEELS 8-2015, f. & cert. ef. 11-13-15

820-005-0040
Examination Subversion

"Examination subversion" is the use of any means to alter the results of an examination to cause the results to inaccurately represent the competency of an examinee.

Stat. Auth.: ORS 670.310 & 672.255
Stats. Implemented: ORS 672.002 - 372.325
Hist.: BEELS 5-2015(Temp), f. & cert. ef. 8-19-15 thru 2-12-16; BEELS 8-2015, f. & cert. ef. 11-13-15

820-005-0045
Land Surveying — Practice

"Practice of land surveying" refers to ORS 672.005 and 672.007.

Stat. Auth.: ORS 670.310, 672.005, 672.007, & 672.255
Stats. Implemented: ORS 672.002 - 372.325
Hist.: BEELS 5-2015(Temp), f. & cert. ef. 8-19-15 thru 2-12-16; BEELS 8-2015, f. & cert. ef. 11-13-15

820-005-0055
Multiple Registrant

"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.

Stat. Auth.: ORS 670.310 & 672.255
Stats. Implemented: ORS 672.002 - 372.325
Hist.: BEELS 5-2015(Temp), f. & cert. ef. 8-19-15 thru 2-12-16; BEELS 8-2015, f. & cert. ef. 11-13-15

820-005-0060
Photogrammetric Mapping — Practice

"Practice of photogrammetric mapping" or "practice of photogrammetry" refers to ORS 672.002 and 672.007.

Stat. Auth.: ORS 670.310, 672.002, 672.007, & 672.255
Stats. Implemented: ORS 672.002 - 372.325
Hist.: BEELS 5-2015(Temp), f. & cert. ef. 8-19-15 thru 2-12-16; BEELS 8-2015, f. & cert. ef. 11-13-15

820-005-0070
Professional Development Hour

Professional Development Hour (PDH) is a contact hour (nominal) of instruction or presentation. The common denominator for other units of credit.

(1) 1 college semester hour equals 45 PDH.

(2) 1 college quarter hour equals 30 PDH.

(3) 1 continuing education unit equals 10 PDH.

Stat. Auth.: ORS 670.310 & 672.255
Stats. Implemented: ORS 672.002 - 372.325
Hist.: BEELS 5-2015(Temp), f. & cert. ef. 8-19-15 thru 2-12-16; BEELS 8-2015, f. & cert. ef. 11-13-15

820-005-0075
Responsible Charge

(1) "Responsible charge," as used in ORS 672.002(9), means to have supervision and control over engineering work, land surveying work, and photogrammetric mapping work, 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.

Stat. Auth.: ORS 670.310, 672.002, & 672.255
Stats. Implemented: ORS 672.002 - 372.325
Hist.: BEELS 5-2015(Temp), f. & cert. ef. 8-19-15 thru 2-12-16; BEELS 8-2015, f. & cert. ef. 11-13-15

820-005-0080
Supervision and Control

(1) "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.

Stat. Auth.: ORS 670.310, 672.002, & 672.255
Stats. Implemented: ORS 672.002 - 372.325
Hist.: BEELS 5-2015(Temp), f. & cert. ef. 8-19-15 thru 2-12-16; BEELS 8-2015, f. & cert. ef. 11-13-15

820-005-0085
Technician Work

"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 OAR 820-005-0020, land surveying work as described in OAR 820-005-0040, or photogrammetric work as described in OAR 820-005-0050. Engineering "technician work" includes, but is not limited to, work as an inspector, a laboratory assistant, a design assistant, a survey technician, or a draftsperson. Land Surveying "technician work" includes, but is not limited to, work as a survey technician, a draftsperson, 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.

Stat. Auth.: ORS 670.310 & 672.255
Stats. Implemented: ORS 672.002 - 372.325
Hist.: BEELS 5-2015(Temp), f. & cert. ef. 8-19-15 thru 2-12-16; BEELS 8-2015, f. & cert. ef. 11-13-15

820-005-1000
Acronyms

(1) ACCE — American Council for Construction Education;

(2) ASAC — Applied Science Accreditation Commission of ABET;

(3) EAC — Engineering Accreditation Commission of ABET;

(4) EI — Engineering Intern;

(5) FE — Fundamentals of Engineering;

(6) FLS — Fundamentals of Land Surveying;

(7) LSI — Land Surveying Intern;

(8) NCEES — National Council of Examiners for Engineering and Surveying;

(9) ETAC — Engineering Technology Accreditation Commission of ABET;

(10) PE — Professional Engineer;

(11) PLS — Professional Land Surveyor;

(12) RPP — Registered Professional Photogrammetrist;

(13) CWRE — Certified Water Right Examiner.

Stat. Auth.: ORS 670.310 & 672.255
Stats. Implemented: ORS 672.002 - 672.325
Hist.: BEELS 5-2015(Temp), f. & cert. ef. 8-19-15 thru 2-12-16; BEELS 8-2015, f. & cert. ef. 11-13-15

820-010-1000
Qualifications for Registration as a Professional Engineer

In order to qualify for registration as a Professional Engineer in Oregon, an applicant for registration must provide all of the following:

(1) Evidence satisfactory to the Board of passing or having previously passed the Fundamentals of Engineering examination administered by NCEES.

(2) Evidence satisfactory to the Board of passing or having previously passed a Principles and Practice of Engineering examination:

(a) Administered by NCEES, in a branch of engineering recognized by the Board; or,

(b) Administered by the California Board for Professional Engineers, Land Surveyors, and Geologists in the Geotechnical branch of engineering; or,

(c) Administered by the Board, in Acoustical Engineering or Forest Engineering.

(3) Evidence satisfactory to the Board of having obtained a Board approved combination of education and experience.

(4) A single application packet, which must include all of the following:

(a) A completed Registration Application form.

(b) Proof of successful passage of the NCEES Fundamentals of Engineering Examination. For Fundamentals of Engineering examinations passed before October 2010, if the Applicant did not pass the examination in Oregon, official verification must be provided by the NCEES licensing jurisdiction. For Fundamentals of Engineering examinations passed in October 2010 or later, the Board will verify passage with NCEES.

Note: The uniform, national examinations are written and scored by the NCEES and administered by NCEES Exam Administration Services. Please consult NCEES for examination dates, times, locations, cost, and details

(c) Proof of successful passage of an approved NCEES examination, the California Geotechnical engineering examination, or approved Oregon-specific Principles and Practice of Engineering examination. For NCEES Principles and Practice of Engineering examinations passed before October 2010, if the Applicant did not pass the examination in Oregon, official verification must be provided by the NCEES licensing jurisdiction. For NCEES Principles and Practice of Engineering examinations passed in October 2010 or later, the Board will verify passage with NCEES

Note: An individual who passes an Oregon-specific Principles and Practice of Engineering examination, is not required to notify the Board

(A) Registration will be available only in the branch for which Applicant was examined; and

(B) Registration will be available only in a branch of engineering recognized by the Board.

(d) Official transcripts of degree or coursework credentials. Official transcripts must show the degree and date awarded. For degrees or coursework not from an ABET accredited program (or, for a four-year baccalaureate construction engineering management program, not from an ACCE accredited program), an NCEES evaluation of the degree or coursework must be provided. The cost of any NCEES Credentials Evaluation must be borne by the Applicant.

(e) A completed Experience Details form describing active practice in engineering work, as defined in OAR 820-005-0035.

(f) Five references from individuals with knowledge of the Applicant's technician work or engineering work:

(A) All five references must attest to the Applicant's ability, professional experience, or both. All five references must complete the Reference Details form provided by the Board and submit the completed Reference Details form directly to the Applicant, in a closed and sealed envelope, signed across the sealed flap by the reference.

(B) All of the Applicant's qualifying engineering work must be verified by at least one reference with direct supervision of that work.

(C) At least three of the five references must hold active Professional Engineer registration in a jurisdiction with NCEES membership.

(D) The Board may, for good cause and upon written application, reduce the number of references required for an Applicant.

(g) For Applicants holding registration in another jurisdiction, in lieu of providing the items listed under (b) to (f) of this subsection, the Applicant may release the Applicant's NCEES Record, if any, to the Board.

Note: See http://ncees.org/records/

(h) Any and all professional disciplinary records of the Applicant, including but not limited to final orders, letters of reprimand, stipulations, and settlement agreements.

(i) The required application and wall certificate fees.

(5) Fundamentals of Engineering Exemption. Notwithstanding subsections (1) and (4) of this rule, an Applicant who has held valid registration as a Professional Engineer in another jurisdiction for 25 years or more may make a written request for a waiver from having to provide evidence of having passed a Fundamentals of Engineering examination in order to qualify for registration as a Professional Engineer in Oregon.

(6) Oregon Registrants Qualifying in Additional Branches of Engineering. An individual who is seeking recognition of special qualification in more than one branch of engineering recognized by the Board under OAR 820-010-1010 must provide, in addition to the requirements above:

(a) Proof of successful passage of the NCEES Principles and Practice of Engineering examination or the Oregon Specific examination, for each additional branch; and,

(b) The required fees.

Stat. Auth.: ORS 670.310 & 672.255
Stats. Implemented: ORS 672.002 - 672.325
Hist.: BEELS 5-2015(Temp), f. & cert. ef. 8-19-15 thru 2-12-16; BEELS 8-2015, f. & cert. ef. 11-13-15

820-010-1010
Principles and Practice of Engineering Examinations

(1) NCEES Examinations. The uniform, national examinations are written and scored by the NCEES, and administered by NCEES Exam Administration Services in Spring and Fall.

Note: Consult NCEES for examination dates, times, locations, costs, and details.

The NCEES-examined branches of professional engineering recognized by the Board are:

(a) Agricultural (Agricultural and Biological Engineering NCEES examination).

(b) Building Systems (Architectural Engineering NCEES examination).

(c) Chemical.

(d) Civil.

(e) Control Systems.

(f) Electrical (Electrical and Computer Engineering NCEES examination).

(g) Environmental.

(h) Fire Protection.

(i) Industrial.

(j) Mechanical.

(k) Metallurgical (Metallurgical and Materials Engineering NCEES examination).

(l) Naval Architecture and Marine.

(m) Nuclear.

(2) The California examination branch recognized by the Board is Geotechnical.

Note: The California Geotechnical Engineering Examination is written, scored, and administered by the State of California, but is available at Oregon test sites. Consult the California Board for Professional Engineers, Land Surveyors, and Geologists for examination dates, times, test site locations, cost, and details

(3) Oregon Specific Examinations. The Oregon Specific examinations are written, scored, and administered by the Board.

Note: See http://www.oregon.gov/OSBEELS/Pages/index.aspx for examination dates, times, costs, and details.

(a) Oregon examination branches recognized by the Board are:

(A) Acoustical.

(B) Forest.

(b) The Acoustical Engineering Examination and Forest Engineering Examination are each held once a year, in April. To sit for the Acoustical Engineering Examination or Forest Engineering Examination, a completed Examination form and required examination fee must be postmarked or hand delivered to the Board office by 5:00 p.m. on February 1.

(c) To withdraw from the Acoustical Engineering Examination or Forest Engineering Examination, and forward the Examination form and examination fees to the following year, a written request to withdraw and forward the Examination form and examination fees must be received by the Board offices no later than March 1. Examination forms and fees may only be forwarded upon withdrawal once. After one withdrawal, the original Examination form will no longer be forwarded and examination fees will not be forwarded or refunded.

(d) To withdraw from the Acoustical Engineering Examination or Forest Engineering Examination without forwarding, and request a refund of the fees, a written request to withdraw and for the fees to be refunded must be received by the Board offices no later than March 1. After one withdrawal, examination fees will not be refunded.

(e) The cutoff scores for the Acoustical Engineering Examination and Forest Engineering Examination are 70 points out of 100 points.

(f) Examinees may request reasonable accommodations to the examination's administration.

(A) Reasonable accommodations will be provided for examinees who have a documented disability within the meaning of the Americans with Disabilities Act of 1990. Reasonable accommodations may be provided for examinees whose religious convictions prohibit them from testing on the scheduled examination dates.

(B) Requests for reasonable accommodations must be submitted on the Board approved form, and accompanied by supporting documentation, by the deadline of February 1.

(4) Review of Examinations. With respect to the Acoustical Engineering and Forest Engineering Examinations administered by the Board, the Applicant may submit a written request to review the Applicant's own examination results. The Board will allow a two-hour examination review when the Applicant failed the examination and the Applicant achieved a score within five points of the cutoff score. With respect to such reviews;

(a) The Applicant may examine the test booklet, solution pamphlet and answer key.

(b) The Acoustical Engineering and Forest Engineering Examination 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 otherwise satisfies the requirements of this section, while at the location where the examination review is conducted.

(5) 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 rescore determination is final and not subject to further review. An applicant requesting the Board to rescore an examination must submit a complete written request within the two-hour timeframe.

(6) Oregon Specific Examination Subversion.

(a) An application of any Applicant who is under investigation by the Board for examination subversion, as defined in OAR 820-005-0040, will not be considered by the Board until the investigation and any ensuing disciplinary action are complete.

(b) An Applicant who the Board determines has committed examination subversion is subject to imposition of civil penalties and denial of registration. A Registrant who the Board determines has committed examination subversion is subject to imposition of civil penalties and suspension or revocation of registration.

Stat. Auth.: ORS 670.310 & 672.255
Stats. Implemented: ORS 672.002 - 672.325
Hist.: BEELS 5-2015(Temp), f. & cert. ef. 8-19-15 thru 2-12-16; BEELS 8-2015, f. & cert. ef. 11-13-15

820-010-1020
Education and Experience Requirements for Registration as a Professional Engineer

The following combinations of education and experience may be used to satisfy subsection (3) of OAR 820-010-1000 (Qualifications for Registration as a Professional Engineer):

(1) Accredited Baccalaureate Degree in Engineering or Construction Engineering Management, and Four Years of Experience.

(a) Graduation from:

(A) EAC of ABET accredited baccalaureate of engineering degree program;

(B) ETAC of ABET accredited baccalaureate of engineering degree program; or

(C) ACCE accredited four-year baccalaureate of construction engineering management degree program; and

(b) Four years of active practice in engineering work as defined in OAR 820-005-0035, in the Applicant's area of competence, and under the direction and supervision of a registered engineer; or four years of active practice in engineering work while registered in another jurisdiction with NCEES membership.

(c) Graduation from a post-baccalaureate degree program in engineering, from a college or university that offers an EAC of ABET accredited undergraduate program in a discipline similar to that of the post-baccalaureate degree program, may be substituted for one year of the experience required in subsection (b) of the rule.

(2) Accredited Two Year Degrees, Specified Coursework, and Four Years of Experience.

(a) Graduation from:

(A) ETAC of ABET accredited two-year Engineering Technology program that includes:

(i) A total of at least 64 semester or 96 quarter hours;

(ii) At least 32 semester or 48 quarter hours in technical courses that cover skills and knowledge of appropriate methods, procedures, and techniques, as well as provide experience in established engineering procedures;

(iii) At least 16 semester or 24 quarter total hours in: math and science that include 4 semester or 6 quarter hours in basic sciences (physics, chemistry, earth and life sciences) and 8 semester or 12 quarter hours in mathematics (not including courses in computer programming or courses below the level of college algebra);

(iv) At least 9 semester or 13 quarter hours in social sciences, humanities and communications; or

(B) ETAC of ABET accredited two-year Associate of Applied Science degree program in Engineering Technology that includes:

(i) A total of at least 64 semester or 96 quarter hours;

(ii) At least 32 semester or 48 quarter hours in technical courses that cover skills and knowledge of appropriate methods, procedures, and techniques, as well as provide experience in established engineering procedures;

(iii) At least 16 semester or 24 quarter total hours in: math and science that include 4 semester or 6 quarter hours in basic sciences (physics, chemistry, earth and life sciences) and 8 semester or 12 quarter hours in mathematics (not including courses in computer programming or courses below the level of college algebra);

(iv) At least 9 semester or 13 quarter hours in social sciences, humanities and communications; and

(b) Completion of additional course work consisting of 21 semester or 32 quarter hours in at least six of the nine following subjects: Differential Equations, Physics, Statistics, Statics, Dynamics, Thermodynamics, Fluid Mechanics, Electrical Fundamentals, and Strength of Materials; and

(c) Four years of active practice in engineering work as defined in OAR 820-005-0035, in the Applicant's area of competence, and under the direction and supervision of a registered engineer; or four years of active practice in engineering work while registered in another jurisdiction with NCEES membership.

(3) Accredited Two Year Degrees and Six Years of Experience.

(a) Graduation from:

(A) ETAC of ABET accredited two-year Engineering Technology program that includes:

(i) A total of at least 64 semester or 96 quarter hours;

(ii) At least 32 semester or 48 quarter hours in technical courses that cover skills and knowledge of appropriate methods, procedures, and techniques, as well as provide experience in established engineering procedures;

(iii) At least 16 semester or 24 quarter total hours in: math and science that include 4 semester or 6 quarter hours in basic sciences (physics, chemistry, earth and life sciences) and 8 semester or 12 quarter hours in mathematics (not including courses in computer programming or courses below the level of college algebra); and,

(iv) At least 9 semester or 13 quarter hours in social sciences, humanities and communications; or

(B) ETAC of ABET accredited two-year Associate of Applied Science degree program in Engineering Technology that includes:

(i) A total of at least 64 semester or 96 quarter hours;

(ii) At least 32 semester or 48 quarter hours in technical courses that cover skills and knowledge of appropriate methods, procedures, and techniques, as well as provide experience in established engineering procedures;

(iii) At least 16 semester or 24 quarter total hours in: math and science that include 4 semester or 6 quarter hours in basic sciences (physics, chemistry, earth and life sciences) and 8 semester or 12 quarter hours in mathematics (not including courses in computer programming or courses below the level of college algebra); and,

(iv) At least 9 semester or 13 quarter hours in social sciences, humanities and communications; and

(b) Six years of active practice in engineering work as defined in OAR 820-005-0035, in the Applicant's area of competence, and under the direction and supervision of a registered engineer; or six years of active practice in engineering work while registered in another jurisdiction with NCEES membership.

(4) Graduate Degree in Engineering and Four Years of Experience.

(a) Graduation from a graduate degree program in engineering at a college or university that offers an EAC of ABET accredited undergraduate degree in the same program as the graduate degree;

(b) Completion of 21 semester or 32 quarter hours of engineering related technical course work, which shall include at least six of the nine following subjects: Differential Equations, Physics, Statistics, Statics, Dynamics, Thermodynamics, Fluid Mechanics, Electrical Fundamentals, and Strength of Materials; and

(c) Four years of active practice in engineering work as defined in OAR 820-005-0035, in the Applicant's area of competence, and under the direction and supervision of a registered engineer; or four years of active practice in engineering work while registered in another jurisdiction with NCEES membership.

(5) Non-accredited Baccalaureate Degree in Engineering and Four Years of Experience.

(a) Graduation from a four-year baccalaureate degree program in engineering, not accredited by ABET, if the degree is evaluated by NCEES Credential Evaluations (The cost of any NCEES Credentials Evaluation must be borne by the Applicant), and the Board determines that the degree is substantially equivalent to the educational requirements in subsection (1) of this rule; and

(b) Four years of active practice in engineering work as defined in OAR 820-005-0035, in the Applicant's area of competence, and under the direction and supervision of a registered engineer; or four years of active practice in engineering work while registered in another jurisdiction with NCEES membership.

(c) Graduation from a post-baccalaureate degree program in engineering, from a college or university that offers an EAC of ABET accredited undergraduate program in a discipline similar to that of the post-baccalaureate degree program, may be substituted for one year of the experience required in subsection (b) of the rule.

(6) Course work from an Accredited Baccalaureate Program in Engineering, Accredited Two-Year Program in Engineering Technology, Qualifying Graduate Program, or Equivalent Baccalaureate Program in Engineering, with Additional Experience.

(a) Course work from a qualifying program identified in subsections (1) to (5) of this rule, without graduation from that program, may be considered toward qualifying an Applicant for registration to the extent that the course work involves engineering principles or was obtained by the Applicant while enrolled in that engineering program.

(b) The Board will determine the amount of credit, if any, the course work will be given towards qualifying the Applicant for registration as a Professional Engineer.

(c) When relying on course work from a qualifying program identified in subsections (1) to (5) of this rule, without graduation from that program, an Applicant must also demonstrate that the Applicant's Board-credited course work, when combined with the Applicant's engineering work, is equivalent to 12 years of qualifying experience. For example, an Applicant who is granted two years of credit for course work under this subsection, must demonstrate 10 years of qualifying experience.

(d) Qualifying experience under this subsection is:

(A) Active practice in engineering work as defined in OAR 820-005-0035, in the Applicant's area of competence, and under the direction and supervision of a registered engineer; or

(B) Active practice in engineering work while registered in another jurisdiction with NCEES membership.

(7) Non-accredited Baccalaureate Degree in Engineering, with Additional Experience.

(a) Graduation from a non-accredited baccalaureate degree program evaluated by NCEES Credential Evaluations, which is determined by the Board not to be substantially equivalent to the educational requirements in subsection (1) of this rule, course work from that program may be considered toward qualifying an Applicant for registration to the extent that the course work involves engineering principles. The cost of any NCEES Credentials Evaluation must be borne by the Applicant.

(b) The Board will determine the amount of credit, if any, the course work will be given towards qualifying the Applicant for registration as a Professional Engineer.

(c) When relying on course work credit from a non-accredited degree that has been evaluated by NCEES Credential Evaluations but determined by the Board not to be equivalent to a degree from a program identified in subsection (1) of this rule, an Applicant must also demonstrate that the Applicant's Board-credited course work, when combined with the Applicant's engineering work, is equivalent to 12 years of qualifying experience. For example, an Applicant who is granted two years of credit for

course work under this subsection, must demonstrate 10 years of qualifying experience.

(d) Qualifying experience under this subsection is:

(A) Active practice in engineering work as defined in OAR 820-005-0035, in the Applicant's area of competence, and under the direction and supervision of a registered engineer; or

(B) Active practice in engineering work while registered in another jurisdiction with NCEES membership.

(8) Military Experience and Training.

(a) Military experience and training may be considered as qualifying for the required education and experience under this rule if is evaluated by the Joint Services Transcript (JST) and the Board determines that it is substantially equivalent to the education and experience listed in subsections (1), (2), (3) or (4) of this rule.

(b) Military experience and training that is not determined to be substantially equivalent to the education and experience listed in subsections (1), (2), (3) or (4) of this rule may be considered toward qualifying an Applicant for registration to the extent that the experience and training involves engineering principles or qualifies as experience.

(c) The Board will determine the amount of educational credit, if any, the military training and experience will be given towards qualifying the Applicant for registration as a Professional Engineer.

(d) If applying with military training and experience, whether by qualifying military experience alone, a combination of educational credit and qualifying military experience, or a combination of educational credit, qualifying military experience, and qualifying non-military experience, an Applicant must demonstrate that the Applicant's training and experience is equivalent to a total of 12 years of qualifying experience. For example, an Applicant who is granted two years of credit for military training and experience under this subsection, must demonstrate 10 years of qualifying education, experience, or both outside of the military.

(e) Qualifying experience under this subsection is:

(A) Active practice in engineering work as defined in OAR 820-005-0035, in the Applicant's area of competence, and under the direction and supervision of a registered engineer; or

(B) Active practice in engineering work while registered in another jurisdiction with NCEES membership.

(9) Experience Only.

(a) 12 years of qualifying experience.

(b) Qualifying experience under this subsection is:

(A) Active practice in engineering work as defined in OAR 820-005-0035, in the Applicant's area of competence, and under the direction and supervision of a registered engineer; or

(B) Active practice in engineering work while registered in another jurisdiction with NCEES membership.

Stat. Auth.: ORS 670.310 & 672.255
Stats. Implemented: ORS 672.002 - 672.325
Hist.: BEELS 5-2015(Temp), f. & cert. ef. 8-19-15 thru 2-12-16; BEELS 8-2015, f. & cert. ef. 11-13-15

820-010-2000
Qualifications for Registration as a Professional Land Surveyor

In order to qualify for registration as a Professional Land Surveyor in Oregon, an applicant for registration must provide all of the following:

(1) Evidence satisfactory to the Board of passing or having previously passed the Fundamentals of Land Surveying examination administered by NCEES.

(2) Evidence satisfactory to the Board of passing or having previously passed a Board approved Principles and Practice of Land Surveying examination administered by NCEES.

(3) Evidence satisfactory to the Board of passing or having previously passed an Oregon specific four-hour land surveying examination, approved by the Board and covering the United States Public Land Survey system, Oregon laws relating to land surveying, and other matters as determined by the Board.

(4) Evidence satisfactory to the Board of having obtained a Board approved combination of education and experience.

(5) A single application packet, which must include all of the following:

(a) A completed Registration Application form.

(b) Proof of successful passage of the NCEES Fundamentals of Land Surveying Examination. For Fundamentals of Land Surveying examinations passed before October 2010, if the Applicant did not pass the examination in Oregon, official verification must be provided by the NCEES licensing jurisdiction. For Fundamentals of Land Surveying examinations passed in October 2010 or later, the Board will verify passage with NCEES.

Note: The uniform, national examinations are written and scored by the NCEES and administered by NCEES Exam Administration Services. Please consult NCEES for examination dates, times, locations, cost, and details

(c) Official verification of successful passage of a Board approved NCEES Principles and Practice of Surveying examination. For NCEES Principles and Practice of Surveying examinations passed before October 2010, if the Applicant did not pass the examination in Oregon, official verification must be provided by the NCEES licensing jurisdiction. For NCEES Principles and Practice of Surveying examinations passed in October 2010 or later, the Board will verify passage with NCEES.

(d) Official transcripts of degree or coursework credentials. Official transcripts must show the degree and date awarded. For degrees or coursework not from an ABET accredited program, NCEES evaluation of the degree or coursework credentials. The cost of any NCEES Credentials Evaluation must be borne by the Applicant.

(e) A completed Experience Details form describing active practice in land surveying work, as defined in OAR 820-005-0050.

(f) Five references from individuals with knowledge of the Applicant's technician work or land surveying work:

(A) All five references must attest to the Applicant's ability, professional experience, or both. All five references must complete the Reference Details form provided by the Board and submit the completed Reference Details form directly to the Applicant, in a closed and sealed envelope, signed across the sealed flap by the reference.

(B) All of the Applicant's qualifying land surveying work must be verified by at least one reference with direct supervision of that work.

(C) At least three of the five references must hold active Professional Land Surveyor registration in an NCEES jurisdiction.

(D) The Board may, for good cause and upon written application, reduce the number of references required for an Applicant.

(g) For Applicants holding registration in another jurisdiction, in lieu of providing the items listed under (b) to (f) of this subsection, the Applicant may release the Applicant's NCEES Record, if any, to the Board.

Note: See http://ncees.org/records/

(h) Any and all professional disciplinary records of the Applicant, including but not limited to final orders, letters of reprimand, stipulations, and settlement agreements.

(i) The required application and wall certificate fees.

Stat. Auth.: ORS 670.310 & 672.255
Stats. Implemented: ORS 672.002 - 672.325
Hist.: BEELS 5-2015(Temp), f. & cert. ef. 8-19-15 thru 2-12-16; BEELS 8-2015, f. & cert. ef. 11-13-15

820-010-2010
Oregon Specific Four-Hour Land Surveying Examination

(1) The Oregon Specific Four-Hour Land Surveying Examination is held twice a year, in April and October. To sit for the Oregon Specific Four-Hour Land Surveying Examination, a completed Examination form and required examination fee must be received by the Board offices no later than February 1 for the April examination and no later than August 1 for the October examination.

Note: See http://www.oregon.gov/OSBEELS/Pages/index.aspx for examination dates, times, costs, and details

(2) To withdraw from the Oregon Specific Four-Hour Land Surveying Examination, and forward the Examination form and examination fees to the next examination administration, a written request to withdraw and forward the Examination form and examination fees must be received by the Board offices no later than March 1 for the April Examination and no later than September 1 for the October examination. Examination forms and fees may only be forwarded upon withdrawal once, and only to the next examination administration. After one withdrawal, the original Examination form will no longer be forwarded and examination fees will not be forwarded or refunded.

(3) To withdraw from the Oregon Specific Four-Hour Land Surveying Examination without forwarding, and request a refund of the fees, a written request to withdraw and for the fees to be refunded must be received by the Board offices no later than March 1 for the April examination and no later than September 1 for the October examination. After one withdrawal, examination fees are non-refundable.

(4) The cutoff score for the Oregon Specific Four-Hour Land Surveying Examination is 70 points out of 100 points.

(5) Examinees may request reasonable accommodations to the examination's administration.

(a) Reasonable accommodations will be provided for examinees who have a documented disability within the meaning of the Americans with Disabilities Act of 1990. Reasonable accommodations may be provided for examinees whose religious convictions prohibit them from testing on the scheduled examination dates.

(b) Requests for reasonable accommodations must be submitted on the Board approved form, and accompanied by supporting documentation, by the applicable deadline.

(6) Review of Examinations. With respect to the Oregon Specific Four-Hour Land Surveying Examination administered by the Board, the Applicant may submit a written request to review the Applicant's own examination results. The Board will allow a two-hour examination review when the Applicant failed the examination and the Applicant achieved a score within five points of the cutoff score. With respect to such reviews;

(a) The Applicant may examine the test booklet, solution pamphlet and answer key.

(b) The Oregon Specific Four-Hour Land Surveying Examination 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 otherwise satisfies the requirements of this section, while at the location where the examination review is conducted.

(7) The Board may rescore an essay response for an Applicant if the Applicant demonstrates, in writing, sufficient technical justification that their solution deserves reconsideration. The Board's rescore determination is final and not subject to further review. An Applicant requesting the Board to rescore an examination must submit a complete written request within the two-hour timeframe.

(8) Examination Subversion.

(a) Any Applicant who is under investigation for examination subversion, as defined in OAR 820-005-0085 will not be considered by the Board until the investigation and any ensuing disciplinary action are complete.

(b) An Applicant who the Board determines has committed examination subversion is subject to imposition of civil penalties and denial of registration. A Registrant who the Board determines has committed examination subversion is subject to imposition of civil penalties and suspension or revocation of registration.

Stat. Auth.: ORS 670.310 & 672.255
Stats. Implemented: ORS 672.002 - 672.325
Hist.: BEELS 5-2015(Temp), f. & cert. ef. 8-19-15 thru 2-12-16; BEELS 8-2015, f. & cert. ef. 11-13-15

820-010-2020
Education and Experience Requirements for Registration as a Professional Land Surveyor

The following combinations of education and experience may be used to satisfy subsection (4) of OAR 820-010-2000 (Qualifications for Registration as a Professional Land Surveyor):

(1) Accredited Four Year Baccalaureate Degree in Land Surveying and Four Years of Experience.

(a) Graduation from:

(A) EAC of ABET accredited baccalaureate of land surveying degree program;

(B) ETAC of ABET accredited baccalaureate of land surveying degree program; or

(C) ASAC of ABET accredited baccalaureate of land surveying degree program.

(b) Four years of active practice in land surveying work as defined in OAR 820-005-0050, in the Applicant's area of competence, and under the direction and supervision of a registered land surveyor; or four years of active practice in land surveying work while registered in another jurisdiction with NCEES membership.

(c) Graduation from a post-baccalaureate degree program in land surveying, from a college or university that offers an EAC or ETAC of ABET, or ACCE accredited undergraduate program in a discipline similar to that of the post-baccalaureate degree program, may be substituted for one year of the experience required in subsection (b) of this rule.

(2) Accredited Four Year Baccalaureate Degree in Engineering, Additional Course Work, and Four Years of Experience.

(a) Graduation from:

(A) ETAC of ABET accredited baccalaureate of engineering degree program with 11 semester or 16 quarter hours of surveying instruction and surveying law;

(B) EAC of ABET accredited baccalaureate of engineering degree program with 11 semester or 16 quarter hours of surveying instruction and surveying law; or

(C) ACCE accredited baccalaureate of engineering degree program with 11 semester or 16 quarter hours of surveying instruction and surveying law.

(b) Four years of active practice in land surveying work as defined in OAR 820-005-0050, in the Applicant's area of competence, and under the direction and supervision of a registered land surveyor; or four years of active practice in land surveying work while registered in another jurisdiction with NCEES membership.

(c) Graduation from a post-baccalaureate degree program in land surveying, from a college or university that offers an EAC or ETAC of ABET, or ACCE accredited undergraduate program in a discipline similar to that of the post-baccalaureate degree program, may be substituted for one year of the experience required in subsection (b) of this rule.

(3) Accredited Two Year Degree in Land Surveying Meeting Specific Criteria, with Six Years of Experience.

(a) Graduation from:

(A) ASAC of ABET accredited two-year Surveying Technology program that includes:

(i) A total of at least 64 semester or 96 quarter hours;

(ii) At least 32 semester hours or 48 quarter hours in technical courses, in which a minimum of 11 semester or 16 quarter hours are in surveying instruction;

(iii) At least 16 semester or 24 quarter hours in subjects such as: college level algebra; college level trigonometry; college level statistics; science; basic electricity; hydraulics; road design; construction management and estimating; engineering economics; and

(iv) At least 9 semester or 13 quarter hours in social sciences, humanities, and communications;

(B) ETAC of ABET accredited two-year Surveying Technology program that includes the following:

(i) A total of at least 64 semester or 96 quarter hours;

(ii) At least 32 semester hours or 48 quarter hours in technical courses, in which a minimum of 11 semester or 16 quarter hours are in surveying instruction;

(iii) At least 16 semester or 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; and

(iv) At least 9 semester or 13 quarter hours in social sciences, humanities, and communications; or

(C) ETAC of ABET accredited Associate of Applied Science degree program in Surveying Technology program that includes the following:

(i) A total of at least 64 semester or 96 quarter hours;

(ii) At least 32 semester hours or 48 quarter hours in technical courses, in which a minimum of 11 semester or 16 quarter hours are in surveying instruction;

(iii) At least 16 semester or 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; and

(iv) At least 9 semester or 13 quarter hours in social sciences, humanities, and communications.

(b) Six years of active practice in land surveying work as defined in OAR 820-005-0050, in the Applicant's area of competence, and under the direction and supervision of a registered land surveyor; or six years of active practice in land surveying work while registered in another jurisdiction with NCEES membership.

(4) Accredited Two Year Degree in Engineering Meeting Specific Criteria, with Six Years of Experience.

(a) Graduation from an ETAC of ABET accredited Associate of Applied Science degree program in Engineering Technology that includes the following:

(A) A total of at least 64 semester or 96 quarter hours;

(B) At least 32 semester hours or 48 quarter hours in technical courses, in which a minimum of 11 semester or 16 quarter hours are in surveying instruction;

(C) At least 16 semester or 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; and

(D) At least 9 semester or 13 quarter hours in social sciences, humanities, and communications.

(b) Six years of active practice in land surveying work as defined in OAR 820-005-0050, in the Applicant's area of competence, and under the direction and supervision of a registered land surveyor; or six years of active practice in land surveying work while registered in another jurisdiction with NCEES membership.

(5) Graduate Degree in Land Surveying and Four Years of Experience.

(a) Graduation from a post-baccalaureate degree program in land surveying at a college or university that offers an ABET accredited undergraduate degree program in the same field.

(b) Completion of 11 semester or 16 quarter hours of surveying instruction from a college or university with an ABET accredited undergraduate degree program in land surveying or land surveying technology.

(c) Four years of active practice in land surveying work as defined in OAR 820-005-0050, in the Applicant's area of competence, and under the direction and supervision of a registered land surveyor; or four years of active practice in land surveying work while registered in another jurisdiction with NCEES membership.

(6) Accredited Baccalaureate Degree Related to Land Surveying or Engineering and Four Years of Experience

(a) Graduation from an EAC, ETAC, or ASAC of ABET accredited baccalaureate degree program related to engineering or land surveying that includes:

(A) 21 semester or 32 quarter hours of course work with a direct focus on geomatics that requires direct application of geomatics knowledge and skills. At least one of these courses must be related to surveying law;

(B) 27 semester or 40 quarter hours of course work that requires the application of mathematics for problem solving. At least one of these courses must focus on the integration of differential and integral calculus;

(C) 24 semester or 35 quarter hours of course work related to physical and natural sciences, with laboratory application; and

(D) 4 semester or 6 quarter hours of capstone or integrating experience that develops student competencies in applying both technical and non-technical skills in problem solving.

(b) Four years of active practice in land surveying work as defined in OAR 820-005-0050, in the Applicant's area of competence, and under the direction and supervision of a registered land surveyor; or four years of active practice in land surveying work while registered in another jurisdiction with NCEES membership.

(7) Non-accredited Baccalaureate Degree in Land Surveying with Four Years of Experience.

(a) Graduation from a four-year baccalaureate degree program in land surveying, not accredited by ABET, if the degree is evaluated by NCEES Credential Evaluations (Note: The cost of any NCEES Credentials Evaluation must be borne by the Applicant), and the Board determines that the degree is substantially equivalent to the educational requirements in subsection (1) of this rule; and

(b) Four years of active practice in land surveying work as defined in OAR 820-005-0050, in the Applicant's area of competence, and under the direction and supervision of a registered land surveyor; or four years of active practice in land surveying work while registered in another jurisdiction with NCEES membership.

(c) Graduation from a post-baccalaureate degree program in surveying, from a college or university that offers an ABET accredited undergraduate program in a discipline similar to that of the post-baccalaureate degree program, may be substituted for one year of the experience required in subsection (b) of this rule.

(8) Accredited Baccalaureate Degree with "Core Requirements" or Non-accredited Baccalaureate Degree with "Core Requirements," and Six Years of Experience.

(a) Graduation from an ABET accredited Bachelor of Science baccalaureate degree program that is not a degree in "land surveying," if the curriculum for that degree includes all of the following:

(A) 18 semester credit hours of mathematics and basic sciences, including:

(i) At least 12 semester credit hours in mathematics beyond basic mathematics, such as college algebra and higher mathematics, and that focus on mathematical concepts and principles rather than computation. Such courses include college algebra, trigonometry, analytic geometry, differential and integral calculus, linear algebra, numerical analysis, probability and statistics, and advanced calculus.

(ii) At least 6 semester credits must be in the basic sciences, including one or more of the following topics: biology, general or advanced chemistry, geology, ecology, general or advanced physics.

(B) At least 16 college semester credit hours of general education courses, excluding routine exercises of personal craft. Such courses include, philosophy, religion, history, literature, fine arts, sociology, social sciences, economics, and professional ethics and responsibility.

(C) At least 30 college semester credit hours of surveying science and practice, taught by qualified surveying faculty as determined by the Board, and which must include basic and route surveying, geodesy, Geographic Information Systems or Global Positioning Systems, land development design and planning, mapping, photogrammetry or remote sensing, and surveying law; or

(b) Graduation from a Bachelor of Science baccalaureate degree program that is not a degree in "land surveying" and is not ABET accredited, if the degree is evaluated by NCEES Credential Evaluations (Note: The cost of any NCEES Credentials Evaluation must be borne by the Applicant), and the Board determines that the degree is substantially equivalent to an ABET accredited Bachelor of Science baccalaureate degree program that includes all of the following:

(A) 18 semester credit hours of mathematics and basic sciences, including:

(i) At least 12 semester credit hours in mathematics beyond basic mathematics, such as college algebra and higher mathematics, and that focus on mathematical concepts and principles rather than computation. Such courses include college algebra, trigonometry, analytic geometry, differential and integral calculus, linear algebra, numerical analysis, probability and statistics, and advanced calculus.

(ii) At least 6 semester credits must be in the basic sciences, including one or more of the following topics: biology, general or advanced chemistry, geology, ecology, general or advanced physics.

(B) At least 16 college semester credit hours of general education courses, excluding routine exercises of personal craft. Such courses include, philosophy, religion, history, literature, fine arts, sociology, social sciences, economics, and professional ethics and responsibility.

(C) At least 30 college semester credit hours of surveying science and practice, taught by qualified surveying faculty, and which must include basic and route surveying, geodesy, Geographic Information Systems or Global Positioning Systems, land development design and planning, mapping, photogrammetry or remote sensing, and surveying law. Graduate-level surveying classes may be evaluated by NCEES for consideration in fulfilling the requirements of this sub-paragraph.

(D) The costs of any NCEES evaluation shall be borne by the Applicant.

(c) In addition to fulfilling the degree requirements of either subsection (a) or (b) above, the Applicant must also have completed six years of active practice in land surveying work as defined in OAR 820-005-0050, in the Applicant's area of competence, and under the direction and supervision of a registered land surveyor; or six years of active practice in land surveying work while registered in another jurisdiction with NCEES membership.

(9) Course work from an Accredited Baccalaureate Program in Land Surveying or Engineering, Accredited Two-Year Program in Land Surveying Technology or Applied Science in Land Surveying or Engineering, Qualifying Graduate Program, or Equivalent Baccalaureate Program in Land Surveying or Engineering, with Additional Experience.

(a) Course work from a qualifying program identified in subsections (1) to (4), (6), (7) or (8) of this rule, without graduation from that program, may be considered toward qualifying an Applicant for registration to the extent that the course work involves the following classes:

(A) Advanced mathematics, including college algebra, probabilities and statistics, or higher mathematics, all of which must emphasize mathematical concepts and principles rather than computation;

(B) Geology;

(C) Biology;

(D) Ecology;

(E) General or advanced physics;

(F) General or advanced chemistry;

(G) Surveying law;

(H) Basic or route surveying;

(I) Geodesy;

(J) Geographic Information Systems;

(K) Global Positioning Systems;

(L) Land development design and planning;

(M) Photogrammetry;

(N) Mapping;

(O) Remote sensing.

(b) The Board will determine the amount of credit, if any, the course work will be given towards qualifying the Applicant for registration as a Professional Land Surveyor.

(c) When relying on course work from a qualifying program identified in subsections (1) to (4), (6), (7) or (8) of this rule, without graduation from that program, an Applicant must also demonstrate that the Applicant's Board-credited course work, when combined with the Applicant's qualifying land surveying work, is equivalent to 12 years of qualifying experience. For example, an Applicant who is granted two years of credit for course work under this subsection, must demonstrate 10 years of qualifying experience.

(d) Qualifying experience under this subsection is:

(A) Active practice in land surveying work as defined in OAR 820-005-0050, in the Applicant's area of competence, and under the direction and supervision of a registered land surveyor; or

(B) Active practice in land surveying work while registered in another jurisdiction with NCEES membership.

(10) Military Experience and Training.

(a) Military experience and training may be considered as qualifying for the required education and experience under this rule if is evaluated by the Joint Services Transcript (JST) and the Board determines that it is substantially equivalent to the education and experience listed in subsections (1) to (4), (6) or (7) of this rule.

(b) Military experience and training that is not determined to be substantially equivalent to the education and experience listed in sections (1) to (4), (6), (7) or (8) of this rule may be considered toward qualifying an Applicant for registration to the extent that the experience and training involves the subjects listed in subsection (9)(a) of this rule, or to the extent it qualifies as experience.

(c) The Board will determine the amount of educational credit, if any, the military training and experience will be given towards qualifying the Applicant for registration as a Professional Land Surveyor.

(d) If applying with military training and experience, whether by qualifying military experience alone, a combination of educational credit and qualifying military experience, or a combination of educational credit, qualifying military experience, and qualifying non-military experience, an Applicant must demonstrate that the Applicant's training and experience is equivalent to a total of 12 years of qualifying experience. For example, an Applicant who is granted two years of credit for military training and experience under this subsection, must demonstrate 10 years of qualifying education, experience, or both outside of the military.

(e) Qualifying experience under this subsection is:

(A) Active practice in land surveying work as defined in OAR 820-005-0050, in the Applicant's area of competence, and under the direction and supervision of a registered land surveyor; or

(B) Active practice in land surveying work while registered in another jurisdiction with NCEES membership.

(11) Experience Only.

(a) 12 years of qualifying experience.

(b) Qualifying experience under this subsection is:

(A) Active practice in land surveying work as defined in OAR 820-005-0050, in the Applicant's area of competence, and under the direction and supervision of a registered land surveyor; or

(B) Active practice in land surveying work while registered in another jurisdiction with NCEES membership.

Stat. Auth.: ORS 670.310 & 672.255
Stats. Implemented: ORS 672.002 - 672.325
Hist.: BEELS 5-2015(Temp), f. & cert. ef. 8-19-15 thru 2-12-16; BEELS 8-2015, f. & cert. ef. 11-13-15

820-010-3000
Qualifications for Registration as a Professional Photogrammetrist

In order to qualify for registration as a Professional Photogrammetrist in Oregon, an applicant for registration must provide all of the following:

(1) Evidence satisfactory to the Board of passing or having previously passed the Fundamentals of Land Surveying examination administered by NCEES.

(2) Evidence satisfactory to the Board of passing or having previously passed a Board approved examination in practical photogrammetric mapping problems written and scored by the Colonial States Boards of Surveyor Registration (CSBSR). Candidates may sit for the examination in Oregon, but must contact the OSBEELS to do so, as well as for examination costs, times, dates, and details.

(a) Examinees may request reasonable accommodations to the examination's administration.

(A) Reasonable accommodations will be provided for examinees who have a documented disability within the meaning of the Americans with Disabilities Act of 1990. Reasonable accommodations may be provided for examinees whose religious convictions prohibit them from testing on the scheduled examination dates.

(B) Requests for reasonable accommodations must be submitted on the Board approved form, and accompanied by supporting documentation.

(b) The deadline to request reasonable accommodations is one month prior to sitting for the examination.

(3) Evidence satisfactory to the Board of having obtained a Board approved combination of education and experience. Experience as a full-time assistant professor or professor, teaching a Board approved photogrammetric, geomatics, or geospatial sciences curriculum may, at the Board's discretion, qualify as experience in photogrammetric work.

(4) A single application packet, which must include all of the following:

(a) A completed Registration Application form.

(b) Proof of successful passage of the NCEES Fundamentals of Land Surveying Examination. For Fundamentals of Land Surveying examinations passed before October 2010, if the Applicant did not pass the examination in Oregon, official verification must be provided by the NCEES licensing jurisdiction. For Fundamentals of Land Surveying examinations passed in October 2010 or later, the Board will verify passage with NCEES.

Note: The uniform, national examinations are written and scored by the NCEES and administered by NCEES Exam Administration Services. Please consult NCEES for examination dates, times, locations, cost, and details

(c) Official verification of successful passage of a Board approved examination in practical photogrammetric mapping problems written and scored by the Colonial States Boards of Surveyor Registration (CSBSR).

Note: For the examination times, places costs and details, please contact the OSBEELS or, if sitting for the examination outside of Oregon, the state in which you wish to sit for the examination

(d) Official transcripts of degree or coursework credentials. Official transcripts must show the degree and date awarded. For degrees or coursework not from an ABET accredited program, NCEES evaluation of the degree or coursework credentials. The cost of any NCEES Credentials Evaluation must be borne by the Applicant.

(e) A completed Experience Details form describing active practice in photogrammetric mapping work, as defined in OAR 820-005-0065.

(f) Five references from individuals with knowledge of the Applicant's technician work or photogrammetric mapping work:

(A) All five references must attest to the Applicant's ability, professional experience, or both. All five references must complete the Reference Details form provided by the Board and submit the completed Reference Details form directly to the Applicant, in a closed and sealed envelope, signed across the sealed flap by the reference.

(B) All of the Applicant's qualifying photogrammetric mapping work must be verified by at least one reference with direct supervision of that work.

(C) At least three of the five references must hold active Professional Photogrammetrist registration, Professional Land Surveyor registration, or Professional Engineer registration in jurisdiction with NCEES membership.

(D) The Board may, for good cause and upon written application, reduce the number of references required for an Applicant.

(g) For Applicants holding registration in another jurisdiction, in lieu of providing the items listed under (b) to (f) of this subsection, the Applicant may release the Applicant's NCEES Record, if any, to the Board.

Note: See http://ncees.org/records/

(h) Any and all professional disciplinary records of the Applicant, including but not limited to final orders, letters of reprimand, stipulations, and settlement agreements.

(i) The required application and wall certificate fees.

Stat. Auth.: ORS 670.310 & 672.255
Stats. Implemented: ORS 672.002 - 672.325
Hist.: BEELS 5-2015(Temp), f. & cert. ef. 8-19-15 thru 2-12-16; BEELS 8-2015, f. & cert. ef. 11-13-15

820-010-3010
Education and Experience Requirements for Registration as a Professional Photogrammetrist

The following combinations of education and experience may be used to satisfy subsection (4) of OAR 820-010-3000 (Qualifications for Registration as a Professional Photogrammetrist):

(1) Accredited Four Year Baccalaureate Degree in Land Surveying and Four Years of Experience.

(a) Graduation from:

(A) EAC of ABET accredited four-year baccalaureate of land surveying;

(B) ETAC of ABET accredited four-year baccalaureate of land surveying program; or

(C) ASAC of ABET accredited four-year baccalaureate of land surveying program.

(b) Four years of active practice in photogrammetric mapping work as defined in OAR 820-005-0065, in the Applicant's area of competence, and under the direction and supervision of a registered engineer, land surveyor or photogrammetrist; or four years of active practice in photogrammetric mapping work while registered in another jurisdiction with NCEES membership.

(c) Graduation from a post-baccalaureate degree program in land surveying, from a college or university that offers an EAC or ETAC of ABET, or ACCE accredited undergraduate program in a discipline similar to that of the post-baccalaureate degree program, may be substituted for one year of the experience required in subsection (b) of this rule.

(2) Accredited Four Year Baccalaureate Degree in Engineering, Additional Course Work, and Four Years of Experience.

(a) Graduation from:

(A) ETAC of ABET accredited baccalaureate of engineering program with 11 semester or 16 quarter hours of surveying instruction and surveying law;

(B) EAC of ABET accredited baccalaureate of engineering program with 11 semester or 16 quarter hours of surveying instruction and surveying law; or

(C) ACCE accredited baccalaureate of engineering program with 11 semester or 16 quarter hours of surveying instruction and surveying law.

(b) Four years of active practice in photogrammetric mapping work as defined in OAR 820-005-0065, in the Applicant's area of competence, and under the direction and supervision of a registered engineer, land surveyor or photogrammetrist; or four years of active practice in photogrammetric mapping work while registered in another jurisdiction with NCEES membership.

(c) Graduation from a post-baccalaureate degree program in land surveying, from a college or university that offers an EAC or ETAC of ABET, or ACCE accredited undergraduate program in a discipline similar to that of the post-baccalaureate degree program, may be substituted for one year of the experience required in subsection (b) of this rule.

(3) Accredited Baccalaureate Degree in Geomatics or related Geospatial Science and Four Years of Experience

(a) Graduation from a EAC, ETAC, or ASAC of ABET accredited baccalaureate degree related to Geomatics or Geospatial Science that includes:

(A) 19 semester or 28 quarter hours of course work with a direct focus on geomatics/geospatial science that requires direct application of geomatics/geospatial science knowledge and skills;

(B) At least 8 semester or 12 quarter hours in mathematics, such as college level algebra, trigonometry, and statistics; and

(C) At least 8 semester or 12 quarter hours in computer science courses; and

(D) 24 semester or 35 quarter hours of course work related to physical and natural sciences.

(b) Four years of active practice in photogrammetric mapping work as defined in OAR 820-005-0065, in the Applicant's area of competence, and under the direction and supervision of a registered engineer, land surveyor or photogrammetrist; or four years of active practice in photogrammetric mapping work while registered in another jurisdiction with NCEES membership.

(4) Accredited Two Year Degree in Land Surveying Meeting Specific Criteria, with Six Years of Experience.

(a) Graduation from:

(A) ASAC of ABET accredited Surveying Technology program that includes:

(i) A total of at least 64 semester or 96 quarter hours;

(ii) At least 32 semester hours or 48 quarter hours in technical courses, in which a minimum of 11 semester or 16 quarter hours are in surveying instruction;

(iii) At least 16 semester or 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; and

(iv) At least 9 semester or 13 quarter hours in social sciences, humanities, and communications;

(B) ETAC of ABET accredited two-year Surveying Technology program that includes the following:

(i) A total of at least 64 semester or 96 quarter hours;

(ii) At least 32 semester hours or 48 quarter hours in technical courses, in which a minimum of 11 semester or 16 quarter hours are in surveying instruction;

(iii) At least 16 semester or 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; and

(iv) At least 9 semester or 13 quarter hours in social sciences, humanities, and communications; or

(C) ETAC of ABET accredited Associate of Applied Science in Surveying Technology program that includes the following:

(i) A total of at least 64 semester or 96 quarter hours;

(ii) At least 32 semester hours or 48 quarter hours in technical courses, in which a minimum of 11 semester or 16 quarter hours are in surveying instruction;

(iii) At least 16 semester or 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; and

(iv) At least 9 semester or 13 quarter hours in social sciences, humanities, and communications.

(b) Six years of active practice in photogrammetric mapping work as defined in OAR 820-005-0065, in the Applicant's area of competence, and under the direction and supervision of a registered engineer, land surveyor or photogrammetrist; or six years of active practice in photogrammetric mapping work while registered in another jurisdiction with NCEES membership.

(5) Accredited Two Year Degree in Engineering Meeting Specific Criteria, with Six Years of Experience.

(a) Graduation from an ETAC of ABET accredited Associate of Applied Science in Engineering Technology program that includes the following:

(A) A total of at least 64 semester or 96 quarter hours;

(B) At least 32 semester hours or 48 quarter hours in technical courses, in which a minimum of 11 semester or 6 quarter hours are in surveying instruction;

(C) At least 16 semester or 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; and

(D) At least 9 semester or 13 quarter hours in social sciences, humanities, and communications.

(b) Six years of active practice in photogrammetric mapping work as defined in OAR 820-005-0065, in the Applicant's area of competence, and under the direction and supervision of a registered engineer, land surveyor or photogrammetrist; or six years of active practice in photogrammetric mapping work while registered in another jurisdiction with NCEES membership.

(6) Accredited Two Year Degree in Geomatics or related Geospatial Science Meeting Specific Criteria, with Six Years of Experience

(a) Graduation from a ETAC of ABET accredited Associate of Applied Science in Geomatics Technology or Geospatial Technology program that includes the following:

(A) A total of at least 64 semester or 96 quarter hours;

(B) At least 32 semester hours or 48 quarter hours in technical courses in which a minimum of 6 semester or 11 quarter hours are in geomatics or geospatial sciences;

(C) At least 16 semester or 24 quarter hours in subjects such as math, science, basic electricity, hydraulics, engineering economics with college level algebra trigonometry and statistics; and

(D) At least 9 semester or 13 quarter hours in social sciences, humanities, and communications.

(b) Six years of active practice in photogrammetric mapping work as defined in OAR 820-005-0065, in the Applicant's area of competence, and under the direction and supervision of a registered engineer, land surveyor or photogrammetrist; or six years of active practice in photogrammetric mapping work while registered in another jurisdiction with NCEES membership.

(7) Graduate Degree in Land Surveying or Geomatics-based program and Four Years of Experience.

(a) Graduation from a graduate degree program in land surveying at a college or university that offers an ABET accredited undergraduate degree program in the same field.

(b) Completion of 11 semester or 16 quarter hours of surveying instruction from a college or university with an ABET accredited undergraduate degree program in land surveying or land surveying technology.

(c) Four years of active practice in photogrammetric mapping work as defined in OAR 820-005-0065, in the Applicant's area of competence, and under the direction and supervision of a registered engineer, land surveyor or photogrammetrist; or four years of active practice in photogrammetric mapping work while registered in another jurisdiction with NCEES membership.

(8) Accredited Baccalaureate Degree Related to Land Surveying or Engineering and Four Years of Experience

(a) Graduation from an EAC, ETAC, or ASAC of ABET accredited baccalaureate degree related to engineering or land surveying that includes:

(A) 21 semester or 32 quarter hours of course work with a direct focus on geomatics that requires direct application of geomatics knowledge and skills. At least one of these courses must be related to surveying law;

(B) 27 semester or 40 quarter hours of course work that requires the application of mathematics for problem solving. At least one of these courses must focus on the integration of differential and integral calculus;

(C) 24 semester or 35 quarter hours of course work related to physical and natural sciences, with laboratory application; and

(D) 4 semester or 6 quarter hours of capstone or integrating experience that develops student competencies in applying both technical and non-technical skills in problem solving.

(b) Four years of active practice in photogrammetric mapping work as defined in OAR 820-005-0065, in the Applicant's area of competence, and under the direction and supervision of a registered engineer, land surveyor or photogrammetrist; or four years of active practice in photogrammetric mapping work while registered in another jurisdiction with NCEES membership.

(9) Non-accredited Baccalaureate Degree in Land Surveying with Four Years of Experience.

(a) Graduation from a four-year baccalaureate program in land surveying, not accredited by ABET, if the degree is evaluated by NCEES Credential Evaluations (Note: The cost of any NCEES Credentials Evaluation must be borne by the Applicant), and the Board determines that the degree is substantially equivalent to the educational requirements in subsection (1) of this rule; and

(b) Four years of active practice in photogrammetric mapping work as defined in OAR 820-005-0065, in the Applicant's area of competence, and under the direction and supervision of a registered engineer, land surveyor or photogrammetrist; or four years of active practice in photogrammetric mapping work while registered in another jurisdiction with NCEES membership.

(c) Graduation from a post-baccalaureate degree program in surveying, from a college or university that offers an ABET accredited undergraduate program in a discipline similar to that of the post-baccalaureate degree program, may be substituted for one year of the experience required in subsection (b) of the rule.

(10) Non-accredited Baccalaureate Degree with "Core Requirements" with Six Years of Experience.

(a) Graduation from a four-year baccalaureate program in land surveying, not accredited by ABET, if the degree is evaluated by NCEES Credential Evaluations (Note: The cost of any NCEES Credentials Evaluation must be borne by the Applicant), and the Board determines that the degree is substantially equivalent to a degree that includes the following:

(A) 18 semester credit hours of mathematics and basic sciences, including:

(i) At least 12 semester credit hours in mathematics beyond basic mathematics, such as college algebra and higher mathematics, and that focus on mathematical concepts and principles rather than computation. Such courses include college algebra, trigonometry, analytic geometry, differential and integral calculus, linear algebra, numerical analysis, probability and statistics, and advanced calculus.

(ii) At least 6 semester credits must be in the basic sciences, including one or more of the following topics: biology, general or advanced chemistry, geology, ecology, general or advanced physics;

(B) At least 16 college semester credit hours of general education courses, excluding routine exercises of personal craft. Such courses include, philosophy, religion, history, literature, fine arts, sociology, social sciences, economics, and professional ethics and responsibility;

(C) At least 20 college semester credit hours of surveying science and practice, taught by qualified surveying faculty. Graduate-level surveying classes may be evaluated by NCEES for consideration in fulfilling the requirements of subsection (a)(C) above.

(b) Six years of active practice in photogrammetric mapping work as defined in OAR 820-005-0065, in the Applicant's area of competence, and under the direction and supervision of a registered engineer, land surveyor or photogrammetrist; or six years of active practice in photogrammetric mapping work while registered in another jurisdiction with NCEES membership.

(11) Course work from; an Accredited Baccalaureate Program in Land Surveying, Engineering, Geomatics, or Geospatial Sciences Program; Accredited Two-Year Program in Land Surveying Technology or Applied Science in Land Surveying, Engineering, Geomatics, or Geospatial Sciences Program; Qualifying Graduate Program; or Equivalent Baccalaureate Program in Land Surveying, Engineering, Geomatics, or Geospatial Sciences Program, with Additional Experience.

(a) Course work from a qualifying program identified in subsections (1) to (6), (8), (9) or (10) of this rule, without graduation from that program, may be considered toward qualifying an Applicant for registration to the extent that the course work involves the following classes:

(A) Advanced mathematics, including college algebra, probabilities and statistics, or higher mathematics, all of which must emphasize mathematical concepts and principles rather than computation;

(B) Geology;

(C) Biology;

(D) Ecology;

(E) General or advanced physics;

(F) General or advanced chemistry;

(G) Surveying law;

(H) Basic or route surveying;

(I) Geodesy;

(J) Geographic Information Systems;

(K) Global Positioning Systems;

(L) Land development design and planning;

(M) Photogrammetry;

(N) Mapping;

(O) Remote sensing.

(b) The Board will determine the amount of credit, if any, the course work will be given towards qualifying the Applicant for registration as a Professional Photogrammetrist.

(c) When relying on course work from a qualifying program identified in subsections (1) to (10) of this rule, without graduation from that program, an Applicant must also demonstrate that the Applicant's Board-credited course work, when combined with the Applicant's qualifying photogrammetric mapping work, is equivalent to 12 years of qualifying experience. For example, an Applicant who is granted two years of credit for course work under this subsection, must demonstrate 10 years of qualifying experience.

(d) Qualifying experience under this subsection is:

(A) Active practice in photogrammetric mapping work as defined in OAR 820-005-0065, in the Applicant's area of competence, and under the direction and supervision of a registered engineer, land surveyor, or photogrammetrist; or

(B) Active practice in photogrammetric mapping work while registered in another jurisdiction with NCEES membership.

(12) Military Experience and Training.

(a) Military experience and training may be considered as qualifying for the required education and experience under this rule if is evaluated by the Joint Services Transcript (JST) and the Board determines that it is substantially equivalent to the education and experience listed in subsections (1) to (6) of this rule.

(b) Military experience and training that is not determined to be substantially equivalent to the education and experience listed in sections (1) to (6) or (9) of this rule may be considered toward qualifying an Applicant for registration to the extent that the experience and training involves the subjects listed in subsection (10)(a)(A) of this rule, or to the extent it qualifies as experience.

(c) The Board will determine the amount of educational credit, if any, the military training and experience will be given towards qualifying the Applicant for registration as a Professional Photogrammetrist.

(d) If applying with military training and experience, whether by qualifying military experience alone, a combination of educational credit and qualifying military experience, or a combination of educational credit, qualifying military experience, and qualifying non-military experience, an

Applicant must demonstrate that the Applicant's training and experience is equivalent to a total of 12 years of qualifying experience. For example, an Applicant who is granted two years of credit for military training and experience under this subsection, must demonstrate 10 years of qualifying education, experience, or both outside of the military.

(e) Qualifying experience under this subsection is:

(A) Active practice in photogrammetric mapping work as defined in OAR 820-005-0065, in the Applicant's area of competence, and under the direction and supervision of a registered engineer, land surveyor, or photogrammetrist; or

(B) Active practice in photogrammetric mapping work while registered in another jurisdiction with NCEES membership.

(13) Experience Only.

(a) 12 years of qualifying experience.

(b) Qualifying experience under this subsection is:

(A) Active practice in photogrammetric mapping work as defined in OAR 820-005-0065, in the Applicant's area of competence, and under the direction and supervision of a registered engineer, land surveyor, or photogrammetrist; or

(B) Active practice in photogrammetric mapping work while registered in another jurisdiction with NCEES membership.

Stat. Auth.: ORS 670.310 & 672.255
Stats. Implemented: ORS 672.002 - 672.325
Hist.: BEELS 5-2015(Temp), f. & cert. ef. 8-19-15 thru 2-12-16; BEELS 8-2015, f. & cert. ef. 11-13-15

820-010-4000
Qualifications for Registration as a Structural Engineer

In order to qualify for registration as a Professional Structural Engineer in Oregon, an applicant for registration must provide all of the following:

(1) Evidence satisfactory to the Board of active Oregon registration as a Professional Engineer, in good standing.

(2) Evidence satisfactory to the Board of passing or having passed the NCEES 16-hour Structural Examination.

(3) Evidence satisfactory to the Board of having obtained two years of structural engineering experience, verified by a registered Structural Engineer in a jurisdiction with NCEES membership.

(4) A single application packet, which must include all of the following:

(a) A completed Registration Application form.

(b) The Board will verify that the Applicant holds active registration as an Oregon professional engineer, in good standing.

(c) Official verification of successful passage of the NCEES 16-hour Structural Examination.

Note: The 16-hour Structural examinations are written and scored by the NCEES and administered by NCEES Exam Administration Services. Consult NCEES for examination dates, times, locations, cost, and details

(d) A completed Experience Details form describing active practice in structural engineering work, as defined in OAR 820-040-0020.

(e) Five references from individuals with knowledge of the Applicant's structural engineering work:

(A) All five references must attest to the Applicant's ability, professional experience, or both. All five references must complete the Reference Details form provided by the Board and submit the completed Reference Details form directly to the Applicant, in a closed and sealed envelope, signed across the sealed flap by the reference. (B) At least three of the five references must hold active Structural Engineer registration in a jurisdiction with NCEES membership.

(C) The Board may, for good cause and upon written application, reduce the number of references required for an Applicant.

(f) For Applicants holding registration in another jurisdiction, in lieu of providing the items listed under (b) to (e) of this subsection, the Applicant may release the Applicant's NCEES Record, if any, to the Board

Note: See http://ncees.org/records/

(g) For Applicants holding structural registration in another jurisdiction references on file with the Board may be used.

(h) Any and all professional disciplinary records of the Applicant, including but not limited to final orders, letters of reprimand, stipulations, and settlement agreements.

(h) The required application and wall certificate fees.

Stat. Auth.: ORS 670.310, 672.107, & 672.255
Stats. Implemented: ORS 672.002 - 672.325
Hist.: BEELS 5-2015(Temp), f. & cert. ef. 8-19-15 thru 2-12-16; BEELS 8-2015, f. & cert. ef. 11-13-15

820-010-5000
Qualification to Sit for Examination as a Water Right Examiner

In order to qualify for examination to sit for the Water Right Examiner, an applicant for certification must provide all of the following:

(1) Evidence satisfactory to the Board of active Oregon registration as a Professional Engineer, Professional Land Surveyor, or Geologist, in good standing.

(2) Examinees may request reasonable accommodations to the examination's administration.

(A) Reasonable accommodations will be provided for examinees who have a documented disability within the meaning of the Americans with Disabilities Act of 1990. Reasonable accommodations may be provided for examinees whose religious convictions prohibit them from testing on the scheduled examination dates.

(B) Requests for reasonable accommodations must be submitted on the Board approved form, and accompanied by supporting documentation, by the February 1 deadline.

(3) The required application fee.

(4) Review of Examinations. With respect to the certified water right examiner examination, 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) The Applicant may examine only the question, solution, and answer key for the failed problem.

(b) The Applicant may review the examination on only one occasion. The Board will prescribe a time and place for the review.

(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.

(5) Examination Subversion.

(a) Any examinee who is under investigation for examination subversion, as defined in OAR 820-005-0040 will not be considered for certification until the investigation and any ensuing disciplinary action are complete.

(b) An Applicant who the Board determines has committed examination subversion is subject to imposition of civil penalties and denial of registration. A Registrant who the Board determines has committed examination subversion is subject to imposition of civil penalties and suspension or revocation of registration.

Stat. Auth.: ORS 537,797, 670.310 & 672.255
Stats. Implemented: ORS 672.002 - 672.325
Hist.: BEELS 5-2015(Temp), f. & cert. ef. 8-19-15 thru 2-12-16; BEELS 8-2015, f. & cert. ef. 11-13-15

820-010-5010
Qualification for Certification as a Water Right Examiner

(1) To qualify for certification as a Water Right Examiner, an Applicant must successfully pass the Certified Water Right Examiner examination offered by the Oregon Water Resources Department and administered by the Board; and

(2) Pay the wall certificate and initial certification fee.

Stat. Auth.: ORS 537.797, 670.310, & 672.255
Stats. Implemented: ORS 672.002 - 672.325
Hist.: BEELS 5-2015(Temp), f. & cert. ef. 8-19-15 thru 2-12-16; BEELS 8-2015, f. & cert. ef. 11-13-15

820-015-0060
Civil Penalty Factors

(1) In establishing the amount of a civil penalty to be assessed pursuant ORS 672.325, the Board may consider the following factors:

(a) The nature, gravity and magnitude of the violation;

(b) Prior violations, including administrative, civil or criminal proceedings in any state;

(c) Whether the violation was repeated or continuous;

(d) Whether the violation was an inadvertent act or an intentional act;

(e) The history of the respondent in taking steps necessary or appropriate to correct any violation;

(f) The opportunity for and the difficulty in correcting the violation at issue;

(g) Whether measures have been put in place to prevent reoccurrence.

(2) In considering the factors set forth in section (1) of this rule, the applicable factors may be given varying weight depending upon the circumstances of the violation.

Stat. Auth.: ORS 670.310 & 672.255

Stats. Implemented: ORS 672.002 - 672.325
Hist.: BEELS 8-2015, f. & cert. ef. 11-13-15

820-015-0070
Civil Penalties for Violations of ORS 92.040 to 92.080, 209.250, and County Ordinances

Pursuant to ORS 209.250(11), the Board may impose civil penalties against a registrant for any violation of ORS 92.040 to 92.080, 209.250(1) to (9), or of any county ordinance that establishes standards or plats, in an amount not to exceed $1,000 per offense.

Stat. Auth.: ORS 670.310 & 672.255
Stats. Implemented: ORS 672.002 - 672.325
Hist.: BEELS 8-2015, f. & cert. ef. 11-13-15

820-020-0050
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.

(2) Notice by registered or certified mail to the registrant's last address on file with the Board shall constitute service.

(3) It is the registrant's responsibility to inform the Board in writing, within 60-days, of any name change. A certified copy of documentation showing current legal name must be submitted.

(4) The Board shall provide an acknowledgement of any address or name change.

Stat. Auth.: ORS 670.310 & 672.255
Stats. Implemented: ORS 672.002 - 372.325
Hist.: BEELS 5-2015(Temp), f. & cert. ef. 8-19-15 thru 2-12-16; BEELS 8-2015, f. & cert. ef. 11-13-15

820-040-0005
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) As used in ORS 672.060(10) and 672.107(1)(a)(B), "Ground Area" is defined as any projected or suspended occupied areas above the ground level in combination with areas in contact with the ground. Measurements in determining the ground area shall be taken from outside wall to outside wall and include the sum of the areas of all additions and the area of the original structure. The ground area of a building, or portion thereof, not provided with surrounding exterior walls is the usable area under the horizontal projection of the roof or floor above.

(2) As used in ORS 672.060(11) and 672.107(1)(a)(B), "Height" is measured from the top surface of the lowest flooring to the highest interior overhead finish of the structure in determining whether a building exceeds the 20-foot height limitation. A basement floor is considered the lowest flooring when useable (i.e., storage, garage, etc.).

(3) As used in ORS 672.107(1)(a)(D), the height of a structure is defined as the vertical dimension from the average ground level to the average roof height for sloped roofs or parapet height for flat roofs. In multi-level structures, utilize the upper roof only to determine the dimension.

(4) As used in ORS 672.060(10) and (11), "Appurtenance" means a separate structure that:

(a) Is subordinate to a single family residential dwelling, farm building, or building less than 4,000 square feet in ground area or 20 feet in height;

(b) Is itself no greater than 4,000 square feet in floor area; and,

(c) Is located on the same lot as the structure to which it is subordinate.

(d) "Appurtenance" includes but is not limited to:

(A) A retaining wall less than four feet in height, with level backfill, and not supporting any structure;

(B) Signage less than 15 feet in height and 50 square feet;

(C) Fences less than 12 feet in height;

(D) A carport, cabana, playhouse, or garden structure, no more than 20 feet in height and with vertical and horizontal structural elements primarily formed by a system of conventional, repetitive, wood or cold-formed steel framing members, and a maximum roof span of 30 linear feet. For the purposes of this subsection, "Height" is measured from the top surface of the lowest flooring to the highest interior overhead finish of the structure in determining whether a building exceeds the 20-foot height limitation. A basement floor is considered the lowest flooring when useable (e.g., for storage, living space, appliances, etc.).

(e) "Appurtenance" does not include a single family residential dwelling, farm building, or building less than 4,000 square feet in ground area or 20 feet in height.

Stat. Auth.: ORS 670.310, 672.060, 672.129 & 672.255
Stats. Implemented: ORS 672.002 - 672.325
Hist.: BEELS 4-2005, f. & cert. ef. 9-23-05; BEELS 1-2009, f. & cert. ef. 5-15-09; BEELS 8-2015, f. & cert. ef. 11-13-15

820-080-0005
Refunds and Charges

(1) Application fees are non-refundable and will not be applied to future applications.

(2) Rescore fees are non-refundable.

(3) 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.: BEELS 5-2015(Temp), f. & cert. ef. 8-19-15 thru 2-12-16; BEELS 8-2015, f. & cert. ef. 11-13-15

820-080-0010
Fees

For the purposes of ORS 672.155, the Board shall charge the following fees:

(1) Registration application fee — $360.

(2) Additional branch fee — $35.

(3) Examination application fees:

(a) Oregon Specific Acoustical examination — $55.

(b) Oregon Specific Forest examination — $55.

(c) Oregon Specific Land Surveying examination — $55.

(4) Certified Water Right Examiner examination and certification application fee — $200.

(5) Biennial registration renewal fee:

(a) Professional engineer — $150.

(b) Professional land surveyor — $150.

(c) Professional photogrammetrist — $150.

(d) Certified water right examiner — $40.

(6) Delinquency renewal fee — $80 for any part of each biennial registration renewal period during delinquency.

(7) Issuance of a temporary permit under ORS 672.109 or 672.127 — $100.

(8) Declaration/issuance of an intern enrollment number — $35.

(9) Re-issuance of professional wall certificate — $35.

(10) Re-issuance of pocket card — $10.

(11) Verification of certification(s) and/or registration(s) — $15.

(12) Issuance of certificate of registration under ORS 672.153, without examination based on experience — $250.

(13) Reinstatement for inactive registrant or certificate holder — $225.

(14) Reinstatement for retired registrant or certificate holder — $225.

(15) Re-score of an Oregon specific examination item — $50.

Stat. Auth.: ORS 670.310, 672.153, 672.155, & 672.255
Stats. Implemented: ORS 672.002 - 672.325
Hist.: BEELS 5-2015(Temp), f. & cert. ef. 8-19-15 thru 2-12-16; BEELS 8-2015, f. & cert. ef. 11-13-15

820-080-1000
Budget

The amount of $3,250,000 is established for the biennium beginning July 1, 2015, as the intended limit for payment of expenses from fees, moneys or other revenue, including miscellaneous receipts, collected or received by the Board.

Stat. Auth.: ORS 182.462, 670.310, 672.155 & 672.255
Stats. Implemented: ORS 672.002 - 672.325
Hist.: BEELS 5-2015(Temp), f. & cert. ef. 8-19-15 thru 2-12-16; BEELS 8-2015, f. & cert. ef. 11-13-15

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Board of Massage Therapists
Chapter 334

Rule Caption: Clarify verbiage in existing rules; Increase education hours to 625. Abolish practical exam. Increase fees.
Adm. Order No.: BMT 3-2015
Filed with Sec. of State: 11-12-2015
Certified to be Effective: 1-1-16
Notice Publication Date: 10-1-2015
Rules Amended: 334-001-0060, 334-010-0005, 334-010-0009, 334-010-0010, 334-010-0012, 334-010-0015, 334-010-0017, 334-010-0033
Subject: To increase the required hours for initial license from 500 to 625 and to remove the requirement for all initial applicants; except

those licensing by State Indorsement, to take the Oregon Practical exam. In addition, this rule will increase renewal fee by $5 and application fees will increase by $50.

Rules Coordinator: Ekaette Udosenata—(503) 365-8657

334-001-0060
Definitions

(1) "Advantageous" means in the Board's best interests, as assessed according to the judgment of the Board.

(2) "Award" means either the act or occurrence of the Board's identification of the Person with whom the Board will enter into a Contract.

(3) "Barter" means partial or complete trade or exchange of massage or bodywork services for any other type of goods or service other than money.

(4) "Board" means the State Board of Massage Therapists or its authorized representatives as provided by ORS 687.115.

(5) "Bodywork" means the use on the human body, for the purpose of, but not limited to, maintaining good health and establishing and maintaining good physical condition of:

(a) Pressure, friction, stroking, tapping, kneading, vibration or stretching by manual or mechanical means or gymnastics;

(b) Appliances, tools or devices;

(c) Topical preparations; or

(d) Hot and cold applications.

(6) "Boundary" means the limits in a professional relationship which create safety based on the needs of the client.

(7) "Boundary violation" means an alteration or shift in the limits of a professional relationship so that what is allowed in the relationship becomes ambiguous and/or may not be based on the needs of the client.

(8) "Caring" means acting in a manner in which things, events, people or relationships matter.

(9) "Certified Class or program" means a class or program that is approved by the Board and is offered:

(a) By a person or institution licensed as a career school under ORS 345.010 to 345.450; or

(b) By a community college or university approved by the Department of Education; or

(c) In another state and licensed or approved by the appropriate agency in that state.

(10) "Client" means any individual, group of individuals, or organization to whom an LMT provides massage

(11) "Client vulnerability" means factors which diminish a client's ability to be self-determining.

(12) "Compensation" means something given or received as payment including but not limited to bartering, tips, monies, donations, or services.

(13) "Conflict of interest" means any action or decision or recommendation by an LMT at the detriment of a client.

(14) "Contact hours" means actual hours in class under the instruction of and in the physical presence of an instructor; or an interactive distance learning course.

(15) "Contract" means an agreement for purchase, lease, rental or other acquisition or sale or other disposal by the Board of Goods or Services.

(16) "Contract Price" means, as the context requires;

(a) The maximum payments that the Board will make under a Contract if the Contractor fully performs under the Contract;

(b) The maximum not-to-exceed amount of payments specified in the Contract; or

(c) The unit prices for Goods and Services set forth in the Contract.

(17) "Contractor" means the Person with whom the Board enters into a Contract.

(18) "Critical Reflection" means a process whereby knowledge and action are connected to each other through the application of careful, conscious, deliberate reflection on:

(a) Personal practice (perceptions, assumptions, motivations, values, behaviors).

(b) Assessment and understanding of a situation.

(c) Likely or actual consequences or impact of one's actions.

(19) "Dual Relationship" means any relationship of a personal or business nature with a client that is in addition to or concurrent with a professional relationship in which the LMT is providing or has provided massage or bodywork services to that same client.

(20) "Ethics" means a system of valued societal beliefs and behaviors that may be used to guide and evaluate conduct to ensure the protection of an individual's person and rights.

(21) "Emergency" means circumstances that:

(a) Could not have been reasonably foreseen;

(b) Require prompt execution of a Contract to remedy the condition; and

(c) The circumstances create a substantial risk of loss or revenue, damage or interruption of services or substantial threat to property, public health, welfare or safety when the circumstances could not have been reasonably foreseen;

(22) Equivalent Credit Hours: are those credit hours as determined by the respective educational institution or its certified classes or programs

(23) Good moral character means

(a) An applicant has not ever before the date of application, been convicted of a felony or an offense involving moral turpitude or prostitution, solicitation, required to be a registered sex offender and other similar offense which has a reasonable relationship to the practice of massage;

(b) Has not ever before the date of application, been convicted of an act involving dishonest, fraud misrepresentation, gross negligence or incompetence or is not currently incarcerated or on community supervision after a period of incarceration in a local, state or federal penal institution for such an act;

(c) Has not ever before the date of application, had a professional license revoked or suspended by this state, a political subdivision of this state, or a regulatory board in another jurisdiction in the United States, or voluntarily surrendered a professional license in lieu of disciplinary action;

(d) Has not ever before the date of the application, had a massage therapy license revoked or suspended by any state or national massage certifying agency.

(24) "Goods and Services" or "Goods or Services" means supplies, equipment, materials and services including Personal Services and any personal property, including any tangible, intangible and intellectual property and rights and licenses in relation thereto, that the Board is authorized by law to procure.

(25) "Indorsement" means:

(a) The process of evaluating and recognizing the credentials of a person licensed in Oregon in another health care specialty that includes in its scope of practice, acts defined as massage: or

(b) The process of evaluating and recognizing the credentials of a massage or bodywork practitioner authorized to practice massage or bodywork in another jurisdiction.

(26) "Informed consent" means a process wherein clients have knowledge of what will occur, that participation is voluntary, and that the client is competent to give consent.

(27) "Licensee" means any person holding a license, permit, or certificate issued by this Board; an LMT

(28) "LMT" means a Licensed Massage Therapist.

(29) "Massage" or "massage therapy" is defined in ORS 687.011.

(30) "Non-Contact hours" means education hours independently acquired outside the presence of an instructor.

(31) "Offer" means a response to a request for price quote or response to a Solicitation Document.

(32) "Offeror" means a Person who submits an Offer.

(33) Professional fitness means

(a) An applicant has not ever before the date of application, been convicted of a felony or an offense involving moral turpitude or prostitution, solicitation, required to be a registered sex offender and other similar offense which has a reasonable relationship to the practice of massage;

(b) Has not ever before the date of application, been convicted of an act involving dishonest, fraud misrepresentation, gross negligence or incompetence or is not currently incarcerated or on community supervision after a period of incarceration in a local, state or federal penal institution for such an act;

(c) Has not ever before the date of application, had a professional license revoked or suspended by this state, a political subdivision of this state, or a regulatory board in another jurisdiction in the United States, or voluntarily surrendered a professional license in lieu of disciplinary action;

(d) Has not ever before the date of the application, had a massage therapy license revoked or suspended by any state or national massage certifying agency.

(34) "Personal power" means recognizing and taking personal responsibility for the inherent power differential between the LMT and the client and recognizing and taking personal responsibility for the impact of professional decisions, actions and behavior on the client.

(35) "Power differential" means the basic inequality inherent in the professional relationship between an LMT and a client in terms of who has the advantage in the relationship. The LMT is presumed to have the advan-

tage by virtue of the authority which emerges from the role of professional and the vulnerability which is automatically part of the role of client.

(36) "Practical Work Experience" means experience gained while employed or self-employed providing legal massage/bodywork to the public within the last five (5) years, in another state or jurisdiction.

(37) "Practice of massage" is defined in ORS 687.011.

(38) "Professional authority" means the power inherent in the professional role and which is derived from a combination of an LMT's specialized or expert knowledge, societal expectations, stated and unstated client expectations, and an LMT's personal power.

(39) "Professional relationship" means the relationship established when a LMT contracts with a client, verbally or in writing, to provide any service associated with the practice of massage or bodywork.

(40) "Professional role" means assuming the demands and responsibilities of professional authority by taking charge of the conditions which create and maintain client safety and trust in the professional-client relationship.

(41) "Scope" means the range and attributes of the Goods or Services described in the applicable Solicitation Document, or if no Solicitation Document, in the Contract.

(42) "Solicitation Document" means an Invitation to Bid, Request for Proposal or other document issued to invite Offers from prospective Contractors.

(43) "Specification" means any description of the physical or functional characteristics or of the nature of Goods or Services, including any requirement for inspecting, testing or preparing Goods or Services for delivery and the quantities of materials to be furnished under a Contract. Specifications generally will state the result to be obtained.

(44) "Split Fee" means giving or receiving a commission or payment, either monetary or otherwise, for the referral of patients.

(45) "Successful Completion" means the written receipt of credit from classes taken at a community college or university or the written receipt of a certificate from a program or private career school.

(46) "Written" or "Writing" means conventional paper documents, whether handwritten, typewritten or printed, in contrast to spoken words. It also includes electronic transmissions or facsimile documents when required by applicable law or permitted by a Solicitation Document or Contract.

Stat. Auth.: ORS 687.011 & 687.121
Stats. Implemented: ORS 687.011
Hist.: BMT 2-1998, f. & cert. ef. 7-22-98; BMT 1-2003, f. & cert. ef. 1-24-03; BMT 1-2009, f. 2-13-09, cert. ef. 3-1-09; BMT 3-2009, f. & cert. ef. 7-2-09; BMT 2-2011, f. 6-29-11, cert. ef. 7-1-11; BMT 4-2011, f. 12-1-11, cert. ef. 1-1-12; BMT 2-2012, f. 12-4-12, cert. ef. 1-1-13; BMT 1-2015, f. 3-12-15, cert. ef. 7-1-15; BMT 3-2015, f. 11-12-15, cert. ef. 1-1-16

334-010-0005
Applications

(1) All applications for licensure, inactive status, renewal, temporary permit, or a facility permit must be made on forms provided by the Board. Only applications that are completed and on Board approved forms, without alterations, must be accepted for filing and review by the Board.

(2) All applications made to the Board must be accompanied by the required fee.

(3) Applicants for Licensure must submit the following with their application:

(a) A copy of a valid government issued photo identification. This identification could be a valid driver's license, a current U.S. passport, immigration/naturalization papers, or a valid state identification card;

(b) An official certificate or transcript from the administering institutions, instructors, or programs showing successful completion of study and practice in the required subject matter and hours required by the Board.

(A) Official copies of transcripts or certificates presented to the Board in an envelope sealed by the program or institution and verified as sealed may be accepted directly from the applicant.

(B) If a program or institution granting credit is no longer in business, the Board must accept for review a copy of a certificate of completion, transcript or diploma in the required subject matter and hours. The Board may require additional information to verify the authenticity of such documents. Transcripts or certificates directly received from other states massage licensing boards will be accepted.

(4) Transcripts must include a minimum of 625 hours of certified classes. The 625 hours must include the knowledge and skills identified in OAR 334-010-0047 competencies and must be comprised of:

(a) A minimum of 200 hours of Anatomy & Physiology, Pathology, and Kinesiology; and

(b) A minimum of 300 hours of Massage Theory and Practical Application, Clinical Practice, Business Development, Communication and Ethics, and Sanitation. Hydrotherapy may be included as part of the 300 hours.

(c) The additional 125 hours can be in Anatomy & Physiology, Pathology, Kinesiology, Massage or Bodywork Theory and Practical Application, Clinical Practice, Business Development, Communication, Ethics, Sanitation or Hydrotherapy.

(d) Hours can be calculated in clock hours or equivalent credit hours from an institution that substantially complies with the definition of credit hours in 34 CFR 600.2.

(5) If for any reason an applicant does not appear to be qualified for licensure, the applicant must be so notified and invited to submit additional evidence that he/she is entitled to have his/her case considered for licensure.

(6) Applicants who apply for licensure on or before December 31, 2015 with a minimum of 500 hours of certified classes and do not take and pass the Oregon practical exam within 60 days of the date of their application must apply as a new applicant.

(7) All application documents for examination and licensure submitted in a language other than English must be accompanied by:

(a) An accurate translation of those documents into English;

(b) A notarized affidavit certifying that the translator is competent in both the language of the document and the English language; and

(c) A notarized affidavit certifying that the translation is a true and complete translation of the foreign language original.

(8) Any costs of translation of all documents required by the Board must be at the expense of the applicant.

(9) If the applicant discontinues the application process or fails to cooperate with the criminal history check process, then the application is considered incomplete.

(10) Applicants for Facility Permit must submit the following with their application:

(a) If a natural person a copy of a valid government issued photo identification. This identification could be a valid driver's license, a current U.S. passport, immigration/naturalization papers, or a valid state identification card;

(b) If not a natural person:

(A) Copy of the Oregon Secretary of State Business registration, listing all owners and/or shareholders and

(B) Articles of Incorporation or shareholder agreements showing all percentages of ownership with appropriate owners identification including name and address.

Stat. Auth.: ORS 183, 687.121 & 182.456 - 182.472
Stats. Implemented: ORS 687.011, 687.051, 687.057, 687.061, 687.081, 687.086 & 687.121
Hist.: HB 88, f. 3-16-56; Renumbered from 333-035-0002; MTB 1-1979, f. & ef. 5-22-79; MTB 2-1985, f. & ef. 1-23-85; MB 3-1985(Temp), f. & ef. 9-20-85; MTB 1-1986, f. & ef. 1-29-86; MTB 1-1990, f. & cert. ef. 4-20-90; MTB 1-1992, f. & cert. ef. 7-28-92, Section (7)(d) Renumbered from 334-010-0036; BMT 2-1998, f. & cert. ef. 7-22-98; BMT 2-2002, f. & cert. ef. 5-8-02; BMT 1-2003, f. & cert. ef. 1-24-03; BMT 1-2004, f. & cert. ef. 2-23-04; BMT 1-2009, f. 2-13-09, cert. ef. 3-1-09; BMT 3-2009, f. & cert. ef. 7-2-09; BMT 3-2011(Temp), f. & cert. ef. 8-10-11 thru 2-6-12; BMT 4-2011, f. 12-1-11, cert. ef. 1-1-12; BMT 1-2013, f. 5-31-13, cert. ef. 7-1-13; BMT 2-2013, f. 11-26-13, cert. ef. 1-1-14; BMT 3-2015, f. 11-12-15, cert. ef. 1-1-16

334-010-0009
Credentialing Review

(1) The Board may grant a license to applicants who are or have legally practiced massage and/or bodywork for a minimum of the previous 3 years after successful completion of the jurisprudence examinations, the written examination and upon a credentialing review.

(a) Credentialing review must be submitted on the approved Board of Massage forms (Credentialing Review), submitted with official transcripts and/or certificates as proof of completion.

(b)(A) Of the 200 Anatomy & Physiology, Pathology and Kinesiology hours required, 120 hours minimum must be from certified class instruction. Of the 200 hours required, up to 80 contact hours of prior continuing education in subject areas may apply. Official Transcripts or Certificates of Completion must be documented on the approved Board of Massage form: Credentialing Review.

(B) Of the 300 Massage Theory and Practical Application, Clinical Practice, Business Development, Communication and Ethics, and Sanitation hours required, 140 hours minimum must be from certified class instruction. Of the 300 hours required up to 120 contact hours of prior continuing education in subject areas may apply. Of the 300 hours required, up to 40 hours of practical work experience may apply.

(C) The additional 125 hours can be in Anatomy & Physiology, Pathology, Kinesiology, Massage or Bodywork Theory and Practical Application, Clinical Practice, Business Development, Communication,

Ethics, Sanitation or Hydrotherapy. Of the 125 hours required, up to 75 contact hours of prior continuing education in subject areas may apply.

(2) Credentialing Review applications must be accompanied by:

(a) Current Credentialing Review fee and

(b) Any additional documentation required by the Board.

Stat. Auth.: ORS 687
Stats. Implemented: ORS 687.031
Hist.: BMT 4-2011, f. 12-1-11, cert. ef. 1-1-12; BMT 1-2012, f. 6-19-12, cert. ef. 7-1-12; BMT 3-2015, f. 11-12-15, cert. ef. 1-1-16

334-010-0010
Practical Exam for Indorsement

(1) The examination must be held at least twice annually or as requested.

(2) The applicant will be notified by electronic mail and/or U.S. mail at least two weeks before the scheduled exam, unless otherwise waived by the applicant, of the time and place.

(3) Applicants who have a documented and verifiable emergency may request to have their exam fee apply to a subsequent examination:

(a) Applicant has 14 days to submit written documentation of the emergency;

(b) Applicant must sit for the examination within one year of the original date of examination; and

(c) Only one request will be allowed.

(4) Refund of the examination fee may be granted upon written request should the applicant not qualify for the examination. Refunds may also be made for individuals who have a documented and verifiable emergency and are unable to sit for the exam provided the written request and associated documentation are received by the board at least 7 days prior to the exam.

(5) Failure to Pass: An applicant must pass the practical examination within 24 months of the initial date of application. The Board may require an applicant with 3 or more examination failures to undertake and satisfactorily complete a Board approved remediation plan prior to reapplying for the examination.

(6) Examinee Conduct: An examinee, whose conduct interferes with the testing process or whose behavior violates ethical practices or jeopardizes the safety of another may be dismissed and disqualified from examination. Such conduct includes but is not limited to the following behaviors:

(a) Giving or receiving examination data, either directly or indirectly,

(b) Failure to follow written or oral instructions relative to conducting the examination, including termination times and procedures;

(c) Endangering the life or health of others present

(d) Introducing unauthorized materials during any portion of the examination;

(e) Attempting to remove examination materials or notations from the testing site; or

(f) Violating the credentialing process such as falsifying or misrepresenting educational credentials or other information required for admission to the examination, impersonating an examinee, or having an impersonator take the licensing examination on one's behalf.

(7) Test questions, scoring keys, and other examination data used to administer the qualifying examination are exempt from disclosure under ORS 192.410 to 192.505 as amended.

(8) The Board may release statistical information regarding examination pass/fail rates by group, type of examination, school, year, and subject area to any interested party.

(9) All examinations are given in the English language.

(10) Applicants with Special Needs: An applicant is presumed to possess sufficient sensory, visual, hearing and psychomotor capabilities to independently perform massage and bodywork skills. An applicant with special needs may apply to the Board for the provision of special conditions to complete the examination:

(a) The Board may require proof, provided by a qualified professional on letterhead, of the nature of the special need and type of special conditions recommended to complete the exam.

(b) A request for special conditions must be made to the Board in writing at the time of application.

Stat. Auth.: ORS 183, 687.121 & 182.456 - 182.472
Stats. Implemented: ORS 687.011, 687.051, 687.057, 687.061, 687.081, 687.086 & 687.121
Hist.: HB 88, f. 3-16-56; Renumbered from 333-035-0004; MTB 1-1979, f. & ef. 5-22-79; MTB 2-1982, f. & ef. 7-21-82; MTB 2-1985, f. & ef. 1-23-85; MTB 1-1992, f. & cert. ef. 7-28-92; BMT 2-1998, f. & cert. ef. 7-22-98, Renumbered from 334-010-0021 [Hist.: MTB 1-1990, f. & cert. ef. 4-20-90; MTB 1-1992, f. & cert. ef. 7-28-92, Sections (6) - (20)(h) Renumbered from 334-030-0020]; BMT 1-1999(Temp), f. 6-14-99, cert. ef. 7-4-99 thru 12-31-99; BMT 1-2000, f. & cert. ef. 1-12-00; BMT 2-2000, f. & cert. ef. 8-3-00; BMT 1-2002(Temp), f. & cert. ef. 1-9-02 thru 7-5-02; BMT 2-2002, f. & cert. ef. 5-8-02; BMT 1-2003, f. & cert. ef. 1-24-03; BMT 1-2004, f. & cert. ef. 2-23-04; BMT 4-2005(Temp), f. & cert. ef. 9-19-05 thru 3-12-06; BMT 1-2006, f. & cert. ef. 1-5-06; BMT 2-2007, f. & cert. ef. 6-29-07; BMT 1-2007, f. & cert. ef. 6-29-07; BMT 1-2009, f. 2-13-09, cert. ef. 3-1-09; BMT 3-2009, f. & cert. ef. 7-2-09; BMT 4-2011, f. 12-1-11, cert. ef. 1-1-12; BMT 2-2013, f. 11-26-13, cert. ef. 1-1-14; BMT 3-2015, f. 11-12-15, cert. ef. 1-1-16

334-010-0012
Practical Exam for Indorsement Appeal Process

(1) The following appeal process must be utilized to request a Board review of examination results:

(a) A request for appeal must be made by the applicant in writing and must be received in the Board office within thirty days of the date on the letter of notification of examination results sent to the applicant; and

(b) In the written appeal the applicant must specifically state the reason for the appeal and why the applicant believes the results should be modified. The applicant must identify the specific errors of content, procedure, bias, prejudice or discrimination.

(2) The following appeal process must be utilized to conduct a review of examination results:

(a) During the review, the applicant must be identified only by the applicant's test number.

(b) The Board's representative must review the examination results including any written materials, audio or video related to the examinations, examiner comments, and information provided by the applicant related to examination results.

(c) The Board representative(s) must present its findings to the Board in executive session at a regularly scheduled meeting of the Board.

(d) The Board must not consider oral arguments from the applicant regarding an examination appeal unless the Board determines that further information is required directly from the applicant.

(e) The Board must make a determination as to whether to grant the appeal and that the determination must become part of the public record.

(3) An appeal may result in:

(a) No action;

(b) Reversal of a failing score; or

(c) Suspension of a failing score and opportunity for the applicant to retake the practical examination.

Stat. Auth.: ORS 183, 687.121 & 182.456 - 182.472
Stats. Implemented: ORS 687.011, 687.051, 687.057, 687.061, 687.081, 687.086 & 687.121
Hist.: BMT 2-1998, f. & cert. ef. 7-22-98; BMT 2-2002, f. & cert. ef. 5-8-02; BMT 1-2009, f. 2-13-09, cert. ef. 3-1-09; BMT 4-2011, f. 12-1-11, cert. ef. 1-1-12; BMT 3-2015, f. 11-12-15, cert. ef. 1-1-16

334-010-0015
Licensure

(1) An applicant for licensure or renewal of a license must complete, in its entirety, an original application furnished by the Board.

(2) An applicant for an initial license and all lapsed and inactive licensees applying for reactivation must submit an electronic fingerprint card for a criminal background check.

(3) All applications for licensure must be accompanied by proof of current certification in cardiopulmonary resuscitation (CPR).

(4) An applicant must provide written explanation and copies of all related documentation as requested by the board if:

(a) Applicant has ever been investigated, disciplined or denied licensure by this agency or any other governmental agency in any state or jurisdiction of the United States or foreign country;

(b) Applicant has surrendered a massage license or other professional license in any state or jurisdiction of the United States or foreign country;

(c) Applicant has been arrested, charged or convicted of any type of violation of the law, including both misdemeanors or felonies, other than minor traffic infractions in any state or jurisdiction of the United States or foreign country;

(d) Applicant has abused or been treated for the abuse of alcohol, controlled or mind altering substances; or

(e) Applicant has suffered from and/or received treatment for a mental, physical or emotional condition, which could impede applicant's ability to safely practice massage.

(5) Applicants for initial licensure must have passed a written examination approved by the board unless the applicant is applying through Health Indorsement in which the applicant must have passed a practical examination.

(6) Licenses issued expire on the last day of the licensees' birth month of even numbered years for licensees with even numbered birth years and odd numbered years for licensees with odd numbered birth years. Thereafter, licenses may be renewed every other year upon completion of the application requirements. The application must be returned to the Board postmarked no later than the 1st day of the month of expiration. A delin-

quent fee must be paid if the completed application and all requirements are not received by the due date.

(7) Applicants for the renewal of an active license must sign a statement verifying completion of a minimum of 25 hours of continuing education. The Board may require proof of the continuing education hours.

(8) Applications for renewal of an active license must be accompanied by:

(a) Current licensing fee;

(b) Any applicable late fees;

(c) Proof of current certification in cardiopulmonary resuscitation (CPR);

(d) Proof of 25 hours of continuing education; and

(e) Any additional documentation required by the Board.

(9) All applicants for initial, renewal, or reinstated license must sign a statement verifying that they have read, understand, and must comply with all current Oregon Revised Statutes (ORS 687), Oregon Administrative Rules (OAR 334), and policy statements of the Board.

(10) Licenses issued by the Board must not be transferable.

(11) A person licensed by the Board may move to an inactive status by completing the form provided by the Board. Upon payment of the appropriate fee, the applicant will be issued an inactive license. During the period of inactive status, the licensee may not practice massage for compensation in the State of Oregon.

(12) An application to reactivate an inactive license must be accompanied by:

(a) Current licensing fee;

(b) Verification of current cardiopulmonary resuscitation (CPR);

(c) Verification of 25 hours of continuing education for each biennium or fraction of the biennium the license was inactive, up to 50 hours; and

(d) Completed fingerprint card for criminal background check.

Stat. Auth.: ORS 687.121 & 687.051

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

Hist.: HB 88, f. 3-16-56; Renumbered from 333-035-0006; MTB 1-1979, f. & ef. 5-22-79; MTB 1-1990, f. & cert. ef. 4-20-90; MTB 1-1992, f. & cert. ef. 7-28-92; BMT 2-1998, f. & cert. ef. 7-22-98; BMT 1-2003, f. & cert. ef. 1-24-03; BMT 1-2004, f. & cert. ef. 2-23-04; BMT 1-2006, f. & cert. ef. 1-5-06; BMT 2-2006(Temp), f. & cert. ef. 2-16-06 thru 8-7-06; Administrative correction 8-22-06; BMT 1-2009, f. 2-13-09, cert. ef. 3-1-09; BMT 4-2011, f. 12-1-11, cert. ef. 1-1-12; BMT 1-2012, f. 6-19-12, cert. ef. 7-1-12; BMT 1-2013, f. 5-31-13, cert. ef. 7-1-13; BMT 3-2015, f. 11-12-15, cert. ef. 1-1-16

334-010-0017
Lapsed License

(1) The massage therapist license is considered lapsed if an individual fails to complete the renewal process prior to the expiration of license.

(2) During the lapsed status, no such person shall practice massage in the State of Oregon.

(3) An applicant whose license is lapsed may return to active status by including the following with the completed application.

(a) Payment of the current fee for activation of the license;

(b) Payment of the licensing fee applicable for the period of the lapsed license;

(c) Late fee payment;

(d) Proof of 25 hours of continuing education for each biennium the license was lapsed and for the current licensing period;

(e) Verification of 4 contact hours in Ethics.

(f) Proof of current certification in cardiopulmonary resuscitation (CPR);

(g) A statement indicating whether the applicant has engaged in the practice of massage and bodywork in another jurisdiction during the period of lapsed status; and

(h) Applicants must submit a completed electronic fingerprint for criminal background check.

(4) All information required for restoring a lapsed license must be received within 3 years of the date of lapsing. Thereafter, one must apply as a new applicant.

(5) Continuing Education is not required if this is your first subsequent renewal after receipt of your initial license.

Stat. Auth.: ORS 183, 687.121 & 182.456 - 182.472

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

Hist.: BMT 2-1998, f. & cert. ef. 7-22-98; BMT 2-2002, f. & cert. ef. 5-8-02; BMT 1-2003, f. & cert. ef. 1-24-03; BMT 1-2004, f. & cert. ef. 2-23-04; BMT 1-2006, f. & cert. ef. 1-5-06; BMT 1-2009, f. 2-13-09, cert. ef. 3-1-09; BMT 3-2009, f. & cert. ef. 7-2-09; BMT 4-2011, f. 12-1-11, cert. ef. 1-1-12; BMT 3-2015, f. 11-12-15, cert. ef. 1-1-16

334-010-0033
Fees

(1) The fees are:

(a) $100 for initial license;

(b) $50 for initial license under 12 months;

(c) $155 per biennial renewal for active license;

(d) $50 per biennial renewal for inactive license;

(e) $25 per week, up to a maximum of $100, for any late renewal;

(f) $100 for application processing;

(g) $150 for each practical examination;

(h) $100 for mailing list;

(i) $10 for license reprint;

(j) $10 for license verification;

(k) $250 Credentialing Review;

(l) Current Oregon State Police Criminal Background Check Fee;

(m) $50 initial facility permit;

(n) $250 facility permit transfer;

(o) $10 facility permit reprint and

(p) Other administrative fees as allowed by law.

(2) Application and licensure fees are not refundable.

Stat. Auth.: ORS 183, 687.121 & 182.456 - 182.472

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

Hist.: MTB 1-1986, f. & ef. 1-29-86; MTB 1-1989(Temp), f. & cert. ef. 7-27-89; MTB 1-1990, f. & cert. ef. 4-20-90; MTB 1-1992, f. & cert. ef. 7-28-92 (and corrected 8-6-92); BMT 2-1998, f. & cert. ef. 7-22-98; BMT 1-2000, f. & cert. ef. 1-12-00; BMT 2-2002, f. & cert. ef. 5-8-02; BMT 1-2003, f. & cert. ef. 1-24-03; BMT 4-2004, f. 10-22-04, cert. ef. 1-1-05; BMT 1-2006, f. & cert. ef. 1-5-06; BMT 1-2009, f. 2-13-09, cert. ef. 3-1-09; BMT 3-2009, f. & cert. ef. 7-2-09; BMT 3-2010, f. 12-22-10, cert. ef. 1-1-11; BMT 1-2011, f. & cert. ef. 4-21-11; BMT 4-2011, f. 12-1-11, cert. ef. 1-1-12; BMT 1-2012, f. 6-19-12, cert. ef. 7-1-12; BMT 2-2013, f. 11-26-13, cert. ef. 1-1-14; BMT 1-2015, f. 3-12-15, cert. ef. 7-1-15; BMT 3-2015, f. 11-12-15, cert. ef. 1-1-16

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Board of Medical Imaging
Chapter 337

Rule Caption: Permitting process for physician assistants to perform fluoroscopy
Adm. Order No.: BMI 3-2015
Filed with Sec. of State: 11-4-2015
Certified to be Effective: 1-1-16
Notice Publication Date: 9-1-2015
Rules Adopted: 337-010-0033, 337-021-0049
Rules Amended: 337-010-0006, 337-010-0026, 337-020-0015, 337-020-0040, 337-021-0020, 337-021-0070, 337-030-0010
Subject: This rulemaking establishes a process for physician assistants to perform fluoroscopy, which is a continuous beam x-ray used to create images of internal structures, used for medical diagnosis. To start, a licensed PA will need to complete a curriculum developed by the American Association of Physician Assistants and the American Society of Radiologic Technologists. Next, the PA will need to apply to the Oregon Board of Medical imaging (OBMI) and pay a fee to take a fluoroscopy examination offered by the American Registry of Radiologic Technologists (ARRT). Upon passing the exam, the PA must apply for a permit from OBMI, including a permit fee. The permit will enable the PA to practice fluoroscopy with either the supervising physician or a radiologic technologist in the fluoroscopy room at the same time. For 2-year permit renewal, a PA will need to complete four hours of continuing education each year, which must include two hours of fluoroscopy-related CEs and two hours of radiation use and safety.
Rules Coordinator: Ed Conlow—(971) 673-0216

337-010-0006
Definitions

For purposes of ORS 688.405 to 688.605 and these rules:

(1) The "Practice of Medical Imaging" shall be defined as but not limited to the use of ionizing radiation, ultrasound, radio waves or magnetic fields upon human anatomy for diagnostic or therapeutic purposes including the physical positioning of the patient, the determination of exposure parameters, and the handling of the ionizing radiation equipment.

(2) "Approved school" means a school accredited in one of the medical imaging modalities or subspecialties by a national or regional post-secondary accreditation body and whose graduates are qualified to sit for a credentialing examination recognized by the Board of Medical Imaging in the graduate's medical imaging modality or subspecialty.

(3) "Board" means board of medical imaging.

(4) "Clinical instructor" means an individual assigned to supervise students in a clinical setting who is:

(a) A licensed physician who routinely supervises the medical imaging modality being studied by a student; or

(b) An individual licensed by the board and credentialed by a credentialing organization in the medical imaging modality being studied by a student.

(5) "Credential" means the recognition awarded to an individual who meets the requirements of a credentialing organization.

(6) "Credentialing organization" means a nationally recognized organization that issues credentials through testing or evaluations that determine that a person meets defined standards for training and competence in a medical imaging modality.

(7) "Diagnostic medical sonography" means the use of nonionizing high frequency sound waves with specialized equipment to direct the sound waves into areas of the human body to generate images for the assessment and diagnosis of various medical conditions.

(8) "Fluoroscopy" means a technique for generating X-ray images and for presenting the X-ray images simultaneously and continuously as a visible image.

(9) "Graduate" means an individual who has completed the didactic and clinical education at an approved school, including documented clinical proficiency, but who has not met all requirements for credentialing by a credentialing organization.

(10) "Hybrid imaging or radiation therapy equipment" means equipment that combines more than one medical imaging modality into a single device.

(11) "Ionizing radiation" means alpha particles, beta particles, gamma rays, X-rays, neutrons, high-speed electrons, high-speed protons or other particles capable of producing ions. "Ionizing radiation" does not include radiation such as radiofrequency or microwaves, visible, infrared or ultraviolet light or ultrasound.

(12) "License" means a license issued by the board to practice one or more of the medical imaging modalities.

(13) "Licensed nurse practitioner" means a nurse practitioner licensed in Oregon.

(14) "Licensed physician" means a physician or surgeon licensed in Oregon.

(15) "Licensed physician assistant" means a physician assistant licensed in Oregon.

(16) "Limited X-ray machine operator" means a person other than a licensed physician who performs diagnostic X-ray procedures under the supervision of a licensed physician, a licensed nurse practitioner or a licensed physician assistant using equipment that emits external ionizing radiation resulting in diagnostic radiographic images that are limited to select human anatomical sites.

(17) "Limited X-ray machine operator course of study" means a board-approved set of didactic and clinical experience elements designed to prepare a person for gaining practical experience and for passing the limited X-ray machine operator examination.

(18) "Magnetic resonance imaging" means the process by which certain nuclei, when placed in a magnetic field, absorb and release energy in the form of radio waves that are analyzed by a computer thereby producing an image of human anatomy and physiological information.

(19) "Medical physicist" is a person who is certified in diagnostic radiological physics or radiological physics by the American Board of Radiology, or in diagnostic imaging physics by the American Board of Medical Physics, or in diagnostic radiology physics by the Canadian College of Physicists in Medicine.

(20) "Medical imaging" means the use of specialized equipment for the production of visual representations of human anatomy, tissues or organs for use in clinical diagnosis and treatment and includes but is not limited to X-ray, single photon emission, positron emission technology, ultrasound, magnetic fields, visible light and radio waves.

(21) "Medical imaging licensee" means a person other than a licensed physician or a limited X-ray machine operator who holds a valid license and operates medical imaging equipment for diagnostic or therapeutic purposes under the supervision of a licensed physician.

(22) "Medical imaging modality" means:

(a) Diagnostic medical sonography and all its subspecialties;

(b) Magnetic resonance imaging and all its subspecialties;

(c) Nuclear medicine technology and all its subspecialties;

(d) Radiation therapy and all its subspecialties; or

(e) Radiography and all its subspecialties.

(23) "Nuclear medicine technology" means the specialized equipment that measures radiation emitted by radionuclides, including counters and cameras that form medical images for interpretation by a physician, or assists in therapeutic use of radionuclides.

(24) "Physician Assistant" means a person who is licensed in accordance with ORS 677.505 to 677.525.

(25) "Radiographer" means a person other than a licensed physician who performs a comprehensive set of diagnostic radiographic procedures under the supervision of a licensed physician using external ionizing radiation to produce radiographic, fluoroscopic or digital images.

(26) "Radiography" means the use of ionizing radiation to produce radiographic, fluoroscopic or digital images of human anatomy for diagnostic purposes.

(27) "Radiologist" means a person licensed to practice medicine in the State of Oregon who is certified by or board eligible for certification by the American Board of Radiology, the American Osteopathic Association, the Royal College of Radiologists or the Royal College of Physicians and Surgeons of Canada.

(28) "Student" means an individual enrolled in:

(a) An approved school, college or university academic training program in medical imaging; or

(b) A limited X-ray machine operator course of study.

(29) "Supervision" means the act of monitoring and reviewing the performance of medical imaging licensees or limited X-ray machine operators through regular inspections of work produced, regardless of whether the supervising individual is continuously physically present during the [performance] use of medical imaging equipment or X-ray equipment.

(30) "Positioning" is the act of placing the patient in the standard or appropriate position for a medical imaging examination or radiation therapy based on the medical condition of patient.

Stat. Auth.: ORS 183.310(7) & 688.555(1)
Stats. Implemented: ORS 688.415, 688.525 & 688.915
Hist.: RT 2-1986, f. 4-29-86, ef. 7-1-86; RT 1-1989, f. & cert. ef. 1-24-89; RT 1-1990, f. & cert. ef. 2-2-90; RT 1-1992, f. & cert. ef. 1-15-92; BRT 1-2003, f. 8-14-03, cert. ef. 8-15-03; BRT 1-2010, f. & cert. ef. 6-15-10; BMI 3-2015, f. 11-4-15, cert. ef. 1-1-16

337-010-0026
Permit Renewal

(1) Permit holders must submit evidence of continuing education at the time they file an application for license renewal. An initial permanent LXMO permit that is prorated for a period of less than 24 months includes the requirement of an average of one hour of continuing education per month, depending on the number of anatomic areas in a limited permit.

(2) Permit holders must obtain a minimum of continuing education hours according to the following schedule:

(a) One to three LXMO anatomic areas: 9 hours per year.

(b) Four or more LXMO anatomic areas: 12 hours per year.

(c) Fluoroscopy permit: Four hours per year, including two hours related to radiation use and safety, and two hours related to the clinical use of fluoroscopy.

(3) The Board may require permit holders to produce documents verifying continuing education activities for purposes of an audit by the Board. Permit holders are required to retain verification documents for a period of two years following the renewal date. At any time during that two years the Board may require permit holders to produce those documents for purposes of an audit by the Board.

(4) Verification Documents for Renewal Applicants include:

(a) A completed OBMI worksheet, listing all continuing education activities performed during the immediately preceding licensing period.

(b) All renewal applicants are subject to audit of their Continuing Education hours by the Board.

(5) Acceptable Types of Continuing Education Activities:

(a) Any independent reading, video or audiocassette must include a pre-approved post-test to be acceptable for meeting OMBI's continuing education requirements.

(b) Acceptable forms of continuing education activities for permit holders (no maximum) include, with one hour of credit for each hour spent in the activity:

(A) Attendance at meetings of professional organizations that are directly appropriate to the modality practiced by the permit holder (educational portions of the meetings only).

(B) Directed reading of professional and scientific journals and newsletters appropriate to the modality practiced by the permit holder, listening to or viewing video recordings appropriate to the modality practiced by the permit holder, all of which include a post-test.

(C) Symposia, workshops, lectures, refresher courses, correspondence courses, etc. appropriate to the modality practiced by the permit holder.

(D) In-service education when appropriate to the modality practiced by the permit holder.

(E) For LXMO permit holders, a minimum of one hour of education in one permit area is required per year and 2 hours of either radiation use and safety or radiographic technique is required per year.

(6) LXMO permit renewal requirements following 24-month lapse:

(a) A LXMO permit holder whose permit is expired for a period in excess of 24 continuous months must pass the ARRT examination in any specific anatomic area which is on their most recent expired permit and which they wish to be reauthorized to practice in. All applicants under this paragraph, except bone densitometry applicants, must also pass the CORE examination.

(b) The application process and fee structure under this paragraph is the same as for first-time permanent permit applicants under OAR 337-010-0030. Time frame for passing the limited examination: the expired permit holder can re-test in any authorized area up to three times within one year from the date the applicant submits the first application to re-test. Passing score is 70 percent.

(c) Passing the CORE exam and an anatomic area exam will result in reinstatement of a permit for that anatomic area.

(d) For CORE or any anatomic area exam not passed within the maximum time period, the applicant will need to follow the same procedures under OAR 337-010-0030 as a new permanent permit applicant.

(e) Failure to pass CORE within the maximum time period will negate a passing grade on any anatomic area exams taken in accordance with this paragraph.

(f) Under this paragraph, limited permit holders who received their permits under the pre-2007 radiographic positioning can only be reinstated to practice using the current Board-approved radiographic positions, as follows: [Table not included. See ED. NOTE.]

(7) Fluoroscopy permit renewal requirements:

(a) To renew a fluoroscopy permit, a person must:

(A) Possess a current unexpired physician assistant license in good standing from the Oregon medical board indicating active, locum tenens, or military/public health active registration;

(B) Complete and submit a permit application to the board of medical imaging, in the form and manner specified by the board of medical imaging;

(C) Provide documentation, as specified by the board, of completed continuing education requirements;

(D) Pay the nonrefundable permit fee established by the board of medical imaging; and

(E) Submit to a criminal background check as specified by the board of medical imaging.

(b) For a fluoroscopy permit applicant whose permit has been expired for 24 continuous months, the applicant must follow all the steps in Paragraph (1) plus provide documentation of having passed, within the previous 12 months, the ARRT fluoroscopy examination.

[ED. NOTE: Tables referenced are available from the agency.]
Stat. Auth.: ORS 688.555(1)
Stats. Implemented: ORS 688.445 & 688.505
Hist.: BRT 1-2010, f. & cert. ef. 6-15-10; BMI 2-2013, f. 7-26-13, cert. ef. 1-1-14; BMI 3-2015, f. 11-4-15, cert. ef. 1-1-16

337-010-0033
Fluoroscopy Permits for Physician Assistants

(1) Process to enroll for the fluoroscopy examination: Applicants for Limited Fluoroscopy Permits must submit to the board office a completed OBMI examination application form to enroll the applicant to sit for the fluoroscopy examination offered by the American Registry of Radiologic Technologists (ARRT). The examination application must be accompanied by:

(a) Certification of successful completion of the didactic component of the latest version of the Fluoroscopy Educational Framework for the Physician Assistant, a program that was developed through collaboration of the American Academy of Physician Assistants and the American Society of Radiologic Technologists.

(b) Documentation of full completion of the clinical component of the Fluoroscopy Educational Framework for the Physician Assistant, including the:

(A) Fluoroscopic device orientation check-off; and

(B) Clinical experience documentation form. While the physician assistant is completing the clinical experience educational component, a permit from OBMI is not required and the physician assistant must have the evaluator in the room to personally supervise and evaluate the clinical training. Supervision and evaluation must be provided by either the physician assistant's supervising physician, or by a licensed radiologist, licensed radiographer or medical physicist. Supervision during this clinical component must be personally provided (in the room) during all clinical procedures.

(c) Copy of current physician assistant license in good standing from the Oregon Medical Board; the license must indicate active, locum tenens, or military/public health active registration.

(d) The examination fee, which is $20 combined with an examination fee set by the ARRT.

(2) Upon submission of the complete application and fee, the OBMI will register the examination applicant with the ARRT.

(3) The applicant can sit for the examination up to three times. An applicant who fails three times to pass the ARRT fluoroscopy examination is required to confirm that they have completed the didactic and clinical components again, in order to re-apply to sit for the examination.

(4) Persons whose examination applications and fees are properly submitted to the OBMI are designated as "applicants" and are the only persons authorized by the board to submit an application to the board to sit for the fluoroscopy examination. Applicant status expires upon the earlier of:

(a) One year from date of successful completion of the didactic component of the educational framework, as reflected on the certificate indicating a passing score on the post-test;

(b) Immediately upon failure of the third attempt to pass the ARRT fluoroscopy examination within the one-year period, or

(c) Immediately upon passage of the ARRT fluoroscopy examination.

(5) The examination will be administered at computer-based testing sites identified by the ARRT. The applicant is subject to the rules regarding test administration at the testing site.

(6) The application fee for the examination is non-refundable.

(7) Fluoroscopy permit. To obtain a fluoroscopy permit, a person must:

(a) Possess a current unexpired physician assistant license in good standing from the Oregon medical board indicating active, locum tenens, or military/public health active registration;

(b) Have provided documentation of successful completion of the didactic and clinical components of the fluoroscopy educational framework developed jointly by the ASRT and the AAPA;

(c) Pass the ARRT fluoroscopy examination;

(d) Complete and submit a permit application to the board of medical imaging, in the form and manner specified by the board of medical imaging;

(e) Pay the nonrefundable permit fee established by the board of medical imaging; and

(f) Submit to a criminal background check as specified by the board of medical imaging.

Stat. Auth.: ORS 688.555
Stats. Implemented: 2015 HB 2880
Hist.: BMI 3-2015, f. 11-4-15, cert. ef. 1-1-16

337-020-0015
Timely Renewal of Medical Imaging Licenses and Permits — Permanent

(1) Before the expiration date of a license or permit, the Board will, as a courtesy, mail or email notice for renewal of license or permit to the last address on file in the Board's records to every person holding a current license or permit.

(2) An applicant for renewal of a license or permit must accurately complete the renewal form and pay the applicable licensing fee.

(3) An OBMI license or permit renewal application must be received by OBMI 30 days before a license or permit expires.

(4) A license or permit expires biennially on the first day of the birth month of the licensee.

(5) No person is allowed to practice after a license or permit expires.

(6) No applicant for initial or renewal licensure may practice medical imaging until s/he has received a certificate of licensure, either a license or a permit, from the Board.

(7) No person who has allowed his or her license or permit to expire may practice medical imaging until s/he has renewed or reinstated a license or permit and has received a certificate of licensure from the Board.

[ED. NOTE: Forms referenced are available from the agency.]
Stat. Auth.: ORS 688.555(1)
Stats. Implemented: ORS 688.445(5) & 688.515(4)
Hist.: BRT 1-2003, f. 8-14-03, cert. ef. 8-15-03; BRT 1-2010, f. & cert. ef. 6-15-10; BMI 3-2015, f. 11-4-15, cert. ef. 1-1-16

337-020-0040
Requirements for Prorating of Fees

License and permit renewal fees will be prorated only if the applicant can demonstrate to the Board that (s)he did not practice medical imaging in Oregon during the time the license or permit was expired.

Stat. Auth.: ORS 688
Stats. Implemented:

Hist.: RT 2-1989, f. & cert. ef. 11-2-89; BRT 1-2010, f. & cert. ef. 6-15-10; BMI 3-2015, f. 11-4-15, cert. ef. 1-1-16

337-021-0020
Fee for a Delinquent Renewal

An additional $25 delinquent fee must accompany license or permit renewals not postmarked by the last day of the month that the license or permit expires.

Stat. Auth.: ORS 688.555(1)
Stats. Implemented: ORS 688.445(4) & 688.515(4)
Hist.: BRT 2-1998(Temp), f. & cert. ef. 4-20-98 thru 10-15-98; BRT 5-1998, f. & cert. ef. 7-15-98; BRT 1-2002, f. 1-10-02, cert. ef. 1-14-02; BRT 1-2010, f. & cert. ef. 6-15-10; BMI 3-2015, f. 11-4-15, cert. ef. 1-1-16

337-021-0049
Fee for a Fluoroscopy Permit

The fee for a fluoroscopy initial or renewal permit is $5 per month.

Stat. Auth.: ORS 688.555
Stats. Implemented: 2015 HB 2880
Hist.: BMI 3-2015, f. 11-4-15, cert. ef. 1-1-16

337-021-0070
Application Fees Non-Refundable

The application fee for an initial license or initial permit or Permit Examination application fee is non-refundable.

Stat. Auth: ORS 688.555(1)
Stats. Implemented: ORS 688.455 & 688.515(3)
Hist.: BRT 2-2002, f. & cert. ef. 11-18-02; BRT 1-2010, f. & cert. ef. 6-15-10; BMI 3-2015, f. 11-4-15, cert. ef. 1-1-16

337-030-0010
Imposition of Civil Penalties

(1) When a civil penalty is imposed it does not preclude the imposition of any other disciplinary sanction against the licensee or permittee.

(2) The civil penalty shall be payable to the Board by cash, cashier's check, or money order.

(3) Civil penalties shall be imposed per violation according to the following schedule in the absence of a finding of aggravating or mitigating circumstances:

(a) Practicing medical imaging without a current Oregon license or permit due to nonpayment of fees:

(A) Date license becomes void to six months, $100;

(B) Six months to twelve months, $200;

(C) One year to two years, $500;

(D) Two years and up, $1,000.

(b) Practicing medical imaging without a current Oregon license or permit, not related to nonpayment of fee — $1,000;

(c) Unprofessional conduct by a licensee or permittee — $1,000;

(d) Violation of ORS 688.405 to 688.605 or any rule of the Board of Medical Imaging unless otherwise provided in this schedule, $1,000;

(e) Gross negligence in the practice of medical imaging, $1,000;

(f) Employing an individual to practice medical imaging when the individual does not have a current, valid Oregon license or permit, $1,000;

(g) Making a false statement to the Board, $500;

(h) Practicing medical imaging outside the scope for which the license or permit is issued, $500;

(i) Obtaining or attempting to obtain a license or permit or a renewal of a license or permit by false representation, $500;

(j) Purporting to be a licensee or permittee when the person does not hold a valid license or permit, $1,000;

(k) Practice medical imaging under a false or assumed name, $500;

(l) Conviction of a crime where such crime bears a demonstrable relationship to the practice of medical imaging, $1,000;

(m) Has undertaken to act as a medical imaging licensee independently of the supervision of a practitioner licensed by the State of Oregon to practice one of the healing arts, $1,000.

(n) Employing or allowing an individual to practice medical imaging outside the scope of the license or permit, $1,000;

(4) The Board must report to the appropriate credentialing organizations all Board disciplinary actions and all cases where the Board issues a conditional license.

Stat. Auth.: ORS 688.555(1)
Stats. Implemented: ORS 688.605(4)
Hist.: BRT 1-2010, f. & cert. ef. 6-15-10; BMI 3-2015, f. 11-4-15, cert. ef. 1-1-16

Board of Nursing
Chapter 851

Rule Caption: Collect surcharge authorized by SB72 and collect fees for new license type authorized by SB547
Adm. Order No.: BN 4-2015
Filed with Sec. of State: 10-29-2015
Certified to be Effective: 10-29-15
Notice Publication Date: 9-1-2015
Rules Amended: 851-002-0010, 851-002-0020, 851-002-0030, 851-002-0035, 851-002-0040
Subject: To allow for the collection of new fees as authorized by SB 72 and SB 547. Surcharge authorized by SB 72 for establishment of Nursing Advancement Fund. $9 surcharge authorized by SB 72 for all licenses by examination and renewal for RN and LPN licenses. New Nurse Emeritus License type authorized by SB 547, fee was to be determined by the Board. Fee will be $50 per biennium, effective January 1, 2016. Additional revisions are to clarify language of surcharge for the Prescription Monitoring Fund and the Workforce Data Analysis Fund, to align with other sections of the rule.

NOTE: Original filing 9/22/15, effective 10/1/15. Re-filing permanent rule due to filing error.

Rules Coordinator: Peggy A. Lightfoot—(971) 673-0638

851-002-0010
RN/LPN Schedule of Fees

(1) License Renewal — $145.

(2) Delinquent fee — $100.

(3) Surcharge to Support the Workforce Data Analysis Fund at Renewal — $5.

(4) Surcharge to Support the Oregon Nursing Advancement Fund at Licensure by Examination and Renewal — $9.

(5) License by Endorsement — $195.

(6) Licensure by Examination — $160.

(7) Written Verification of License — $12.

(8) Limited Licenses:

(a) Reentry — $95.

(b) Extension of Reentry — $25.

(9) Limited Licenses for Educational Experience:

(a) International Graduate Nursing Students — $65.

(b) Extension of International Graduate Nursing Students — $25.

(c) International RN in Short-Term Educational Experience — $35.

(d) International Exchange Students — $25.

(e) U.S. RNs in Distance Learning — $15.

(f) Extension of Distance Learning — $15.

(10) Reexamination for Licensure — $25.

(11) Reactivation — $160.

(12) Reinstatement by Reactivation — $160.

(13) Nurse Emeritus — $50 (biennial — Effective January 1, 2016)

Stat. Auth.: ORS 678.150 & 678.410
Stats. Implemented: ORS 678.410
Hist.: NER 26(Temp), f. & ef. 12-11-75; NER 32, f. & ef. 5-4-76; NER 5-1981, f. & ef. 11-24-81; NER 2-1982, f. & ef. 8-25-82; NER 5-1983, f. 12-9-83, ef. 1-1-84; NER 5-1985, f. 7-30-85, ef. 10-1-85; NER 6-1986, f. & ef. 12-3-86; NB 5-1987, f. & ef. 7-1-87; NB 7-1987, f. & ef. 10-5-87; NB 1-1988, f. & cert. ef. 4-18-88; NB 2-1989, f. 6-22-89, cert. ef. 7-1-89; NB 2-1991, f. 6-14-91, cert. ef. 7-1-91; NB 3-1991, f. & cert. ef. 9-25-91; NB 5-1993, f. 6-15-93, cert. ef. 7-1-93; NB 7-1993, f. & cert. ef. 7-1-93; NB 13-1993, f. & cert. ef. 12-20-93; NB 5-1994 f. & cert. ef. 9-15-94; Renumbered from 851-020-0295; NB 8-1994, f. & cert. ef. 12-7-94; NB 7-1995(Temp), f. & cert. ef. 6-23-95; NB 2-1996, f. & cert. ef. 3-12-96; NB 9-1997, f. 7-22-97, cert. ef. 9-1-97; BN 6-1998(Temp), f. & cert. ef. 7-15-98 thru 12-31-98; Administrative correction 8-5-98; BN 10-1998, f. & cert. ef. 8-7-98; BN 11-1998, f. & cert. ef. 9-22-98; BN 4-1999, f. 5-21-99, cert. ef. 7-1-99, Renumbered from 851-031-0200; BN 11-1999, f. & cert. ef. 12-1-99; BN 6-2000, f. & cert. ef. 4-24-00; BN 17-2002, f. & cert. ef. 10-18-02; BN 6-2003, f. & cert. ef. 7-7-03; BN 5-2007, f. 5-4-07, cert. ef. 7-1-07; BN 5-2009, f. & cert. ef. 10-7-09; BN 6-2009, f. 12-17-09, cert. ef. 1-1-10; BN 7-2010, f. & cert. ef. 6-25-10; BN 16-2010, f. & cert. ef. 11-29-10; BN 10-2012, f. 7-6-12, cert. ef. 8-1-12; BN 1-2015, f. 4-21-15, cert. ef. 6-1-15; BN 3-2015, f. 9-22-15, cert. ef. 10-1-15; BN 4-2015, f. & cert. ef. 10-29-15

851-002-0020
Nurse Practitioner Schedule of Fees

(1) Initial Nurse Practitioner Certification — $150.

(2) First Category Renewal (combined with Prescriptive Privilege renewal) — $105.

(3) Surcharge to Support the Prescription Monitoring Fund (Biennial) — $50.

(4) Additional Category Renewal — $50.

(5) Delinquent fee — $100.

(6) Nurse Practitioner Prescriptive Authority Initial Application — $75.

(7) Reentry Limited License — $95.

Stat. Auth.: ORS 678.150 & 678.410

Stats. Implemented: ORS 678.410

Hist.: NER 26(Temp), f. & ef. 12-11-75; NER 32, f. & ef. 5-4-76; NER 5-1981, f. & ef. 11-24-81; NER 2-1982, f. & ef. 8-25-82; NER 5-1983, f. 12-9-83, ef. 1-1-84; NER 5-1985, f. 7-30-85, ef. 10-1-85; NER 6-1986, f. & ef. 12-3-86; NB 5-1987, f. & ef. 7-1-87; NB 7-1987, f. & ef. 10-5-87; NB 1-1988, f. & cert. ef. 4-18-88; NB 2-1989, f. 6-22-89, cert. ef. 7-1-89; NB 2-1991, f. 6-14-91, cert. ef. 7-1-91; NB 3-1991, f. & cert. ef. 9-25-91; NB 5-1993, f. 6-15-93, cert. ef. 7-1-93; NB 7-1993, f. & cert. ef. 7-1-93; NB 13-1993, f. & cert. ef. 12-20-93; NB 5-1994 f. & cert. ef. 9-15-94; Renumbered from 851-020-0295; NB 8-1994, f. & cert. ef. 12-7-94; NB 7-1995(Temp), f. & cert. ef. 6-23-95; NB 2-1996, f. & cert. ef. 3-12-96; NB 9-1997, f. 7-22-97, cert. ef. 9-1-97; BN 6-1998(Temp), f. & cert. ef. 7-15-98 thru 12-31-98; Administrative correction 8-5-98; BN 10-1998, f. & cert. ef. 8-7-98; BN 11-1998, f. & cert. ef. 9-22-98; BN 4-1999, f. 5-21-99, cert. ef. 7-1-99, Renumbered from 851-031-0200; BN 16-2006, f. & cert. ef. 11-29-06; BN 7-2009, f. 12-17-09, cert. ef. 1-1-10; BN 10-2012, f. 7-6-12, cert. ef. 8-1-12; BN 1-2015, f. 4-21-15, cert. ef. 6-1-15; BN 3-2015, f. 9-22-15, cert. ef. 10-1-15; BN 4-2015, f. & cert. ef. 10-29-15

851-002-0030
Certified Registered Nurse Anesthetist Schedule of Fees

(1) Initial Certified Registered Nurse Anesthetist License — $150.

(2) Prescriptive Authority, Initial Application — $75.

(3) Renewal of CRNA License — $55.

(4) Renewal of Prescriptive Authority — $50.

(5) Surcharge to Support the Prescription Monitoring Fund (Biennial) — $50.

(6) Delinquent fee of CRNA License — $100.

(7) Combined Limited and Initial License — $175.

(8) Reentry Limited License — $95.

Stat. Auth.: ORS 678.150 & 678.410

Stats. Implemented: ORS 678.410

Hist.: NER 26(Temp), f. & ef. 12-11-75; NER 32, f. & ef. 5-4-76; NER 5-1981, f. & ef. 11-24-81; NER 2-1982, f. & ef. 8-25-82; NER 5-1983, f. 12-9-83, ef. 1-1-84; NER 5-1985, f. 7-30-85, ef. 10-1-85; NER 6-1986, f. & ef. 12-3-86; NB 5-1987, f. & ef. 7-1-87; NB 7-1987, f. & ef. 10-5-87; NB 1-1988, f. & cert. ef. 4-18-88; NB 2-1989, f. 6-22-89, cert. ef. 7-1-89; NB 2-1991, f. 6-14-91, cert. ef. 7-1-91; NB 3-1991, f. & cert. ef. 9-25-91; NB 5-1993, f. 6-15-93, cert. ef. 7-1-93; NB 7-1993, f. & cert. ef. 7-1-93; NB 13-1993, f. & cert. ef. 12-20-93; NB 5-1994 f. & cert. ef. 9-15-94; Renumbered from 851-020-0295; NB 8-1994, f. & cert. ef. 12-7-94; NB 7-1995(Temp), f. & cert. ef. 6-23-95; NB 2-1996, f. & cert. ef. 3-12-96; NB 9-1997, f. 7-22-97, cert. ef. 9-1-97; BN 6-1998(Temp), f. & cert. ef. 7-15-98 thru 12-31-98; Administrative correction 8-5-98; BN 10-1998, f. & cert. ef. 8-7-98; BN 11-1998, f. & cert. ef. 9-22-98; BN 4-1999, f. 5-21-99, cert. ef. 7-1-99, Renumbered from 851-031-0200; BN 10-2012, f. 7-6-12, cert. ef. 8-1-12; BN 1-2015, f. 4-21-15, cert. ef. 6-1-15; BN 3-2015, f. 9-22-15, cert. ef. 10-1-15; BN 4-2015, f. & cert. ef. 10-29-15

851-002-0035
Clinical Nurse Specialist Schedule of Fees

(1) Initial Clinical Nurse Specialist Certification — $150.

(2) Renewal of Certification without Prescriptive Authority — $75.

(3) Surcharge to Support the Prescription Monitoring Fund (Biennial) — $50.

(4) Renewal of Certification with Prescriptive Authority — $105.

(5) Clinical Nurse Specialist Prescriptive Authority Initial Application — $75.

(6) Delinquent fee — $100.

(7) Reentry Limited License — $95.

Stat. Auth.: ORS 678.150 & 678.410

Stats. Implemented: ORS 678.410

Hist.: BN 4-2001, f. & cert. ef. 2-21-01; BN 16-2006, f. & cert. ef. 11-29-06; BN 7-2009, f. 12-17-09, cert. ef. 1-1-10; BN 10-2012, f. 7-6-12, cert. ef. 8-1-12; BN 1-2015, f. 4-21-15, cert. ef. 6-1-15; BN 3-2015, f. 9-22-15, cert. ef. 10-1-15; BN 4-2015, f. & cert. ef. 10-29-15

851-002-0040
Nursing Assistant Schedule of Fees

(1) Certification by Examination — $106.

(2) Certification by Endorsement — $60.

(3) Reexamination — Manual Skills — $45.

(4) Reexamination — Written — $25.

(5) Oral Administration of Written Examination — $35.

(6) Written Verification of Certification — $10.

(7) CNA Certificate Renewal — $60.

(8) CNA Reactivation Fee — $5.

(9) Surcharge to Support the Workforce Data Analysis Fund at Renewal — $5.

(10) CNA Certification for RN or LPN — $60.

(11) CNA Certification for Student Nurses — $60.

(12) Initial Approval CNA Training Program — $100.

(13) Approval of Revised CNA Training Program — $75.

(14) Reapproval of CNA Training Program — $50.

(15) CNA Primary Instructor Approval — $10.

(16) Initial Approval of CNA Program Director — $25.

Stat. Auth.: ORS 678.150 & 678.410

Stats. Implemented: ORS 678.410

Hist.: NB 9-1989(Temp), f. & cert. ef. 11-24-89; NB 5-1990, f. & cert. ef. 5-7-90; NB 7-1990(Temp), f. & cert. ef. 7-11-90; NB 9-1990, f. & cert. ef. 10-9-90; NB 5-1991(Temp), f. & cert. ef. 10-15-91; NB 3-1992, f. & cert. ef. 2-13-92; NB 12-1992, f. 12-15-92, cert. ef. 1-1-93; NB 2-1993, f. 2-8-93, cert. ef. 2-16-93; NB 15-1993, f. 12-27-93, cert. ef. 6-1-94; NB 9-1997, f. 7-22-97, cert. ef. 9-1-97; BN 4-1999, f. 5-21-99, cert. ef. 7-1-99, Renumbered from 851-060-0300; BN 7-1999, f. 8-10-99, cert. ef. 11-1-99; BN 10-1999, f. & cert. ef. 12-1-99; BN 6-2003, f. & cert. ef. 7-7-03; BN 7-2004, f. & cert. ef. 2-26-04; BN 14-2004, f. & cert. ef. 10-26-04; BN 7-2007, f. 6-29-07, cert. ef. 1-1-08; BN 5-2009, f. & cert. ef. 10-7-09; BN 6-2009, f. 12-17-09, cert. ef. 1-1-10; BN 8-2010, f. & cert. ef. 6-25-10; BN 16-2010, f. & cert. ef. 11-29-10; BN 3-2015, f. 9-22-15, cert. ef. 10-1-15; BN 4-2015, f. & cert. ef. 10-29-15

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Board of Optometry
Chapter 852

Rule Caption: Updates for public records process and fees, board member compensation and hydrocodone prescribing.
Adm. Order No.: OPT 2-2015
Filed with Sec. of State: 11-12-2015
Certified to be Effective: 11-12-15
Notice Publication Date: 10-1-2015
Rules Adopted: 852-005-0035
Rules Amended: 852-005-0015, 852-010-0080, 852-020-0035
Subject: Adopt revisions to clarify board compensation rates in rule, to implement a public records request process and associated fees and modify the agency's rules to reflect legislative changes affecting optometrists prescribing Schedule II hydrocodone-combination drugs.

852-005-0015 — specifies the rates of pay for Board member meetings, other business and continuing education review.

852-010-0080 — creates public records fees for agency requests.

852-005-0035 — creates rules related to public records requests to the agency.

852-020-0035 — clarifies an optometrist's ability to prescribe Schedule II hydrocode-combination drugs.

Rules Coordinator: Shelley Sneed—(503) 399-0662, ext. 3

852-005-0015
Board Member Compensation

(1) Board members of the Oregon Board of Optometry are authorized by law to receive compensation for time spent in performance of their official duties. Compensation rates are: $100 per day when attending a Board meeting in person or $12.50 per hour for attending via conference call or other means. Board members will be paid $12.50 per hour when performing any other approved board business. Board work must be pre-approved by the Board Chair or Executive Director to be eligible for compensation. Board members reviewing continuing education are compensated at a rate of $12.50 per hour for 10% of the total number of CE hours reviewed. This compensation amount is in addition to any eligible reimbursement of travel expenses.

(2) Board members and employees of the Board are authorized to receive actual and necessary travel or other expenses incurred in the performance of their official duties as determined by the Board. Mileage reimbursement is at the rate established by the Internal Revenue Service for privately owned vehicles.

(3) No Board member is required to accept compensation or reimbursement of travel or other expenses while performing official duties as a Board member.

Stat. Auth.: ORS 292 & 182

Stats. Implemented: ORS 182.466(3) & 2009 OL Ch. 535 (HB 2058)

Hist.: OPT 2-2009, f. & cert. ef. 12-11-09; OPT 1-2013, f. & cert. ef. 1-3-13; OPT 2-2015, f. & cert. ef. 11-12-15

852-005-0035
Public Records

(1) All requests for copies or inspection of public records shall be submitted in writing via U.S. mail, fax or email on the form provided by the agency. Requests are subject to disclosure according to the Public Records Law, ORS 192.410 to 192.505.

(2) The agency may charge fees reasonably calculated to reimburse the agency for costs of providing and conveying copies of public records. Fees shall not exceed the cost of locating, compiling, making available for inspection, preparing copies in paper, audio, or electronic format and delivering them to requestor. All estimated fees and charges must be paid before public records will be made available for inspection or copies provided. Fees for public records are included in OAR 852-010-0080.

(3) The agency shall notify requestor of the estimated costs of making records available for inspection or providing copies of records to the requestor. If the estimated costs exceed $25, the agency shall provide written notice and shall not act further to respond to the request unless and until the requestor confirms that the requestor wants the agency to proceed with making the public records available.

(4) Charges to the general public shall be payable by check, cashier's check, money order or credit card. Cash will not be accepted as payment.

(5) Staff will not reduce the copy size or otherwise manipulate records to fit additional records on a page, unless staff concludes it will be the most effective use of their time. Consistent with ORS 192.240, all copies will be double-sided. A double-sided copy will be charged as two single pages.

(6) The agency will not permit individuals to provide disks, thumb drives or other means to copy electronic records, due to the threat of computer viruses.

(7) Personal inspection of records must be arranged by appointment with the Executive Director. Inspection must occur during normal office hours. Board staff must be present while records are reviewed.

Stat. Auth.: ORS 683 & 192
Stats. Implemented: ORS 683.270, 192.001-192.505
Hist.: OPT 2-2015, f. & cert. ef. 11-12-15

852-010-0080
Schedule of Fees

The following fee schedule is established by the Oregon Board of Optometry to set forth in one place all of the fees charged by the Board:

(1) Active license:

(a) Annual renewal — $323, of which $298 is for the active optometry license and $25 is the Prescription Drug Monitoring Fund fee collected by the licensing body on behalf of the Oregon Health Authority.

(b) Additional copy of Portable Multiple Practice Location license — $25 each.

(c) Failure to meet renewal date: Late renewal fee — $50 first failure, $75 second failure, $100 any subsequent failure in a seven-year period.

(d) Lapse in CPR certification during licensing period — $50.

(e) Failure to notify the Board of practice locations or address or phone number of record — $50 first failure, $100 second failure, $200 any subsequent failure(s) in a seven-year period.

(3) Inactive License:

(a) Annual renewal — $98.

(b) Late renewal fee — $15.

(c) Failure to notify the Board of address or phone number of record — $50 first failure, $100 second failure, $200 subsequent failure(s) in any seven-year period.

(4) Application for Licensure:

(a) Application for Examination and Licensure — $200.

(b) Application for Endorsement Examination and Licensure — $300.

(c) Application for TPA Certification — $75.

(d) Law and Administrative Rule Examination administered by the Board — $75.

(5) Other fees:

(a) Written official license verification — $20.

(b) List of licensees (electronic or printed) — $25 each Active/Inactive.

(c) Reactivation of license — $100.

(d) Reinstatement of license — $100.

(e) Law and Administrative Rules booklet — $25 (available online at no charge).

(f) Decorative Wall Certificate of Registration (optional, personalized and signed by Board) — $30.

(6) The Board will not refund any fee unless there has been an error by the Board in the charging of the fee. Information not known by the Board because the licensee, applicant, or other person or entity has not supplied the correct information is not considered an error.

Stat. Auth.: ORS 683, 182 & 431
Stats. Implemented: ORS 683.270, 182.466 & 431.972
Hist.: OPT 1-2001, f. 6-26-01, cert. ef. 7-1-01; OPT 1-2003, f. 6-12-03, cert. ef. 7-1-03; OPT 3-2005, f. 6-29-05, cert. ef. 7-1-05; OPT 3-2006, f. 3-20-06, cert. ef. 7-1-06; OPT 1-2007, f. 5-21-07, cert. ef. 7-1-07; OPT 2-2009, f. & cert. ef. 12-11-09; OPT 2-2011, f. 6-24-11, cert. ef. 7-1-11; OPT 1-2013, f. & cert. ef. 1-3-13; OPT 1-2014, f. & cert. ef. 1-3-14; OPT 2-2014, f. 11-28-14, cert. ef. 1-1-15; OPT 3-2014, f. 12-29-14, cert. ef. 1-1-15; OPT 2-2015, f. & cert. ef. 11-12-15

852-020-0035
Prescribing

(1) An optometric physician may use, prescribe, dispense or administer controlled substances in Schedules III-V and Schedule II hydrocodone-combination drugs only to a person with whom the doctor has a bona fide physician-patient relationship.

(2) An optometric physician may not use, prescribe, dispense or administer Schedule III-V controlled substances or Schedule II hydrocodone-combination drugs to himself/herself.

(3) An optometric physician may not use, prescribe, dispense or administer Schedule III-V controlled substances or Schedule II hydrocodone-combination drugs to an immediate family member except in emergency situations. "Immediate family member" means spouse, domestic partner, child, stepchild, sibling, parent, in-law or other individual for whom an optometric physician's personal or emotional involvement may render the doctor unable to exercise detached professional judgment in reaching diagnostic or therapeutic decisions.

(4) It is unprofessional conduct for an optometric physician to use, prescribe, dispense or administer controlled substances in Schedules III-V or Schedule II hydrocodone-combination drugs outside the scope of practice of optometry or in a manner that impairs the health and safety of an individual.

(5) All drugs dispensed by an optometric physician must follow all applicable Oregon Board of Pharmacy rules governing dispensing. All dispensed drugs must be labeled with the following information:

(a) Name, address and telephone number of the optometric physician;

(b) Date;

(c) Name of patient for which the drug is dispensed;

(d) Name of the drug, strength, the quantity dispensed. When a generic name is used, the label must also contain the name of the manufacturer or distributor;

(e) Direction for use;

(f) Required precautionary information;

(g) Such other and further accessory cautionary information as required for patient safety; and

(h) An expiration date after which the patient should not use the drug. Expiration dates on drugs dispensed must be the same as that on the original container unless, in the optometric physician's professional judgment, a shorter expiration date is warranted. Any drug bearing an expiration date may not be dispensed beyond the said expiration date of the drug.

Stat. Auth.: ORS 683 & 182
Stats. Implemented: ORS 683.010(3), 683.240(2), 683.270(k), 182.466 & 689.225
Hist.: OPT 2-2005, f. & cert. ef. 4-8-05; OPT 2-2009, f. & cert. ef. 12-11-09; OPT 1-2013, f. & cert. ef. 1-3-13; OPT 2-2014, f. 11-28-14, cert. ef. 1-1-14; OPT 3-2014, f. 12-29-14, cert. ef. 1-1-15; OPT 2-2015, f. & cert. ef. 11-12-15

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Board of Pharmacy
Chapter 855

Rule Caption: Adoption of rules to permit Oregon pharmacists prescribing of contraceptive drug therapy.
Adm. Order No.: BP 7-2015(Temp)
Filed with Sec. of State: 11-6-2015
Certified to be Effective: 11-6-15 thru 5-3-16
Notice Publication Date:
Rules Adopted: 855-019-0400, 855-019-0405, 855-019-0410, 855-019-0415, 855-019-0420, 855-019-0425, 855-019-0430, 855-019-0435
Subject: 2015 HB 2879 requires the Board to adopt rules (OAR 855-019-0400 through 855-019-0435) to implement new laws that become operative on January 1, 2016. These Temporary Rules allow Oregon pharmacists to prescribe and dispense hormonal contraceptive patches and self administered oral hormonal contraceptives under certain circumstances. At the Board's 11/4/15 meeting, they adopted the Temporary Rules to allow pharmacies time to evaluate and prepare policies and procedures for the January 1, 2016 operative date and for pharmacists to complete the required training that was also approved. The Board consulted with legislatively identified parties to advise the Board in creation of the standard procedures for pharmacist prescribing of hormonal contraceptives. Pharmacists who prescribe must also complete an ACPE and Board approved training program. The legislative intent is to remove barriers and provide timely access to care. The Board will pursue permanent rulemaking in early 2016 that will allow for public input.

All materials associated with this rulemaking and a tool-kit can be found on the Board's website at: www.pharmacy.state.or.us.
Rules Coordinator: Karen MacLean—(971) 673-0001

855-019-0400
Purpose

The purpose of rules OAR 855-019-0400 through 855-019-0435, operative January 1, 2016, is to develop standard procedures for the prescribing of hormonal contraceptive patches and oral contraceptives by an Oregon licensed pharmacist, providing timely access to care. To ensure public safety and provide a consistent level of care, a pharmacist may participate upon completion of a Board approved training program. Under the rules of this section, a qualified pharmacist may prescribe hormonal contraceptives to a patient pursuant to a self-screening risk assessment questionnaire and standard procedural algorithm.

Stat. Auth.: ORS 689.205
Stats. Implemented: ORS 689.005 & 2015 OL Ch. 649
Hist.: BP 7-2015(Temp), f. & cert. ef. 11-6-15 thru 5-3-16

855-019-0405
Definitions

In OAR 855-019-0400 through 855-019-0435:

(1) "Clinical visit" means a consultation with a healthcare provider, other than a pharmacist, for women's health, which should address contraception and age-appropriate screening.

(2) "Hormonal contraceptive patch" means a transdermal patch applied to the skin of a patient, by the patient or by a practitioner, that releases a drug composed of a combination of hormones that is approved by the United States Food and Drug Administration to prevent pregnancy.

(3) "Oral hormonal contraceptive" means a drug composed of a combination of hormones that is approved by the United States Food and Drug Administration to prevent pregnancy and that the patient to whom the drug is prescribed may take orally.

(4) "Practice of pharmacy" includes the prescribing and dispensing of hormonal contraceptive patches and self-administered oral hormonal contraceptives pursuant to Oregon Revised Statute 689.005.

Stat. Auth.: ORS 689.205
Stats. Implemented: ORS 689.005 & 2015 OL Ch. 649
Hist.: BP 7-2015(Temp), f. & cert. ef. 11-6-15 thru 5-3-16

855-019-0410
Prescriptive Practice Consultation

In an effort to clarify, improve, and support appropriate pharmacist prescribing, the Board shall periodically review prescribing standards, practices, and scope in consultation with designated representatives from the Oregon Medical Board, Oregon State Board of Nursing, and Oregon Health Authority. The Board will seek recommendations from these representatives to be considered in conjunction with American Congress of Obstetricians and Gynecologists (ACOG) guidelines and other evidence-based standards, as it seeks to evaluate and improve prescribing practices within pharmacy. To the extent that developed standards are incorporated into practice, the forms, screening tools, or requisite training materials shall be prepared by the Board in consultation with these designated representatives.

Stat. Auth.: ORS 689.205
Stats. Implemented: ORS 689.005 & 2015 OL Ch. 649
Hist.: BP 7-2015(Temp), f. & cert. ef. 11-6-15 thru 5-3-16

855-019-0415
Training Program

(1) Only a pharmacist, who has completed a Board approved Accreditation Council for Pharmacy Education (ACPE) accredited educational training program related to the prescribing of contraceptives by a pharmacist, may prescribe hormonal contraceptive patches and self-administered oral hormonal contraceptives for a patient.

(2) A pharmacist must submit a copy of the certificate of completion of training to the Board within 15 days of completion.

(3) A pharmacist must maintain the certificate of completion and make available upon request.

Stat. Auth.: ORS 689.205
Stats. Implemented: ORS 689.005 & 2015 OL Ch. 649
Hist.: BP 7-2015(Temp), f. & cert. ef. 11-6-15 thru 5-3-16

855-019-0420
Age Requirements

(1) A pharmacist may prescribe hormonal contraceptive patches and self-administered oral hormonal contraceptives to a person who is:

(a) At least 18 years of age; or

(b) Under 18 years of age, only if the person has evidence of a previous prescription from a primary care practitioner or women's health care practitioner for a hormonal contraceptive patch or self-administered oral hormonal contraceptive.

Stat. Auth.: ORS 689.205
Stats. Implemented: ORS 689.005 & 2015 OL Ch. 649
Hist.: BP 7-2015(Temp), f. & cert. ef. 11-6-15 thru 5-3-16

855-019-0425
Procedural Mandates

(1) For each new patient requesting contraceptive services and, at a minimum of every twelve months for each returning patient, a participating pharmacist must:

(a) Obtain a completed Oregon Self-Screening Risk Assessment Questionnaire; and

(b) Utilize and follow the Oregon Standard Procedures Algorithm to perform the patient assessment; and

(c) Prescribe, if clinically appropriate, the hormonal contraceptive patch or self-administered oral hormonal contraceptive, or refer to a healthcare practitioner; and

(d) Provide the patient with a Visit Summary; and

(e) Advise the patient to consult with a primary care practitioner or women's health care practitioner; and

(f) Document the encounter and maintain records pursuant to OAR 855-019-0435.

(2) If the hormonal contraceptive patch or self-administered oral hormonal contraceptive is dispensed, it must be done as soon as practicable after the pharmacist issues the prescription and shall include any relevant educational materials.

(3) Nothing in this rule shall prohibit the partial filling or transferring of a drug prescribed pursuant to this process, per the request of the patient.

(4) A pharmacy must:

(a) Keep records of the encounter, including but not limited to, the Oregon Self-Screening Risk Assessment Questionnaire for a minimum of five years; and

(b) Keep records of the medication dispensed for a minimum of three years; and

(c) Establish, maintain and enforce written procedures for the provision of care under this section, including, but not limited to:

(A) Providing a workflow process and physical location that maintains confidentiality and is not susceptible to distraction; and

(B) Documentation and recordkeeping.

Stat. Auth.: ORS 689.205
Stats. Implemented: ORS 689.005 & 2015 OL Ch. 649
Hist.: BP 7-2015(Temp), f. & cert. ef. 11-6-15 thru 5-3-16

855-019-0430
Prohibited Practices

A pharmacist must not:

(1) Require a patient to schedule an appointment with the pharmacist for the prescribing or dispensing of a hormonal contraceptive patch or self-administered oral hormonal contraceptive;

(2) Continue to prescribe and dispense a hormonal contraceptive to a patient beyond three years from the initial prescription without evidence of a clinical visit;

(3) Prescribe in instances that the Oregon Standard Procedures Algorithm requires referral to a provider; and

(4) Prescribe to self or immediate family members.

Stat. Auth.: ORS 689.205
Stats. Implemented: ORS 689.005 & 2015 OL Ch. 649
Hist.: BP 7-2015(Temp), f. & cert. ef. 11-6-15 thru 5-3-16

855-019-0435
Records

(1) A pharmacist must document the encounter and the prescription, and maintain records of drug dispensing.

(2) A pharmacy must maintain records of the encounter, including but not limited to, the Oregon Self-Screening Risk Assessment Questionnaire for a minimum of five years and maintain records of the medication dispensed for a minimum of three years.

(3) Prescriptions are valid for one year pursuant to OAR 855-041-1125.

Stat. Auth.: ORS 689.205
Stats. Implemented: ORS 689.005 & 2015 OL Ch. 649
Hist.: BP 7-2015(Temp), f. & cert. ef. 11-6-15 thru 5-3-16

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Bureau of Labor and Industries
Chapter 839

Rule Caption: Amendment to conform language of OAR 839-005-0125 with ORS 659A.030(1)(f) and ORS 659A.001(9).
Adm. Order No.: BLI 14-2015
Filed with Sec. of State: 11-6-2015

Certified to be Effective: 11-6-15
Notice Publication Date: 10-1-2015
Rules Amended: 839-005-0125
Subject: ORS 659A.030(1)(f) provides:

"(1) It is an unlawful employment practice:

***(f) For any person to discharge, expel or otherwise discriminate against any other person because that other person has opposed any unlawful practice, or because that other person has filed a complaint, testified or assisted in any proceeding under this chapter or has attempted to do so."

ORS 659A.001(9) provides:

As used in this chapter:

***(9) "Person" includes:

(a) One or more individuals, partnerships, associations, labor organizations, limited liability companies, joint stock companies, corporations, legal representatives, trustees, trustees in bankruptcy or receivers.

(b) A public body as defined in ORS 30.260.

(c) For purposes of ORS 659A.145 and 659A.421 and the application of any federal housing law, a fiduciary, mutual company, trust or unincorporated organization."

Currently OAR 839-005-0125 provides:

"Discrimination in Retaliation for Opposing Unlawful Practices

(1) This rule interprets ORS 659A.030(1)(f).

(2) An employer will be found to have unlawfully retaliated against an employee if:

(a) The employee has engaged in protected activity by:

(A) Explicitly or implicitly opposing an unlawful practice or what the employee reasonably believed to be an unlawful practice, or

(B) Filing a charge, testifying, or assisting in an investigation, proceeding, or lawsuit under ORS 659A, or attempting to do so;

(b) The employer has subjected the employee to any adverse treatment, in or out of the workplace, that is reasonably likely to deter protected activity, regardless of whether it materially affects the terms, conditions, or privileges of employment; and

(c) There is a causal connection between the protected activity and the adverse treatment."

The amendment to OAR 839-005-0125 replaces the word "employer" in the rule with the word "person," so that the rule uses the exact language of ORS 659A.030(1)(f), which it interprets. ORS 659A.030(1)f) applies to "persons" which , as defined by ORS 659A.001(9) for purposes of ORS chapter 659A, includes but is not limited to individuals and many named types of entities. It is not necessary that these individuals and entities be employers, to be found in violation of ORS 659A.(1)(f).

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

839-005-0125
Discrimination in Retaliation for Opposing Unlawful Practices

(1) This rule interprets ORS 659A.030(1)(f).

(2) A person will be found to have unlawfully retaliated against any other person if:

(a) That other person has engaged in protected activity by:

(A) Explicitly or implicitly opposing an unlawful practice or what that other person reasonably believed to be an unlawful practice, or

(B) Filing a charge, testifying, or assisting in an investigation, proceeding, or lawsuit under ORS Chapter 659A, or attempting to do so;

(b) The person has subjected that other person to any adverse treatment, in or out of the workplace, that is reasonably likely to deter protected activity, regardless of whether it materially affects the terms, conditions, or privileges of employment; and

(c) There is a causal connection between the protected activity and the adverse treatment.

(3) "Person" for purposes ORS Chapter 659A and these rules is defined at 659A.001(9) and OAR 839-005-0003(12).

Stat. Auth.: ORS 659A.805
Stats. Implemented: ORS 659A.001(9) & 659A.030(1)(f)
Hist.: BLI 27-2008, f. 8-5-08, cert. ef. 8-6-08; Renumbered from 839-005-0033, BLI 14-2011, f. 12-30-11, cert. ef. 1-1-12; BLI 3-2012, f. & cert. ef. 2-8-12; BLI 14-2015, f. & cert. ef. 11-6-15

Rule Caption: Rules changes to be in compliance with federal regulations.
Adm. Order No.: BLI 15-2015
Filed with Sec. of State: 11-12-2015
Certified to be Effective: 11-12-15
Notice Publication Date: 10-1-2015
Rules Adopted: 839-011-0335
Rules Amended: 839-011-0140, 839-011-0143, 839-011-0145, 839-011-0170, 839-011-0270, 839-011-0310, 839-011-0000, 839-011-0015, 839-011-0020, 839-011-0030, 839-011-0050, 839-011-0051, 839-011-0072, 839-011-0073, 839-011-0074, 839-011-0078, 839-011-0090, 839-011-0142, 839-011-0175, 839-011-0200, 839-011-0250, 839-011-0260, 839-011-0265, 839-011-0290, 839-011-0300, 839-011-0320, 839-011-0334, 839-011-0401, 839-011-0402, 839-011-0403, 839-011-0404, 839-011-0405, 839-011-0406, 839-011-0407, 839-011-0408, 839-011-0501, 839-011-0505, 839-011-0510, 839-011-0515, 839-011-0520, 839-011-0525, 839-011-0530, 839-011-0535, 839-011-0540, 839-011-0545, 839-011-0550, 839-011-0555, 839-011-0560, 839-011-0565, 839-011-0010, 839-011-0040, 839-011-0070, 839-011-0082, 839-011-0084, 839-011-0088, 839-011-0093, 839-011-0141, 839-011-0162, 839-011-0280
Rules Repealed: 839-011-0060
Subject: Apprenticeship Division Administrator Stephen Simms filed with the Secretary of State a Notice of Proposed Rulemaking Hearing on August 27th, 2015 regarding proposed amendments to OAR 839-011-0000 - 839-011-0565 in order to conform Oregon's apprenticeship regulations to recently amended federal requirements.

The Oregon State Apprenticeship and Training Council served as an advisory committee and reviewed the proposed rules and provided recommendations at the June 3rd and September 2nd, 2015 Rules and Policy Subcommittee and at the September 17, 2015 Quarterly Council meeting. The Council scheduled public hearings on the proposed rule amendments for October 23rd 2015 from 9:30 am - 11:30 at the Portland State Office Building, Room 1E, 800 NE Oregon Street, Portland. The public was invited to attend these hearings and to submit written and oral comments to the proposed rule amendments.

The amendments bring Oregon into conformance with federal requirements. Corrections in grammar and usage were also incorporated into these amendments. The amendment harmonizes definitions in these rules with federal definitions and requirements.

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

839-011-0000
Notice of Proposed Rule

Before the permanent adoption, amendment, or repeal of any rule, the Oregon State Apprenticeship and Training Council (hereinafter, Council) will give notice of the proposed adoption, amendment or repeal:

(1) In the Secretary of State's Bulletin, referred to in ORS chapter 183.360 at least 21 calendar days before the rule's effective date.

(2) To persons on the Bureau of Labor and Industries (hereinafter, Bureau) mailing and e-mail lists established pursuant to ORS chapter 183.335(8) at least 28 calendar days before the rule's effective date.

(3) To the Legislature, by mailing a copy of the notice to the legislators specified in ORS chapter 183.335(15) at least 49 days before the effective date of the rule

(4) To the general public, by posting the notice on the Bureau's website.

Stat. Auth.: ORS 660.120(1)
Stats. Implemented: ORS 183.335(7) & 183.360
Hist.: BL 187, f. & ef. 2-19-76; BL 4-1985, f. & ef. 8-8-85, Renumbered from 839-011-0117; BL 1-1991, f. & cert. ef. 1-23-91; BL 3-1994, f. & cert. ef. 6-3-94; BL 6-1994, f. & cert. ef. 10-10-94; BLI 2-1999, f. & cert. ef. 4-2-99; BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10; BLI 15-2015, f. & cert. ef. 11-12-15

839-011-0010
Model Rules of Practice and Procedure

The Attorney General's Model Rules of Procedure under the Administrative Procedures Act, are hereby adopted to govern the operations of the Bureau of Labor and Industries except to the extent they conflict with or are modified by rules in any division of chapter 839 of the Oregon Administrative Rules.

[ED. NOTE: The full text of the Attorney General's Model Rules of Procedure is available from the office of the Attorney General or Bureau of Labor and Industries.]
Stat. Auth.: ORS 183
Stats. Implemented: ORS 183.341
Hist.: BL 121(Temp), f. & ef. 3-24-72; BL 127, f. 7-27-72, ef. 8-15-72; BL 130, f. 10-5-72, ef. 10-15-72; BL 163(Temp), f. 6-19-74, ef. 6-19-74; BL 167, f. 9-20-74, ef. 10-11-74; BL 188, f. & ef. 4-7-76; BL 1-1979, f. & ef. 1-23-79; BL 11-1982, f. & ef. 7-20-82; BL 4-1985, f. & ef. 8-8-85, Renumbered from 839-011-0118; BL 13-1988, f. & cert. ef. 7-1-88; BL 1-1991, f. & cert. ef. 1-23-91; BL 7-1993, f. & cert. ef. 7-12-93; BLI 2-1999, f. & cert. ef. 4-2-99; BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10; BLI 15-2015, f. & cert. ef. 11-12-15

839-011-0015
Rules of Order

The Council adopts Roberts Rules of Order for the conduct of meetings; provided, however, that specific Administrative Rules of the Council will take precedence over Roberts Rules of Order.
Stat. Auth.: ORS 660
Stats. Implemented: ORS 660.120
Hist.: BL 4-1985, f. & ef. 8-8-85; BL 1-1991, f. & cert. ef. 1-23-91; BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10; BLI 15-2015, f. & cert. ef. 11-12-15

839-011-0020
Date and Location of Council Meetings

The Council shall hold at least four regular public meetings each year as required by ORS chapter 660.120(5). The date of the next regular Council meeting will be designated by the Chair and announced at each Council meeting. Meetings may be scheduled at any location within the state of Oregon selected by the Chair.
Stat. Auth.: ORS 660
Stats. Implemented: ORS 660.120(2)(g)
Hist.: BL 4-1985, f. & ef. 8-8-85; BL 1-1991, f. & cert. ef. 1-23-91; BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10; BLI 1-2012, f. & cert. ef. 1-3-12; BLI 15-2015, f. & cert. ef. 11-12-15

839-011-0030
Preparation of Council Agenda

(1) All matters to be included on the agenda must be submitted in writing to the office of the Director by 5:00 p.m. at least 45 calendar days before the date of the next Council meeting. If the 45th calendar day before the next Council meeting falls on either a weekend or holiday, the items for the agenda must be submitted to the Director on the last business day before the 45th calendar day.

(2) Late submissions for inclusion on the agenda that do not request the Council to approve, modify or revoke standards, committees or programs may be considered by the Council if a majority of the members agree.
Stat. Auth.: ORS 660
Stats. Implemented: ORS 660.120(1)
Hist.: BL 4-1985, f. & ef. 8-8-85; BL 1-1991, f. & cert. ef. 1-23-91; BL 6-1994, f. & cert. ef. 10-10-94; BLI 2-1999, f. & cert. ef. 4-2-99; BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10; BLI 15-2015, f. & cert. ef. 11-12-15

839-011-0040
Participation by the Public

(1) The Council encourages public participation at all meetings. Individuals who wish to address the Council are required to sign up to speak at meetings. Individuals who fail to sign up may address the Council at the discretion of the Chair, pursuant to Roberts Rules of Order.

(2) Meetings are held in facilities accessible to individuals with disabilities. Accommodations are available to allow individuals with disabilities to access and participate in all Council meetings. Accommodations may be requested by contacting the Division at (971) 673-0760 or Oregon Relay for hearing impaired assistance at 711 at least 10 business days prior to the meeting.
Stat. Auth.: ORS 660
Stats. Implemented: ORS 660.120
Hist.: BL 4-1985, f. & ef. 8-8-85; BL 1-1991, f. & cert. ef. 1-23-91; BLI 2-1999, f. & cert. ef. 4-2-99; BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10; BLI 15-2015, f. & cert. ef. 11-12-15

839-011-0050
Certificate of Meritorious Service

Upon the recommendation of a local committee or the motion of a Council member, the Council may award a certificate of meritorious service to any individual who has devoted a minimum of three years of service to a registered apprenticeship program.
Stat. Auth.: ORS 660
Stats. Implemented: ORS 660.120
Hist.: BL 4-1985, f. & ef. 8-8-85; BL 1-1991, f. & cert. ef. 1-23-91; BLI 2-1999, f. & cert. ef. 4-2-99; BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10; BLI 1-2012, f. & cert. ef. 1-3-12; BLI 15-2015, f. & cert. ef. 11-12-15

839-011-0051
Delegation of Authority by Council

(1) The Chair and Director, with the approval of the Chair, may act on behalf of the Council for federal purposes and in all cases where immediate action is deemed necessary by the Chair and Director. All such actions shall be placed on the agenda for the next regular Council meeting for Council approval or ratification.

(2) All matters pertaining to the approval or deregistration of apprenticeship committees, standards, program sponsors, employers, training agents or apprentices must be ratified by the Council at its next meeting.

(3) Any standards referred back to local committees by the Council for revision may be approved by the Director when revised according to Council action.
Stat. Auth.: ORS 660.120(3)
Stats. Implemented: ORS 660.120, 660.210 & 660.170
Hist.: BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10; BLI 5-2011(Temp), f. 7-13-11, cert. ef. 7-18-11 thru 1-4-12; BLI 1-2012, f. & cert. ef. 1-3-12; BLI 15-2015, f. & cert. ef. 11-12-15

839-011-0070
Definitions

(1) "Division" means the Apprenticeship and Training Division of the Bureau.

(2) "Employee" means any person employed or active in an applicable trade.

(3) "Local Committee" means any registered joint or trades apprenticeship or training committee approved by the Council.

(4) "State minimum guideline standards" means industry/trade benchmarks developed by a Council approved state committee and approved by the Council that represent the fundamental requirements necessary for entry into and completion of specific Council approved apprenticeship or training programs.

(5) "Registered apprenticeship program" means a local committee approved by the Council to operate an apprenticeship or training program in a specific occupation.

(6) "Registration of an Apprenticeship Agreement" means the acceptance and recording of an apprentice or trainee agreement by the Division on behalf of the Council. Registration is evidence of the participation of the apprentice or trainee in a registered program.

(7) "Registration of an apprenticeship program" means the acceptance and recording of such program by the Office of Apprenticeship, or registration and/or approval by a recognized State Apprenticeship Agency, as meeting the basic standards and requirements of the Department for approval of such program for Federal purposes. Approval is evidenced by a Certificate of Registration or other written indicia.

(8) "Standards" means a written agreement submitted by a local committee and approved by the Council, which sets forth a plan containing all terms and conditions for the qualification, employment and training of apprentices or trainees as set forth in ORS chapter 660.126 and 660.137.

(9) "Trainee" means any individual registered to a registered training program. For the purposes of these rules, all apprentice requirements apply to trainees unless otherwise noted.

(10) "Training agent" means an employer or organization approved by a local committee to employ and train apprentices and registered with the Division.

(11) "Training program" means any registered program of 2,000 on-the-job training hours or less. For the purposes of these rules, all apprenticeship requirements apply to training programs unless otherwise noted.

(12) "Journey worker" is a fully skilled practitioner who can work independently in a given trade or occupation in accordance with ORS chapter 660.010(4). Generally, a skilled crafts person has a minimum of four years of verifiable trade-specific experience or has completed a state certified apprenticeship program in the applicable trade and holds a license where required. Use of the term may also refer to a mentor, technician, specialist or other skilled worker who has documented sufficient skills and knowledge of an occupation, either through formal apprenticeship or through practical on-the-job experience and formal training.

(13) "Completion rate" means the percentage of an apprenticeship cohort who receives a certificate of apprenticeship completion within 1 year of the projected completion date. An apprenticeship cohort is the group of individual apprentices registered to a specific program during a 1 year time frame, except that a cohort does not include the apprentices whose apprenticeship agreement has been cancelled during the probationary period. The projected completion date is the number of years determined by the greater of the following measures:

(a) The number of required on-the-job training hours needed for completion of the program divided by 2000 and rounded up to the nearest whole

number; or

(b) The number of years of required related training prescribed in the applicable standard.

(14) "Job Site" means:

(a) For standards in construction trades, the area covered by an approved building permit, plan of development or contract number, or contractual agreement for new construction or renovation;

(b) For standards in non-construction trades, the physical area within the wall that services are offered or the location that is identified on the license by the licensing board and/or other local government or a single job or group of jobs on the same circuit or within the same general area.

(15) "Federal purposes" means any federal contract, grant, agreement or arrangement dealing with apprenticeship; and any federal financial or other assistance, benefit, privilege, contribution, allowance, exemption, preference or right pertaining to apprenticeship pursuant to 29 C.F.R. Part 29.2.

(16) "Competency" means the attainment of manual, mechanical or technical skills and knowledge, as specified by an occupational standard and demonstrated by appropriate written and hands-on proficiency measurements.

(17) "Electronic media" means media that utilize electronics or electromechanical energy for the end user (audience) to access the content; and includes, but is not limited to, electronic storage media, transmission media, the Internet, extranet, lease lines, dial-up lines, private networks, and the physical movement of removable/transportable electronic media and/or interactive distance learning.

(18) "Related instruction" means an organized and systematic form of instruction designed to provide the apprentice with the knowledge of the theoretical and technical subjects related to the apprentice's occupation. Such instruction may be given in a classroom, through occupational or industrial courses, or by correspondence.

(19) "Sponsor" means any person, association, committee, or organization operating an apprenticeship program and in whose name the program is (or is to be) registered or approved.

(20) "Suspension of an apprenticeship agreement" means a temporary committee action to hold the apprenticeship agreement in abeyance during an investigation of a program or policy violation by the apprentice. The committee or its designee may temporarily suspend an apprentice upon the recommendation of the sponsor, an employer, or the committee's designee. The committee shall notify the apprentice and the Division of the suspension action in writing and such notice shall state the reasons for the suspension action, the duration of the suspension action and shall state that the apprentice has a right to appear before the committee to contest the suspension by written request to the committee within 10 days after the date the notice is issued. If review is requested, the apprentice has a right to appear before the committee to contest the suspension at its next scheduled committee meeting. An apprenticeship agreement may also be suspended at the apprentice's request in accordance with committee policies and procedures.

Stat. Auth.: ORS 660.120(3)
Stats. Implemented: ORS 660.120(1)
Hist.: BL 6-1985, f. & ef. 10-15-85; BL 7-1991, f. & cert. ef. 8-15-91 (and corrected 2-3-92); BL 6-1994, f. & cert. ef. 10-10-94; BLI 2-1999, f. & cert. ef. 4-2-99; BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10; BLI 5-2011(Temp), f. 7-13-11, cert. ef. 7-18-11 thru 1-4-12; BLI 1-2012, f. & cert. ef. 1-3-12; BLI 15-2015, f. & cert. ef. 11-12-15

839-011-0072
Formation of Joint Committees

(1) Any person or group interested in forming a local joint committee may give written notice to the Division. Local committees in building and construction trades occupations may only be approved as group programs serving multiple employers.

(2) The interested party or group shall establish a date for an organizational meeting and provide the Division with written notice of the date, time and location of the meeting at least 5 (five) working days in advance of the meeting. Division staff may attend organizational meetings in an informational role.

(3) At the organizational meeting participants, excluding Division staff, will:

(a) Adopt Roberts Rules of Order;

(b) Specify the committee name, its geographical jurisdiction, and the occupation(s) for which it will train;

(c) Nominate committee members and submit their names to the Council pursuant to OAR 839-011-0074;

(d) Elect a chair and a secretary as committee officers, pursuant to OAR 839-011-0074(8).

(4) Local committees and training agents shall be responsible for the administrative cost and expenses associated with the operation of their programs. No committee or training agent shall charge or cause charges to be levied against an apprentice for purposes of financially supporting the administrative, clerical or organizational cost of operating a registered program. Apprentices may be required to pay the normal cost of tuition and related training materials.

Stat. Auth.: ORS 660
Stats. Implemented: ORS 660.120(2)(c), 660.135(1), (2), (3), (4) & (5)
Hist.: BL 6-1985, f. & ef. 10-15-85; BL 1-1991, f. & cert. ef. 1-23-91; BLI 2-1999, f. & cert. ef. 4-2-99; BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10; BLI 1-2012, f. & cert. ef. 1-3-12; BLI 15-2015, f. & cert. ef. 11-12-15

839-011-0073
Committee Policies and Procedures

(1) All local committees shall develop and administer operating policies and procedures to govern program operations as directed by the Council and administer such policies and procedures in a consistent manner. Policies and procedures will be approved by the committee and recorded in the meeting minutes.

(2) When adopted or revised, these policies and procedures will be submitted to the local committee's assigned Apprenticeship Representative who will review and approve the policies and procedures if they are in conformity with apprenticeship laws, rules and Council guidelines.

Stat. Auth.: ORS 660.120(1)
Stats. Implemented: ORS 660.137(2)
Hist.: BL 8-1992, f. & cert. ef. 6-15-92; BL 1-1995, f. & cert. ef. 8-14-95; BLI 2-1999, f. & cert. ef. 4-2-99; BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10; BLI 15-2015, f. & cert. ef. 11-12-15

839-011-0074
Committee Member Selection

(1) Committees shall consist of an equal number of principal employer and employee representatives.

(a) Representatives of employers, or an employer organization representing the industry, shall submit nominations for employer committee members.

(b) Individuals representing the journey level workforce for the occupation, or an employee organization that represents the concerned employees and is involved with the occupation, shall submit nominations for employee committee members. For the purposes of these rules, an individual is eligible to serve as an employee representative for the occupation only if that individual:

(A) Is or has been a skilled practitioner in the occupation and does not serve in a supervisory capacity as defined in the National Labor Relations Act, as amended; or

(B) Is a bargaining unit representative for the employees of a participating training agent.

(2) Joint apprenticeship or training committees (JATC/JAC/JTC) shall consist of not less than two or more than four principal employer representatives and not less than two or more than four principal employee representatives.

(3) Trade apprenticeship or training committees (TATC/TAC/TTC) shall consist of one principal employer representative and one principal employee representative for each approved standard of the committee.

(4) State minimum guideline committees shall consist of one principal employer and one principal employee voting member from each local committee training in the occupation pursuant to the appointment procedures in OAR 839-011-0141.

(5) Committees may nominate one alternate member for each principal committee member and the alternate shall be selected according to the nominations procedures for principal committee members set forth in this rule. Alternates shall serve in the absence of principal members consistent with ORS chapter 660.135(2).

(6) The Director shall list the names of the nominees on the next Council agenda. After consideration of whether the appointments provide a balanced representation of the viewpoints of employer and employee groups, the Council will approve the nominations.

(a) The Council may request the names of additional nominees if it does not approve any of the nominees.

(b) If either employers or employees cannot or will not recommend nominees for the committee, the Apprenticeship Representative for the area may recommend individuals involved with the occupation, and forward the name of the individual(s) to the Director. The Director will evaluate the individual(s), and if appropriate, provide interim approval pending submittal of then names of the individual(s) to the Council for approval according to the procedures of section (1) of this rule.

(7) When a vacancy occurs on a committee, it shall be filled according to the member nomination procedures set forth in this rule.

(8) Each committee shall elect a chairperson and a secretary from committee members. One of the offices must be held by an employer member and one office must be held by an employee member.

(a) The officers shall serve for no less than one year and no more than two years without an election unless the committee has adopted policies and procedures establishing the duration of officers' terms.

(b) In the event of a vacancy in an office, the respective employer or employee members shall elect from their representation a replacement to serve the unfilled term of office consistent with ORS chapter 660.

(9) No Division staff may be elected or appointed to any position within a committee.

(10) Associate members may be elected or appointed by the committee but such members do not have voting rights on local committee matters.

Stat. Auth.: ORS 660
Stats. Implemented: ORS 660.135, 660.145, 660.155
Hist.: BL 6-1985, f. & ef. 10-15-85; BL 1-1991, f. & cert. ef. 1-23-91; BLI 2-1999, f. & cert. ef. 4-2-99; BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10; BLI 1-2012, f. & cert. ef. 1-3-12; BLI 15-2015, f. & cert. ef. 11-12-15

839-011-0078
Removal of Committee Members

(1) The Council will remove committee members only for inactivity, inadequate activity, or failure to abide by ORS Chapter 660, or the rules and policies of the Council, pursuant to ORS Chapter 660.120(2)(d).

(2) The Council may also remove committee members upon the recommendation of the committee as set forth in section (3) of this rule. Each committee will establish its own written policy regarding the removal of committee members.

(3) Committee(s) may recommend removal of a member and note such action in the committee meeting minutes, subject to the following conditions:

(a) Only employer committee members may recommend and vote for removal of an employer member;

(b) Only employee committee members may recommend and vote for removal of an employee committee member;

(c) If the committee is a trade committee, only employer committee members may recommend and vote for removal of an employer member from another occupation within the committee, while only employee committee members may recommend and vote for removal of an employee member from another occupation within the committee.

(4) The Director shall include such recommendations as recorded in committee meeting minutes on the Council Agenda.

(5) Notwithstanding OAR 839-011-0074, the Council may appoint a replacement committee member at the same meeting at which it removes a member.

Stat. Auth.: ORS 660
Stats. Implemented: ORS 660.120(2)(d)
Hist.: BL 6-1985, f. & ef. 10-15-85; BL 1-1991, f. & cert. ef. 1-23-91; BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10; BLI 15-2015, f. & cert. ef. 11-12-15

839-011-0082
Deregistration of Committees

(1) The Council will deregister committees for inactivity, inadequate activity, or failure to abide by ORS Chapter 660 or the rules and policies of the Council pursuant to ORS Chapter 660.120(4)(d), or if the committee has informed the Director or the Council that it will no longer perform its duties.

(2) On behalf of the Council, the Director shall, to the extent practical, secure the formation of a new committee where a previously approved committee failed to carry out an effective program.

(3) A committee shall be subject to deregistration if it has had no apprentices registered for two years or more, has not had at least two quorum meetings in a twelve month period, has failed to administer to the needs of the apprentices or the industry concerned or if so otherwise deemed appropriate by the Council.

(4) Deregistration of a program may commence upon the voluntary action of the sponsor by submitting a request for cancellation of the registration in accordance with section (5) of this section, or upon reasonable cause, by the Division, in collaboration with the Council instituting formal deregistration proceedings in accordance with section (6) of this section.

(5) Deregistration at the request of the sponsor. The Division may cancel the registration of an apprenticeship program, subject to ratification by the Council, by written acknowledgment of such request stating the following:

(a) The registration is cancelled at the sponsor's request, and the effective date thereof;

(b) That, within 15 days of the date of the acknowledgment, the sponsor will notify all apprentices of such cancellation and the effective date; that such cancellation automatically deprives the apprentice of individual registration; that the deregistration of the program removes the apprentice from coverage for Federal purposes which require the Secretary of Labor's approval of an apprenticeship program and for all State purposes, and that all apprentices are referred to the Division for information about potential transfer to other registered apprenticeship programs.

(6) Deregistration by the Division upon reasonable cause.

(a) Deregistration proceedings may be undertaken when the apprenticeship program is not conducted, operated, or administered in accordance with the program's registered provisions or with the requirements of this part, including not but limited to: failure to provide on the-job learning; failure to provide related instruction; failure to pay the apprentice a progressively increasing schedule of wages consistent with the apprentice's skills acquired; or persistent and significant failure to perform successfully. Deregistration proceedings for violation of equal opportunity requirements must be processed in accordance with the provisions under 29 CFR Part 30.

(b) For purposes of this section, persistent and significant failure to perform successfully occurs when a program sponsor consistently fails to register at least one apprentice, shows a pattern of poor quality assessment results over a period of several years, demonstrates an ongoing pattern of very low completion rates over a period of several years, or shows no indication of improvement in the areas identified by the Division during a review process as requiring corrective action.

(c) Where it appears the program is not being operated in accordance with the registered standards or with requirements of this part, the Division must notify the program sponsor in writing.

(d) The notice sent to the program sponsor's contact person must:

(A) Be sent by registered or certified mail, with return receipt requested;

(B) State the shortcoming(s) and the remedy required; and

(C) State that a determination of reasonable cause for deregistration will be made unless corrective action is effected within 30 days.

(7) Upon request by the sponsor for good cause, the 30-day term may be extended for another 30 days. During the period for corrective action, the Division must provide a reasonable amount of technical assistance in an effort to help the program achieve conformity.

(8) If the required correction is not effected within the allotted time, the Division shall send a notice to the sponsor, by registered or certified mail, return receipt requested, stating the following:

(a) The notice is sent under this paragraph;

(b) Certain deficiencies were called to the sponsor's attention (enumerating them and the remedial measures requested, with the dates of such occasions and letters), and that the sponsor has failed or refused to effect correction;

(c) Based upon the stated deficiencies and failure to remedy them, a determination has been made that there is reasonable cause to deregister the program and the program may be deregistered unless, within 15 days of the receipt of this notice, the sponsor requests a hearing with the Division; and

(d) If the sponsor does not request a hearing, the Division and the Council will make a final decision on the record with respect to deregistration.

(9) If the sponsor does not request a hearing, the Division, in consultation with the Council, will make a final decision on decertification based upon the record before the Division. The Division will then transmit to the Administrator of the Office of Apprenticeship a report containing all pertinent facts and circumstances concerning the nonconformity, including the findings and recommendation for deregistration, decisions and copies of all relevant documents and records. Statements concerning interviews, meetings and conferences will include the time, date, place, and persons present.

(10) If the sponsor requests a hearing, the Division will notify the sponsor, in writing, The Division shall convene a hearing in accordance with paragraph (12) of this section.

(11) The Division, in consultation with the Council, shall make a final decision on the basis of the record before it, that shall consist of the compliance review file and other evidence presented and, if a hearing was conducted pursuant to paragraph (12), the proposed findings and recommended decision of the hearings officer. In its discretion, the Division, in consultation with the Council, may allow the sponsor a reasonable time to achieve voluntary corrective action. If the Division's decision is that the apprenticeship program is not operating in accordance with this plan, the apprenticeship program shall be deregistered. In each case where deregistration is ordered, the Division shall make public notice of the order and shall notify the sponsor and the complainant, if any, and the Department.

The Council shall inform any sponsor whose program has been deregistered that it may appeal such deregistration to the Department in accordance with the procedures of 29 CFR, Section 30.15.

(12) Hearings shall be conducted in accordance with the following procedures:

(a) Within 10 days of receipt of a request for a hearing, the Director shall designate a hearing officer. The hearing officer shall give reasonable notice of such hearing by registered mail, return receipt requested to the sponsor. Such notice shall include a reasonable time and place of hearing; a statement of the provisions of this plan pursuant to which the hearing is to be held; and a concise statement of the matters pursuant to which the action forming the basis of the hearing is proposed to be taken.

(b) The hearing officer shall regulate the course of the hearing. Hearings shall be informally conducted. Every party shall have the right to counsel, and a fair opportunity to present his or her case including such cross - examination as may be appropriate in the circumstances. Hearing officers shall make their proposed findings and recommended decisions to the Director within 60 days upon the basis of the record before them. The Director will then make a final order for all State purposes.

(13) When a program sponsor requests a hearing to dispute proposed deregistration, for federal purposes, the Division must transmit to the Administrator of the Office of Apprenticeship a report containing all the data listed in paragraphs (6)–(12) of this section, and the Administrator will refer the matter to the Office of Administrative Law Judges to convene a hearing in accordance with 29 CFR 29.10.

(14) If a committee is decertified, the Division will notify all apprentices of such cancellation and the effective date; that such cancellation automatically deprives the apprentice of individual registration; that the deregistration of the program removes the apprentice from coverage for Federal purposes which require the Secretary of Labor's approval of an apprenticeship program and for all State purposes, and that all apprentices are referred to the Division for information about potential transfer to other registered apprenticeship programs.

Stat. Auth.: ORS 660
Stats. Implemented: ORS 660.120(d)
Hist.: BL 6-1985, f. & ef. 10-15-85; BL 1-1991, f. & cert. ef. 1-23-91; BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10; BLI 1-2012, f. & cert. ef. 1-3-12; BLI 15-2015, f. & cert. ef. 11-12-15

839-011-0084
Approval of New Committees and Standards

(1) Additional committees or standards in an area already served by an existing committee in the same trade, craft or occupation shall be established in the same manner as any other local committee.

(2) All employers and their qualified employees shall be afforded the opportunity to participate, on a non-discriminatory basis, in existing programs.

(3) The Council and the Apprenticeship and Training Division of the Bureau of Labor and Industries will approve the creation of a new local committee or new standards for an existing committee only if the applicant for the new program or new standards can first demonstrate to the Council and the Division, by a preponderance of evidence, that the application is in conformity with the following requirements:

(a) The applicant shall submit documentation showing committee composition pursuant to ORS chapter 660.135, .145.

(b) The applicant shall submit standards in a format approved by the Council that meet or exceed any existing statewide minimum guideline standards for the occupation. Where no state guideline standards exist, proposed standards shall meet or exceed national guideline standards approved by the federal Office of Apprenticeship. Where no state or national guideline standards exist, standards will be approved at the discretion of the Council and the Division when the proposed occupation is clearly identified and commonly recognized throughout an industry.

(A) The term of apprenticeship for an individual apprentice may be measured through the completion of the industry standard for on-the-job learning (at least two thousand hours) (time-based approach), the attainment of competency (competency-based approach), or a blend of the time-based and competency-based approaches (hybrid approach).

(B) A statement of the number of hours to be spent by the apprentice in work and the number of hours to be spent in related/supplemental instruction. For competency based and hybrid models, the program standards must specifically address how on-the-job learning will be integrated into the program, describe competencies and how such competencies will be measured, and identify an appropriate means of testing and evaluation for such competencies.

(C) The time-based approach measures skill acquisition through the individual apprentice's completion of at least two thousand hours of on-the-job learning as described in a work process schedule.

(D) The competency-based approach measures skill acquisition through the individual apprentice's successful demonstration of acquired skills and knowledge, as verified by the program. Programs utilizing this approach must still require apprentices to complete an on-the-job learning component of registered apprenticeship. The program standards must address how on-the-job learning will be integrated into the program, describe competencies, and identify an appropriate means of testing and evaluation for such competencies.

(E) The hybrid approach measures the individual apprentice's skill acquisition through a combination of specified minimum number of hours of on-the-job learning and the successful demonstration of competency as described in a work process schedule.

(c) The applicant shall submit an administration plan that includes:

(A) Written designation of the program administrator;

(B) Documented assurances that the committee will be adequately funded to support its administration and the presentation of related instruction;

(C) A written statement that details all costs to apprentices (including instruction, books, tuition); and

(D) Assurances that training agents and prospective training agents will be provided with a written statement of costs for program participation.

(d) The applicant must demonstrate the ability to track required on-the-job training, related and supplemental training and affirmative action information (i.e., work progress reports, apprentice/trainee rotation system, employer's apprentice/trainee evaluation forms, grading sheets, applicant logs) and provide the Council with copies of the forms and documents that will be used to track such information.

(e) The applicant shall submit a plan detailing how the committee will ensure that participating employers will provide work in all areas covered by the program standards (ORS chapter 660.137(5)), including:

(A) Training in all counties listed in proposed geographical area;

(B) Training in all work processes set forth in the standards;

(C) Committee expectations of supervising journey workers and a plan for the supervision of apprentices/trainees in the ratio set forth in the standards (ORS chapter 660.126(1)(c), (f));

(D) Training agent qualifications and duties (ORS Chapter 660.137(5)); and

(E) A plan for training participating employers on their duties and responsibilities.

(f) The applicant shall submit a complete related training curriculum, including instructor qualifications, class outlines and expected competencies, grading procedures and completion criteria. This submission shall include:

(A) An explanation of the curriculum delivery method and a description of the related training facilities;

(B) Certification of the curriculum and instructional delivery plan by either a state education certifying authority or nationally recognized industry association (ORS Chapter 660.137(2)(c), .126(1)(j), .157); and

(C) Assurances that classroom and related instruction can be delivered throughout the geographic area. The applicant must submit a contract or other documentation demonstrating that actual instructional resources are in place. The committee's geographic area must be one that can be reasonably served by the committee with respect to employers and the location of the related training services (ORS Chapter 660.126(1)(a)).

(D) Assurances that instructors meet the Oregon Department of Education or Office of Community Colleges and Workforce Development requirements for vocational-technical instructors or are subject matter experts, defined as an individual, such as a journey worker, who is recognized within an industry as having expertise in a specific occupation. If the instructor is a subject matter expert, the submission must include assurances that the instructor has or will have had training in teaching techniques and adult learning styles, which may occur before or within nine (9) months after the apprenticeship instructor has started to provide the related technical instruction.

(g) The applicant must submit operating policies and procedures and assurances that the program will be operated in accordance with the same; and

(h) The applicant shall submit a plan to recruit, evaluate and select apprentice/trainee applicants throughout the proposed geographic area, including an application form that meets Council requirements.

(4) All objections to the approval of a new committee or new standards shall be submitted to the Council in writing at the meeting where the

application is being considered for approval, specifically detailing any objections to the application. Council may rule on the application and objections thereto at that time or grant the applicant 30 days after the Council meeting to submit a written rebuttal to the objections to the Director. Council shall direct the Director to investigate and evaluate the objections and rebuttal and to provide a report to Council within 45 days of receipt of the rebuttal statement. At the next Council meeting after the initial submission, Council shall either approve or deny the application and provide a specific written explanation for its actions.

(5) All new programs shall serve a probationary period of three (3) years after Council approval. Failure to clearly demonstrate the ability to operate a satisfactory program during the probationary period, based upon periodic program reviews conducted by the Division, shall result in deregistration of the program by the Division in consultation with the Council.

(6) Compliance reviews will be conducted during the probationary period pursuant to OAR 839-011-0145 unless the Council directs the Division to conduct reviews more frequently. Should the Council find operating deficiencies in the course of any such review, the program shall immediately take action to correct the deficiencies and submit a report to the Council explaining corrective measures taken within 90 days of the Council initial finding of deficiencies. If the committee has not corrected the deficiencies within the 90 day period, the Division in consultation with the Council shall deregister the program at the next scheduled Council meeting.

Stat. Auth.: ORS 660.120(3)
Stats. Implemented: ORS 660.135(1)
Hist.: BL 6-1985, f. & ef. 10-15-85; BL 1-1991, f. & cert. ef. 1-23-91; BLI 2-1999, f. & cert. ef. 4-2-99; BLI 16-2005(Temp), f. & cert. ef. 8-23-05 thru 2-19-06; Administrative correction 3-20-06; BLI 16-2006, f. 4-17-06, cert. ef. 4-18-06; BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10; BLI 5-2011(Temp), f. 7-13-11, cert. ef. 7-18-11 thru 1-4-12; BLI 1-2012, f. & cert. ef. 1-3-12; BLI 15-2015, f. & cert. ef. 11-12-15

839-011-0088
Registration of Apprenticeship Agreements

(1) The Council delegates registration of apprenticeship agreements to the Division and recognizes an agreement as registered when:

(a) It is on a form that has been approved pursuant to ORS Chapter 660.020 and issued by the Division;

(b) Information requested on the form as authorized by ORS Chapter 660.020 has been supplied by the apprentice. The requested information includes, but is not limited to the apprentice's Social Security Number for identification purposes; the number of hours to be spent in related instruction in technical subjects related to the occupation, that is recommended to be not less than 144 hours per year; and a statement indicating whether and under what circumstances an apprentice is entitled to be financially compensated for attending related instruction;

(c) It has been signed by the apprentice and the local joint committee. Approval must be recorded as soon as possible at a committee meeting; and

(d) The agreement has been submitted to and received by a representative of the Division.

(2) The effective starting date of an apprenticeship agreement in nonlicensed trades shall be not more than forty five (45) days prior to the date that a fully executed original agreement and committee minutes approving the registration are received by a representative of the Division. In the licensed trades, the effective starting date of an apprenticeship shall not commence before a fully executed apprenticeship agreement is received by a representative of the Division, unless the committee has written authorization from the Division to issue an initial license and operates in accordance with the conditions of authorization.

(3) Local committees shall develop and implement a policy and procedures detailing the process for evaluating previous experience and demonstrated competency in a uniform manner and awarding advanced standing to new apprentices for on-the-job or related training.

(a) The committee may grant credit for prior experience based upon demonstrated competency for any time previously spent by the apprentice in the trade or occupation that the committee considers applicable to the work processes in the program standards.

(b) In licensed trades, only lawfully obtained and documented experience that specifically applies to an Oregon license may be considered in granting credit for prior experience.

(4) All apprenticeship agreements will be maintained in the Division's main office.

Stat. Auth.: ORS 660.120(3)
Stats. Implemented: ORS 657.732 & 660.060(8)
Hist.: BL 6-1985, f. & ef. 10-15-85; BL 1-1991, f. & cert. ef. 1-23-91; BL 7-1996, f. & cert. ef. 7-22-96; BLI 2-1999, f. & cert. ef. 4-2-99; BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10; BLI 5-2011(Temp), f. 7-13-11, cert. ef. 7-18-11 thru 1-4-12; BLI 1-2012, f. & cert. ef. 1-3-12; BLI 15-2015, f. & cert. ef. 11-12-15

839-011-0090
Causes for Disciplinary Actions

The Division in consultation with the Council has the authority to take disciplinary action against a committee for conduct or action, including but not limited to:

(1) Inappropriate use of an apprentice's registration status or an apprentice's time, skills or training;

(2) Inadequate training of apprentices;

(3) Inappropriate assignment or abuse of discretion in work assignments;

(4) Discriminatory action(s) against an apprentice(s);

(5) Violation of any state or federal law;

(6) Failure to submit required documentation to the Division in a timely manner;

(7) Failure to communicate with the Division or the Council in a timely manner; or

(8) Any other action deemed inappropriate by the Council.

Stat. Auth.: ORS 660.120(1)
Stats. Implemented: ORS 660.120(1) & ORS 660.120(2)(d)
Hist.: BL 6-1994, f. & cert. ef. 10-10-94; BLI 2-1999, f. & cert. ef. 4-2-99; BLI 1-2012, f. & cert. ef. 1-3-12; BLI 15-2015, f. & cert. ef. 11-12-15

839-011-0093
Disciplinary Procedure

(1) The Council shall establish a disciplinary procedure, to be applied before any disciplinary action toward a committee, apprentice or training agent is taken, consisting of but not limited to:

(a) A request to appear before Council to present information and answer questions from the Council; and

(b) A written notice of Council's decision in the matter.

(2) Based on a complaint, compliance review, or other reason, the Division may investigate, or cause a local committee to investigate, whether a training agent or committee is in compliance with the program standards relating to the ratio, supervision, or approved work processes requirements, wages or Council policies.

(3) The Division shall notify the training agent and the program sponsor that an investigation has commenced. If the Division requests that a local committee initiate an investigation as to whether a training agent is in compliance with the program standards relating to the ratio, supervision, or approved work processes requirements, wages or Council policies, the local committee shall forward the results of the investigation to the Division within 60 days of the request.

(4) The Division shall prepare a report identifying the results of the investigation. If the results indicate that the training agent is not operating as required by the program standards, the Division shall notify the training agent and local committee in writing of the results, with a copy of the report to the Council. Additionally:

(a) The Division will make a reasonable effort to secure compliance on the part of the training agent or committee by requiring the training agent or committee to submit to the Division a proposed plan identifying voluntary corrective action. The Division shall review the proposed corrective action plan and approve it, or work with the training agent or committee to modify it, before its implementation. If the Division does not receive notice, within thirty (30) calendar days, that action has been taken to correct violations, the Division shall refer the matter to the Council for action. The local committee shall assist the training agent in developing a proposed corrective action plan and shall assist the Division in monitoring the training agent's compliance with the terms of the approved corrective action plan.

(b) If the Division is unable to obtain compliance from the training agent or committee under (a) of this subsection, or if a second investigation within one year of the initial inspection reveals the training agent or committee is not operating as required by the program standards, the Division shall refer the matter to the Council for action.

(5) The Council will take action upon the Division's referral under subsection (4)(b) of this section. After a notice and the opportunity for the training agent to show cause, the Council will decide by a majority vote of the members present whether to issue a determination that the training agent or committee is out of compliance with program standards relating to the ratio, supervision, or approved work processes requirements, wages or Council policies. Where training agent violations are found by the Council after a review of all relevant facts, including the opportunity for the training agent to make a presentation before the Council, the Council may vote to:

(a) Censure the training agent or committee and find it not to be in good standing;

(b) Place the training agent or committee on probation for a specific period of time;

(c) Prohibit the training agent from employing apprentices or prohibit the committee for registering new apprentices for up to two years;

(c) Order specific actions to correct the violations;

(d) Impose sanctions pursuant to existing Council policies and interpretations; or

(e) Deregister the training agent or committee.

(6) A determination by the Council that a training agent is out of compliance with program standards relating to the ratio, supervision, or approved work processes requirements, wages or Council policies shall be stated in writing, along with the reasons supporting it, and shall be mailed to the training agent and program sponsor.

(7) The Division shall place Council determinations under this section on file for public review. The Division shall maintain a list of all training agents who, as a result of a determination they are out of compliance are unable to employ registered apprentices. The Division shall make the list available to the public upon request.

Stat. Auth.: ORS 660.120(1)
Stats. Implemented: ORS 660.120(1) & 660.120(2)(d)
Hist.: BL 6-1994, f. & cert. ef. 10-10-94; BLI 2-1999, f. & cert. ef. 4-2-99; BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10; BLI 15-2015, f. & cert. ef. 11-12-15

839-011-0140
Approval and Dissolution of Standards

(1) A local committee must submit new standards or revisions to previously approved standards, together with executed signature sheets and committee minutes to the Director at least 45 calendar days before the date of the next Council meeting pursuant to OAR 839-011-0030.

(2) Proposed standards and revisions must be in a form and format approved by Council that includes all elements specified in ORS chapter 660.126. The Council may require additional information of committees pursuant to OAR 839-011-0084, including program administration and training plans.

(3) Standards in a form or format other than that approved by the Council and the Division may be accepted when they are part of the federal Office of Apprenticeship approved national pattern standards and are consistent with federal Office of Apprenticeship regulations and guidelines, these rules and Council policies.

(4) With Council approval, local committees may charge applicants a reasonable non-refundable application fee. Such fees shall be stated in the standards as a minimum qualification for entry into the program. Committees shall be required to:

(a) Incorporate the payment of a non-refundable application fee into the minimum qualifications of the committee's standards. The standards shall also reflect that applicants with an income below 150% of the federal poverty guidelines may apply for a non-refundable application fee waiver. Federal poverty guidelines are established by the Federal Department of Health and Human Services and are recognized by the Oregon Adult and Family Services Division;

(b) Show that the non-refundable application fee results in no disparate impact and report annually to the Council whether disparate impact has been determined to result from the fees charged; and

(c) Show that the local committee experiences an extraordinary burden with respect to the administration of applications, i.e., beyond the ordinary course of conducting such procedures. Examples of an extraordinary burden include, but not limited to, development of specific entrance examinations, validation studies and extensive testing or interview procedures.

(5) Revised standards will supersede the committee's previous standards covering the same occupation.

(6) Every registered apprenticeship program must have at least one registered apprentice, except for the following specified periods of time that may not exceed 1 year:

(a) Between the date when a program is registered and the date of registration for its first apprentice(s); or

(b) Between the date that a program graduates an apprentice and the date of registration for the next apprentice(s) in the program.

(7) The Division shall report any standards that have had no registered apprentices for one (1) year to the Council for dissolution due to inactivity. Committees will be notified at that time that the standards will be dissolved if no apprentices registered within one (1) additional year.

(a) Committees may request administrative reactivation of standards that are dissolved due to inactivity if a new apprentice is identified within two (2) years of dissolution.

(A) Current documentation of OAR 839-011-0084(3) requirements shall be submitted to the Division with reactivation request.

(B) Apprentice registration can occur upon the Division's administrative approval of the reactivated standards. The standards will then be placed on the next Council agenda for ratification in accordance with OAR 839-011-0051.

(b) After two (2) years, standards dissolved due to inactivity shall be resubmitted as new standards and Council approval of the standards will be required prior to registration of new apprentices.

Stat. Auth.: ORS 660.120(3)
Stats. Implemented: ORS 660.120(2)(b), 660.126 & 660.137
Hist.: BL 95, f. 8-16-65; BL 130, f. 10-5-72, ef. 10-15-72; BL 3-1978, f. & ef. 4-3-78; BL 13-1988, f. & cert. ef. 7-1-88; BL 1-1991, f. & cert. ef. 1-23-91; BL 6-1994, f. & cert. ef. 10-10-94; BLI 2-1999, f. & cert. ef. 4-2-99; BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10; BLI 5-2011(Temp), f. 7-13-11, cert. ef. 7-18-11 thru 1-4-12; BLI 1-2012, f. & cert. ef. 1-3-12; BLI 6-2015(Temp), f. & cert. ef. 6-1-15 thru 11-27-15; BLI 15-2015, f. & cert. ef. 11-12-15

839-011-0141
Minimum Guideline Standards

The Council may approve minimum guideline standards for occupations it deems necessary.

(1) At its discretion, or upon petition by two or more local committees directly affected by minimum guideline standards, the Council will direct the Division to convene a state committee composed of voting members of local committees training in the occupation. Division staff will organize the meeting time and location, and contact all appropriate local committees.

(a) Each local joint committee training in the occupation may appoint no more than one employer and one employee committee member (with alternates if desired) to the state committee pursuant to OAR 839-011-0074. Notification of this action must be submitted to the Division in writing. Appointments will be valid only after written notice of the names of the appointees is received by the Division at least one (1) day before a scheduled state guideline committee meeting.

(b) The employer and employee members of local trades committees (and alternates) shall represent their respective occupations on the state committee pursuant to ORS Chapter 660.155(2).

(c) Only properly appointed representatives to the state guideline committee will be permitted to vote on issues before the State Guideline Committee.

(d) A quorum shall consist of 50% plus one of the total appointed local joint committee representatives; local trade committee representatives will be counted only if they are present at the state committee meeting. A quorum of the total appointed local committee representatives constituted pursuant to this rule may revise the quorum requirement for future state committee meetings, pending review and approval by the Council.

(e) Each state committee may adopt policies and procedures consistent with ORS Chapter 660 as it deems necessary for the orderly conduct of its meetings.

(2) The state committee will develop or revise minimum guideline standards in accordance with the needs of the industry and occupation. This committee shall establish minimum guidelines in the following standards areas:

(a) Minimum qualifications;

(b) Hours of employment;

(c) Maximum probationary period;

(d) Maximum ratio of apprentices to journey workers and required supervision;

(e) Minimum work processes and approximate hours, and expected competencies (if desired); and

(f) Minimum related/supplemental instruction.

(3) If consensus is not reached by the state committee, a majority and minority report will be submitted with the proposed standards to the Council for consideration.

(4) New or revised minimum guideline standards shall be distributed to all local committees training in the occupation for review and comment prior to submission to the Council.

(a) Each local committee shall have not more than 30 days to present any written objections. This information shall be referred to the state committee for review.

(b) The state committee shall determine whether additional meetings are required then prepare its final recommendations to the Council.

(c) When majority and minority reports are submitted, the Council and the Division will take into consideration the geographic area covered by each participating committee as well as the number of apprentices served and the number of training agents affected in determining whether to accept the minimum guideline standard as submitted or approved amendments thereto.

(5) On-the-job training hours for a local committee may not fluctuate below the requirements dictated by minimum guideline standards. The variations must be within statutory limits governing the licensed occupations.

Stat. Auth.: ORS 660.120(3)
Stats. Implemented: ORS 660.120(2)(a)
Hist.: BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10; BLI 5-2011(Temp), f. 7-13-11, cert. ef. 7-18-11 thru 1-4-12; BLI 1-2012, f. & cert. ef. 1-3-12; BLI 15-2015, f. & cert. ef. 11-12-15

839-011-0142
Apprentice/Trainee Qualifications

(1) The Council and the Division shall evaluate proposed qualification standards or selection methods pursuant to the criteria set forth in Title 29 CFR Part 30, the Equal Employment Opportunity in Apprenticeship Plan noted in OAR 839-011-0200, the objectives expressed by the committee and/or sponsor, and such other factors as the Council and the Division may deem appropriate. Evaluation of proposed qualification standards or selection methods shall include an analysis of whether they would result in an adverse impact upon any protected class of applicants.

(2) The Council and the Division shall not consider proposed standards that contain any of the following requirements within their minimum qualifications:

(a) Physical ability to do the job, unless it specifically references a validated occupational requirement, such as lifting a sack of cement to a specified height;

(b) Any tests (including color tests) that do not meet the validity requirements under 41 CFR 60.3;

(c) A valid driver's license; or

(d) A medical exam.

(3) Standards submitted containing any of these requirements will not be placed on the Council agenda.

(4) The minimum qualifications section of the standards may include a note advising applicants that employers may require apprentices to meet additional lawful conditions of employment. These must be identified by employers and specified in the standards.

Stat. Auth.: ORS 660.120(3)
Stats. Implemented: ORS 660.120(3)
Hist.: BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10; BLI 5-2011(Temp), f. 7-13-11, cert. ef. 7-18-11 thru 1-4-12; BLI 1-2012, f. & cert. ef. 1-3-12; BLI 15-2015, f. & cert. ef. 11-12-15

839-011-0143
Ratio

(1) Registered apprentices shall only work for training agents registered to the same committee as the apprentice, unless the subject committees and employer have reached agreement on a plan that will enhance the training opportunities for all apprentices and have jointly submitted a written request to the Council outlining their plan and requesting the exemption from this rule.

(2) Except as provided in sections (6) and (7) below, registered apprentices shall be supervised by journey workers employed in the same trade or occupation by the same training agent employing the apprentice.

(3) The apprentice to journey worker ratio for any registered program approved by the Council and the Division shall be clearly set forth in the standards for the given occupation and must be specific as to application in terms of jobsite, workforce, shift, department or plant.

(4) The maximum ratio of apprentices to journey workers for an occupation covered by a state committee will be developed as part of the minimum guideline standards for the occupation. Requests for a less restrictive ratio from local committees will be referred to the state committee for evaluation of minimum guideline ratio.

(5) For occupations where a minimum guideline standard is not in place, local committees are expected to meet the following apprentice to journey level ratios:

(a) Construction trades: Not more than one apprentice for the first journey worker on the job site. Additional apprentices are authorized at the ratio of one apprentice for each three additional journey workers on the job site. (Expressed hereafter as 1:1,1:3)

(b) Industrial trades and fixed-site facilities: 1:1,1:2

(c) Other trades (non-traditional and new and emerging occupations): 1:1,1:1

(d) Committees wishing a less restrictive ratio must submit a request to the Council for consideration, along with information including but not limited to:

(A) Specific workforce demographics justifying a different ratio;

(B) Plan to monitor effects of ratio on the safety and continuity of employment for apprentices; and

(C) Comparison of completion rate to statewide average for occupation.

(6) In licensed trades, an apprentice must be supervised by a journey worker in the same or a higher license classification than the apprentice, unless the local committee that the apprentice is registered to has approved supervision by a journey worker holding a license covering the specific work being performed by the apprentice on the job site.

(7) Electrical power line installers and repairers and linemen apprentices may work for training agents registered to other local joint committees in order to ensure that all work processes are fulfilled, pursuant to a written agreement between the apprentice, the local committees and both training agents.

(8) In limited situations, the Council may grant a training agent a short-term waiver of the established ratio for a given program, upon demonstration of extreme need. In no event shall an apprentice work without qualified journey worker supervision. Ratio waivers of less than 90 days must be requested by the committee on behalf of a training agent. Local committees are not authorized to grant temporary waivers to training agents. A temporary waiver of ratio may be granted under the following circumstances:

(a) Serious injury or illness of the journey worker, where the journey worker is expected to return to work in 90 days or less; or

(b) The sudden departure of a journey worker from employment with the training agent for causes not attributable to the training agent. The employer is expected to replace the departing journey worker within a reasonable amount of time and in no event shall this amount of time exceed ninety (90) days. The training agent must document its efforts to replace journey workers which may include, but shall not be limited to:

(A) Copies of job orders;

(B) Classified advertising, including a posting of the journey wage rate offered; and

(C) Job orders placed with the Oregon Employment Division.

(9 The lack of available qualified or licensed journey workers shall not be a valid reason for granting a temporary ratio waiver.

(10) The Council may authorize the Director to grant or deny waivers as set forth above on an interim basis. Such action taken by the Director must be submitted to the Council for ratification at its next meeting after interim approval or denial has been made.

Stat. Auth.: ORS 660.120(3)
Stats. Implemented: ORS 660.120(2), 660.126(1)(f)
Hist.: BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10; BLI 5-2011(Temp), f. 7-13-11, cert. ef. 7-18-11 thru 1-4-12; BLI 1-2012, f. & cert. ef. 1-3-12; BLI 6-2015(Temp), f. & cert. ef. 6-1-15 thru 11-27-15; BLI 15-2015, f. & cert. ef. 11-12-15

839-011-0145
Compliance Reviews

(1) All committees are subject to periodic reviews of program operation and affirmative action activities.

(2) The Division shall develop and maintain a review schedule that identifies programs scheduled for review, the type of review to be conducted and the time period to be evaluated.

(3) The Program Operation Compliance Review will evaluate program operation and administration.

(a) New committees will receive a Program Operation Compliance Review annually for the first three years of operation, unless otherwise directed by the Council.

(b) After the first three (3) years, committees found in compliance will receive a Program Operation Compliance Review every three (3) years.

(4) The Affirmative Action Compliance Review will evaluate outreach, recruitment, and selection activities.

(a) Committees with five or more apprentices registered to a single standard during the previous three years will receive an annual Affirmative Action Compliance Review.

(b) Training agents who select their own apprentices in accordance with the committee's approved selection procedure will receive a separate annual Affirmative Action Compliance Review.

(5) Additional reviews may be scheduled if:

(a) The Director has a reasonable belief that such reviews are prudent and in the best interest of apprenticeship;

(b) Complaints have been received that the program is not operating in compliance; or

(c) At the Council's direction.

(6) Committees found out of compliance will be required to appear at the next meeting of the appropriate Council subcommittee, unless:

(a) The committee has not been previously found out-of-compliance;

(b) The welfare, safety and training of apprentices or trainees was not undermined;

(c) The committee has submitted a timely, written response that addresses all compliance issues requiring attention; and

(d) The Division has recommended approval of the compliance review and committee response.

(7) All reviews shall be reported on a form and in a format approved by the Council. Upon review of compliance reports, the Council shall take action including but not limited to any of the following:

(a) Approve the report;

(b) Refer the report back for further clarification;

(c) Extend the review period for up to six (6) months;

(d) Order a probationary period including more frequent and detailed program reviews;

(e) Direct compliance and/or corrective action accordingly;

(f) Impose sanctions;

(g) Deregister the committee and/or standards for non-compliance; and

(h) Any other action as directed by the Council and the Division.

Stat. Auth.: ORS 660.120(3)

Stats. Implemented: ORS 660.120(2)(a) & 660.120(2)(f)

Hist.: BL 16-1979, f. & ef. 11-8-79; BL 6-1994, f. & cert. ef. 10-10-94; BLI 2-1999, f. & cert. ef. 4-2-99; BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10; BLI 5-2011(Temp), f. 7-13-11, cert. ef. 7-18-11 thru 1-4-12; BLI 1-2012, f. & cert. ef. 1-3-12; BLI 6-2015(Temp), f. & cert. ef. 6-1-15 thru 11-27-15; BLI 15-2015, f. & cert. ef. 11-12-15

839-011-0162
Employer Training Agents

(1) The Division will register training agents upon receipt of committee minutes showing approval of specific employers as training agents and a fully executed training agent registration agreement for each employer.

(2) The effective starting date for a new training agent shall be no more than forty five (45) days prior to the date that a fully executed original training agent agreement and committee minutes approving the registration of the employer are received by a representative of the Division.

(3) No employer shall be required to join an industry or trade association as a condition of approval as a training agent.

(4) Where two or more programs of the same occupation exist in the same geographical area an employer may not serve as an approved training agent for more than one such program at a time.

(a) In the event an employer has been approved as a training agent by two or more such programs, the Division shall notify the employer and the appropriate committees of this rule and require that the employer respond within twenty (20) working days of receipt of the notice, designating the program in which the employer chooses to continue and resigning from all others. Such notice shall be sent by certified mail, return receipt requested.

(b) An employer who does not respond pursuant to section (3)(a) of this rule, shall be deemed conclusively to have elected to resign as a training agent from all such programs. The Division shall notify the committees serving programs in which the employer had participated that the employer's training agent status has been revoked by operation of this rule.

(5) In limited cases where special conditions exist, the Council may consider an employer's request to participate in multiple programs in the same occupation within the same geographical area:

(a) When an individual construction project has special conditions warranting consideration for multiple training agent status, the employer must work with all committees involved to establish a plan that provides for the health, safety, and continuity of employment for all apprentices.

(b) When the committees and employer have reached agreement on a plan that will enhance the training opportunities for all apprentices, they shall jointly submit a written request to the Council outlining their plan and requesting the exemption from section (2) of this rule.

(6) An employer with a principal place of business outside the geographic jurisdiction of a local committee may seek approval to register with that local committee as a training agent. Each such employer must agree to comply with Oregon state, county and municipal laws, rules and ordinances and the rules, policies, procedures and standards of the local committee.

(a) The employer and the local committee must agree on the manner in which local apprentices will be utilized.

(b) Registration as a training agent in Oregon is not required if the employer is approved as a training agent in a state that participates in the multi-state apprenticeship reciprocity agreement, provided:

(A) The standards are equivalent to Oregon apprenticeship standards for the occupation; and

(B) The employer and sponsor maintain good standing in their home state.

(b) Reciprocal approval for federal purposes is accorded to contractors, apprentices, apprenticeship programs and standards that are registered with the USDOL Office of Apprenticeship ("OA") or registered to other State Apprenticeship Registration Agencies duly recognized by OA for federal public works projects in Oregon that are subject to the Davis-Bacon Act, in accordance with 29 CFR 29.5(b)(13).

(c) Reciprocal approval for non-federal purposes will be accorded to contractors, apprentices, apprenticeship programs and standards that are registered with the USDOL Office of Apprenticeship or a duly authorized State Registration Agency:

(A) The apprenticeship standards must be equivalent to Oregon standards for the occupation.

(B) The employer and its sponsor must have passed any probationary period mandated by their registration agency.

(C) Recognition of reciprocity is valid for one (1) year. A new letter of recognition shall be issued upon request accompanied by required documentation.

(D) For occupations requiring an Oregon plumbing or electrical license, employers and apprentices must be registered with an Oregon committee in order to obtain the required apprentice license.

Stat. Auth.: ORS 660

Stats. Implemented: ORS 660.120(1) & 660.137(5)

Hist.: BL 17-1979, f. & ef. 11-8-79; BL 1-1991, f. & cert. ef. 1-23-91; BLI 2-1999, f. & cert. ef. 4-2-99; BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10; BLI 1-2012, f. & cert. ef. 1-3-12; BLI 15-2015, f. & cert. ef. 11-12-15

839-011-0170
Committee Minutes Submission and Processing

(1) Meeting requirements:

(a) Local committees shall hold at least two (2) physical meetings each year with a quorum of committee members in attendance to evaluate apprentices and conduct other committee business.

(A) All disciplinary actions require a physical meeting. Electronic polling is prohibited for issues requiring the personal appearance of applicants, apprentices, trainees, training agents or employers.

(B) Committees may vote to take all other actions by facsimile, e-mail or other electronic media if by-laws permitting such voting have been adopted.

(b) State committees should hold at least one (1) physical meeting every three (3) years to review guideline standards. Additional meetings may be called by the state committee chair, at the request of a majority of state committee members or at Council direction. A quorum of members must be physically present at meetings to vote on proposed revisions to guideline standards.

(2) As required in ORS Chapter 660.135(3), each committee secretary shall be responsible for the preparation, maintenance and submission to the Division of committee meeting minutes, including actions pertaining to apprentices and all supporting documentation.

(a) All committee meeting minutes shall be submitted in a format approved by the Division within ten (10) working days of the meeting.

(b) All committee actions noted in meeting minutes shall be recorded and processed by the Division within fourteen (14) working days of receipt of the minutes.

Stat. Auth.: ORS 660.120(1)

Stats. Implemented: ORS 660.120(1) & 660.135(4)

Hist.: BL 6-1994, f. & cert. ef. 10-10-94; BLI 2-1999, f. & cert. ef. 4-2-99; BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10; BLI 9-2012(Temp), f. & cert. ef. 8-15-12 thru 1-29-13; Administrative correction, 2-25-13; BLI 6-2015(Temp), f. & cert. ef. 6-1-15 thru 11-27-15; BLI 15-2015, f. & cert. ef. 11-12-15

839-011-0175
Cancellation Notices

All notices to appear for cancellation of apprenticeship agreements must be sent certified mail, return receipt, addressed to the apprentice and postmarked at least twenty-two (22) calendar days in advance of the appearance date for the consideration of the cancellation.

Stat. Auth.: ORS 660.137(4)

Stats. Implemented: ORS 660

Hist.: BL 6-1994, f. & cert. ef. 10-10-94; BL 11-1996, f. & cert. ef. 12-10-96; BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10; BLI 1-2012, f. & cert. ef. 1-3-12; BLI 15-2015, f. & cert. ef. 11-12-15

839-011-0200
Equal Employment Opportunity in Apprenticeship

The Council hereby adopts the "Equal Opportunity in Apprenticeship Plan," effective April 1, 1999 and incorporated by reference as if fully set forth in these rules.

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

Stat. Auth.: ORS 660

Stats. Implemented: ORS 660.120

Hist.: BL 120, f. 2-16-72, ef. 3-1-72; BL 151(Temp), f. & ef. 12-19-73; BL 159, f. 3-8-74, ef. 4-11-74; BL 168, f. 10-11-74, ef. 11-11-74; BL 9-1978(Temp), f. & ef. 9-15-78; BL 13-1978, f. & ef. 12-8-78; BL 2-1988, f. & cert. ef. 2-19-88; BL 1-1991, f. & cert. ef. 1-23-91; BL 8-

1991(Temp), f. 8-15-91, cert. ef. 9-1-91; BLI 2-1999, f. & cert. ef. 4-2-99; BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10; BLI 15-2015, f. & cert. ef. 11-12-15

839-011-0250
Agreements During Labor Disputes

(1) Pursuant to the National Labor Relations Act and Title 29 CFR Parts 29.3(h) and 29.12(10), when a labor dispute exists with an employer or prospective employer in a single employer program, until such dispute has been resolved or the representative union has tendered a written waiver of its objections to the employer or prospective employer's participation, the Council will not:

(a) Approve changes in existing standards;

(b) Approve new standards;

(c) Register additional apprentices for the employer; or

(d) Review the employer's application for a new committee.

(2) Pursuant to the National Labor Relations Act and Title 29 CFR Parts 29.3(h) and 29.12(10), when a labor dispute exists with an employer or prospective employer in a multi-employer program, until such dispute has been resolved or the representative union has tended a written waiver of its objections to the employer or prospective employer's participation, the local committee will not:

(a) Provide additional apprentices to the employer or prospective employer engaged in the labor dispute; or

(b) Grant training agent status.

(3) For purposes of this rule, a labor dispute exists for an employer where:

(a) There is a collective bargaining agreement in effect, or where employees have voted for a bargaining agreement; and

(b) There is a strike, lock out or work stoppage.

(4) Apprentices or trainees subject to apprenticeship or training agreements and employed in an establishment involved in a labor dispute where the employees have voted for a bargaining unit and a strike is in progress are not in violation of their agreements if they leave their employment until settlement of the labor dispute.

[Publications: Publications referenced are available from the agency.]
Stat. Auth.: ORS 660
Stats. Implemented: ORS 660.120
Hist.: BL 7-1986, f. & ef. 7-14-86; BLI 2-1999, f. & cert. ef. 4-2-99; BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10; BLI 15-2015, f. & cert. ef. 11-12-15

839-011-0260
Movement and Training of Apprentices within the Same Occupation

(1) Registered apprentices who are transported to an area outside of the committee's geographic jurisdiction may receive related training with the consultation and agreement of the appropriate local committee in the new area.

(2) Each local committee shall develop and uniformly implement a policy defining its processes and procedures for the immigration of employers and apprentices into its geographical area and jurisdiction including, but not limited to:

(a) The authorization of approved training agents domiciled in other jurisdictions;

(b) The portability of apprentices; and

(c) The hiring priority, if any, of unemployed apprentices within the jurisdiction.

(3) The policies of each committee shall be reviewed and approved by Division staff on behalf of the Council.

(4) In the event that a policy is not approved by the Division, it shall be referred to the Council's Rules and Policy Subcommittee for review and action.

Stat. Auth.: ORS 660
Stats. Implemented: ORS 660.120
Hist.: BL 7-1986, f. & ef. 7-14-86; BL 1-1991, f. & cert. ef. 1-23-91; BLI 2-1999, f. & cert. ef. 4-2-99; BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10; BLI 15-2015, f. & cert. ef. 11-12-15

839-011-0265
Partial Rotation of Apprentices

(1) All apprentices must obtain work experience for at least 50% of the hours listed for each work process in the committee's approved standards. A committee unable to provide an apprentice with work experience equaling at least 50% of the hours listed in any of the work processes must provide and document additional related training to compensate for the lack of on-the-job training. A written statement, held in the apprentice's files, shall document such compensatory training and shall include, date, time, place, hours and instructor. In no event may distance learning classes be used to compensate for deficiencies in total work process hours.

(2) For licensed occupations, all variations in work processes must be within the statutory limits governing the trade.

Stat. Auth.: ORS 660
Stats. Implemented: ORS 660.120
Hist.: BLI 2-1999, f. & cert. ef. 4-2-99; BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10; BLI 1-2012, f. & cert. ef. 1-3-12; BLI 15-2015, f. & cert. ef. 11-12-15

839-011-0270
Administrative Cancellation or Completion of Apprenticeship Agreements

(1) Whenever a local committee has insufficient members to conduct business, has not met at least once within a six-month period or has been dissolved by Council, the Director may:

(a) Cancel an apprenticeship agreement:

(A) At the apprentice's request; or

(B) For good cause as defined by ORS Chapter 660.060(7) or;

(C) In the case of program deregistration, or for the failure to hold registered training standards.

(b) Complete an apprenticeship agreement when documentation has been submitted to the Director demonstrating that the apprentice has fulfilled the required related instruction and on the job training as set forth in the standards established by the committee.

(2) Absent exceptional circumstances demonstrated by a local committee, apprentices referred for a license exam will be administratively completed by the Director within one (1) year of referral, with or without benefit of license. Examples of exceptional circumstances are military service; illness; injury or incapacitation of the apprentice.

(a) Local committees may complete apprentices without benefit of license earlier than one (1) year of referral in accordance with approved committee policies and procedures.

(3) Such action by the Director or the committee shall be taken pursuant to the following procedure:

(a) Notice and an opportunity to show cause to the Council, through the Division, shall be provided by certified mail to the apprentice, employer, committee, Council and any interested parties before any action to administratively complete or cancel an agreement; and

(b) Written notice to the apprentice, committee, Council and any interested parties of the final action taken by the Director.

(4) An apprentice may appeal an administrative cancellation as an order other than a contested case order under ORS Chapter 183.484.

Stat. Auth.: ORS 660.120
Stats. Implemented: ORS 660.120(2)(f)
Hist.: BL 7-1986, f. & ef. 7-14-86; BL 1-1991, f. & cert. ef. 1-23-91; BLI 2-1999, f. & cert. ef. 4-2-99; BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10; BLI 1-2012, f. & cert. ef. 1-3-12; BLI 6-2015(Temp), f. & cert. ef. 6-1-15 thru 11-27-15; BLI 15-2015, f. & cert. ef. 11-12-15

839-011-0280
Electrical Apprentices — Indirect Supervision

(1) The Division shall issue electrical apprentice licenses to active apprentices or trainees registered to standards jointly approved by the Council and the Oregon Electrical and Elevator Board. Apprentice license formats shall be jointly agreed to by the Division and the Oregon Building Codes Division.

(2) All electrical apprentices must be directly supervised in accordance with OAR 839-011-0143, unless approved for indirect supervision.

(3) Pursuant to OAR 918-282-0270(3), a local committee may take action to permit electrical apprentices to work under indirect supervision during their final period of apprenticeship provided they have met the provisions of ORS Chapter 660.126(3) and ORS Chapter 479.510 to 479.860 and have:

(a) Completed at least 6,500 hours of on-the-job training for licenses requiring 8,000 hours of apprenticeship training, or 5,000 hours of on-the-job training for licenses requiring 6,000 hours of apprenticeship training; and

(b) Successfully completed related training appropriate to the required 6,500 hours of on-the-job training in an 8,000 hour program or related training appropriate to the required 5,000 hours in a 6,000 hour program.

(4) Indirect supervision licenses will be issued by the Division upon notification of committee approval and reissued for the duration of the program unless the committee takes action to rescind approval.

(5) All apprentices count towards the ratio specified in the standards, regardless of supervision status.

Stat. Auth.: ORS 660
Stats. Implemented: ORS 660.126(3), 479.510 - 479.860 & OAR 918-282-027
Hist.: BL 11-1989(Temp), f. & cert. ef. 12-26-89; BL 17-1990, f. & cert. ef. 11-23-90; BLI 2-1999, f. & cert. ef. 4-2-99; BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10; BLI 15-2015, f. & cert. ef. 11-12-15

839-011-0290
Plumber Apprentices — Phased Supervision

(1) The Division shall issue plumbing apprentice licenses to active apprentices or trainees registered to standards approved by the Council. Apprentice license formats shall be jointly agreed to by the Division and the Oregon Building Codes Division.

(2) All apprentices and trainees must be directly supervised in accordance with OAR 839-011-0143, unless approved for phased supervision.

(3) Pursuant to OAR 918-695-0140, a local committee may take action to permit plumbing apprentices to work under phased supervision under the following circumstances:

(a) The plumber apprentice must work in the physical presence of an appropriate journey level plumber; and

(b) An appropriate journey level plumber present at the immediate work site at all times, except for not more than a cumulative thirty (30) minutes during any work shift during which time the journey worker is immediately available by voice communication.

(4) The plumber apprentice may work under phased supervision when the following specific conditions are met:

(a) The appropriate journey worker is immediately available to the apprentice by voice communication (immediately available means that the apprentice can reach the appropriate journey worker within a 15-minute period);

(b) The appropriate journey worker meets with the apprentice at least once each day to go over the work done by the apprentice;

(c) The activity is consistent with the committee's work requirements as established in its written policy;

(d) There is only one apprentice on the job site; and

(e) The apprentice has been specifically approved for one (1) or more of the following phases:

(A) Phase 1: The apprentice only engages in water heater replacement or conversion after completing at least six (6) months of work experience, eight (8) hours of related instruction and is evaluated and authorized to do this type of work by the committee;

(B) Phase 2: The apprentice engages in work covered in Phase 1 and minor repairs in a one (1) or two (2) family dwelling after completion of three (3) periods of work experience, the appropriate related instruction for three (3) periods and is evaluated and authorized to do this type of work by the committee;

(C) Phase 3: The apprentice engages in work covered in Phase 1 and 2, and general repairs and replacement of existing installations after completion of four (4) periods of work experience, the appropriate related instruction for four (4) periods and is evaluated and authorized to do this type of work by the committee; or

(D) Phase 4: The apprentice engages in work covered in Phase 1, 2 and 3, and new or remodel installations after completing five (5) periods of work experience, the appropriate related instruction for five (5) periods and is evaluated and authorized to do this type of work by the committee.

(5) Phased supervision licenses will be issued by the Division upon notification of committee approval and reissued for the duration of the program unless the committee takes action to rescind approval.

Stat. Auth.: ORS 660.120(3)
Stats. Implemented: ORS 693.040
Hist.: BLI 2-1999, f. & cert. ef. 4-2-99; BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10; BLI 5-2011(Temp), f. 7-13-11, cert. ef. 7-18-11 thru 1-4-12; BLI 1-2012, f. & cert. ef. 1-3-12; BLI 15-2015, f. & cert. ef. 11-12-15

839-011-0300
Effective Date of Council Actions

All Council actions, other than rulemaking, unless otherwise specified by the Council, shall be effective on the first day of the month following the Council meeting at which such action is taken.

Stat. Auth.: ORS 660.120(1)
Stats. Implemented: ORS 660.120
Hist.: BL 7-1991, f. & cert. ef. 8-15-91 (and corrected 2-3-92); BLI 15-2015, f. & cert. ef. 11-12-15

839-011-0310
Apprentice Rights

(1) Upon registration the local committee shall provide each apprentice with the following information:

(a) Apprenticeship Standards for the program in which the apprentice is registered;

(b) Division approved committee policies and procedures; and

(c) Copy of the apprenticeship agreement.

(2) Within the constraints of industry and market conditions, the apprentice has the right to be employed and diligently and faithfully trained by the committee's approved training agents in accordance with the terms and conditions of the Apprenticeship Agreement and Apprenticeship Standards.

(3) The apprentice has the right to minimum compensation at the apprentice rate of pay as determined by the local apprenticeship committee pursuant to the standards or appropriate prevailing wage classification for all activities performed subsequent to the normal start time of the regular work day and prior to the completion of assigned duties during the work day.

(4) The apprentice has the right to classroom and workplace conditions that are free of harassment or intimidation.

(a) "Harassment or intimidation" includes any act that takes place on or immediately adjacent to apprenticeship classrooms or training agent work sites that:

(A) Substantially interferes with the apprentice's educational benefits, opportunities or performance; and

(B) Has the effect of:

(i) Physically harming an apprentice or damaging an apprentice's property; or

(ii) Knowingly placing an apprentice in reasonable fear of physical harm to the apprentice or damage to the apprentice's property; or

(iii) Creating a hostile educational environment, including interfering with the psychological well-being of an apprentice; and

(C) May be based on, but not limited to, the protected class status of a person.

(5) If a probationary apprentice's registration agreement is suspended, the time spent on suspension will not apply to the calculation of one year.

Stat. Auth.: ORS 660.120(1)
Stats. Implemented: ORS 660.120(2)(a)
Hist.: BL 7-1991, f. & cert. ef. 8-15-91 (and corrected 2-3-92); BLI 2-1999, f. & cert. ef. 4-2-99; BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10; BLI 1-2012, f. & cert. ef. 1-3-12; BLI 6-2015(Temp), f. & cert. ef. 6-1-15 thru 11-27-15; BLI 15-2015, f. & cert. ef. 11-12-15

839-011-0320
Required Appearance at Council Meetings

(1) The Council shall require a committee member or designee other than Division or federal Office of Apprenticeship staff to be present at the appropriate subcommittee meeting when seeking approval for:

(a) New committee;

(b) New standards or;

(c) Other submittals that do not have a staff recommendation for approval.

(2) When a committee member or designee is not required to be present at a subcommittee meeting and questions or deficiencies are noted, the committee will be given ten (10) working days to correct the deficiencies and obtain a Division recommendation for approval.

(a) If deficiencies are corrected, the submittal will be moved to the Council agenda.

(b) Any submittal with deficiencies not corrected within the ten (10) day time limit will be referred to the next meeting of the appropriate subcommittee.

(3) The Director may make exceptions to this rule upon receipt of a written request from the committee setting forth circumstances, such as an emergency or undue hardship, that might justify a failure to attend subcommittee meeting.

Stat. Auth.: ORS 660.120(1)
Stats. Implemented: ORS 660.120(2)(a)
Hist.: BL 7-1991, f. & cert. ef. 8-15-91 (and corrected 2-3-92); BLI 2-1999, f. & cert. ef. 4-2-99; BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10; BLI 1-2012, f. & cert. ef. 1-3-12; BLI 15-2015, f. & cert. ef. 11-12-15

839-011-0334
Eligibility of Family and Current Employees

(1) To the extent that the State Apprenticeship and Training Council determines that it would not result in an adverse impact on apprenticeship opportunities based on an individual's protected class status, an applicant who is otherwise eligible for selection as an apprentice under the selection method approved by the Council for use by the local committee may be directly registered to a family business or the applicant's current employer, subject to the consent of the applicant, regardless of whether another employer would otherwise be entitled to register the applicant under the selection method used by the local committee.

(2) As used in this section, "otherwise eligible for selection as an apprentice under the selection method approved by the Council for use by the local committee" shall mean that the applicant:

(a) Has met the minimum qualifications for entry into the program; and

(b) Has been evaluated or ranked by the local committee pursuant to the procedure set forth in its approved selection method; and

(c) Based on that evaluation or ranking, is the next applicant or in the immediate group of applicants eligible to be assigned or dispatched to a registered training agent pursuant to the local committee's approved selection method.

(3) When submitting a new or revised selection method to the Council for approval, local committees must indicate whether they will be using an exception to the selection methods established in Title 29 CFR Part 30 and must note in their committee minutes when an individual is registered pursuant to subsections (1) and (2) above.

(4) Nothing in this rule is intended or should be interpreted as discouraging the use of a qualification standard or selection method on the basis of relative qualifications, if the qualification standard or selection criteria have been validated in accord with the guidelines established in Title 41 CFR Part 60-3.6.

Stat. Auth.: ORS 660.120(1)
Stats. Implemented: ORS 660.139
Hist.: BLI 17-1999, f. & cert. ef. 12-20-99; BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10; BLI 1-2012, f. & cert. ef. 1-3-122; BLI 15-2015, f. & cert. ef. 11-12-15

839-011-0335
Pre-apprenticeship Programs

(1) Pre-apprenticeship is a program designed to prepare under-represented, disadvantaged or low-skilled individuals to enter and succeed in a registered apprenticeship program and has a documented partnership with at least one, if not more, registered apprenticeship committee(s). In order to be used by a registered apprenticeship committee as a direct entry or preferred applicant source, a pre-apprenticeship program must be approved by the Council and incorporate the following elements:

(a) Council approved training and curriculum based on industry standards;

(b) Detailed recruitment strategies focused on outreach to under-represented populations;

(c) Provides assistance in exposing participants to registered apprenticeship programs and provides direct assistance to participants applying to those programs;

(d) Provides hands-on training to individuals in a simulated lab experience or through volunteer opportunities, when possible, neither of which supplants a paid employee but accurately simulates the industry and occupational conditions of the partnering registered apprenticeship sponsor(s) while observing proper supervision and safety protocols;

(e) Provides facilitated entry or articulation with one or more registered apprenticeship programs and where possible, has a formalized agreement with a registered apprenticeship program that enables individuals who have successfully completed the pre-apprenticeship program to enter directly into a registered apprenticeship program and/or include articulation agreements for earning advanced credit/placement for skills and competencies already acquired.

(f) Provide a letter of approval from one or more registered apprenticeship committee stating that the proposed pre-apprenticeship program will prepare individuals with the skills and competencies needed to meet the minimum entry requirements of the program and that upon completion, completing pre-apprentices will meet the minimum entry requirements, gain consideration, and are prepared for success in the program as a preferred applicant source.

(2) Written request for Council approval of a pre-apprenticeship program shall include the following information:

(a) Identification of the need for the pre-apprenticeship program and the target population served;

(b) A statement clearly describing the program and the organization sponsoring and operating the pre-apprenticeship training;

(c) A statement of program objectives, outcomes, participant competencies upon completion and benchmarks for success;

(d) A course outline providing an overview of the academic and manipulative portions of the program. Individual course descriptions, class hours and measurement tool(s) used to determine successful completion of classes should be provided in this section.

(e) A description of the training facilities used for pre-apprenticeship training.

(f) A list of the knowledge, skills and abilities required to be an instructor in this program.

(3) Pre-apprenticeship program sponsors agree to provide the Council with a list of pre-apprenticeship program graduates at least once every six (6) months indicating the names, addresses and other identifying information for program completers on a form designated by the Division.

(4) Upon due notice and a reasonable opportunity to show cause, the Council may revoke pre-apprenticeship program approval should it find that the program is not serving the intended purposes of the program in the best interest of registered apprenticeship

Stat. Auth.: ORS 660.120
Stats. Implemented: ORS 660.126, 660.137
Hist.: BLI 15-2015, f. & cert. ef. 11-12-15

839-011-0401
Youth Apprenticeship Program Approval

(1) Council approval of the youth program is required prior to implementation.

(2) Youth apprenticeship committees and standards must meet the requirements outlined in these rules for adult apprenticeship programs.

(3) Youth standards must directly relate to an apprenticeable occupation recognized by federal Office of Apprenticeship.

Stat. Auth.: ORS 344.745 & 344.750, 660.120
Stats. Implemented: ORS 344.745 & 344.750, 660.120
Hist.: BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10; BLI 15-2015, f. & cert. ef. 11-12-15

839-011-0402
Youth Apprentice Eligibility

(1) Committees may register youth apprentices who otherwise would not meet the minimum entry level qualifications for age, high school completion or GED in adult standards for the occupation.

(2) The provisions and requirements of ORS Chapter 344.745 shall prevail over the committee's standards should any conflict exist.

Stat. Auth.: ORS 344.745, 660.120
Stats. Implemented: ORS 344.745
Hist.: BL 2-1992, f. & cert. ef. 1-14-92; BL 3-1994, f. & cert. ef. 6-3-94; Renumbered from 839-011-0420, BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10; BLI 15-2015, f. & cert. ef. 11-12-15

839-011-0403
Youth Apprentice Selection

The procedure to be utilized in selecting youth apprentices shall be outlined in the youth standards.

(1) Youth apprentices will be selected from a list of eligible established by the school pursuant to ORS 344.745.

(2) In order to participate as a youth apprentice, a student must demonstrate career exploration competencies contained in a curriculum approved by the Oregon State Board of Education.

(3) In no case shall a youth apprentice displace a regular apprentice.

Stat. Auth.: ORS 344.745, 660.120
Stats. Implemented: ORS 344.745
Hist.: BL 2-1992, f. & cert. ef. 1-14-92; BLI 2-1999, f. & cert. ef. 4-2-99; Renumbered from 839-011-0400, BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10; BLI 15-2015, f. & cert. ef. 11-12-15

839-011-0404
Youth Apprentice Training Agents

(1) Youth apprenticeship committees shall develop a process for the purpose of approving training agents to participate in the program.

(2) Employers must apply in writing to the appropriate committee requesting authorization to participate. The committee will review the request and respond in writing with a copy to the Director.

(3) Approved youth apprenticeship training agents in the building and construction trades shall be permitted only one (1) youth apprentice without concurrently training/hiring adult apprentices.

Stat. Auth.: ORS 344.745 & 344.750, 660.120
Stats. Implemented: ORS 344.745, 660.120 & 660.137
Hist.: BL 2-1992, f. & cert. ef. 1-14-92; BL 3-1994, f. & cert. ef. 6-3-94; BLI 2-1999, f. & cert. ef. 4-2-99; Renumbered from 839-011-0440, BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10; BLI 15-2015, f. & cert. ef. 11-12-15

839-011-0405
Youth Apprentice Supervision

All youth apprentices shall be under direct line of sight supervision of a journey person while engaged in on-the-job training within hazardous occupations as defined by OAR 839-021-0104. Youth apprentices shall be under direct supervision at all other times to ensure optimal safety while on the job.

Stat. Auth.: ORS 344.750, 660.120
Stats. Implemented: ORS 660.120
Hist.: BL 2-1992, f. & cert. ef. 1-14-92; BL 7-1993, f. & cert. ef. 7-12-93; BL 3-1994, f. & cert. ef. 6-3-94; Renumbered from 839-011-0430, BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10; BLI 15-2015, f. & cert. ef. 11-12-15

839-011-0406
Youth Apprentice Ratios

(1) Committees shall adopt the same ratio of youth apprentices to journey persons as exists for adult apprenticeship programs, except that:

(a) Youth apprentices shall not be included in the count as part of the adult apprentices, but shall be counted separately and concurrently;

(b) A training agent is permitted to participate in the youth apprenticeship program without concurrently training/hiring adult apprentices; and

(c) At no time shall the total number of youth apprentices and adult apprentices exceed the number of journey persons for any job or training agent.

(2) The ratio shall be job and/or training agent specific in application.

Stat. Auth.: ORS 344.745 & 344.750, 660.120
Stats. Implemented: ORS 344.745, 660.120
Hist.: BL 4-1994, f. & cert. ef. 6-13-94; BLI 2-1999, f. & cert. ef. 4-2-99; Renumbered from 839-011-0480, BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10; BLI 15-2015, f. & cert. ef. 11-12-15

839-011-0407
Youth Apprentice Evaluation

The committee must establish a policy and procedure addressing periodic evaluation of youth apprentices and recommending the granting of credit by the committee. The policy shall include the review of apprentice progress including participation in classroom instruction, related instruction, and on-the-job training.

Stat. Auth.: ORS 344.745 & 344.750, 660.120
Stats. Implemented: ORS 344.745 & 344.750
Hist.: BL 2-1992, f. & cert. ef. 1-14-92; BL 7-1993, f. & cert. ef. 7-12-93; BL 3-1994, f. & cert. ef. 6-3-94; Renumbered from 839-011-0410, BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10; BLI 15-2015, f. & cert. ef. 11-12-15

839-011-0408
Transfer of Youth Apprentices

The committee, in consultation with the participating school, is responsible for the transfer of youth apprentices to other training agent(s) in the event a training agent is unable to fully comply with the apprenticeship standards and these rules.

Stat. Auth.: ORS 660.120
Stats. Implemented: ORS 660.120
Hist.: BL 2-1992, f. & cert. ef. 1-14-92; Renumbered from 839-011-0450, BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10; BLI 15-2015, f. & cert. ef. 11-12-15

839-011-0501
Purpose and Scope

(1) ORS Chapter 660.120 authorizes the State Apprenticeship and Training Council to conduct investigations in all matters relating to the Council's duties and functions as set forth in ORS Chapter 660.002 to 660.210.

(2) While conducting investigations, ORS Chapter 660.120 gives the Council the authority to issue subpoenas ad testificandum and subpoenas duces tecum, administer oaths, obtain evidence and take testimony.

(3) These rules govern the Council's gathering of information through subpoenas or testimony and establish procedures through which a subpoenaed party may object to answering questions or producing any document or other thing subpoenaed.

Stat. Auth.: ORS 660
Stats. Implemented: ORS 660.120(1)
Hist.: BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10; BLI 15-2015, f. & cert. ef. 11-12-15

839-011-0505
Definitions

(1) "Council" means the State Apprenticeship and Training Council.

(2) "Document" means any existing written, printed, typed, or recorded matter of any kind or nature, however produced or reproduced, including but not limited to all mechanical, electronic, sound or video recordings or their transcripts, photographs, electronic files and computer stored data.

(3) "Other thing" means any existing tangible object that is not a "document."

(4) "Party" means any person who has been served by a subpoena under these rules.

(5) "Person" means any individual, partnership, corporation, association, governmental subdivision, or public or private organization of any character.

(6) "Subpoena ad testificandum" is a subpoena that requires an individual to appear and give testimony under oath.

(7) "Subpoena duces tecum" is a subpoena that requires the production of documents or other things.

Stat. Auth.: ORS 660
Stats. Implemented: ORS 660.120(1)
Hist.: BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10; BLI 15-2015, f. & cert. ef. 11-12-15

839-011-0510
Who and What May Be Subpoenaed

The Council may issue subpoenas to persons to compel testimony and the production of documents or other things that are relevant to the Council's lawful investigative purpose and reasonable in scope under matters relating to the duties required under ORS Chapter 660.002 to 660.210.

Stat. Auth.: ORS 660
Stats. Implemented: ORS 660.120(1)
Hist.: BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10; BLI 15-2015, f. & cert. ef. 11-12-15

839-011-0515
Circumstances under Which a Subpoena May be Issued

(1) The Council may issue a subpoena ad testificandum to compel a person to testify under oath when:

(a) The Council determines that the person is a material witness in an investigation being conducted by the Council under ORS Chapter 660.002 to 660.210;

(b) The information sought from the person is relevant to a lawful investigative purpose and is reasonable in scope; and

(c) The Council has been unable to interview the person after having made reasonable attempts to do so, or the person states that he or she will only consent to an interview if first served with a subpoena.

(2) The Council may also issue a subpoena ad testificandum to compel a person to testify under oath about the contents of documents or other things produced in response to subpoena duces tecum served on the same person.

(3) The Council may issue a subpoena duces tecum to compel a person to produce documents or other things when:

(a) The Council determines that the documents or other things are relevant to the Council's investigation being conducted under ORS Chapter 660.002 to 660.210;

(b) The documents or other things sought are relevant to a lawful investigative purpose and are reasonable in scope; and

(c) The Council has made a written request for production of documents or things and the person to whom the request was made has failed to comply within the time specified by the Council, unless the Council finds a subpoena is necessary to protect the documents and things from destruction.

Stat. Auth.: ORS 660
Stats. Implemented: ORS 660.120(1)
Hist.: BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10; BLI 15-2015, f. & cert. ef. 11-12-15

839-011-0520
Who May Issue Subpoenas

The Council or the Council's designees may issue subpoenas.

Stat. Auth.: ORS 660
Stats. Implemented: ORS 660.120(1)
Hist.: BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10; BLI 15-2015, f. & cert. ef. 11-12-15

839-011-0525
Subpoena Duces Tecum

(1) A subpoena duces tecum may be issued to any person who has custody, possession, or control of documents or other things named in the subpoena duces tecum when the conditions set out in OAR 839-011-0515(3) have been met.

(2) A subpoena duces tecum issued to a corporation will be addressed to the records custodian of the corporation.

(3) A subpoena duces tecum will not require production of documents or other things less than fourteen (14) days from the date of service upon the person required to produce and permit inspection of the documents or other things unless the Council finds a shorter period necessary to protect the documents and other things from destruction or if the Council has an immediate need for the documents or other things being subpoenaed.

(4) The Council may also command the person to whom a subpoena duces tecum is issued to produce documents and other things by mail or otherwise, at a time and place specified in the subpoena, without commanding inspection of the originals. The person to whom the subpoena is directed complies if the person produces copies of the specified items in the specified manner and certifies that the copies are true copies of all documents and other things responsive to the subpoena.

(5) The subpoenaed documents and other things must be produced at the location, time, and date required in the subpoena.

Stat. Auth.: ORS 660
Stats. Implemented: ORS 660.120(1)
Hist.: BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10; BLI 15-2015, f. & cert. ef. 11-12-15

839-011-0530
Subpoena Ad Testificandum

(1) A subpoena ad testificandum may be issued to any person when the conditions set out in 839-011-0105(1) or 839-011-0515(2) have been met.

(2) The subpoena ad testificandum must give the person a reasonable time for preparation and travel to the place of attendance and the place of attendance must be suitable place in the vicinity to which testimony is applicable.

Stat. Auth.: ORS 660
Stats. Implemented: ORS 660.120(1)
Hist.: BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10; BLI 15-2015, f. & cert. ef. 11-12-15

839-011-0535
Method of Service

(1) Except as noted in sections (2) and (3) of this rule, subpoenas must be served in person by delivering a copy to the witness personally and, at the same time, giving or offering to the witness the fees to which the person is entitled for travel to and from the place where the witness is commanded to appear, along with one (1) day's attendance fee. A subpoena may be served by any person 18 years of age or older.

(2) Subpoenas ad testificandum may be served by mail under the following circumstances:

(a) The Council must have, by personal or telephone contact, confirmed the witness's willingness to appear if subpoenaed and certify this on the return of service;

(b) The Council made arrangements for payment to the witness of fees and mileage satisfactory to the witness and pays those fees and mileage; and

(c) The subpoena is sent by certified mail to the witness more than ten (10) days before the date set for appearance or production of documents or other things and the Council receives a return receipt signed by the witness more than three (3) days prior to that date.

(3) A subpoena duces tecum that commands production of documents or other things but is not accompanied by a subpoena ad testificandum may be served by mail by mailing the subpoena to the person required to produce and permit inspection of the documents or things by first class mail and by certified or registered mail, return receipt requested.

(4) A subpoena duces tecum issued to a corporation will be served in accordance with requirements for service of summons on a corporation pursuant to ORCP 7 D(3)(b).

Stat. Auth.: ORS 660
Stats. Implemented: ORS 660.120(1)
Hist.: BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10; BLI 15-2015, f. & cert. ef. 11-12-15

839-011-0540
Fees

All persons subpoenaed by the Council must be paid the mileage and per diem set out in ORS 44.415(2).

Stat. Auth.: ORS 660
Stats. Implemented: ORS 660.120(1)
Hist.: BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10; BLI 15-2015, f. & cert. ef. 11-12-15

839-011-0545
Time and Manner of Objecting to Subpoenas

(1) Any person served with an investigative subpoena may object to testifying or providing the documents or other things sought. Grounds for objections include:

(a) The information sought is irrelevant to a lawful investigative purpose;

(b) The information sought is unreasonable in scope;

(c) The witness is ordered to appear to give testimony in a place that is not suitable or not in the vicinity to which the testimony is applicable;

(d) The time and expense involved in copying the documents sought. In order to have this objection considered, a person making this objection must include a written estimate of the time involved and number of copies to be made in order to comply with the subpoena;

(e) Reasonable cause to refuse to comply; or

(f) Any other basis that may be asserted under Oregon law.

(2) Objections to subpoenas must be in writing and must be received by the Council at least seven (7) calendar days before the time that the witness is subpoenaed to testify or provide documents or other things.

(3) If a subpoenaed witness refuses to answer specific questions while giving testimony, the witness must state the reason for the objection at the time that the witness refuses to answer the questions.

Stat. Auth.: ORS 660
Stats. Implemented: ORS 660.120(1)
Hist.: BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10; BLI 15-2015, f. & cert. ef. 11-12-15

839-011-0550
Response to Objections

(1) The Council will respond in writing to any objections timely received under OAR 839-011-0545(2).

(2) If the objection made is the time and expense involved in copying the documents sought, the Council will provide a check to the person subpoenaed to pay for the estimated time and expense, calculated at the rates set out in OAR 839-011-0060. The Council may provide this check before or at the time the witness is subpoenaed to provide documents or other things.

Stat. Auth.: ORS 660
Stats. Implemented: ORS 660.120(1)
Hist.: BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10; BLI 15-2015, f. & cert. ef. 11-12-15

839-011-0555
Method of Taking Testimony

(1) When a witness appears to give testimony in response to a subpoena ad testificandum, an oath or affirmation will be administered to the witness prior to his or her testimony. The oath or affirmation will be administered by an officer authorized to administer oaths in Oregon, generally a notary public.

(2) The witness's testimony will be preserved by an audio or video recording. Upon request, the Council will give the witness a copy of the recording at no cost.

Stat. Auth.: ORS 660
Stats. Implemented: ORS 660.120(1)
Hist.: BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10; BLI 15-2015, f. & cert. ef. 11-12-15

839-011-0560
Failure to Appear

If a person served with a subpoena fails to appear and has not filed any prior objections, the Council will conclude that the person has refused, without reasonable cause, to answer any question or to produce any document or other thing.

Stat. Auth.: ORS 660
Stats. Implemented: ORS 660.120(1)
Hist.: BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10; BLI 15-2015, f. & cert. ef. 11-12-15

839-011-0565
Enforcement of Subpoena

If a person served with a subpoena refuses, without reasonable cause, to be examined, to answer any question or to produce any document or other thing as required by the subpoena, the Council may petition the circuit court in the county in which the investigation is pending for an order directing the person to show cause why the person has not complied with the subpoena and should not be held in contempt. The Council shall serve the court's order upon the person in the manner provided by Oregon Rules of Civil Procedure 55 D.

Stat. Auth.: ORS chapter 660
Stats. Implemented: ORS 660.120(1), ORCP 7
Hist.: BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10; BLI 15-2015, f. & cert. ef. 11-12-15

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

Rule Caption: Clarifies division policy for building inspection program operational requirements.
Adm. Order No.: BCD 9-2015(Temp)
Filed with Sec. of State: 10-30-2015
Certified to be Effective: 11-1-15 thru 1-1-16
Notice Publication Date:
Rules Amended: 918-020-0090
Rules Suspended: 918-020-0090(T)
Subject: This temporary rule clarifies division policy to require a municipality that administers and enforces a building inspection program to execute a memorandum of agreement upon renewal and return a data request form as provided by the division annually.
Rules Coordinator: Holly A. Tucker—(503) 378-5331

918-020-0090
Program Standards

Every municipality that administers and enforces a building inspection program must establish and maintain the minimum standards, policies, and procedures set forth in this section.

(1) Administrative Standards. A building inspection program must:

(a) Provide adequate funds, equipment, and other resources necessary to administer and enforce the building inspection program in conformance with an approved operating plan;

(b) Document in writing the authority and responsibilities of the building official, plan reviewers, and inspectors based on an ordinance or resolution that authorizes the building official on behalf of the municipality to administer and enforce a building inspection program;

(c) Establish a local process to review appeals of technical and scientific determinations made by the building official regarding any provision of the specialty codes the municipality administers and enforces, to include a method to identify the local building official or designee and notify the aggrieved persons of the provisions of ORS 455.475;

(d) Account for all revenues collected and expenditures made relating to administration and enforcement of the building inspection program, and account for the electrical program revenues and expenditures separately when administered by the municipality.

(A) Prepare income and expense projections for each code program it will administer and enforce during the reporting period; and

(B) Describe how general administrative overhead costs and losses or surpluses, if any, will be allocated.

(e) Establish policies and procedures for the retention and retrieval of records relating to the administration and enforcement of the specialty codes it administers and enforces;

(f) Make its operating plan available to the public;

(g) Establish a process to receive public inquiries, comments, and complaints;

(h) Adopt a process to receive and respond to customers' questions regarding permitting, plan review, and inspections;

(i) Set reasonable time periods between 7 a.m. and 6 p.m. on days its permit office is open, weekends and holidays excluded, when it will receive and respond to customers' questions;

(j) Post its jurisdictional boundary, types of permits sold and hours of operation at each permit office it operates;

(k) Identify all persons in addition to the building official to whom notices issued pursuant to these rules should be sent;

(l) Return a completed data request form to and as provided by the division annually; and,

(m) Execute a memorandum of agreement with and as approved by the division for initial building inspection program approval and assumption, for building program expansion approval and assumption, and thereafter when seeking approval to renew a program under OAR 918-020-0105. A municipality is not required to execute a new agreement if an agreement was executed within 18 months of the renewal date established in OAR 918-020-0105.

(2) Permitting Standards. A building inspection program must:

(a) Provide at least one office within its jurisdictional boundary where permits may be purchased;

(b) Set reasonable time periods between 7 a.m. and 6 p.m. on days its permit office is open, weekends and holidays excluded, when it will make permits available for purchase;

(c) Establish policies and procedures for receiving permit applications, determining whether permit applications are complete and notifying applicants what information, if any, is required to complete an application;

(d) Set reasonable time periods within which the municipality will:

(A) Advise permit applicants whether an application is complete or requires additional information; and

(B) Generally issue a permit after an application has been submitted and approved.

(e) Establish policies and procedure for issuing permits not requiring plan review, emergency permits, temporary permits, master permits, and minor labels;

(f) Provide a means to receive permit applications via facsimile; and

(g) Require proof of licensing, registration, and certification of any person who proposes to engage in any activity regulated by ORS chapters 446, 447, 455, 479, 693, and 701 prior to issuing any permit.

(3) Plan Review Standards. A building inspection program must:

(a) Establish policies and procedures for its plan review process to:

(A) Assure compliance with the specialty codes it is responsible for administering and enforcing, including any current interpretive rulings adopted pursuant to ORS 455.060 or 455.475;

(B) Make available checklists or other materials at each permitting office it operates that reasonably apprises persons of the information required to constitute a complete permit application or set of plans;

(C) Inform applicants within three working days of receiving an application, whether or not the application is complete and if it is for a simple residential plan. For the purposes of this rule and ORS 455.467, a "complete application" is defined by the division, taking into consideration the regional procedures in OAR chapter 918, division 50. If deemed a simple residential plan, the jurisdiction must also inform the applicant of the time period in which the plan review will generally be completed;

(D) Establish a process that includes phased permitting and deferred submittals for plan review of commercial projects for all assumed specialty codes, taking into consideration the regional procedures in OAR chapter 918, division 50. The process may not allow a project to proceed beyond the level of approval authorized by the building official. The process must:

(i) Require the building official to issue permits in accordance with the state building code as defined in ORS 455.010 provided that adequate information and detailed statements have been submitted and approved with pertinent requirements of the appropriate code. Permits may include, but not be limited to: excavation, shoring, grading and site utilities, construction of foundations, structural frame, shell, or any other part of a building or structure.

(ii) Allow deferred submittals to be permitted within each phase with the approval of the building official; and

(iii) Require the applicant to be notified of the estimated timelines for phased plan reviews and that the applicant is proceeding without assurance that a permit for the entire structure will be granted when a phased permit is issued.

(E) Verify that all plans have been stamped by a registered design professional and licensed plan reviewer where required;

(F) Verify for those architects and engineers requesting the use of alternative one and two family dwelling plan review program that all plans have been stamped by a registered professional who is also a residential plans examiner. This process must require the building official to:

(i) Establish policies and procedures in their operating plan for this process;

(ii) Waive building inspection program plan review requirements for conventional light frame construction for detached one and two family dwellings; and

(iii) Establish an appropriate fee for processing plans submitted under this rule.

(G) Establish a process for plan review if non-certified individuals review permit applications under OAR 918-098-1010.

(b) Employ or contract with a person licensed, registered, or certified to provide consultation and advice on plan reviews as deemed necessary by the building official based on the complexity and scope of its customers' needs;

(c) Maintain a list of all persons it employs or contracts with to provide plan review services including licenses, registrations, and certifications held by each plan reviewer and evidence of compliance with all applicable statutory or professional continuing education requirements;

(d) Designate at least three licensed plan reviewers from whom the municipality will accept plan reviews when the time periods in subsection (e) of this section cannot be met; and

(e) Allow an applicant to use a plan reviewer licensed under OAR 918-090-0210 and approved by the building official when the time period for review of "simple one- or two-family dwelling plans" exceeds 10 days where the population served is less than 300,000, or 15 days where the population served is 300,000 or greater.

(4) For the purposes of these rules, "simple one- or two-family dwelling plans" must:

(a) Comply with the requirements for prescriptive construction under the Oregon Residential Specialty Code; or

(b) Comply with the Oregon Manufactured Dwelling Installation Specialty Code and the requirements in OAR chapter 918, division 500; and

(c) Be a structure of three stories or less with an enclosed total floor space of 4,500 square feet or less, inclusive of multiple stories and garage(s).

(5) "Simple one- or two-family dwelling plans" may:

(a) Include pre-engineered systems listed and approved by nationally accredited agencies in accordance with the appropriate specialty code, or by state interpretive rulings approved by the appropriate specialty board, that require no additional analysis; and

(b) Be designed by an architect or engineer and be considered a simple one- and two-family dwelling if all other criteria in this rule are met.

(6) The following are considered "simple one- or two-family dwelling plans":

(a) Master plans approved by the division or municipality or under ORS 455.685, which require no additional analysis; and

(b) Plans that include an engineering soil report if the report allows prescriptive building construction and requires no special systems or additional analysis.

(7) A plan that does not meet the definition of "simple" in this rule is deemed "complex". In order to provide timely customer service, a building official may accept a plan review performed by a licensed plan reviewer for a complex one- or two-family dwelling.

(8) Inspection Standards. A building inspection program must:

(a) Set reasonable time periods between 7 a.m. and 6 p.m. on days its permit office is open, weekends and holidays excluded, when it will provide inspection services or alternative inspection schedules agreed to by the municipality and permittee;

(b) Unless otherwise specified by statute or specialty code, establish reasonable time periods when inspection services will be provided following requests for inspections;

(c) Establish policies and procedures for inspection services;

(d) Leave a written copy of the inspection report on site;

(e) Make available any inspection checklists;

(f) Maintain a list of all persons it employs or contracts with to provide inspection services including licenses, registrations, and certifications held by persons performing inspection services and evidence of compliance with all applicable statutory or professional continuing education requirements;

(g) Vest the building official with authority to issue stop work orders for failure to comply with the specialty codes the municipality is responsible for administering and enforcing; and

(h) Require inspectors to perform license enforcement inspections as part of routine installation inspections.

(i) Where a municipality investigates and enforces violations under ORS 455.156 or in accordance with the municipality's local compliance program, the municipality's inspectors must require proof of compliance with the licensing, permitting, registration, and certification requirements of persons engaged in any activity regulated by ORS Chapters 446, 447, 455, 479, 693, and 701. Inspectors must report any violation of a licensing, permitting, registration, or certification requirement to the appropriate enforcement agency.

(9) Compliance Programs. A municipality administering a building inspection program may enact local regulations to create its own enforcement program with local procedures and penalties; utilize the division's compliance program by submitting compliance reports to the division; elect to act as an agent of a division board pursuant to ORS 455.156; or develop a program that may include, but not be limited to, a combination thereof. A building inspection program must establish in its operating plan:

(a) Procedures to respond to public complaints regarding work performed without a license or permit or in violation of the specialty codes the municipality is responsible for administering and enforcing;

(b) Procedures requiring proof of licensure for work being performed under the state building code utilizing the approved citation process and procedures in OAR 918-020-0091.

(c) Policies and procedures to implement their compliance program;

(d) Policies and procedures regarding investigation of complaints, where the municipality chooses to investigate and enforce violations pursuant to ORS 455.156; and

(e) Policies and procedures regarding issuance of notices of proposed assessments of civil penalties, where the municipality chooses to act as an agent of a board pursuant to ORS 455.156. Penalties under such a program are subject to the limitations set in 455.156 and 455.895.

(10) Electrical Programs. Municipalities that administer and enforce an electrical program must demonstrate compliance with all applicable electrical rules adopted pursuant to ORS 479.855.

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

Stat. Auth.: ORS 455.030, 455.467, 455.469, 455.156, 183.355, 455.148, 455.150 & 455.062

Stats. Implemented: ORS 455.150, 455.467, 455.469, 455.156, 455.148 & 455.062

Hist.: BCD 9-1996, f. 7-1-96, cert. ef. 10-1-96; BCD 14-1998, f. 9-30-98, cert. ef. 10-1-98; BCD 11-2000, f. 6-23-00, cert. ef. 7-1-00; BCD 10-2002(Temp), f. 5-14-02, cert. ef. 5-15-02 thru 11-10-02; BCD 16-2002, f. & cert. ef. 7-1-02; BCD 27-2002, f. & cert. ef. 10-1-02; BCD 6-2004, f. 5-21-04, cert. ef. 7-1-04; BCD 11-2004, f. 8-13-04, cert. ef. 10-1-04; BCD 16-2005(Temp), f. & cert. ef. 7-7-05 thru 12-31-05; BCD 24-2005, f. 9-30-05, cert. ef. 10-1-05; BCD 31-2005, f. 12-30-05, cert. ef. 1-1-06; BCD 1-2010, f. 3-1-10, cert. ef. 4-1-10; BCD 7-2013(Temp), f. 7-26-13, cert. ef. 8-1-13 thru 12-31-13; BCD 9-2013, f. 12-16-13, cert. ef. 1-1-14; BCD 13-2014(Temp), f. & cert. ef. 11-14-14 thru 5-12-15; BCD 4-2015(Temp), f. & cert. ef. 5-12-15 thru 11-1-15; BCD 9-2015(Temp), f. 10-30-15, cert. ef. 11-1-15 thru 1-1-16

Department of Consumer and Business Services, Director's Office
Chapter 440

Rule Caption: 2016 Workers' Compensation Premium Assessment Rates
Adm. Order No.: DO 1-2015
Filed with Sec. of State: 10-28-2015
Certified to be Effective: 1-1-16
Notice Publication Date: 9-1-2015
Rules Amended: 440-045-0020, 440-045-0025
Subject: The director adopts by rule the workers' compensation premium assessment rate that is paid by all employers based on their workers' compensation premium and is collected by the insurer at the time the employer pays the premium. This assessment is used to fund workers' compensation related programs and workplace safety and health programs that serve Oregon employers and workers. In addition, the rule adopts the rate for an additional assessment percentage amount that is collected from all self-insured employers as well as all self-insured employer groups to fund the Self-Insured Employer Adjustment Reserve and the Self-Insured Employer Group Adjustment Reserve. These reserves are established to assure benefits are available in the event of a financial failure of a self-insured employer or self-insured employer group. These rules establish the following assessment rates for calendar year 2016:

The assessment to be levied against insurers, self-insured employers and self-insured employer groups for Calendar Year 2016 shall be 6.2 percent of direct earned premium and the direct earned premium self-insured employers and self-insured employer groups would have paid had they been insured employers.

In addition to the assessments established in OAR 440-045-0020, self-insured employers for the Calendar Year 2016 shall be assessed an additional 0.2 percent to fund the Self-Insured Employer Adjustment Reserve. Public self-insured employer groups for the Calendar Year 2016 shall be assessed an additional 0.2 percent to fund the Self-Insured Employer Group Adjustment Reserve. Private self-insured employer groups for the Calendar Year 2016 shall be assessed an additional 1.0 percent to fund the Self-Insured Employer Group Adjustment Reserve.
Rules Coordinator: Jenny Craig—(503) 947-7866

440-045-0020
Assessment Rate

The assessment to be levied against insurers, self-insured employers and self-insured employer groups for Calendar Year 2016 shall be 6.2 percent of direct earned premium and the direct earned premium self-insured employers and self-insured employer groups would have paid had they been insured employers.

Stat. Auth.: ORS 656.612, 656.726, 705.135

Stats. Implemented: ORS 656.612 & 656.614

Hist.: DO 2-1999, f. 10-1-99, cert. ef. 1-1-00; DO 1-2000, f. 10-11-00; DO 3-2001, f. 10-22-01, cert. ef. 1-1-02; DO 4-2002, f. 10-17-02 cert. ef. 1-1-03; DO 3-2003, f. 10-22-03, cert. ef. 1-1-04; DO 1-2004 f. 10-21-04 cert. ef. 1-1-05; DO 1-2005, f. 10-20-05, cert. ef. 1-1-06; DO 3-2006, f. 10-19-06, cert. ef. 1-1-07; DO 1-2007, f. 10-4-07, cert. ef. 1-1-08; DO 2-2008, f. 10-1-08, cert. ef. 1-1-09; DO 1-2009, f. 10-7-09 cert. ef. 1-1-10; DO 3-2010, f. 9-24-10, cert. ef. 1-1-11; DO 1-2011, f. 10-14-11, cert. ef. 1-1-12; DO 1-2012, f. 9-28-12, cert. ef. 1-1-13; DO 1-2013, f. 10-2-13, cert. ef. 1-1-14; DO 1-2014, f. 10-7-14, cert. ef. 1-1-15; DO 1-2015, f. 10-28-15, cert. ef. 1-1-16

440-045-0025
Adjustment Reserve Rate

In addition to the assessments established in OAR 440-045-0020, self-insured employers for the Calendar Year 2016 shall be assessed an additional 0.2 percent to fund the Self-Insured Employer Adjustment Reserve. Public self-insured employer groups for the Calendar Year 2016 shall be assessed an additional 0.2 percent to fund the Self-Insured Employer Group Adjustment Reserve. Private self-insured employer groups for the Calendar Year 2016 shall be assessed an additional 1.0 percent to fund the Self-Insured Employer Group Adjustment Reserve.

Stat. Auth.: ORS 656.612, 656.726, 705.135

Stats. Implemented: ORS 656.612 & 656.614

Hist.: DO 2-1999, f. 10-1-99, cert. ef. 1-1-00; DO 1-2000, f. 10-11-00, cert. ef. 1-1-01; DO 3-2001, f. 10-22-01, cert. ef. 1-1-02; DO 4-2002, f. 10-17-02 cert. ef. 1-1-03; DO 3-2003, f. 10-22-03, cert. ef. 1-1-04; DO 1-2004 f. 10-21-04 cert. ef. 1-1-05; DO 1-2005, f. 10-20-05, cert. ef. 1-1-06; DO 3-2006, f. 10-19-06, cert. ef. 1-1-07; DO 1-2007, f. 10-4-07, cert. ef. 1-1-08; DO 2-2008, f. 10-1-08, cert. ef. 1-1-09; DO 1-2009, f. 10-7-09 cert. ef. 1-1-10; DO 3-

2010, f. 9-24-10, cert. ef. 1-1-11; DO 1-2011, f. 10-14-11, cert. ef. 1-1-12; DO 1-2012, f. 9-28-12, cert. ef. 1-1-13; DO 1-2013, f. 10-2-13, cert. ef. 1-1-14; DO 1-2014, f. 10-7-14, cert. ef. 1-1-15; DO 1-2015, f. 10-28-15, cert. ef. 1-1-16

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Department of Consumer and Business Services, Health Insurance Marketplace
Chapter 945

Rule Caption: Permanent transition of authority over Oregon Health Insurance Marketplace, Senate Bill 1 (2015) implementation
Adm. Order No.: OHIE 4-2015
Filed with Sec. of State: 11-6-2015
Certified to be Effective: 11-6-15
Notice Publication Date: 9-1-2015
Rules Adopted: 945-020-0025
Rules Amended: 945-001-0006, 945-020-0010, 945-020-0020, 945-020-0040, 945-030-0010, 945-030-0020, 945-030-0030, 945-030-0035, 945-030-0040, 945-030-0045, 945-040-0030, 945-040-0040, 945-040-0050
Rules Repealed: 945-001-0001, 945-001-0011, 945-010-0001, 945-010-0006, 945-010-0011, 945-010-0021, 945-010-0031, 945-010-0041, 945-010-0051, 945-010-0061, 945-010-0071, 945-010-0081, 945-010-0091, 945-010-0101, 945-040-0005, 945-040-0060, 945-040-0070, 945-040-0080, 945-040-0090, 945-040-0100, 945-040-0110, 945-040-0120, 945-040-0130, 945-040-0140, 945-040-0150, 945-040-0170, 945-040-0180, 945-050-0005, 945-050-0010, 945-050-0020
Rules Ren. & Amend: 945-040-0010 to 945-001-0002
Subject: Senate Bill 1 of the 2015 legislative session transferred authority over the Health Insurance Marketplace to the Department of Consumer and Business Services (DCBS). This rulemaking will conform OAR chapter 945 to the changes made by SB 1 (2015) effective July 1, 2015. In addition, there are some updates and changes to the insurer assessment and certification process.

These permanent rules were originally filed on 10/15/2015, and are being re-filed due to a filing error; the requisite copy of the rules was not given to Legislative Counsel within 10 days of the original filing.
Rules Coordinator: Victor Garcia—(971) 283-1878

945-001-0002
Definitions

The following definitions govern the meaning of terms used in administrative rules in this chapter, except where the context otherwise requires:

(1) "Advance payments of the premium tax credit" means payment of the federal health insurance premium tax credit on an advance basis to an eligible individual enrolled in a QHP through the Marketplace.

(2) "Affordable Care Act" or "ACA" has the meaning given in 45 CFR 155.20.

(3) "American Indian", for purposes of eligibility for tax credits and cost sharing benefits, means an enrolled member of a federally recognized tribe.

(4) "Applicant" has the meaning given in 45 CFR 155.20.

(5) "Benefit year" has the meaning given in 45 CFR 155.20.

(6) "Catastrophic plan" means a health plan described in §1302(e) of the Affordable Care Act.

(7) "CHIP" or "Children's Health Insurance Program" means the portion of the Oregon Health Plan established by Title XXI of the Social Security Act and administered by the Oregon Health Authority.

(8) "Cost sharing" has the meaning given in 45 CFR 155.20.

(9) "Cost sharing reductions" has the meaning given in 45 CFR 155.20.

(10) "DCBS" means the Oregon Department of Consumer and Business Services.

(11) "Effectuation" means the activation of QHP or SADP coverage through enrollment and payment of the first month's premium.

(12) "Employee" has the meaning given in section 2791 of the Public Health Services Act.

(13) "Employer" has the meaning given in 45 CFR 155.20.

(14) "Enrollee" has the meaning given in 45 CFR 155.20.

(15) "Essential health benefits" has the meaning given in OAR 836-053-0008.

(16) "Federal poverty level" or "FPL" has the meaning given in 45 CFR 155.300.

(17) "Full-time employee":

(a) For plan years beginning prior to January 1, 2016, means an "eligible employee" as defined in ORS 743.730.

(b) For plan years beginning on or after January 1, 2016, full-time employee has the meaning given in section 4980H(c)(4) of the Internal Revenue Code.

(18) "Health benefit plan" has the meaning given in ORS 741.300.

(19) "Health care service contractor" has the meaning given in ORS 741.300.

(20) "Health insurance" has the meaning given in ORS 741.300.

(21) "Health insurance exchange" or "exchange" has the meaning given in ORS 741.300.

(22) "Health plan" has the meaning given in ORS 741.300.

(23) "Household" has the meaning given in 42 CFR 435.603.

(24) "Household income" has the meaning given in 26 CFR 1.36B and 42 CFR 435.603.

(25) "Individual market" has the meaning given the term in section 1304(a)(2) of the ACA.

(26) "Insurer" has the meaning given in ORS 741.300.

(27) "Insurance affordability program" has the meaning given in 42 CFR 435.4.

(28) "Lawfully present" has the meaning given in 45 CFR 152.2.

(29) "MAGI-based Medicaid and CHIP" means Medicaid and CHIP programs for which eligibility is based on modified adjusted gross income, and not primarily on age or disability.

(30) "Medicaid" means medical assistance programs established by Title XIX of the Social Security Act and administered in Oregon by the Oregon Health Authority.

(31) "Minimum contribution requirement in the case of a medical plan" means a small employer must contribute at least 50 percent of the employee-only premium. If a small employer elects to offer more than one medical plan to employees through SHOP, the minimum contribution requirement will be determined based on a reference plan selected by the employer. In the case of a dental plan, the employer must contribute at least $20 per enrolling employee.

(32) "Minimum essential coverage" has the meaning given in section 5000(A)(f) of the Internal Revenue Code.

(33) "Minimum participation requirement", in the case of a medical plan, means that at least 75 percent of the employees offered SHOP medical coverage must enroll. In the case of a dental plan, at least 50 percent of the employees offered SHOP dental coverage must enroll.

(34) "Modified adjusted gross income" or "MAGI" has the meaning given in 26 CFR 1.36B-1(e)(2).

(35) "Oregon Health Insurance Marketplace" or "Marketplace" means the health insurance exchange operated within DCBS for the State of Oregon pursuant to ORS chapter 741.

(36) "Oregon Insurance Division" means the Insurance Division of DCBS.

(37) "Pediatric dental benefits" has the meaning given in OAR 836-053-0008.

(38) "Plan year" has the meaning given in 45 CFR 155.20.

(39) "Qualified employer" means an employer who meets the requirements to participate in the Small Business Health Options Program.

(40) "Qualified health plan" or "QHP" has the meaning given in ORS 741.300.

(41) "Qualified Individual" has the meaning given in 45 CFR 155.20.

(42) "Resident" means an individual who lives in Oregon with or without a fixed address, or intends to live in Oregon, including an individual who enters Oregon with a job commitment or looking for work. There is no minimum amount of time an individual must live in Oregon to be a resident. An individual continues to be a resident of Oregon during a temporary period of absence if he or she intends to return when the purpose of the absence is completed. An individual is not a resident if the individual is in Oregon solely for a vacation or other leisure activity.

(43) "Silver-level qualified health plan" means a QHP that provides a level of coverage that is designed to on average provide benefits that are actuarially equivalent to 70 percent of the full actuarial benefits provided under the plan.

(44) "Small Business Health Options Program" or "SHOP" has the meaning given in ORS 741.300.

(45) "Small employer" has the meaning given in ORS 743.730.

(46) "Standalone dental plan" or "SADP" means a health plan that provides pediatric dental benefits and that is not offered in conjunction with a QHP.

(47) "State program" has the meaning given in ORS 741.300.

(48) "Tax filer" has the meaning given in 45 CFR 155.300.

Stat. Auth.: ORS 741.002
Stats. Implemented: ORS 741.500
Hist.: OHIE 6-2013, f. & cert. ef. 9-30-13; OHIE 3-2014, f. & cert. ef. 5-12-14; Renumbered from 945-040-0010 by OHIE 3-2015, f. & cert. ef. 10-15-15; OHIE 4-2015, f. & cert. ef. 11-6-15

945-001-0006
Notice of Proposed Rulemaking and Adoption of Temporary Rules

(1) Except as provided in ORS 183.335(7) or (12) or 183.341, before permanently adopting, amending, or repealing an administrative rule, the Oregon Health Insurance Marketplace shall give notice of the intended action:

(a) To legislators specified in ORS 183.335(15) at least 49 days before the effective date of the rule;

(b) To persons on the interested parties lists described in section (2) of this rule for the pertinent OAR chapter or pertinent subtopics or programs within an OAR chapter at least 28 days before the effective date of the rule;

(c) In the Secretary of State's Bulletin referred to in ORS 183.360 at least 21 days before the effective date of the rule;

(d) To other persons, agencies, or organizations that the Marketplace is required to provide an opportunity to comment pursuant to state statute or federal law or as a requirement of receiving federal funding, at least 28 days before the effective date of the rule; and

(f) In addition to the above, the Marketplace may send notice of intended action to other persons, agencies, or organizations that the Marketplace, in its discretion, believes to have an interest in the subject matter of the proposed rule at least 28 days before the effective date of the rule.

(2) Pursuant to ORS 183.335(8), the Marketplace shall maintain an interested parties list for each OAR chapter of rules for which the Marketplace has administrative responsibility, and an interested parties list for subtopics or programs within those chapters. A person, group, or entity that desires to be placed on the list to receive notices regarding proposed permanent adoption, amendment, or repeal of a rule must make the request in writing or by electronic mail to the rules coordinator for the chapter. The request must include either a mailing address or an electronic mail address to which notices may be sent.

(3) Notices under this rule may be sent by hand delivery, state shuttle, postal mail, electronic mail, or facsimile. The Marketplace recognizes state shuttle as "mail" and may use this means to notify other state agencies.

(a) An email notification under section (1) of this rule may consist of any of the following:

(A) An email that attaches the Notice of Proposed Rulemaking or Notice of Proposed Rulemaking Hearing and Statement of Need and Fiscal Impact.

(B) An email that includes a link within the body of the email, allowing direct access online to the Notice of Proposed Rulemaking or Notice of Proposed Rulemaking Hearing and Statement of Need and Fiscal Impact.

(C) An email with specific instructions within the body of the email, usually including an electronic Universal Resource Locator (URL) address, to find the Notice of Proposed Rulemaking or Notice of Proposed Rulemaking Hearing and Statement of Need and Fiscal Impact.

(b) The Marketplace may use facsimile as an added means of notification, if necessary. Notification by facsimile under section (1) of this rule shall include the Notice of Proposed Rulemaking or Notice of Proposed Rulemaking Hearing and Statement of Need and Fiscal Impact, or specific instructions to locate these documents online.

(c) The Marketplace shall honor all written requests that notification be sent by postal mail instead of electronically if a mailing address is provided.

(4) If the Marketplace adopts or suspends a temporary rule, the Marketplace shall notify:

(a) Legislators specified in ORS 183.335(15);

(b) Persons on the interested parties list described in section (2) of this rule for the pertinent OAR chapter, subtopics, or programs within an OAR chapter;

(c) Other persons, agencies, or organizations that the Marketplace is required to notify pursuant to state statute or federal law or as a requirement of receiving federal funding; and

(d) In addition to the above, the Marketplace may send notice to other persons, agencies, or organizations that the Marketplace, in its discretion, believes to have an interest in the subject matter of the temporary rulemaking.

(5) In lieu of providing a copy of the rule or rules as proposed with the notice of intended action or notice concerning the adoption of a temporary rule, the Marketplace may state how and where a copy may be obtained on paper, by electronic mail, or from a specified web site.

Stat. Auth: ORS 183.341 & 741.002(3)
Stats. Implemented: ORS 183.330, 183.335 & 183.341
Hist.: OHIE 1-2012, f. & cert. ef. 3-6-12; OHIE 3-2015, f. & cert. ef. 10-15-15; OHIE 4-2015, f. & cert. ef. 11-6-15

945-020-0010
Purpose; Applicability

(1) The purpose of OAR chapter 945, division 20 is to establish the process for certification of:

(a) Health plans as qualified health plans (QHPs); and

(b) Standalone dental plans (SADPs) as providing pediatric dental benefits.

(2) Except for multistate plans, as defined in 45 CFR 800.20, OAR chapter 945, division 20 applies to:

(a) All QHPs offered through the Marketplace; and

(b) All SADPs marketed through or outside the Marketplace as providing pediatric dental benefits.

Stat. Auth.: ORS 741.002
Stats. Implemented: ORS 741.310
Hist.: OHIE 3-2012(Temp), f. 9-13-12, cert. ef. 10-1-12 thru 3-13-13; OHIE 4-2012, f. & cert. ef. 12-13-12; OHIE 1-2015(Temp), f. & cert. ef. 3-11-15 thru 9-4-15; Administrative correction, 9-30-15; OHIE 3-2015, f. & cert. ef. 10-15-15; OHIE 4-2015, f. & cert. ef. 11-6-15

945-020-0020
Certification of QHPs and Marketplace SADPs

(1) Each health benefit plan or dental plan offered through the Oregon Health Insurance Marketplace must have in effect a certification issued by the Marketplace. This certification evidences that the health benefit plan is a QHP and that the dental plan is a SADP providing pediatric dental benefits.

(2) The Marketplace will issue a request for applications. To be considered for participation and plan certification, an insurer must submit a completed application to the Marketplace in the form and manner, and within the timeframes specified by the Marketplace.

(3) For QHPs, the Marketplace will grant conditional approval to participate in the Marketplace to an insurer whose application demonstrates the insurer:

(a) Has a certificate of authority and is in good standing with the Oregon Insurance Division to offer health benefit plans in Oregon;

(b) Will offer at least one standardized QHP at the bronze, silver, and gold levels of coverage;

(c) Will contract with the Marketplace to offer QHPs and abide by the terms of the contract, including but not limited to the following provisions:

(A) Transparency in coverage standards;

(B) Accreditation requirements;

(C) Network adequacy standards;

(D) Marketplace administrative fees and assessments;

(E) Quality improvement strategies, quality reporting, and enrollee satisfaction surveys;

(F) Tribal requirements;

(G) Premium tax credit and cost sharing reductions;

(H) Performance reporting standards; and

(I) Marketplace processes and procedures, including those related to enrollment, enrollment periods, premium payment, terminations of coverage, customer service, and QHP recertification and decertification.

(4) For SADPs, the Marketplace will grant conditional approval to participate in the Marketplace to an insurer whose application demonstrates the insurer:

(a) Has a certificate of authority and is in good standing with the Oregon Insurance Division to offer dental plans in Oregon;

(b) Agrees to contract with the Marketplace to offer SADPs. Contracts will require insurers to comply with Marketplace standards and requirements, including but not limited to the following:

(A) Transparency in coverage standards;

(B) Network adequacy standards;

(C) Marketplace administrative fees and assessments; and

(D) Marketplace processes and procedures, including those related to enrollment, enrollment periods, premium payment, terminations of coverage, customer service, and SADP recertification and decertification.

(5) An insurer's approval is conditioned on certification of its health benefit or dental plans. An insurer will be approved for a two-year period,

subject to a decision by the Marketplace to issue another request for applications before the end of the two-year period. An insurer that did not participate in the request for application the process may not offer coverage through the Marketplace, unless the Marketplace determines that there is a significant loss of statewide coverage.

(6) A loss of statewide coverage may include, but is not limited to:

(A) Plan discontinuance;

(B) Plan withdrawal;

(C) Plan decertification; or

(D) Enrollment closures that result in inadequate coverage choices in one or more geographic areas of the state.

(7) Every QHP or SADP offered through the Marketplace must be filed with the Oregon Insurance Division and determined to meet applicable benefit design standards and all other insurance regulations as required under state and federal law.

(8) Benefit design standards means coverage that includes, but is not limited to, the following:

(a) For QHPs, essential health benefits, or for SADPs, pediatric dental benefits;

(b) For QHPs:

(A) Cost sharing limits as defined in 45 CFR 156.130; and

(B) A bronze, silver, gold, or platinum level of coverage as defined in 45 CFR 156.140, or is a catastrophic plan as described in section 1302(e) of the Affordable Care Act.

(9) Subject to the limitation on the number of QHPs that may be offered through the Marketplace in the insurer's contract with the Marketplace, the Marketplace will recertify health benefit or dental plans that are submitted by approved insurers and with benefit design standards and legal requirements in this rule.

(10) The Marketplace may at any time decertify a QHP or SADP if the Marketplace determines that the insurer or QHP or SADP is no longer in compliance with the Marketplace's certification criteria. An insurer may appeal decertification of a QHP or SADP through the informal process specified in the insurer's contract with the Marketplace. After resolution of the informal appeal, an aggrieved insurer may seek additional review through a contested case hearing as provided under ORS 183.411 to 183.471.

Stat. Auth.: ORS 741.002
Stats. Implemented: ORS 741.310
Hist.: OHIE 3-2012(Temp), f. 9-13-12, cert. ef. 10-1-12 thru 3-13-13; OHIE 4-2012, f. & cert. ef. 12-13-12; OHIE 1-2015(Temp), f. & cert. ef. 3-11-15 thru 9-4-15; Administrative correction, 9-30-15; OHIE 3-2015, f. & cert. ef. 10-15-15; OHIE 4-2015, f. & cert. ef. 11-6-15

945-020-0025
Certification of Non-Marketplace Stand-alone Dental Plans

This rule applies only to SADPs offered outside the Marketplace. The Marketplace will, upon satisfaction of the following criteria, certify as providing pediatric dental benefits a stand alone dental plan (SADP) that an insurer offers for sale outside of the Marketplace.

(1) To be considered for SADP certification, a dental plan must have its rates, form, and binder filed with and approved by the Oregon Insurance Division.

(2) For an SADP to be certified, the insurer must demonstrate to the Marketplace that the SADP:

(a) Provides pediatric dental benefits;

(b) Meets an actuarial value of 68% to 72% or 83% to 87%;

(c) For individual SADPs, imposes rates that are effective for the entire policy year;

(d) For small group SADPs, imposes rates that may be subject to increase every calendar quarter but that are effective for a specific group for the entire plan year; and

(e) Has been approved for sale in Oregon by the Oregon Insurance Division.

(3) The Marketplace will recertify an SADP that meets the criteria in paragraph (2) of this rule.

(4)(a) The Marketplace may at any time decertify an SADP if the Marketplace determines that the insurer or SADP no longer meets the Marketplace's certification criteria described in this rule.

(b) The insurer may appeal decertification. Appeal requests must be submitted within 15 days from receipt of the notice from the Marketplace informing the insurer of the decertification. The insurer's appeal request must be made in writing and must provide a thorough explanation of the grounds for appeal along with any supporting information. The Administrator of the Marketplace will rule on a valid and timely appeal request within 14 days of receipt of the request. If an insurer is unsatisfied with the Administrator's ruling, the insurer may seek additional review through a contested case hearing as provided under ORS 183.411 to 183.471.

(c) Upon decertification of an SADP, the Marketplace will provide notice of decertification to the insurer and the Insurance Division, and the insurer shall not terminate coverage before giving notice to enrollees.

Stat. Auth.: ORS 741.002
Stats. Implemented: ORS 741.310
Hist.: OHIE 3-2015, f. & cert. ef. 10-15-15; OHIE 4-2015, f. & cert. ef. 11-6-15

945-020-0040
QHP Addendum for Indian Health Care Providers

(1) If a health insurer contracts with a Tribal Health Provider in the state of Oregon for services provided through a Marketplace QHP, the insurer shall:

(a) Use the QHP Addendum for Indian Health Care Providers, Exhibit 1 to this rule, to supplement and amend its existing provider contract, and

(b) Notify the Marketplace in writing of the contractual relationship by emailing the information to info.marketplace@Oregon.gov.

(2) The Marketplace may amend the QHP Addendum for Indian Health Care Providers using the rulemaking process. Contracted carriers and tribes will be required to amend their contracts to reflect any change to the QHP Addendum for Indian Health Care Providers within 90 days of adoption of the change.

Exhibit 1: "QHP Addendum for Indian Health Care Providers"

[ED. NOTE: Addendum referenced is available from the agency.]
Stat. Auth.: ORS 741.002
Stats. Implemented: ORS 741.310
Hist.: OHIE 4-2013, f. & cert. ef. 7-9-13; OHIE 3-2015, f. & cert. ef. 10-15-15; OHIE 4-2015, f. & cert. ef. 11-6-15

945-030-0010
Purpose

The purpose of division 30 is to establish a process for the adoption of an administrative charge to be paid by health insurers offering a qualified health plan or stand alone dental plan through the Marketplace to pay the administrative and operational expenses of the Marketplace, including costs of grants to certified navigators.

Stat. Auth.: ORS 741.002
Stats. Implemented: ORS 741.105
Hist.: OHIE 1-2013, f. & cert. ef. 3-18-13; Suspended by OHIE 3-2013(Temp), f. & cert. ef. 5-28-13 thru 11-22-13; OHIE 3-2015, f. & cert. ef. 10-15-15; OHIE 4-2015, f. & cert. ef. 11-6-15

945-030-0020
Establishment of Administrative Charge Paid by Insurers

(1) After consulting with the Advisory Committee created by Section 13 of 2015 Senate Bill 1, Marketplace staff will annually provide a Report on Administrative Charges to the Director of the Department of Consumer and Business Services (Director).

(2) The report will be posted on the Marketplace's website for public review and comment.

(3) At a minimum, the report will include

(a) A projection of Marketplace operating expenses (including the Marketplace share of DCBS shared services expenses, and operating expenses borne by the Marketplace and reimbursed by another agency) based on DCBS budgets, assuming for this purpose that the operating expenses in any actual or expected biennial budget are distributed evenly over the biennium;

(b) A projection of Marketplace enrollment for the next calendar year; and

(c) A proposed administrative charge for the next calendar year.

(4) The Department will hold a public hearing on a proposed administrative charge.

(5) No later than the end of the first quarter of a calendar year the Director shall amend or approve an administrative charge for the next calendar year.

(6) Any administrative charge adopted by the Director shall be established in rule.

(7) The administrative charge shall be expressed as a per member per month figure.

(8) The annual administrative charge assessed by the Marketplace shall not exceed the limits set forth in ORS 741.105(2) on the premium or other monthly charge, prior to tax credits and cost sharing reductions, based on the number of enrollees receiving coverage in qualified health plans or stand alone dental plans through the Marketplace during the month of December preceding the report.

(9) The maximum amount permissible under ORS 741.105 will be calculated by comparing the Marketplace's fund balance at the end of each December with the Marketplace's budgeted operating expenses for the fol-

lowing six-month period (calculated as one-fourth of the budgeted operating expenses for the biennium that includes the six-month period). If the fund balance exceeds six months of budgeted operating expenses, the Department of Consumer and Business Services will return excess funds to carriers on a pro-rata basis, computed from the December assessments, in the form of a credit applied against future assessments. The credit will be applied no later than the end of the first quarter of the calendar year.

Stat. Auth.: ORS 741.002
Stats. Implemented: ORS 741.105
Hist.: OHIE 1-2013, f. & cert. ef. 3-18-13; OHIE 1-2015(Temp), f. & cert. ef. 3-11-15 thru 9-4-15; Administrative correction, 9-30-15; OHIE 3-2015, f. & cert. ef. 10-15-15; OHIE 4-2015, f. & cert. ef. 11-6-15

945-030-0030
2015 Administrative Charge on Insurers

(1) Effective January 1, 2015, each health insurer offering qualified health plans through the Marketplace shall pay a monthly administrative charge equal to $9.66 times the number of members enrolled through the Marketplace in that month.

(2) Effective January 1, 2015, each health insurer offering stand alone dental plans through the Marketplace shall pay a monthly administrative charge equal to $0.97 times the number of members enrolled through the Marketplace in that month.

Stat. Auth.: ORS 741.002
Stats. Implemented: ORS 741.105
Hist.: OHIE 1-2013, f. & cert. ef. 3-18-13; OHIE 3-2013(Temp), f. & cert. ef. 5-28-13 thru 11-22-13; OHIE 5-2013, f. & cert. ef. 8-19-13; OHIE 2-2014, f. & cert. ef. 4-15-14; OHIE 1-2015(Temp), f. & cert. ef. 3-11-15 thru 9-4-15; Administrative correction, 9-30-15; OHIE 3-2015, f. & cert. ef. 10-15-15; OHIE 4-2015, f. & cert. ef. 11-6-15

945-030-0035
2016 Administrative Charge on Insurers

(1) Effective January 1, 2016, each health insurer offering qualified health plans through the Marketplace shall pay a monthly administrative charge equal to $9.66 times the number of members enrolled through the Marketplace in that month.

(2) Effective January 1, 2016, each health insurer offering stand alone dental plans through the Marketplace shall pay a monthly administrative charge equal to $0.97 times the number of members enrolled through the Marketplace in that month.

Stat. Auth.: ORS 741.002
Stats. Implemented: ORS 741.105
Hist.: OHIE 2-2015, f. 3-17-15, cert. ef. 3-31-15; OHIE 3-2015, f. & cert. ef. 10-15-15; OHIE 4-2015, f. & cert. ef. 11-6-15

945-030-0040
Assessment and Collection of Administrative Charge on Insurers

(1) By the last Wednesday of each month, an insurer shall report to the Marketplace the insurer's effectuated enrollment as of 11:59 PM on the 15th of the month and the anticipated effectuated enrollment for the following month.

(2) The Marketplace shall assess an insurer an administrative charge on or before the 10th day of each month based on the number of reasonably anticipated effectuated members enrolled in Marketplace coverage in that month.

(3) The Marketplace shall adjust the administrative charge when it reasonably believes an insurer has had changes or has made accurate corrections to enrollment for prior months, as follows:

(a) For report months beginning July of a given year and ending June of the following year, the Marketplace shall adjust the administrative charge for coverage months beginning January of the given year through the report month.

(b) The Marketplace shall not adjust the administrative charge for changes or corrections in enrollment for coverage months preceding the period described in paragraph (a) of this section.

(4) The administrative charge is due in full to the Marketplace on the 10th day of the month following the assessment.

(5) For any month in which the insurer does not make full payment within 5 days following the due date for the administrative charge, the Marketplace may impose a late payment charge of 1 percent of the amount due, to be paid on the next due date for the administrative charge.

(6) If an insurer fails to pay the administrative charge or any late payment charge or both, the Director may:

(a) Impose an annual 9% interest charge on the amount due;

(b) Close that insurer's Marketplace plans to new enrollment until all outstanding charges are paid; and/or

(c) De-certify the insurer's qualified health plans and/or stand-alone dental plans.

(7) The insurer must maintain data that are sufficient:

(a) To support the assessment reported to the director and any adjustments or corrections; and

(b) For the Director to verify the amount reported, adjusted, or corrected.

(8) Upon request and in the form, manner, and time prescribed by the Director, an insurer must provide to the Director the data described in paragraph 7 of this rule.

(9) An insurer may contest the amount of the administrative charge assessed under this section through a contested case hearing under ORS 183.411 to 183.471.

Stat. Auth.: ORS 741.002
Stats. Implemented: ORS 741.105
Hist.: OHIE 1-2013, f. & cert. ef. 3-18-13; OHIE 3-2013(Temp), f. & cert. ef. 5-28-13 thru 11-22-13; OHIE 5-2013, f. & cert. ef. 8-19-13; OHIE 1-2015(Temp), f. & cert. ef. 3-11-15 thru 9-4-15; Administrative correction, 9-30-15; OHIE 3-2015, f. & cert. ef. 10-15-15; OHIE 4-2015, f. & cert. ef. 11-6-15

945-030-0045
Administrative Assessment on State Programs

(1) The administrative assessment on state programs shall be established in an Intergovernmental Agreement between the Marketplace and the Oregon Health Authority.

(2) The administrative assessment, expressed as a per member per month figure, shall be based on the number of individuals enrolled in state programs offered through the Marketplace.

(3) The Intergovernmental Agreement shall specify the intervals and manner in which the administrative assessment is to be paid.

(4) Marketplace staff will annually report to the Director on the assessment on state programs.

Stat. Auth.: ORS 741.002
Stats. Implemented: ORS 741.105
Hist.: OHIE 1-2014, f. & cert. ef. 1-16-14; OHIE 1-2015(Temp), f. & cert. ef. 3-11-15 thru 9-4-15; Administrative correction, 9-30-15; OHIE 3-2015, f. & cert. ef. 10-15-15; OHIE 4-2015, f. & cert. ef. 11-6-15

945-040-0030
Eligibility for the Small Business Health Options Program (SHOP)

(1) To qualify for the Marketplace's Small Business Health Options Program (SHOP), a small employer must:

(a) Meet the definition of small employer in ORS 743.730;

(b) At a minimum, offer coverage in a qualified health plan to all full-time employees; and

(c) Have a principal business address in Oregon, or offer coverage to all eligible employees whose primary worksite is located in Oregon.

(2) A small employer that meets the minimum participation and contribution requirements for medical plans may apply for SHOP coverage throughout the year. A small employer that does not meet these requirements may apply for SHOP coverage between November 15 and December 15. The minimum participation and contribution requirements for dental plans apply throughout the year for a small employer offering dental plans through SHOP.

(3) Once enrolled, an employer remains eligible for SHOP regardless of the number of additional employees it hires.

(4) An employee is eligible to enroll in a qualified health plan through SHOP if the employee receives an offer of coverage from a qualified employer.

Stat. Auth.: ORS 741.002
Stats. Implemented: ORS 741.500
Hist.: OHIE 6-2013, f. & cert. ef. 9-30-13; OHIE 3-2015, f. & cert. ef. 10-15-15; OHIE 4-2015, f. & cert. ef. 11-6-15

945-040-0040
Eligibility for Insurance Affordability Programs

(1) Advance Payments of the Premium Tax Credit. In order to qualify for advance payments of the premium tax credit, a tax filer must have household income greater than or equal to 100 percent, but not more than 400 percent of the Federal Poverty Level for the benefit year; and one or more applicants for whom the tax filer expects to claim a personal exemption deduction on his or her tax return for the benefit year including the tax filer and his or her spouse must:

(A) Be eligible for enrollment in a qualified health plan; and

(B) Not be eligible for minimum essential coverage, with the exception of coverage in the individual market; and

(b) Attest that he or she:

(A) Will file an income tax return for the benefit year;

(B) If married, will file a joint tax return for the benefit year;

(C) Will not be claimed as a tax dependent by another tax filer for the benefit year; and

(D) Will claim a personal exemption deduction on his or her tax return for the applicants identified as members of his or her family including the tax filer and his or her spouse.

(2) An individual is treated as eligible for employer-sponsored minimum essential coverage only if:

(a) The employee's share of the annual premium for self-only coverage does not exceed 9.5 percent of the taxpayer's household income for the taxable year and the insurer's share of the total allowed costs of benefits provided under the plan is at least 60 percent of those costs; or

(b) The individual actually enrolls in coverage, including coverage that does not provide minimum value and exceeds 9.5 percent of the taxpayer's household income for the taxable year.

(3) A qualified individual must enroll through the Marketplace in a qualified health plan that is not a catastrophic plan to receive advance payments of the premium tax credit.

(4) A qualified individual may accept less than the full amount of advance payments of the premium tax credit for which he or she is determined eligible.

(5) A qualified individual who receives advance payments of the premium tax credit and does not file an income tax return and reconcile payments of the tax credit as required by the federal government may not be eligible for advance payments of the premium tax credit for the next benefit year.

(6) Cost Sharing Reductions. In order to qualify for cost sharing reductions, an individual must:

(a) Be eligible for enrollment in a qualified health plan;

(b) Be eligible for advance payments of the premium tax credit;

(c) Have household income that does not exceed 250 percent of the federal poverty level; and

(d) Be enrolled in a silver-level qualified health plan, except as provided in 945-040-0050 for members of federally recognized Indian tribes.

(7) The Marketplace must use the following eligibility categories for cost sharing reductions:

(a) Individuals that have household income less than or equal to 150 percent of the federal poverty level. Individuals in this category will be eligible for cost sharing reductions such that the silver plan covers between 93 and 95 percent of the average expected medical expenses for essential health benefits.

(b) Individuals who have household income greater than 150 percent of the federal poverty level and less than or equal to 200 percent of the federal poverty level. Individuals in this category will be eligible for cost sharing reductions such that the silver plan covers between 86 and 88 percent of the average expected medical expenses for essential health benefits.

(c) Individuals who have household income greater than 200 percent of the federal poverty level and less than or equal to 250 percent of the federal poverty level. Individuals in this category will be eligible for cost sharing reductions such that the silver plan covers between 72 and 74 percent of the average expected medical expenses for essential health benefits.

Stat. Auth.: ORS 741.002
Stats. Implemented: ORS 741.500
Hist.: OHIE 6-2013, f. & cert. ef. 9-30-13; OHIE 3-2014, f. & cert. ef. 5-12-14; OHIE 3-2015, f. & cert. ef. 10-15-15; OHIE 4-2015, f. & cert. ef. 11-6-15

945-040-0050
Eligibility Standards for Special Populations

(1) Advance Payments of the Premium Tax Credit for Lawfully Present Noncitizens Ineligible for Medicaid. The Marketplace must determine a tax filer eligible for advance payments of the premium tax credit if he or she:

(a) Meets the requirements of 945-040-0040, except 945-040-0040(1)(a) and (b); and

(b) One or more applicants for whom the tax filer attests that he or she expects to claim a personal exemption deduction on his or her tax return for the benefit year, including the tax filer and his or her spouse, is a noncitizen who is lawfully present and ineligible for Medicaid by reason of immigration status in accordance with section 36B(c)(1)(B) of the Internal Revenue Code.

(2) Cost Sharing Reductions for American Indians/Alaska Natives. To qualify for cost sharing reductions, the applicant must:

(a) Be a member of a federally recognized tribe;

(b) Be eligible for and enroll in a qualified health plan;

(c) Be eligible for advance payments of the premium tax credit; and

(d) Have income that does not exceed 300 percent of the federal poverty level.

(3) An applicant qualified under section (2) of this rule is not required to enroll in a silver-level qualified health plan to receive cost sharing reductions.

(4) For an enrollee qualified under section (2) of this rule, carriers are required to eliminate any cost sharing under any plan chosen by the qualified applicant.

(5) A member of a federally recognized tribe who is enrolled in a qualified health plan is eligible for no cost sharing for services provided directly by the Indian Health Service, an Indian Tribe, Tribal Organization, or Urban Indian Organization, or through referral under contract services.

Stat. Auth.: ORS 741.002
Stats. Implemented: ORS 741.500
Hist.: OHIE 6-2013, f. & cert. ef. 9-30-13; OHIE 3-2015, f. & cert. ef. 10-15-15; OHIE 4-2015, f. & cert. ef. 11-6-15

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Department of Consumer and Business Services, Insurance Division
Chapter 836

Rule Caption: Defining small employer for purpose of group health benefit plans
Adm. Order No.: ID 12-2015(Temp)
Filed with Sec. of State: 10-16-2015
Certified to be Effective: 10-16-15 thru 4-11-16
Notice Publication Date:
Rules Adopted: 836-053-0015
Rules Amended: 836-053-0021
Rules Suspended: 836-010-0014(T)
Subject: This rulemaking adopts a definition of "small employer" to be used to determine whether a group belongs in the large or small employer group health insurance market for purposes of issuing health benefit plans to small employers. The definition reflects changes by Congress to the federal definition of small employer to which the Oregon statutes are tied. The definition revises the group size for a small employer from 1 to 100 employees to 1 to 50 employees on January 1, 2016. The rule also adopts as an exhibit a counting methodology to be used by insurers and producers in determining the group size. The rulemaking also suspends a temporary rule providing guidance for expanded transitional plans which will no longer be necessary because the group size will not be changing for at least two years and amends an existing rule to remove provisions that conflict with the new counting methodology adopted in the new rule.
Rules Coordinator: Karen Winkel—(503) 947-7694

836-053-0015
Definition of Small Employer

(1) This rule is adopted for the purpose of modifying the definition of small employer as authorized in ORS 743.730.

(2) This rule establishes the definition of small employer to be used in any instance in which the definition set forth in ORS 743.730(27) would apply and in rules of the Insurance Division of the Department of Consumer and Business Services for the period beginning on January 1, 2016 and ending on December 31, 2017.

(3) As used in ORS 743.730 and rules of the Insurance Division, Department of Consumer and Business Services, "small employer" means, in connection with a group health benefit plan with respect to a calendar year and a plan year, an employer who employed an average of at least one but not more than 50 employees on business days during the preceding calendar year and who employs at least one employee on the first day of the plan year.

(4) For purposes of determining the number of employees in a group health benefit plan, insurers and producers should follow the guidance entitled, "Revised Counting Methodology for Determining Small or Large Group," as set forth in Exhibit A of this rule.

Stat. Auth.: ORS 731.244 & 743.730(27)
Stats. Implemented: ORS 743.730
Hist.: ID 12-2015(Temp), f. & cert. ef. 10-16-15 thru 4-11-16

836-053-0021
Plans Offered to Oregon Small Employers

(1) A small employer carrier shall issue a plan to a small employer if the employee eligibility criteria established by the small employer meet the requirements of this section. A carrier must follow the methodology and address the issues included in the "Revised Counting Methodology for

Determining Small or Large Group," as set forth in Exhibit A of OAR 836-053-0015 to collect data to determine the applicable type of group coverage for an employer and to provide disclosure notices as required for small employers. The eligibility criteria must be based solely on the criteria set forth in Exhibit A and completion of a group eligibility waiting period, if applicable.

(2) Impermissible employee eligibility criteria include:

(a) Health status;

(b) Disability; and

(c) A requirement that an employee be actively at work when coverage would otherwise begin.

(3) A small employer carrier may provide different health benefit plans to different categories of employees of an employer, as determined by the employer only if based on bona fide employment-based classifications that are consistent with the employer's usual business practice. The categories may not relate to the actual or expected health status of the employees or their dependents

Stat. Auth.: ORS 731.244, 743.730 & 743.731(4)
Stats. Implemented: ORS 743.730 et seq.
Hist.: ID 5-1998, f. & cert. ef. 3-9-98; ID 23-2002, f. & cert. ef. 11-27-02; ID 5-2007(Temp), f. 8-17-07, cert. ef. 8-20-07 thru 2-15-08; ID 2-2008, f. & cert. ef. 2-11-08; ID 12-2013, f. 12-31-13, cert. ef. 1-1-14; ID 12-2015(Temp), f. & cert. ef. 10-16-15 thru 4-11-16

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Rule Caption: Implementing Senate Bill 231 Requirements Related to Defining Prominent Carrier and Primary Care Payment Reform
Adm. Order No.: ID 13-2015(Temp)
Filed with Sec. of State: 10-20-2015
Certified to be Effective: 10-20-15 thru 4-8-16
Notice Publication Date:
Rules Adopted: 836-053-1500, 836-053-1505, 836-053-1510
Subject: These rules implement the provisions of Senate Bill 231 (2015 Legislative Session). The rules set forth the annual premium income threshold for the definition of "prominent carrier" as specified in the legislation. The rules also set forth prominent carrier reporting requirements related to primary care expenditures.

Temporary rules are necessary to provide direction to prominent carriers who are required to submit data to DCBS no later than December 31, 2015.
Rules Coordinator: Karen Winkel—(503) 947-7694

836-053-1500
Purpose; Statutory Authority; Applicability

(1) OAR 836-053-1500 to 836-053-1510 are adopted for the purpose of implementing section 1, chapter 575, Oregon Laws 2015.

(2) The requirements set forth in OAR 836-053-1500 to 836-053-1510 apply to prominent carriers.

Stat. Auth: ORS 731.244 & 2015 OL Ch. 575 Sec. 1
Stats. Implemented: & 2015 OL Ch. 575 Sec. 1 & 3
Hist.: ID 13-2015(Temp), f. & cert. ef. 10-20-15 thru 4-8-16

836-053-1505
Definitions for OAR 836-053-1500 to 836-053-1510

As used in OAR 836-053-1500 to 836-053-1510:

(1) The definitions set forth in Section 2, chapter 575; Oregon Laws 2015 apply to the use of those terms in these rules.

(2) "Prominent carrier" means:

(a) A carrier with annual premium income of $200 million or more in direct health premiums written and is not also licensed as a Coordinated Care Organization;

(b) The Public Employees' Benefit Board; and

(c) The Oregon Educators Benefit Board.

(3) "Non-claims based primary care expenditures" means resources given to a primary care provider or practice for the following services or arrangements:

(a) Capitation or salaried arrangements with primary care providers or practices not billed or captured through claims;

(b) Risk-based reconciliation for arrangements with primary care providers or practices not billed or captured through claims;

(c) Payments to Patient-Centered Primary Care Homes or Patient-Centered Medical Homes based upon that recognition or payments for participation in proprietary or other multi-payer medical home initiatives;

(d) Retrospective incentive payments to primary care providers or practices based on performance aimed at decreasing cost or improving value for a defined population of patients;

(e) Prospective incentive payments to primary care providers or practices aimed at developing capacity for improving care for a defined population of patients;

(f) Payments for Health Information Technology structural changes at a primary care practice such as electronic records and data reporting capacity from those records; or

(g) Workforce expenses including payments or expenses for supplemental staff or supplemental activities integrated into the primary care practice (i.e. practice coaches, patient educators, patient navigators, nurse care managers, etc.).

(4) "Non-claims based total health care expenditures" means resources given to a provider or practice for the following services or arrangements:

(a) Capitation or salaried arrangements with providers or practices not billed or captured through claims;

(b) Risk-based reconciliation for arrangements with providers or practices not billed or captured through claims;

(c) Payments to Patient-Centered Primary Care Homes, Patient-Centered Medical Homes, or Patient-Centered Specialty Practices based upon that recognition or payments for participation in proprietary or other multi-payer medical home or specialty care initiatives;

(d) Retrospective incentive payments to providers or practices based on performance aimed at decreasing cost or improving value for a defined population of patients;

(e) Prospective incentive payments to providers or practices aimed at developing capacity for improving care for a defined population of patients;

(f) Payments for Health Information Technology structural changes at a practice such as electronic records and data reporting capacity from those records; or

(g) Workforce expenses including payments or expenses for supplemental staff or supplemental activities integrated into the practice (i.e. practice coaches, patient educators, patient navigators, nurse care managers, etc.).

(5) "Patient-Centered Medical Home" means a practice or provider who has been recognized as such by the National Committee for Quality Assurance.

(6) "Patient-Centered Primary Care Home" means a health care team or clinic as defined in ORS 414.655, meets the standards pursuant to OAR 409-055-0040, and has been recognized through the process pursuant to OAR 409-055-0040.

(7) "Patient-Centered Specialty Practice" means a practice or provider who has been recognized as such by the National Committee for Quality Assurance.

(8) "Practice" means an individual, facility, institution, corporate entity, or other organization which provides direct health care services or items, also termed a performing provider, or bills, obligates and receives reimbursement on behalf of a performing provider of services, also termed a billing provider. The term provider refers to both performing providers and billing providers unless otherwise specified.

(9) "Primary care" means family medicine, general internal medicine, naturopathic medicine, obstetrics and gynecology, pediatrics or general psychiatry.

(10) "Primary care provider" means:

(a) A physician, naturopath, nurse practitioner, physician assistant or other health professional licensed or certified in this state, whose clinical practice is in the area of primary care.

(b) A health care team or clinic that has been certified by the Oregon Health Authority as a Patient-Centered Primary Care Home.

Stat. Auth: ORS 731.244 & 2015 OL Ch. 575 Sec. 1
Stats. Implemented: & 2015 OL Ch. 575 Sec. 1 & 3
Hist.: ID 13-2015(Temp), f. & cert. ef. 10-20-15 thru 4-8-16
Hist.:

836-053-1510
Prominent Carrier Reporting Requirements

(1) Each prominent carrier shall submit to the Department of Consumer and Business Services all non-claims based primary care expenditures for calendar year 2014 using the approved file layout and format set forth on the Insurance Division website of the Department of Consumer and Business Services at www.insurance.oregon.gov.

(2) Each prominent carrier shall submit to Department all non-claims based total health care expenditures for calendar year 2014 using the approved file layout and format set forth on the Insurance Division website of the Department of Consumer and Business Services at www.insurance.oregon.gov.

(3) Each category included in the approved file format is mutually exclusive; therefore, expenditures shall only be accounted for in one category.

(4) All data shall be submitted to the Department no later than December 31, 2015.

(5) Claims-based primary care and total health care expenditures will be calculated for each prominent carrier by the Oregon Health Authority using data from the All-Payer All-Claims Database.

(6) Expenditures for services or activities outside the primary care setting, regardless of a primary care capacity building intent, are not considered primary care expenditures for purposes of this report.

Stat. Auth: ORS 731.244 & 2015 OL Ch. 575 Sec. 1
Stats. Implemented: & 2015 OL Ch. 575 Sec. 1 & 3
Hist.: ID 13-2015(Temp), f. & cert. ef. 10-20-15 thru 4-8-16

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

Rule Caption: Adopt changes to Oregon Rules for Firefighters in general industry, Division 2/L.
Adm. Order No.: OSHA 4-2015
Filed with Sec. of State: 10-23-2015
Certified to be Effective: 7-1-16
Notice Publication Date: 5-1-2015
Rules Amended: 437-002-0182
Subject: Oregon OSHA proposed amendments to OAR 437-002-0182 Oregon Rules for Firefighters, in April 2015. Five public hearings were held during May and June with many attendees giving testimony. We also received written comments during the comment period that closed on June 19, 2015.

Oregon OSHA considered all oral and written statements received during the comment period. While there was both support and concern for some of the rule changes proposed, the majority of the comments received were in opposition of requiring NFPA Fire Fighter I as the minimum level of training for firefighters who participate in interior structural firefighting activities. Although these stakeholders agreed that NFPA Fire Fighter I is a level of training for all fire service agencies to strive towards, mandating it as a requirement would negatively impact volunteer recruitment and retention. While the final rule retains the training requirement for NFPA Fire Fighter I for interior structural firefighting, an option was added that allows firefighters who meet the minimum job performance requirements for NFPA Fire Fighter I, as prescribed by NFPA 1403 (2012), to participate in interior structural firefighting activities when under the direct supervision of a firefighter trained to NFPA Fire Fighter I or higher.

Additional changes to the proposed rule as a result of public comments included, but are not limited to, adding back portions of the current rule that were revised or removed (e.g., annual review and evaluation of firefighters' physical capabilities, employer and employee responsibilities, etc.); updating NFPA 1561 (2007) to the 2014 edition; and adding recommendations to the non-mandatory Appendix B (e.g., training in the New Science of the Underwrites Laboratory (UL) and the National Institute of Standards and Technology (NIST), and an additional recommendation to reduce exposure to apparatus gasoline and diesel exhaust gases. Comments to change the proposed rule in a manner that could increase the proposed financial impact for fire service agencies (e.g., 10 year retirement for turnout gear, mandatory diesel exhaust source capture systems, etc.), could not be made at this time; however, they will be saved for future consideration.

The adopted amendments to OAR 437-002-0182 Oregon Rules for Firefighters, becomes effective July 1, 2016.

Please visit our web site www.orosha.org Click 'Rules' in the left vertical column and view our proposed, adopted, and final rules.
Rules Coordinator: Sue C. Joye—(503) 947-7449

437-002-0182
Oregon Rules for Fire Fighters

(1) Scope and Application. These rules apply to public and private employers who engage in structural fire service activities, including emergency first response.

Note: Employers subject to 437-002-0182 must comply with provisions of other applicable Oregon OSHA safety and health rules.

(2) Exceptions. These rules do not apply to the following firefighting activities:

(a) Private industry fire brigades covered under 1910.156, Division 2/L, Fire Protection.

(b) Forest and uncultivated wildland firefighting covered under Division 7/N, Wildland Fire Suppression and Prescribed Fire.

(c) Marine firefighting and rescue covered under CFR title 33, Navigation and Navigable Waters.

(d) Aircraft firefighting and rescue covered under CFR title 49, Transportation.

Note: Structural fire protection services who engage in activities listed under 437-002-0182(2)(a) through (d), must also comply with the applicable standard for the activity.

(3) Definitions.

(a) Aerial device – An aerial ladder, elevating platform, aerial ladder platform, or water tower that is designed to position personnel, handle materials, provide egress and discharge water.

(b) ANSI – American National Standards Institute.

(c) Apparatus – A mobile piece of firefighting equipment such as pumper, water tender, etc.

(d) Certified – Attested or confirmed in a formal written statement, or someone or something officially recognized as possessing certain qualifications or meeting certain standards.

(e) Confined space – A space that meets all of the following:

(A) Large enough and so configured that an employee can fully enter the space and perform work; and

(B) Has limited or restricted means for entry or exit (for example, tanks, vessels, silos, storage bins, hoppers, vaults, and pits are spaces that may have limited means of entry); and

(C) Is not designed for continuous occupancy.

(f) Designee – A person who has been officially chosen to do or be something.

(g) DOT – Department of Transportation.

(h) DPSST – Department of Public Safety Standards and Training.

(i) Drill tower – A structure, which may or may not be attached to the station, that is over two stories high and primarily used for non-classroom firefighter training in fire service techniques.

(j) Emergency incident – Any situation where a fire department delivers emergency services, rescue, fire suppression, medical treatment, and other forms of hazard control and mitigation.

(k) Emergency scene – The site where the suppression of a fire or the emergency exists.

(l) Enclosed structure – A structure with a roof or ceiling and at least two walls which may present fire hazards to employees, such as accumulations of smoke, toxic gases and heat, similar to those found in buildings.

(m) Firefighter – A person involved in performing fire department duties and responsibilities, including fire suppression, who may be a career or volunteer member of a fire department and may occupy any position or rank within the fire department.

(n) Fire ground – An emergency scene or location where firefighting or live fire training activities occur.

(o) Fire training – Training received by firefighters to maintain proficiency in performing their assigned duties.

(p) Hazardous material incident – The accidental release of hazardous materials from their containers.

(q) Helmet – An element of the protective ensemble designed to provide minimum protection to the user's head against impact, flying or falling objects, electric shock, penetration, heat, and flame.

(r) Hose tower – A vertical structure where a hose is hung to dry.

(s) IFSTA – International Fire Service Training Association.

(t) IMS – Incident Management System. Also referred to as an Incident Command System (ICS).

(u) Immediately dangerous to life or health (IDLH) –An atmosphere that poses an immediate threat to life, would cause irreversible adverse health effects, or would impair an individual's ability to escape from a dangerous atmosphere.

(v) Incipient stage fire – A fire which is in the initial or beginning stage and which can be controlled or extinguished by portable fire extinguishers, Class II standpipe or small hose systems without the need for protective clothing or breathing apparatus.

(w) Interior structural firefighting – The physical activity of fire suppression, rescue or both, inside of buildings or enclosed structures which are involved in a fire situation beyond the incipient stage.

(x) Live fire training – Any fire set within a structure, tank, pipe, pan, etc., under controlled conditions to facilitate firefighter training under actual fire conditions.

(y) NFPA – National Fire Protection Association.

(z) NIOSH – National Institute of Occupational Safety and Health.

(aa) Private Industry Fire Brigades – A group of employees who are required to fight interior structural fires at their place of employment.

(bb) Protective ensemble – The clothing and personal protective equipment worn to provide limited protection to the user's head, body, and extremities from thermal, physical, chemical, and health hazards. Protective ensemble elements include firefighting coats and trousers, helmets, hoods, gloves, footwear, eye and face protection devices, and respirators.

(cc) Qualified – Certified as being trained to perform a particular job or activity.

(dd) Respirators:

(A) Atmosphere-supplying respirator is a respirator that supplies the user with air from a source independent of the ambient atmosphere and includes supplied-air respirators (SARS) and self-contained breathing apparatus (SCBA) units.

(B) Air-purifying respirator is a respirator with an air-purifying filter, cartridge, or canister that removes specific air contaminants by passing ambient air through the air-purifying element.

(C) Positive pressure demand respirator is a respirator in which the pressure inside the respiratory inlet covering exceeds the ambient air pressure outside the respirator.

(D) Pressure-demand respirator is a positive pressure atmosphere-supplying respirator that admits air to the facepiece when the positive pressure is reduced inside the facepiece by inhalation.

(E) Self-Contained Breathing Apparatus SCBA is a self-contained breathing apparatus designed to provide the wearer with a supply of respirable air carried in and generated by the breathing apparatus. This apparatus requires no intake of oxygen from the outside atmosphere and can be designed to be a demand or pressure-demand type respirator.

(F) Supplied-air respirator (SAR) or airline respirator is an atmosphere-supplying respirator for which the source of breathing air is not designed to be carried by the user.

(ee) Responder – A certified person who has the responsibility to respond to an emergency incident.

(ff) Station (Fire station) – Structure to house the fire service apparatus and personnel.

(gg) Tailboard – Standing space at rear of a fire apparatus where firefighters stand to access and reload hose and/or equipment.

(hh) Training – Instruction with hands-on practice in the operation of equipment, including respiratory protection equipment, that is expected to be used and in the performance of assigned duties.

(ii) Warning light – A flashing or rotating light.

(4) Organizational statement.

(a) The employer must develop and implement a written statement or policy that includes basic organizational structure, basic functions of the organization, and type, amount, and frequency of training to be provided.

(b) This statement must be made available for inspection by Oregon OSHA and by fire department employees or their designated representatives.

(5) Personnel.

(a) The employer must review and evaluate the physical capability of each firefighter annually to determine their ability to perform duties that may be assigned. The review and evaluation will be accomplished through physical examination, stress testing, or satisfactory performance demonstrated during the performance of their assigned duties.

(b) The employer must not permit a firefighter with a known medical condition that would significantly impair their ability to engage in fire suppression activities at the emergency scene unless a physician's certificate of the firefighter's fitness to participate in such activities is provided to the employer. This will not limit the employer's ability to assign firefighters to support activities (versus fire suppression activities).

(6) Employer's Responsibility.

(a) Each employer must comply with the provisions of this Division to protect the life, safety, and health of employees.

(b) It is the responsibility of the employer to establish and supervise:

(A) A safe and healthful working environment, as it applies to non-emergency conditions or to emergency conditions at the scene after the incident has been terminated, as determined by the officer in charge.

(B) Programs for training employees in the fundamentals of accident prevention.

(C) A safe and healthful working environment as it applies to live fire training exercises.

(c) The employer must maintain all equipment in a safe condition.

(d) The employer must ensure that firefighters who participate in exempted firefighting activities listed under 437-002-0182(2) are properly trained, protected, clothed, and equipped for the known hazards of that particular emergency operation.

(7) Employee's Responsibility.

(a) Each firefighter must comply with the requirements of 437-002-0182 that are applicable to their own actions and conduct in the course of their employment.

(b) Firefighters must notify the appropriate employer or safety committee representative of unsafe practices, equipment, or workplace conditions.

(c) All firefighters, at regularly scheduled times, must attend required training and orientation programs designed to increase their competency in occupational safety and health.

(d) Firefighters and other employees must apply the principles of accident prevention in their work. They must use all required safety devices and protective equipment.

(e) Each firefighter must take proper care of their protective equipment.

(f) Firefighters who are expected to perform firefighting operations must notify their employer when health conditions arise that will limit their capability of performing those duties.

(8) Safety Committee.

(a) Fire departments must have a separate safety committee or hold safety meetings according to the requirements of Division 1, 437-001-0765, Safety Committees and Safety Meetings.

(b) When applicable, the representation on the safety committee must include both career and volunteer firefighters.

(9) Incident Management.

(a) The employer must develop and implement written procedures for incident management that meets the requirement of NFPA 1561 (2008): Standard on Emergency Services Incident Management System.

(b) These procedures must apply to all employees involved in emergency operations.

(c) Each employee involved in emergency operations must be familiar with these procedures.

(10) Accountability. The employer must develop and implement written procedures for a personnel accountability system that meets the requirement of NFPA 1561 (2008): Standard on Emergency Services Incident Management System.

(11) Firefighting Education and Training.

(a) The employer must develop and implement a policy for appropriately educating and training all department firefighting classifications (ranks) before they perform assigned duties.

(b) Firefighters who participate in interior structural firefighting activities must be trained according to NFPA 1001 (2013): Standard for Fire Fighter Professional Qualifications (Fire Fighter I), or they must meet the training levels required under 437-002-0182(11)(c) and be under the direct supervision of a firefighter trained to NFPA Fire Fighter I or higher.

Note: Department of Public Safety Standards and Training (DPSST) certification for NFPA Fire Fighter I or higher satisfies the training requirement in 437-002-0182(11)(b) but is not required by these rules.

(c) Firefighters who participate in live fire training in a structure, or only in structural firefighting activities not covered under 437-002-0182(11)(b), must be trained to meet the minimum job performance requirements for NFPA Fire Fighter I as prescribed by NFPA 1403 (2012): Standard on Live Fire Training Evolutions (Student Prerequisites).

(d) All live fire training must be conducted following the requirements of NFPA 1403 (2012): Standard on Live Fire Training Evolutions, or Appendix A (Mandatory), Minimum Requirements for Live Fire Training, of this standard.

(e) Live fire training must be conducted under the direction of the fire department's training officer or employer authorized representative.

(12) General Requirements for Protective Ensembles.

(a) Protective ensembles must protect the user's head, body, and extremities. Protective ensembles consist of the following elements: body protection; head protection; hand protection; foot and leg protection; eye and face protection; and respiratory protection.

Note: Employees must be protected from noise that exceeds the levels in Division 2/G, 1910.95, Occupational Noise Exposure.

(b) The employer must provide employees all protective ensemble elements at no cost to employees. The employer must not allow employee-owned protective ensemble elements that do not comply with the requirements under 437-002-0182(13) through (18) to be used for structural firefighting. See Appendix B (Non-mandatory), General Information and Recommendations, of this standard.

(c) Employees must wear all appropriate protective ensembles elements that meet the requirements under 437-002-0182(13) through (18) when engaged in interior structural firefighting.

(d) In situations other than interior structural firefighting, employees must wear the appropriate protective ensemble elements for the known hazards of that particular emergency operation.

(13) Body Protection. All structural firefighting coats and trousers must be at least equivalent to the requirements of NFPA 1971 (1991): Standard on Protective Clothing for Structural Fire Fighting. Structural firefighting coats and trousers purchased on or after July 1, 2016, must be at least equivalent to the requirements of NFPA 1971 (2013): Standard on Protective Ensemble for Structural Fire Fighting.

(14) Head Protection.

(a) All structural firefighting helmets must be at least equivalent to the requirements of NFPA 1971 (2000): Standard on Protective Ensemble for Structural Firefighting. Structural firefighting helmets purchased on or after July 1, 2016, must be at least equivalent to the requirements of NFPA 1971 (2013): Standard on Protective Ensemble for Structural Fire Fighting.

(b) Structural firefighting helmets must consist of a rigid shell; an energy absorbing system; a retention system; florescent and retroreflective trim; ear covers; and either a faceshield or goggles, or both.

(c) Use, care, alterations, and maintenance instructions for protective headgear must be supplied for each helmet.

(d) Care, maintenance, and alteration of helmets must conform to the manufacturer's recommendations.

(e) During structural firefighting, helmet accessories designed to provide or maintain protection from health and safety hazards must be worn in the manufacturer's recommended position. See Appendix B (Non-mandatory), General Information and Recommendations, of this standard.

(f) All flame-resistant protective hoods must be at least equivalent to the requirements of NFPA 1971 (1997): Standard on Protective Ensembles for Structural Fire Fighting. Flame-resistant protective hoods purchased on or after July 1, 2016, must be at least equivalent to the requirements of NFPA 1971 (2013): Standard on Protective Ensemble for Structural Fire Fighting.

(g) A flame-resistant protective hood that will not adversely affect the seal of a respirator facepiece must be worn during interior structural firefighting operations to protect the sides of the face and hair.

(15) Hand Protection.

(a) All structural firefighting hand protection must be at least equivalent to the requirements of NFPA 1973 (1988): Standard on Gloves for Structural Fire Fighting. Structural firefighting hand protection purchased on or after July 1, 2016, must be at least equivalent to the requirements of NFPA 1971 (2013): Standard on Protective Ensemble for Structural Fire Fighting.

(b) Hand protection for structural firefighting activities must consist of protective gloves or glove system that will provide protection against cut, puncture, and heat penetration.

(16) Foot and Leg Protection.

(a) All structural firefighting protective footwear must be at least equivalent to the requirements of NFPA 1971 (1997): Standard on Protective Ensembles for Structural Fire Fighting. Structural firefighting protective footwear purchased on or after July 1, 2016, must be at least equivalent to the requirements of NFPA 1971 (2013): Standard on Protective Ensembles for Structural Fire Fighting.

(b) Resoled firefighting footwear must comply with the applicable NFPA standard under 437-002-0182(16)(a).

Note: Employees using chain saws for non-firefighting activities must wear chaps or leg protectors in accordance with Division 2/I, 437-002-0134, Personal Protective Equipment.

(17) Eye and Face Protection.

(a) Face protection must be used where there is a reasonable probability of injury that can be prevented by such protection. When face protection does not protect the eyes from foreign objects, additional protection for the eyes must be used.

(b) The employer must make available eye and face protection devices suitable for the work performed, and employees must use such protection devices as required by 437-002-0182(17)(a).

(c) Protection devices that can be worn over corrective lenses must be available for employees who need them.

(d) Eye and face protection devices worn by firefighters at the fire ground must comply with the following minimum requirements:

(A) They must comply with any of the following consensus standards:

(i) ANSI Z87.1-2003, American National Standard Practice for Occupational and Educational Eye and Face Protection;

(ii) ANSI Z87.1-1989 (R-1998), American National Standard Practice for Occupational and Educational Eye and Face Protection; or

(iii) ANSI Z87.1-1989, American National Standard Practice for Occupational and Educational Eye and Face Protection.

(B) They must be reasonably comfortable when worn under the designated conditions.

(C) They must be durable.

(D) They must be capable of being disinfected.

(E) They must be easy to clean.

(e) Faceshields, when used, must be an integral part of the firefighting helmet and may be installed in a fixed position or hinged allowing adjustment of the shields. Face shields must accommodate any of the following styles:

(A) Clear transparent

(B) Colored transparent

(f) Goggles, when used, must consist of a fully flexible frame, a lens holder or a rigid frame with integral lens or lenses, and a separate cushioned fitting surface on the full periphery of the facial contact area.

(A) Materials used for goggles must be chemical-resistant, nontoxic, nonirritating and slow-burning.

(B) There must be support on the face, such as an adjustable headband of suitable material or other appropriate support to hold the frame comfortably and snugly in front of the eyes.

Note: When NIOSH approved full face respiratory equipment is being used by firefighters, additional eye and face protection is not required.

(18) Respiratory Protection. The employer must develop and implement a respiratory protection program in accordance with Division 2/I, 1910.134, Respiratory Protection.

The following note refers to the Respiratory Protection Standards, 1910.134(g)(3) Procedures for IDLH atmospheres and 1910.134(g)(4) Procedures for interior structural firefighting, ("two-in/two-out rule").

NOTE: If, upon arriving at the emergency scene, firefighters find an imminent life threatening situation where immediate action may prevent the loss of life or serious injury, the requirements for firefighters in the outside standby mode may be suspended, when notification is given by radio to incoming responders that they must provide necessary support and backup upon their arrival.

(19) Criteria for Approved Self-Contained Breathing Apparatus (SCBA).

(a) All compressed air cylinders used with approved SCBAs must meet DOT and NIOSH criteria.

(b) In emergency and lifesaving situations, approved SCBAs may be used with approved cylinders from other approved SCBAs provided that such cylinders are of the same capacity and pressure rating. Once the emergency is over, return SCBAs to their original approved condition.

(c) Approved SCBAs must be provided with at least one indicator that automatically sounds an alarm when the remaining air supply of the SCBA is reduced to within a range of 25 percent of its rated service time.

(20) Personal Alert Safety System (PASS).

(a) Each member involved in rescue, fire suppression, or other hazardous duties, must be provided with and must use a PASS device in the hazardous area when self-contained breathing apparatus is in use.

(b) All PASS devices must be at least equivalent to the requirements of NFPA 1982 (1983): Standard on Personal Alert Safety Systems (PASS). PASS devices purchased on or after July 1, 2016 must be at least equivalent to the requirements of NFPA 1982 (2013): Standard on Personal Alert Safety Systems (PASS).

(c) Each PASS device must be tested at least monthly and must be maintained according to the manufacturer's instructions.

(21) Breathing Air Compressors and Cylinders.

(a) In addition to the requirements contained in Division 2/I, 1910.134(i), breathing air quality and use, air samples must be taken every six months from the compressor and analyzed by the employer or an independent laboratory for Grade D breathing air.

(b) Air samples must also be taken and analyzed when the system is installed or repaired.

(c) Analysis required by 437-002-0182(21)(a) and (b) must be conducted according to ANSI/CGA Standard G7.1 (2011): Commodity Specification for Air.

(22) Hazardous Material Response Plan.

(a) Fire departments that expect or plan to respond to hazardous material incidents must develop and implement a written response plan, and comply with additional requirements of Division 2/H, 1910.120(q), Emergency response to hazardous substance releases.

(b) The written response plan must contain the policies and procedures for:

(A) Pre-emergency planning and coordination with outside parties,

(B) Personnel roles, lines of authority, training, and communication,

(C) Emergency recognition and prevention,

(D) Safe distances,

(E) Scene security and control,

(F) Evacuation procedures,

(G) Decontamination,

(H) Emergency medical treatment and first aid,

(I) Personnel withdrawal procedures,

(J) Critique of response and follow-up, and

(K) Personal protective equipment and emergency equipment and response procedures.

(c) The incident commander must be responsible for:

(A) Identifying of the hazardous substance and condition,

(B) Implementing emergency operations,

(C) Ensuring personal protective equipment is worn,

(D) Limiting access of hot zone to those with a specific mission assignment,

(E) Implementing decontamination procedures,

(F) Designating a safety officer,

(G) Using appropriately trained personnel, and

(H) Providing on-scene medical surveillance for emergency responders.

(23) Fire Apparatus Area.

(a) Walkways around apparatus must be kept free of obstructions.

(b) The station's apparatus floors must be kept free of grease, oil, and tripping hazards.

(c) Exhaust gases from apparatus within buildings must be maintained within the limits of Division 2/Z, 437-002-0382, Oregon Air Contaminant Rules. See Appendix B (Non-mandatory), General Information and Recommendations, of this standard.

(24) Fire Apparatus Design and Construction.

(a) Employers who have acquired used fire apparatus or used military equipment prior to July 1, 1985 are not required to bring them under a more stringent code than the one in force at the time the apparatus was manufactured. The exceptions to 437-002-0182(24)(a) are:

(A) Restraint systems as required by 437-002-0182(25)(e); and

(B) Roll-over protective structures (ROPS) on all open top off-road vehicles as required by 437-002-0182(24)(f).

(b) There must be steps, ladders or railing to allow safe access to and exit from areas on vehicles that employees access.

(c) Vehicle tailboards must not project outboard of the vehicle sides or fenders and must be designed to provide safe footing.

(d) Exhaust systems must be installed and properly maintained, and must be designed to minimize the exposure of exhaust gases by employees.

(e) The loaded gross weight and empty height of the vehicle must be posted in the vehicle such that it can be clearly read by the driver.

(f) Roll-over protective structures (ROPS) must be provided, installed and maintained on all open top off-road vehicles.

(g) Vehicles with an obstructed view to the rear of the vehicle when backing must be equipped or provided with:

(A) An automatic back-up alarm that must sound when backing and can be heard over the surrounding noise;

(B) A video camera that provides the driver a full and clear view of the path of travel behind the vehicle; or

(C) A spotter who stands to the rear of the vehicle, is visible to the driver in the driver-side mirror and uses unassisted voice communication, portable radio communication or hand signal commination to guide the driver while backing.

(25) Fire Apparatus Operation.

(a) Employees must be trained in the safe operation of each type of vehicle they are authorized to drive.

(b) The employer must not allow an employee to drive a vehicle on a public highway or road unless they have a valid driver's license.

(c) Any item found that may affect the safe operation of a vehicle must be reported immediately to the officer in charge or other appropriate person.

(d) Employees must not drive or ride in any vehicle known to be unsafe.

(e) Employees being transported by fire department vehicles must ride in designated seat-belted or safety-harnessed positions.

(f) The employer must not allow employees to ride on tailboards, tail steps or running boards.

(g) Vehicles must come to a full stop before employees disembark.

(h) All equipment on a vehicle must be adequately secured when the vehicle is in motion.

(i) When traffic flow is inhibited, vehicles equipped with emergency warning lights must be used to control traffic at emergency scenes. The use of traffic cones, fire department personnel, police, or other traffic control measures must be used as soon as practical.

(26) Fire Apparatus Maintenance and Repair. Each employer must establish written records and procedures whereby apparatus has:

(a) At a minimum, a scheduled monthly maintenance check; or

(b) A maintenance check each time the apparatus is returned to the station following an emergency response, drill, or test drive.

(27) Tires.

(a) No motor vehicle must be operated on any tire that:

(A) Has body ply or belt material exposed through the tread or sidewall;

(B) Has any tread or sidewall separation;

(C) Is flat or has an audible leak; or

(D) Has a cut to the extent that the ply or belt material is exposed.

(b) Any tire on the front wheels of a bus, truck, or truck tractor must have a tread groove pattern depth of at least 4/32 of an inch when measured at any point on a major tread groove. The measurements must not be made where tie bars, humps, or fillets are located.

(c) Except as provided in 437-002-0182(27)(b), tires must have a tread groove pattern depth of at least 2/32 of an inch when measured in a major tread groove. The measurement must not be made where tie bars, humps or fillets are located.

(28) Aerial Devices.

(a) Aerial devices used for firefighting must be annually inspected and tested by a person qualified in performing such inspections and tests according to NFPA 1911 (2007): Standard for the Inspection, Maintenance, Testing, and Retirement of In-service Automotive Fire Apparatus.

(b) Where structural defects are found in critical components of an aerial device, the repairs must be tested and certified according to NFPA 1911 (2007): Standard for the Inspection, Maintenance, Testing, and Retirement of In-service Automotive Fire Apparatus, by a registered professional engineer, the manufacturer of the apparatus, or an American Welding Society (AWS) Certified Welding Inspector.

(c) A permanent record of tests and repairs under 437-002-0182(28)(b) must be maintained for each aerial device.

(29) Hose Drying Towers.

(a) Floor openings on hose tower platforms must be equipped with a guardrail meeting the requirements of Division 2/D, 1910.23, Guarding Floor and Wall Openings and Holes.

Note: The toeboard requirements for elevated work platforms in Division 2/D, 1910.23, do not apply to hose drying towers unless hand tools or objects other than hoses are carried onto the platforms.

(b) Fixed ladders must meet the requirements of Division 2/D, 437-002-0027, Fixed Ladders.

(c) Ropes used to hoist hose in the hose towers must have a working load limit that maintains a minimum safety factor of 3:1.

(30) Drill Towers. Permanent fixed ladders on the outside of drill towers and drill buildings are exempt from offset platform landings and ladder cage guards requirements of Division 2/D, 437-002-0027, Fixed Ladders.

(31) Testing, Maintenance and Inspection of Fire Service Equipment.

(a) The employer must inspect and maintain fire service equipment at least annually and perform all tests recommended by the manufacturer at the date of manufacture.

(b) When the manufacturer's recommendations required under 437-002-0182(31)(a) are not available from the manufacturer, the employer must identify and follow the recommendations of an applicable consensus standard or curriculum that is nationally recognized and generally accepted by the fire service industry.

Note: Examples of a consensus standard or curriculum under 437-002-0182(31)(b) include, but are not limited to, NFPA standards and IFSTA manuals.

(32) Confined spaces.

(a) Employers must comply with Division 2/J, 437-002-0146, Confined Spaces, for their own confined spaces.

(b) Employers must comply with Division 2/J, 437-002-0146, Confined Spaces, when they agree to serve as a designated rescue service provider.

(c) Employers that will respond to emergency calls for rescue from confined spaces must:

(A) Train responders to recognize inherent confined space hazards before assigning or attempting any related duties in confined space rescues.

(i) Provide responders with understanding, knowledge, and skills necessary for safe performance of confined space rescues.

(ii) Practice a confined space rescue operation at least once every year from a real or simulated confined space.

(B) Responders must be certified in writing to Department of Public Safety Standards and Training (DPSST) Firefighter 1 or equivalent.

(C) Use the Incident Management System (IMS) during confined space rescue incidents that meet the requirements of NFPA 1561 (2008): Standard on Emergency Services Incident Management System.

(D) Assess the situation and determine if it qualifies as a confined space incident.

(i) Classify the operation as a rescue or body recovery.

(ii) Assess and control physical hazards related to the incident or rescue.

(iii) Assess atmospheric hazards.

(I) Use calibrated direct-reading instruments to test the atmosphere in confined spaces for oxygen content, flammable gases and vapors, and toxic air contaminates.

(II) When calibrated direct-reading instruments are not available, the Incident Commander must assume the situation is IDLH and ensure that responders who enter are equipped with appropriate respiratory protective equipment that comply with Division 2/I, 1910.134, Respiratory Protection.

(iv) Determine if the space should be ventilated.

(v) Determine the precautions and procedures to follow for safe entry into the space.

(E) Provide the appropriate rescue, emergency, and personal protective equipment for safe entry into and rescue from confined spaces.

(F) Provide necessary equipment to facilitate non-entry retrieval for responders, unless the retrieval equipment would increase the overall risk or would not contribute to the rescue operations.

Table [Table not included. See ED. NOTE.]

[ED. NOTE: Tables and Appendices referenced are available from the agency.]

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

Stats. Implemented: ORS 654.001 - 654.295

Hist.: OSHA 10-1993, f. 7-29-93, cert. ef. 9-15-93; OSHA 4-1997, f. & cert. ef. 4-2-97; OSHA 2-2000, f. & cert. ef. 1-28-00; OSHA 12-2001, f. & cert. ef. 10-26-01; OSHA 3-2005, f. & cert. ef. 6-10-05; OSHA 9-2008, f. 9-19-08, cert. ef. 1-1-09; OSHA 8-2009, f. 7-9-09, cert. ef. 10-1-09; OSHA 1-2012, f. & cert .ef. 4-10-12; OSHA 6-2012, f. 9-28-12, cert. ef. 4-1-13; OSHA 4-2015, f. 10-23-15, cert. ef. 7-1-16

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Department of Corrections
Chapter 291

Rule Caption: Transfer of Inmates in Department of Corrections Facilities

Adm. Order No.: DOC 13-2015

Filed with Sec. of State: 10-20-2015

Certified to be Effective: 10-20-15

Notice Publication Date: 6-1-2015

Rules Amended: 291-034-0005, 291-034-0010, 291-034-0015, 291-034-0020, 291-034-0025, 291-034-0030

Subject: Amendments to these rules are necessary to update the rules to align with current operational practices for the commitment and orderly transfer from one Department of Corrections facility to another. The rules have not been revised since 1991, and several operational and organizational changes have occurred within the department since that time.

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

291-034-0005
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: The purpose of this rule is to establish the process and procedures for the orderly commitment and transfer of inmates from one Department of Corrections facility to another. This rule also establishes the process for the approval of those commitments and transfers.

(3) Policy:

(a) In accordance with provisions of ORS 137.124, 421.455, and the administrative rules of the Board of Parole and Post-Prison Supervision, it is the policy of the Department of Corrections that inmates under the jurisdiction of the Department of Corrections may be transferred from one Department of Corrections facility to another.

(b) It is the policy of the Department of Corrections that all non-emergency transfers of inmates between facilities be coordinated and approved by the Office of Population Management and the DOC Transport Unit.

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

Stats. Implemented: ORS 137.124, 179.040, 423.020, 423.030 & 423.075

Hist.: CD 25-1991, f. & cert. ef. 12-11-91; DOC 13-2015, f. & cert. ef. 10-20-15

291-034-0010
Definitions

(1) Corrections Information System (CIS): A computer system dedicated to tracking information critical to the management of inmates and offenders under the custody, supervision or both of the Department of Corrections.

(2) Department of Corrections Facility: Any institution, facility or staff office, including the grounds, operated by the Department of Corrections.

(3) Inmate: Any person under the supervision of the Department of Corrections who is not on parole, probation, or post-prison supervision status.

(4) Intake Facility: A Department of Corrections facility Intake Center where newly committed inmates and parole violators are evaluated as to custody classification, risk and needs assessments, and are assigned to the appropriate facilities within the state prison system.

(5) Office of Population Management: A functional unit of the department that oversees capacity and resource management, the inmate classification system, high risk inmate placements, Interstate Corrections Compact, treatment and program screening, Oregon Youth Authority/ghost caseloads, centralized Static 99R assessments, centralized transfer authority, and staff and inmate conflict reviews.

(6) Transfer: A movement and reassignment of supervision of an offender between Community Services/community corrections offices or an inmate between Department of Corrections facilities.

(7) Transfer Coordinator: The DOC Transport Unit staff member responsible for reviewing approved inmate transfer requests to prioritize and coordinate the logistics, planning, and scheduling of DOC inmate transfers. This position is also the primary DOC liaison with law enforcement, county jails, and courts for coordinating and scheduling inmate transfers for interviews and/or court appearances and return to DOC custody.

(8) Transport: The DOC Transport Unit.

(9) 1206 Transfer Request: A DOC approved electronic process using the Corrections Information Systems (CIS) to initiate a request for inmate transfers.

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

Stats. Implemented: ORS 137.124, 179.040, 423.020, 423.030 & 423.075

Hist.: CD 25-1991, f. & cert. ef. 12-11-91; DOC 13-2015, f. & cert. ef. 10-20-15

291-034-0015
Intake Facility Transfers

(1) All transfers from the Coffee Creek Intake Center shall be based upon the inmate's classification score, medical status, program needs, available bed space, and operational needs of the department.

(2) Staff at the Coffee Creek Intake Center is responsible for:

(a) Compiling the background information on all inmates;

(b) Conducting risk and needs assessments;

(c) Placing appropriate designators;

(d) Initiating inmate classification, and when appropriate, the Work Housing Assessment Level Evaluation (WHALE); and

(e) Making appropriate recommendations for transfer to the Office of Population Management.

(3) If the Office of Population Management determines the recommendation is appropriate and bed space is available, the Office of Population Management shall approve the inmate for transfer.

(4) If the Office of Population Management determines the recommendation cannot be endorsed, the Office of Population Management shall determine the appropriate facility, or refer the transfer request back to intake staff.

(5) After the request has been approved by the Office of Population Management, Transport will schedule the inmate for transportation. Transport may transfer an inmate to an alternate facility when appropriate and necessary for staging purposes or due to current operational needs.

(6) Inmates with special circumstances (i.e., medical services) shall be reviewed by the Office of Population Management and Transport for consideration of special transfer and transport arrangements.

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

Stats. Implemented: ORS 137.124, 179.040, 423.020, 423.030 & 423.075

Hist.: CD 25-1991, f. & cert. ef. 12-11-91; DOC 13-2015, f. & cert. ef. 10-20-15

291-034-0020
Routine Transfers

(1) When institution staff becomes aware an inmate's current placement may no longer meet his/her custodial or program needs or is contrary to existing policy, the inmate shall be considered for transfer to another Department of Corrections facility.

(2) Institution staff shall provide information to the Office of Population Management and Transport via the CIS using the 1206 transfer request screen. This information includes the inmate's current classification and/or WHALE, needs assessments, special case considerations, and medical status.

(a) The 1206 transfer request will be reviewed and approved or denied by the Office of Population Management.

(b) If a routine transfer needs to be completed that day and the Office of Population Management staff is unavailable, the Transfer Coordinator may approve the 1206 transfer request. The Transfer Coordinator may deny a 1206 transfer request at the time of the move if the circumstances have changed (i.e. medical restrictions, custody level change, security concerns, etc.).

(3) When transfers are necessary to meet the population management needs of the department, the Office of Population Management will make requests of institution staff to identify appropriate inmates for transfer.

(4) Transport will provide notice to both the sending and receiving facilities of inmates being transported on the following business day, except in emergency cases, or for security reasons.

(5) The sending facility shall ensure the information (e.g., classification, medical, and designators) provided to the Office of Population Management and Transport is accurate before the actual transfer.

(6) The sending facility will ensure all inmates transferred to another facility are transferred with the following: institution file, medical file (including any prescribed medicine), inmate property, and inmate ID card.

(7) If an inmate is removed from a scheduled transfer, the sending facility shall contact the Office of Population Management and Transport.

(8) The Transfer Coordinator may enter and approve 1206 transfer requests for certain moves, including but not limited to, court, law enforcement interviews, staging, and interstate transfers.

Stat. Auth.: ORS 179.040, 423.020, 423.030 & 423.075
Stats. Implemented: ORS 137.124, 179.040, 423.020, 423.030 & 423.075
Hist.: CD 25-1991, f. & cert. ef. 12-11-91; DOC 13-2015, f. & cert. ef. 10-20-15

291-034-0025
Administrative Transfers

(1) All administrative transfers will be requested through the use of the 1206 transfer request 1206 screen in the CIS. The 1206 transfer request will be reviewed and approved or denied by the Office of Population Management.

(2) When an inmate's conduct is determined to be a threat to the safety or security of the facility, the inmate may be referred for transfer using a 1206 transfer request.

(3) Transfers for medical or mental health purposes will be coordinated through the Medical Services or Behavioral Health units of both the sending and receiving facilities, and be processed through the Office of Population Management by the sending facility. Upon completion of the needed medical or mental health care, the inmate may be considered for transfer.

(4) Emergency Transfers:

(a) If the conduct or presence of an inmate is an immediate danger to the security of the facility or safety of staff, the inmate, or other inmates, and the facility does not have adequate segregation facilities to contain the behavior or provide the necessary security, an emergency transfer may be made pursuant to the following procedures:

(A) When the functional unit manager or designee determines an emergency transfer is necessary, a telephone or e-mail request shall be directed to the receiving facility, and coordinated with the Office of Population Management and the Transfer Coordinator during business hours, or notice sent to the Office of Population Management and the Transfer Coordinator after business hours;

(B) The request shall include the inmate's name, SID number, and all applicable information, including the reason for the emergency transfer.

(b) The sending facility shall notify the receiving facility of the number of inmates being transferred, including the date and time of the transfer. The transporting officer shall ensure all records and personal property are sent with the inmate. Exceptions to this include, but are not limited to the following, the inmate's personal property is unavailable at the time of transport or there is not enough available vehicle space to move the inmate's property.

(c) If the move occurs outside normal office hours, the Office of Population Management will receive an automatic notification on the next business day and may follow up with the sending facility with the reason for the transfer.

Stat. Auth.: ORS 179.040, 423.020, 423.030 & 423.075
Stats. Implemented: ORS 137.124, 179.040, 423.020, 423.030 & 423.075
Hist.: CD 25-1991, f. & cert. ef. 12-11-91; DOC 13-2015, f. & cert. ef. 10-20-15

291-034-0030
General — Institutional Instruction

(1) When an inmate is transferred from one facility to another, the inmate's updated file, including health records, will be transferred to the receiving facility.

(2) Inmates must work with their counselors regarding transfers outside of those that meet basic operational needs of the department, e.g., work assignments, educational, or program needs. The counselor is responsible for ensuring the transfer is consistent with the inmate's case plan, and transfers have been approved by the appropriate stakeholders. Stakeholder approval must be reflected in the 1206 transfer request.

(3) While the department recognizes the importance of family and friends in the rehabilitation of inmates, the department is unable to grant transfer requests for the purpose of hardship or convenience. An inmate may request a temporary transfer for a supervised trip or emergency leave in accordance with the rules on Emergency Leaves and Supervised Trips (OAR 291-063).

(4) Every effort will be made to house an inmate near his/her releasing county within 6-12 months before the inmate's release date.

(5) Each facility shall designate staff responsible for review and approval of transfer requests. These requests will be entered into the 1206 transfer request screens for approval by the Office of Population Management.

Stat. Auth.: ORS 179.040, 423.020, 423.030 & 423.075
Stats. Implemented: ORS 137.124, 179.040, 423.020, 423.030 & 423.075
Hist.: CD 25-1991, f. & cert. ef. 12-11-91; DOC 13-2015, f. & cert. ef. 10-20-15

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Rule Caption: Transfer of Inmates Between the Oregon Youth Authority and the Department of Corrections
Adm. Order No.: DOC 14-2015
Filed with Sec. of State: 10-20-2015
Certified to be Effective: 10-20-15
Notice Publication Date: 6-1-2015
Rules Adopted: 291-052-0100, 291-052-0110, 291-052-0120, 291-052-0130, 291-052-0140, 291-052-0150, 291-052-0160, 291-052-0170
Rules Repealed: 291-052-0005, 291-052-0010, 291-052-0025, 291-052-0035, 291-052-0055, 291-052-0015, 291-052-0045
Subject: These rules are necessary to update the procedures for the administrative transfer of certain inmates under the age of 20 from the Department of Corrections to the Oregon Youth Authority, update the procedures for requesting a court hearing under the provisions of Second Look, and establish a process to admit a juvenile sentenced as an adult directly to the Oregon Youth Authority. The rules for transfer of inmates between the department and the Oregon Youth Authority have not been revised since 1996.
Rules Coordinator: Janet R. Worley—(503) 945-0933

291-052-0100
Authority, Purpose and Policy

(1) Authority: The authority for these rules is granted to the Director of the Department of Corrections in accordance with ORS 179.040, 423.020, 423.030, and 423.075.

(2) Purpose: The purpose of these rules is to:

(a) Provide procedures for the administrative transfer of certain inmates under the age of 20 from the Department of Corrections (DOC) to the Oregon Youth Authority (OYA); and

(b) Provide procedures for requesting a court hearing under the provisions of Second Look, establishing a release plan and providing follow-up reports to the court.

(3) It is the policy of DOC that:

(a) An individual under the age of 18 at the time of committing an offense and under 20 years of age at the time of sentencing to a term of incarceration in DOC may be housed at a youth correction facility as follows:

(A) If the individual is under 16 years of age at the time of transfer, the individual shall be delivered directly to a youth correction facility by the county;

(B) If the individual is 16 or 17 years of age and is taken to the Coffee Creek Intake Center, the individual shall be transferred to a youth correction facility the same day;

(C) If the individual is 18 or 19 years of age and is taken to Coffee Creek Intake Center, the individual shall be transferred to a youth correction facility as soon as possible; and

(D) County sheriffs may elect to deliver these individuals directly to a youth correction facility.

(b) Pursuant to federal sight and sound mandates, no one 18 years of age or older at the time of committing the offense shall be transferred to a youth correction facility, and no one under 18 years of age will be housed in a DOC facility within sight or sound of adult DOC inmates.

(4) DOC and OYA concur these transfers best serve the inmates' reformation plans; and inmates may be transferred by OYA to DOC when appropriate, as provided for in ORS 420.011, Subsections 2 and 3, and ORS 137.124.

(5) DOC shall request memorandums of understanding from county sheriff offices pertaining to the direct delivery of qualifying inmates to youth correction facilities.

Stat Auth: ORS 179.040, 423.020, 423.030 & 423.075
Stats Impl: ORS 137.124, 179.040, 420.011(2) & (3), 423.020, 423.030 & 423.075
Hist.: Hist.: DOC 14-2015, f. & cert. ef. 10-20-15

291-052-0110
Definitions

(1) DOC: Department of Corrections

(2) Inmate: Any person under the supervision of the Department of Corrections who is not on parole, post-prison supervision, or probation status.

(3) OYA: Oregon Youth Authority

(4) Second Look: For crimes committed on or after June 30, 1995, inmates under 18 years of age at the time of committing an offense and sentenced to the Department of Corrections may be eligible for conditional release following completion of half of the Department of Corrections sentence and approval by the sentencing court.

(5) Youth Correction Facility: Any facility used for the confinement of persons committed to the physical custody of the Oregon Youth Authority.

(6) Youth Offender: A person who has been found to be within the jurisdiction of the juvenile court under ORS 416C.005 for an act committed when the person was under 18 years of age.

Stat Auth: ORS 179.040, 423.020, 423.030 & 423.075
Stats Impl: ORS 137.124, 179.040, 420.011(2) & (3), 423.020, 423.030 & 423.075
Hist.: Hist.: DOC 14-2015, f. & cert. ef. 10-20-15

291-052-0120
Transfer to Oregon Youth Authority of Qualifying Inmates

(1) An inmate shall be considered qualified for transfer to a youth correction facility if the inmate meets the criteria outlined in OAR 291-052-0100(3).

(2) DOC must notify OYA when a qualified inmate is taken to Coffee Creek Intake Center, and make arrangements through the DOC Office of Population Management to transfer the inmate to the appropriate youth correction facility.

(3) DOC staff will coordinate with OYA to complete any intake procedures not completed prior to transfer to a youth correction facility.

Stat Auth: ORS 179.040, 423.020, 423.030 & 423.075
Stats Impl: ORS 137.124, 179.040, 420.011(2) & (3), 423.020, 423.030 & 423.075
Hist.: Hist.: DOC 14-2015, f. & cert. ef. 10-20-15

291-052-0130
Inmates Delivered Directly to the Oregon Youth Authority

(1) The same day an inmate arrives at a youth correction facility, OYA staff must forward copies of the inmate's judgments, statements of imprisonment, detainers, county misconduct documents, fingerprints, photograph, and any other information received to DOC.

(2) DOC must verify the inmate meets the qualifying criteria to be placed in a youth correction facility as outlined in OAR 291-052-0100(3).

(3) Designated DOC staff must coordinate with designated OYA staff to complete the inmate's DOC intake process.

Stat Auth: ORS 179.040, 423.020, 423.030 & 423.075
Stats Impl: ORS 137.124, 179.040, 420.011(2) & (3), 423.020, 423.030 & 423.075
Hist.: Hist.: DOC 14-2015, f. & cert. ef. 10-20-15

291-052-0140
Return of an Inmate to the Department of Corrections

(1) To return an inmate to DOC, the OYA Director, or the designee, shall contact the DOC Office of Population Management to request the transfer. The Office of Population Management shall arrange the inmate's transport to DOC.

(2) An inmate cannot remain in the physical custody of the OYA after the inmate is 25 years of age. Before the inmate's 25th birthday, the Office of Population Management shall arrange the transfer of and coordinate with the DOC Transport Unit for the transfer of the inmate to DOC.

Stat Auth: ORS 179.040, 423.020, 423.030 & 423.075
Stats Impl: ORS 137.124, 179.040, 420.011(2) & (3), 423.020, 423.030 & 423.075
Hist.: Hist.: DOC 14-2015, f. & cert. ef. 10-20-15

291-052-0150
Responsibilities

(1) DOC will:

(a) Retain legal custody of the inmate, regardless of the inmate's physical location;

(b) Designate the functional unit manager/designee of the Office of Population Management as the coordinator of case planning, classification, and all status change decisions concerning each inmate on administrative transfer to a youth correction facility;

(c) Issue all warrants and place All Points Bulletins for inmates who escape from a youth correction facility;

(d) Manage release planning, including Second Look Conditional Release planning and coordination of releases to other agencies holding detainers, for all inmates in OYA physical custody; and

(e) Notify OYA of scheduled Board of Parole and Post-Prison Supervision hearings for inmates in OYA physical custody.

(2) OYA will:

(a) Care for inmates in its physical custody in the same manner as youth offenders;

(b) Provide copies of all regular, at least semi-annual reports, and special reports to the Offender Information and Sentence Computation Unit;

(c) Provide inmates with opportunities for work and self-improvement in the same manner as youth offenders, including compensation when warranted;

(d) Provide programs and treatment for inmates as OYA determines are appropriate;

(e) Not release an inmate from OYA physical custody, including inmates with detainers from other municipal, state or federal agencies, without the express approval of DOC;

(f) Exercise reasonable control of inmates and use security units when warranted. All inmate major behavior violations or circumstances deemed serious by OYA staff must be brought to the attention of the youth correction facility superintendent and the Office of Population Management;

(g) Report to the Office of Population Management an inmate's alleged commission of any crime while in the physical custody of the OYA;

(h) If the inmate escapes from a youth correction facility, the facility shall immediately notify the functional unit manager of Offender Information and Sentence Computation and shall, within 24 hours thereafter, return any and all inmate file material to the Offender Information and Sentence Computation Unit; and

(i) For escapes which occur after regular business hours, OYA must immediately contact the facility designated by DOC.

Stat Auth: ORS 179.040, 423.020, 423.030 & 423.075
Stats Impl: ORS 137.124, 179.040, 420.011(2) & (3), 423.020, 423.030 & 423.075
Hist.: Hist.: DOC 14-2015, f. & cert. ef. 10-20-15

291-052-0160
Release Planning

(1) Post-Prison Supervision:

(a) Not more than 180 days and not less than 150 days before the inmate's projected release date, or at the request of the DOC, OYA will send the inmate's proposed transition worksheet to the DOC release counselor to assist in the development of the DOC release plan.

(b) The DOC release counselor will work with the inmate, OYA, county community corrections, and the Board of Parole and Post-Prison Supervision on the DOC release plan. The release plan must include the following:

(A) Proposed residence plan with occupant's contact information and relationship to the inmate if a private residence. If the inmate is in need of housing, the release plan will include that information;

(B) Any notable issues regarding criminal history, risks and needs, residence plan, necessary police reports, financial obligations including

restitution, and supporting documentation for recommended conditions of supervision;

(C) Recommended special conditions of supervision based on the individual risks and needs of the inmate, including any conditions reasonably necessary to further the reform and rehabilitation of the inmate and to ensure compliance with the other conditions imposed; and

(D) Reporting instructions to the county of residence on the day of release.

(c) At approximately 120 days before the inmate's projected release date, the release plan will be forwarded to the appropriate county community corrections agency in the county of residence, as determined by the DOC release counselor. The Board of Parole and Post-Prison Supervision has final authority over county of residence. The release plan shall be investigated by the county and returned to the DOC release counselor within approximately 45 days.

(d) The DOC release counselor will submit the plan to the Board of Parole and Post-Prison Supervision no later than 75 days before the inmate's projected release date.

(e) The DOC release counselor will work with the OYA facility staff to facilitate the signing of the conditions of supervision, reporting instructions, and any other documents determined to be necessary by DOC.

(f) The DOC release counselor will work with the OYA facility staff to have the inmate transferred to an OYA facility closest to the county of release, and to determine release transportation to the county of release on the day of release.

Stat Auth: ORS 179.040, 423.020, 423.030 & 423.075
Stats Impl: ORS 137.124, 179.040, 420.011(2) & (3), 423.020, 423.030 & 423.075
Hist.: Hist.: DOC 14-2015, f. & cert. ef. 10-20-15

291-052-0170
Second Look

(1) Not more than 120 days and not less than 60 days before the sentence is one-half served, OYA or DOC, whichever has physical custody of the inmate, shall file with the sentencing court a notice and request for the court to set a time and place for a hearing on all inmates eligible for a second look.

(2) If a request is filed by OYA, OYA shall notify DOC of the request and the date of the hearing. A case summary (Exhibit I) will be prepared by OYA and submitted to DOC prior to the date of the hearing.

(3) If the inmate is in the physical custody of OYA, the OYA Second Look coordinator will immediately notify Offender Information and Sentence Computation and the DOC release counselor of the decision of the court.

(4) If the court decides that a conditional release is appropriate and the inmate is in the physical custody of OYA, DOC will coordinate a release plan with the county community corrections agency and the OYA. DOC will submit the release plan to the court no later than 45 days after the receipt of the court's direction to prepare the plan. The release plan must include:

(a) A description of support services and program opportunities available to the inmate;

(b) The recommended conditions of the release and supervision;

(c) The level of supervision required;

(d) Conditions or requirements that provide for the safety of the victim, the victim's family, and the community;

(e) A payment schedule for inmates whose sentences include a requirement to make restitution or to pay compensatory fines or attorney fees and who have not yet made full payment;

(f) Any conditions reasonably necessary to further the reform and rehabilitation of the inmate and to ensure compliance with the other conditions imposed; and

(g) Any special conditions necessary because of the inmate's individual circumstances.

(5) If the court does not approve the proposed release plan and returns the plan to DOC with recommended modifications and additions, DOC shall submit a revised plan to the court no later than 15 days after the receipt of the court's recommended modifications and additions.

(6) When the court has approved a final plan, DOC shall arrange for the physical release of the inmate and notify OYA of the arrangements.

(7) The final release plan shall require the DOC or designee to submit a report to the court no later than 90 days after the inmate is conditionally released, and at least every 180 days thereafter, informing the court of the inmate's circumstances and progress on conditional release.

(8) While on conditional release, the inmate shall remain under the jurisdiction of the court:

(a) If the inmate violates a condition of release, the inmate may be taken into custody and detained pending a hearing by the court;

(b) No later than 24 hours after an inmate is taken into custody, DOC or DOC's designee shall file a notice and affidavit with the court and serve a copy of the notice and affidavit on the person.

Stat Auth: ORS 179.040, 423.020, 423.030 & 423.075
Stats Impl: ORS 137.124, 179.040, 420.011(2) & (3), 420A.203, 420A.206, 423.020, 423.030 & 423.075
Hist.: DOC 14-2015, f. & cert. ef. 10-20-15

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Rule Caption: Possession and Storage of Personal Handguns for Authorized Staff at Department of Corrections Facilities
Adm. Order No.: DOC 15-2015
Filed with Sec. of State: 10-20-2015
Certified to be Effective: 10-20-15
Notice Publication Date: 8-1-2015
Rules Amended: 291-016-0020, 291-016-0120
Rules Repealed: 291-016-0020(T), 291-016-0120(T)
Subject: These rules are necessary to implement 2015 legislation (HB 2424) which allows employees of the Department of Corrections, Board of Parole and Post-Prison Supervision, and Oregon Correctional Enterprises to possess and store a personal handgun and ammunition at facilities that are owned or occupied by the department. The personal handgun may be stored in the employee's personal vehicle if the department has not provided a secure and locked location for the storage of the personal handgun and ammunition.
Rules Coordinator: Janet R. Worley—(503) 945-0933

291-016-0020
Definitions

(1) Authorized Staff: Employees of the Department of Corrections, and employees of the State Board of Parole and Post-Prison Supervision and Oregon Corrections Enterprises, who are assigned to work in or at a public building owned or occupied by the department.

(2) Concealed Handgun License (CHL): A current and valid Oregon Concealed Handgun License issued by the employee's county of residence in accordance with ORS 166.291 and 166.292.

(3) Contractor: Any person under contractual arrangement to provide services to the Department of Corrections.

(4) Employee: Any person employed full time, part time or under temporary appointment by the department.

(5) Facility: The building and grounds area operated by a functional unit which physically houses inmates.

(6) Facility Access: The designated location in a facility which is the only authorized entrance (except as authorized by the functional unit manager or designee) and exit for persons desiring access into or out of the perimeter of the facility.

(7) Facility Visitor: Any person authorized access inside the secure perimeter of a facility who is not a department employee, contractor, volunteer, other agency liaison or who is not an inmate visitor at the facility.

(8) Functional Unit: Any organizational component within the Department of Corrections responsible for the delivery of program services or coordination of program operations. In a correctional facility, the functional unit manager is the superintendent.

(9) Functional Unit Facility: A term used to declare any Department of Corrections facility in which a functional unit person performs his/her duties or services.

(10) Functional Unit Manager: Any person within the Department of Corrections who reports to either the Director, an Assistant Director or an administrator and has responsibility for the delivery of program services or coordination of program operations.

(11) Functional Unit Person: Any employee, contractor, approved carded volunteer, or other agency liaison assigned to work or provide services at a functional unit facility.

(12) Identification Card (ID Card): A picture identification card authorized by the Department of Corrections and issued to a department employee, contractor, volunteer or other agency liaison.

(13) Inmate Visitor: A person approved by the functional unit manager or designee to visit an inmate who resides in a facility.

(14) Oregon Corrections Enterprises: A semi-independent state agency that is a non-Department of Corrections agency or division, which is under the authority of the Director of the Department of Corrections. For purposes of this rule only, Oregon Corrections Enterprises shall not be considered an external organization.

(15) Oregon Corrections Enterprises (OCE) Employee: Any person employed full-time, part-time, or under temporary appointment by the Oregon Corrections Enterprises. For the purposes of this rule only, employee shall also include any person under contractual arrangement to provide services to the agency; any person employed by private or public sector agencies who is serving under agency-sanctioned special assignment to provide services or support to agency programs.

(16) Other Agency Liaison: Employees from other state and local agencies that have ongoing business needs serving inmates and employees of the department. These employees include, but are not limited to, county parole and probation officers and state police detectives.

(17) Personal Handgun: A handgun possessed by an authorized staff member. "Handgun" includes any pistol or revolver using a fixed cartridge containing a propellant charge, primer and projectile, and designed to be aimed or fired otherwise than from the shoulder.

(18) Reception Center (Inmate): The designated location(s) in a facility which is designed for transport officials to deliver or pick up an inmate housed in a functional unit.

(19) Reception Center (Public): The designated location(s) in a facility designed to control access for persons to enter the general inmate population area(s).

(20) Secure Perimeter: A manufactured structure (usually a fence or wall) that encloses a portion of the grounds and buildings and is designed to control entry or exit within the enclosure. The manufactured structure may use electronic detection for intrusion, doors and/or gates for entry and exit, lighting for visibility, and other physical restrictions such as razor ribbon, no climb fencing, and buried concrete curbing.

(21) Vehicle: A vehicle that is self-propelled and commonly known as a passenger car, van, truck or motorcycle.

(22) Volunteer: An approved person who donates time, knowledge, skills, and effort to enhance the mission, activities, and programs of the department. A carded volunteer has completed a volunteer application, volunteer training, facility orientation, and functional unit orientation, and has been approved by a functional unit manager or his/her designee.

Stat. Auth.: ORS 179.040, 423.020, 423.030 & 423.075
Stats. Implemented: ORS 179.040, 423.020, 423.030 & 423.075
Hist.: CD 26-1992, f. 12-11-92, cert. ef. 1-2-93; DOC 24-1999(Temp), f. 7 cert ef. 12-22-99 thru 6-19-00; DOC 12-2000, f. & cert. ef. 6-19-00; DOC 10-2006, f. & cert. ef. 10-9-06; DOC 14-2014(Temp), f. 6-5-14, cert. ef. 6-6-14 thru 12-3-14; DOC 17-2014(Temp), f. & cert. ef. 7-2-14 thru 12-3-14; DOC 23-2014, f. & cert. ef. 12-3-14; DOC 7-2015(Temp), f. & cert. ef. 7-1-15 thru 12-27-15; DOC 15-2015, f. & cert. ef. 10-20-15

291-016-0120
Possession and Storage of Personal Handguns at Facilities Owned or Occupied by the Department of Corrections

(1) In accordance with 2015 Or Laws, Ch 246, authorized staff of the Department of Corrections, Oregon Board of Parole and Post-Prison Supervision, and Oregon Corrections Enterprises may possess and store a personal handgun and ammunition in their personal vehicle when the vehicle is parked in a department parking lot at a Department of Corrections facility only if the authorized staff:

(a) Has a valid concealed handgun license issued pursuant to ORS 166.291 and 166.292; and

(b) Has secured the handgun and ammunition in a closed and locked container designed for the storage of a firearm inside a vehicle.

(2) Use of Department Storage Facilities Required Where Provided: If the department has provided a secure and locked location for authorized staff to store their personal handgun and ammunition at a Department of Corrections facility, the authorized staff must promptly store the personal handgun and ammunition in the storage location designated by the department, and not in their personal vehicle.

(3) Ammunition: Authorized staff who bring personal handguns to a Department of Corrections facility in accordance with these rules may possess and store with their personal handgun only that amount of ammunition that the personal handgun is designed to hold plus two additional magazines or speed loaders.

(4) Under no circumstance may an authorized staff member carry a personal handgun within the secure perimeter of the correctional facility, unless authorized by the correctional facility's confidential procedure in order to securely store the staff member's personal handgun.

(5) Personal handguns shall not be carried or used during the performance of official duties.

Stat. Auth.: ORS 179.040, 423.020, 423.030 & 423.075
Stats. Implemented: ORS 179.040, 423.020, 423.030 & 423.075
Hist.: DOC 14-2014(Temp), f. 6-5-14, cert. ef. 6-6-14 thru 12-3-14; DOC 17-2014(Temp), f. & cert. ef. 7-2-14 thru 12-3-14; DOC 23-2014, f. & cert. ef. 12-3-14; DOC 7-2015(Temp), f. & cert. ef. 7-1-15 thru 12-27-15; DOC 15-2015, f. & cert. ef. 10-20-15

Rule Caption: Use of Force by Parole and Probation Officers
Adm. Order No.: DOC 16-2015
Filed with Sec. of State: 10-26-2015
Certified to be Effective: 10-26-15
Notice Publication Date: 8-1-2015
Rules Amended: 291-022-0160, 291-022-0170, 291-022-0180, 291-022-0200
Rules Repealed: 291-022-0160(T), 291-022-0170(T), 291-022-0180(T), 291-022-0200(T)
Subject: These rule revisions are necessary to remove references to DOC policies, which are internal management directives applicable to DOC staff.
Rules Coordinator: Janet R. Worley—(503) 945-0933

291-022-0160
Security Equipment

(1) Security Equipment:

(a) All security equipment requires the approval of the Director or designee before being issued and used as department authorized security equipment.

(b) Security equipment shall not be issued to or used by an employee who has not been trained in the proper use of such devices.

(c) Unless authorized by the Assistant Director for Community Corrections or designee, the carrying or use of personal security equipment is prohibited.

(d) The local state director shall authorize the storage and use of security equipment.

(2) Security Restraints:

(a) The standard routine use of security restraints for arrest, escort or transportation of an offender is not a use of force within the context of this rule.

(b) The use of security restraints is authorized to restrict, immobilize, and control the movement of offenders or for the purpose of officer safety.

(c) An offender shall be placed in security restraints with their hands behind their back, before and during transport. Exceptions may exist due to physical and/or medical conditions, at which point alternative methods may be utilized.

(d) Security restraints shall be applied consistent with the training and experience of the officer. Restraints will be checked for tightness and double locked.

(e) Officers shall ensure that unnecessary pressure is not placed on the offender's chest, back or neck while applying restraints. Officers shall maintain close observation of a restrained offender in order to detect breathing difficulties and/or loss of consciousness.

(f) The officer shall check at least every 30 minutes and verify the security restraints are not causing injury or an obvious medical problem for the restrained offender.

(3) Chemical Agents:

(a) Authorization to carry a chemical agent shall be granted by the local state director.

(b) Authorization to carry department issued chemical agents shall be limited to the performance of official duties.

(c) Officers authorized to carry a chemical agent shall carry the chemical agent or another approved less than lethal force option whenever:

(A) Protective body armor is worn;

(B) A firearm is carried;

(C) An arrest is anticipated or when making an arrest; or

(D) A confrontation with vicious dogs or other dangerous animals is anticipated.

(d) An officer shall only discharge a chemical agent for the following:

(A) To defend the officer or another person from an animal attack;

(B) To defend the officer or another person from imminent danger;

(C) To enforce a valid order(s) to a threat to submit to the application of restraints; or

(D) Other circumstances where it is objectively reasonable given the totality of the circumstances and facts known to the officer at the time.

(e) When feasible, the officer shall provide a verbal warning to the threat prior to the discharge of a chemical agent.

(f) Those affected by a chemical agent shall be permitted to wash their face, eyes and other exposed skin areas, as soon as safely practical after the chemical agent has been used.

(g) Those affected by a chemical agent in a closed area shall be permitted to move to an uncontaminated area as soon as safely possible after the chemical agent has been used.

(h) A threat who has received an application of a chemical agent shall be observed for symptoms of an abnormal reaction while the officer has custody of the threat. Medical assistance shall be summoned as soon as an abnormal reaction is observed.

(4) Electronic Control Device:

(a) Authorization to carry an electronic control device may be granted by the local state director.

(b) Authorization to carry an electronic control device shall be limited to the performance of official duties.

(c) Use of the electronic control device will be in accordance with these rules.

(5) Mandatory Use: Officers shall carry a chemical agent or an electronic control device or another approved less than lethal force option whenever:

(a) Protective body armor is worn;

(b) A firearm is carried;

(c) An arrest is anticipated or when making an arrest; or

(d) A confrontation with vicious dogs or other dangerous animals is anticipated.

Stat. Auth.: ORS 179.040, 423.020, 423.030 & 423.075
Stats. Implemented: ORS 179.040, 423.020, 423.030 & 423.075
Hist.: DOC 6-2005, f. & cert. ef. 5-24-05; DOC 28-2008(Temp), f. & cert. ef. 11-25-08 thru 5-22-09; DOC 7-2009, f. 5-22-09, cert. ef. 5-23-09; DOC 10-2013, f. & cert. ef. 10-23-13; DOC 9-2015(Temp), f. & cert. ef. 7-9-15 thru 1-4-16; DOC 16-2015, f. & cert. ef. 10-26-15

291-022-0170
Firearms

(1) Prior to resorting to the use of firearms against any threat, time and circumstances permitting, an officer shall first issue an appropriate verbal warning.

(2) Any officer involved in the discharge of a firearm in a situation on duty shall immediately report, by the quickest means possible, the incident to the local state director. The employee shall prepare a report as soon as reasonably possible.

(3) The State Police or local law enforcement officials shall be notified to investigate any discharge of a firearm unless the discharge was during training, off duty practice, or negligent discharge where injury or significant property damage did not occur. This investigation shall be separate from the full 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 6-2005, f. & cert. ef. 5-24-05; DOC 10-2013, f. & cert. ef. 10-23-13; DOC 9-2015(Temp), f. & cert. ef. 7-9-15 thru 1-4-16; DOC 16-2015, f. & cert. ef. 10-26-15

291-022-0180
Blood Borne Pathogens

When a person has been exposed to a blood or body fluid resulting from the use of force, standard universal precautions shall be implemented.

Stat. Auth.: ORS 179.040, 423.020, 423.030 & 423.075
Stats. Implemented: ORS 179.040, 423.020, 423.030 & 423.075
Hist.: DOC 6-2005, f. & cert. ef. 5-24-05; DOC 9-2015(Temp), f. & cert. ef. 7-9-15 thru 1-4-16; DOC 16-2015, f. & cert. ef. 10-26-15

291-022-0200
Notifications

(1) Any time an officer unholsters and/or points his/her firearm or electronic control device at another, the local state director will be notified according to procedure. The local state director will notify the Assistant Director of Community Corrections of the incident.

(2) Any time an officer is required to use physical or deadly force, the officer shall immediately notify his/her supervisor and/or local state director.

(3) All employees witnessing or directly involved in a use of physical force incident shall individually prepare and submit a use of force report describing their involvement and observation regarding the incident.

(4) All employees witnessing or directly involved in a use of deadly force incident shall report the incident.

(5) The local state director shall make a verbal report to the Assistant Director of Community Corrections.

(6) In cases of serious or life-threatening injury to a person(s) that requires transport to a medical facility or where deadly force has been used:

(a) The appropriate investigatory agency in the jurisdiction shall be immediately contacted by the local state director.

(b) The investigatory agency can include the Attorney General's office if a conflict of interest exists.

(6) Prior to any administrative action, the local state director shall confer with the Assistant Director of Community Corrections.

Stat. Auth.: ORS 179.040, 423.020, 423.030 & 423.075
Stats. Implemented: ORS 179.040, 423.020, 423.030 & 423.075
Hist.: DOC 6-2005, f. & cert. ef. 5-24-05; DOC 10-2013, f. & cert. ef. 10-23-13; DOC 9-2015(Temp), f. & cert. ef. 7-9-15 thru 1-4-16; DOC 16-2015, f. & cert. ef. 10-26-15

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Rule Caption: Planned Use of Force and Use of Security Equipment by DOC Employees
Adm. Order No.: DOC 17-2015
Filed with Sec. of State: 10-26-2015
Certified to be Effective: 10-26-15
Notice Publication Date: 8-1-2015
Rules Amended: 291-013-0010, 291-013-0070, 291-013-0104, 291-013-0110
Rules Repealed: 291-013-0010(T), 291-013-0070(T), 291-013-0104(T), 291-013-0110(T)
Subject: These rule revisions are necessary to remove references to DOC policies, which are internal management directive applicable to DOC staff; provide clarification for the planned use of force for inmates identified with serious mental health treatment needs; and set time limits for the use of the restraint chair.
Rules Coordinator: Janet R. Worley—(503) 945-0933

291-013-0010
Definitions

(1) Behavioral Health Services (BHS): A Health Services unit with primary responsibility for the assessment and treatment of inmates with mental illness and developmental disabilities.

(2) Carotid Hold: Application of a hold to the neck that restricts deoxygenated blood leaving the brain, which may result in the person to whom it is applied becoming unconscious.

(3) Chemical Agents: Chemical compounds that when deployed are designed to cause sufficient physiological effect to stop, control or temporarily incapacitate an individual.

(4) Choke Hold: Application of physical pressure applied directly to the neck area to restrict air from entering the lungs.

(5) Co-Located Minimum Security Facility/Level 2: A minimum security facility on the grounds of a medium or higher security facility, but not within the fenced perimeter of this higher security facility.

(6) Corporal Punishment: The use of physical force for the purpose of punishment.

(7) Department of Corrections Facility: Any institution, facility or staff office, including the grounds, operated by the Department of Corrections.

(8) Electronic Control Devices: Security equipment designed to stop, control or temporarily incapacitate through the use of high voltage, low amperage electric stimulation; e.g., conducted electrical weapons, electronic shield, etc.

(9) Excessive Force: A type or amount of force beyond that which is reasonably necessary to control the situation and achieve the correctional objective; or the continued use of force after it is no longer reasonably necessary.

(10) Functional Unit Manager: Any person within the Department of Corrections who reports to the Director, an Assistant Director or administrator and has responsibility for delivery of program services or coordination of program operations.

(11) Hogtie Method: Binding a person's wrists and ankles together behind the back while in a prone position.

(12) Less Lethal Force: Systems that are explicitly designed and primarily employed so as to incapacitate while minimizing fatalities or permanent injury.

(13) Lethal Force: Physical force that has substantial risk of causing death.

(14) Level of Force: The type of force employed, amount of that type of force employed, and the circumstances within which the force is employed.

(15) Medium or Higher Security Facility/Level 3 or Higher: A medium or higher security facility may house multiple custody classifications of inmates within its secure perimeter, including custody Level 1 and 2 inmates. Medium or higher security facilities will treat all inmates as if they are classified Level 3 or higher custody.

(16) Negligent Discharge: An unintentional discharge caused by an action or event that an employee could and should have foreseen or prevented.

(17) Officer-in-Charge: That person designated by the functional unit manager to supervise and make operational decisions in accordance with

department policy, rule or procedure during periods when the functional unit manager or officer-of-the-day is not readily available.

(18) Physical Force: The use of hands, other parts of the body, objects, instruments, chemical devices, electronic devices, firearms or other physical methods used to restrain, subdue, control, intimidate or to compel persons to act in a particular way, or to stop acting in a particular way.

(19) Planned Use of Force: The use of force in situations where time and circumstances allow for consultation and approval with higher ranking employees, and where there is some opportunity to plan the actual use of force.

(20) Prone Restraint: The process of placing an individual "face-down" upon a surface and then securing or limiting the movement of the arms, legs, or trunk from that surface.

(21) Reactive Use of Force: The use of force in situations where time and circumstances do not permit approval by higher ranking employees, or consultation or planning.

(22) Reasonable Force: The use of physical force to achieve a legitimate correctional objective, where the type and amount of force are consistent with the situation and the objective to be achieved; and where alternatives to physical force are unavailable or ineffective; and where the force used is the minimum necessary to control the situation.

(23) Restraint Chair: A restraining device that allows for a person to sit upright in a chair that is designed to immobilize the person.

(24) Secure Custody: Custody exercised upon a person under the jurisdiction of the Department of Corrections by means of physical confinement within a facility of the Department of Corrections, or direct physical supervision of a person with or without use of restraints while outside a Department of Corrections facility.

(25) Security Equipment: Firearms, ammunition, batons, chemical agents, security restraints, electronic control devices, and similar devices.

(26) Security Restraints: Handcuffs, temporary cuffs, leg irons, belly chains, restraining chairs, and other similar equipment designed to restrict and control the person's movement from injuring himself/herself, others, and escape.

(27) Serious Mental Illness (SMI): An MH3 code designation used to identify inmates with the highest mental health treatment needs.

(28) Serious Physical Injury: Physical injury which creates a substantial risk of death or which causes serious and protracted disfigurement, protracted impairment of health, or protracted loss or impairment of the function of any bodily organ.

(29) Show of Force: A demonstration of the current ability to use force, such as the massing of officers or tactical squads.

(30) Stand Alone Minimum Security Facility: A minimum security facility that is not on the grounds of a medium or higher security facility.

(31) Specialty Impact Munitions: Munitions designed to incapacitate, distract, and control a subject with less likelihood of life threatening injury.

(32) Therapeutic Restraints: A type of restraint applied to an inmate for medical or mental health purposes, and designed to limit an inmate's movement. The kinds of restraints that may be used for therapeutic purposes include, but are not limited to, leather, rubber or canvas restraints for the arms, legs and upper torso.

(33) Use of Force: Any situation in which an employee uses physical force against an inmate or other person, except those situations in which security restraints are used in a standard manner for arrest, escort, or transport, or in which therapeutic restraints are used.

Stat. Auth.: ORS 179.040, 423.020, 423.030 & 423.075
Stats. Implemented: ORS 179.040, 423.020, 423.030 & 423.075
Hist.: CD 35-1978, f. 11-9-78, ef. 11-13-78; CD 7-1982(Temp), f. & ef. 1-29-82; CD 12-1982, f. & ef. 3-19-82; CD 3-1983, f. & ef. 1-20-83; CD 40-1985, f. & ef. 8-16-85; CD 42-1986, f. & ef. 10-17-86; CD 26-1987, f. & ef. 6-5-87; CD 12-1988, f. & cert. ef. 9-30-88; CD 21-1988(Temp), f. & cert. ef. 12-30-88; CD 9-1989, f. & cert. ef. 6-20-89; CD 20-1991, f. & cert. ef. 8-28-91; CD 3-1995, f. & cert. ef. 1-19-95; CD 20-1995, f. 10-26-95, cert. ef. 11-1-95; DOC 14-1998, f. & cert. ef. 6-18-98; DOC 3-2004(Temp), f. & cert. ef. 1-27-04 thru 7-25-04; Administrative correction 8-19-04; DOC 15-2004, f. & cert. ef. 11-2-04; DOC 19-2008, f. & cert. ef. 8-7-08; DOC 6-2013, f. & cert. ef. 6-21-13; DOC 8-2015(Temp), f. & cert. ef. 7-9-15 thru 1-4-16; DOC 17-2015, f. & cert. ef. 10-26-15

291-013-0070
Planned Use of Force

(1) The functional unit manager or designee will be contacted for authorization of the planned use of force involving firearms, batons, water hoses, electronic control devices, specialty impact munitions, and chemical agents other than aerosol sprays.

(2) Any planned use of force shall be carried out under the personal direction of supervisory or higher level staff, and only after consultation with and approval of the officer-in-charge. The officer-in-charge may be present when the use of force is employed if there is no anticipated danger of becoming a hostage.

(a) Chemical agents, electronic control devices, batons, water force, or specialty impact munitions may be used prior to the arrival of the supervising employee if immediate use is essential to prevent and/or control death, serious injury, major disturbance or substantial destruction of property.

(b) If an employee is assaulted, he/she will not participate in a planned use of force, unless no other option is available; e.g., no other employees are readily available to participate in the planned use of force.

(3) A health care professional shall be contacted, if on duty at the facility, prior to the planned use of force to ensure medical assistance is readily available, if necessary, and to evaluate the inmate if he/she is medically high risk.

(4) Inmates Designated as SMI:

(a) If an inmate has been designated as SMI, the officer-in-charge shall consult with a BHS manager or designee before the planned use of force. If no BHS manager is on-site, the officer-in-charge will contact Medical Services, if available.

(b) Based on the circumstances and if time permits, the BHS manager or designee may evaluate the inmate prior to the application of force.

(5) Every planned use of force situation shall be videotaped provided that time and circumstances permit.

(a) The video recording should include a briefing, the use of force incident, and debriefing. The video recording should not be stopped during the use of force incident.

(b) The original video recording will be stored by the functional unit in accordance with the approved retention schedules from the date of the incident, or the time stored will be extended until the resolution of pending or actual litigation, or as otherwise directed by the department's legal counsel.

(c) A back-up video recording will be made and sent to the Office of the Inspector General. The Office of the Inspector General will store the back-up tape in accordance with the approved retention schedule.

(d) Back-up tapes will be returned to the originating facility for disposition. A use of force video recording may be released with the approval of the functional unit manager or designee.

(6) The commander shall authorize the type and amount of force used during any declared emergency at a facility except for reactive use of force.

Stat. Auth.: ORS 179.040, 423.020, 423.030 & 423.075
Stats. Implemented: ORS 179.040, 423.020, 423.030 & 423.075
Hist.: CD 3-1995, f. & cert. ef. 1-19-95; CD 20-1995, f. 10-26-95, cert. ef. 11-1-95; DOC 14-1998, f. & cert. ef. 6-18-98, Renumbered from 291-013-0125; DOC 15-2004, f. & cert. ef. 11-2-04; DOC 19-2008, f. & cert. ef. 8-7-08; DOC 6-2013, f. & cert. ef. 6-21-13; DOC 8-2015(Temp), f. & cert. ef. 7-9-15 thru 1-4-16; DOC 17-2015, f. & cert. ef. 10-26-15

291-013-0104
Security Equipment

(1) General Provisions:

(a) The Institutions Administrator will review all security equipment. The Director or designee shall approve all security equipment before it is issued and used as department authorized security equipment.

(b) Only department authorized and/or issued equipment shall be used to apply physical force to individuals.

(c) Security equipment shall not be issued to or used by an employee who has not been trained in the proper use of such devices.

(d) The above three sections (a)–(c) apply to all use of force incidents except for situations that require reactive use of force where there is a clear and imminent threat of death or great bodily injury, and where there is no other reasonable alternative.

(e) The storage and use of security equipment will be authorized by the Director through the appropriate functional unit manager.

(2) Security Restraints — General Use of Restraints:

(a) Security restraints are authorized to restrict, immobilize, and control the movement of an inmate.

(b) The standard routine use of security restraints for escort or transportation of an inmate is not a use of force within the context of these rules. Situations in which an inmate has refused to be placed in security restraints, or has resisted after being placed in restraints, are considered use of force within the context of these rules.

(3) Restricting Movement:

(a) Security restraints may be used to restrain an inmate with the express approval of the officer-in-charge, upon a demonstration that the inmate is out of control and engaged in behavior which, if unrestrained could:

(A) Result in significant destruction of property;

(B) Constitute a serious health or injury hazard to the inmate or others; or

(C) Escalate into a serious disturbance.

(b) Security restraints used to restrain an out-of-control inmate shall be terminated when the inmate has demonstrated behavior which would not result in the above three sections (A)–(C).

(c) Placing an inmate in security restraints or a restraint chair shall be considered a use of force within the context of these rules, except when placing an inmate in handcuffs/restraints for transportation or escort.

(d) Security restraints will not be placed around the neck or head, nor in any manner that restricts blood circulation or breathing.

(e) The hogtie method will not be used as a security restraint.

(f) Employees in general shall ensure that unnecessary pressure is not placed on the inmate's chest, back or neck while applying restraints. Employees shall maintain close observation of a restrained inmate in order to detect breathing difficulties and/or loss of consciousness.

(g) While using the prone restraint position when the correctional objective is met the inmate should be placed on his/her side or moved into a sitting position as soon as feasible. Employees will assess the inmate's physical condition.

(h) Restrained inmates will never be transported on their stomach.

(i) An employee shall check at least every 30 minutes and verify security restraints are not causing obvious injury or an obvious medical problem when an inmate has been placed in restraints as a result of a use of force situation. Each check of the restraints will be documented. A copy of the documentation shall accompany the unusual incident report.

(j) The officer-in-charge shall evaluate the need to restrain an out-of-control inmate every two hours with written documentation for the reason(s) to continue or discontinue security restraints or restraint chair. The documentation shall accompany the use of force review documentation.

(k) The officer-in-charge will notify a health care professional immediately upon the application of security restraints or restraint chair.

(l) The health care professional, when notified, will perform the following:

(A) Evaluate the inmate's condition to verify the security restraints are not causing injury or an obvious medical problem;

(B) Evaluate the inmate's mental status and notify a qualified mental health professional, if necessary;

(C) Consider treatment or intervention as an alternative, or in conjunction with security restraints;

(D) Document the results of the evaluation; and

(E) Physically re-evaluate sections (A)–(D) above every two hours.

(m) Use of security restraints or restraint chair to restrain an out-of-control inmate will be documented and reported by the officer-in-charge to the functional unit manager or designee. The documentation shall accompany the use of force review documentation.

(n) Continued use of security restraints applied for a time period longer than eight hours, and every eight hours thereafter, shall require the written approval of the functional unit manager or designee in addition to the requirements of sections (j), (k) and (l) above.

(o) Continued use of the restraint chair for a time period longer than two hours, and every two hours thereafter, shall require the written or verbal approval of the functional unit manager or designee in addition to the requirements of sections (j), (k) and (l) above. The use of the restraint chair shall not exceed ten consecutive hours.

(p) Continued use of the restraint chair for a time period longer than two hours, and every two hours thereafter, during the transporting of an inmate shall require the verbal approval of the functional unit manager or designee. The use of the restraint chair shall not exceed ten consecutive hours during transport.

(A) The officer-in-charge of the transport shall ensure that observation of the inmate is maintained and documented on the Trip Documentation Sheet every 30 minutes. The officer-in-charge shall ensure that the inmate is evaluated by a health care professional once the final destination is reached.

(B) Placing an inmate in the restraint chair shall be considered a use of force within the context of these rules, except when the restraint chair is being utilized as additional seating for inmates during transfers.

(q) Therapeutic Restraints: The documentation, application, and use of therapeutic restraints will not be considered a use of force situation, but shall be in accordance with the department's rule on Therapeutic Restraints (OAR 291-071). Therapeutic restraints will be:

(A) Applied to an inmate only for medical or mental health treatment to limit the inmate's movement; and

(B) Applied to an inmate only upon the documented verbal or written order of a physician, except in the absence of a physician, a registered nurse may authorize the application of therapeutic restraints for a period not to exceed one hour.

(4) Chemical Agents, Electronic Control Devices, Batons, Water Force and Specialty Impact Munitions:

(a) The use of chemical agents other than aerosol spray, electronic control devices, batons, water force, and specialty impact munitions shall be authorized only by the functional unit manager or designee. The decision to use chemical agents, electronic control devices, batons, water force, and specialty impact munitions shall be based on the level of force that, in the judgment of the functional unit manager or designee, is most likely to resolve the situation with the least amount of injury to all parties involved.

(b) The use of chemical agents, electronic control devices, batons, water force, and specialty impact munitions may be used to subdue an inmate when the level of physical hands-on force required to subdue the inmate would potentially subject the employee, inmate or others to greater injury than would be incurred through the use of this security equipment.

(5) Use of Chemical Agents:

(a) The amount and type of chemical agent used and the means of dispersal shall be limited to that necessary to achieve the correctional objective and be used in accordance with the manufacturer's instructions and departmental training.

(b) Prior to the use of any chemical agent, and where time and circumstances permit, the inmate against whom it is directed shall be warned chemical agents will be used.

(c) If possible, a chemical agent shall not be used against an inmate known to suffer cardio-vascular, convulsive or respiratory ailments.

(d) An employee recently assaulted by an inmate shall not approve or apply chemical agents to the particular inmate, unless there is no reasonable alternative.

(e) An inmate shall not be restrained or held for the sole purpose of rendering him/her a more stationary target for a chemical agent. If chemical agents are administered to a handcuffed inmate, staff shall document the reason why the removal of the handcuffs was not feasible.

(f) Those affected by a chemical agent shall be permitted to wash their face, eyes, and other exposed skin areas, as soon as possible after the chemical agent has been used.

(g) Those affected by a chemical agent in a closed area shall be permitted to move to an uncontaminated area as soon as possible after the chemical agent has been used.

(h) Clothing exposed to a chemical agent shall be removed as soon as feasible and clean clothing made immediately available.

(i) An employee(s) or inmate(s) affected by a chemical agent shall be examined by a health care professional as soon as feasible after the chemical agent has been used.

(j) An inmate(s) receiving an application of a chemical agent shall be under continuous staff observation for the first ten minutes.

(A) The inmate shall then be observed approximately every ten minutes for the first 30 minutes after receiving the application of a chemical agent.

(B) All observations shall be documented with a date and time reference.

(C) The documentation shall accompany the use of force review documentation.

(6) Use of Electronic Control Devices:

(a) Only agency approved electronic control devices shall be used.

(b) Medical Considerations:

(A) As soon as feasible following each use of an electronic control device, the inmate shall be afforded medical examination and treatment.

(B) An electronic control device shall not be deployed if there is knowledge that the inmate is pregnant.

(C) If the electronic control device utilizes probes that penetrate the skin, the probes shall be removed when the inmate is under control. Medical staff, if on duty at the facility, shall remove the probes. Trained security staff may remove the probes if medical staff are not available.

(D) If probes are embedded in soft tissue areas such as the head, neck, face and groin, removal shall be done by medical staff only.

(c) Electronic control devices will not be used in conjunction with aerosol propelled chemical agents.

(d) Prior to the deployment of an electronic control device, the supervisor and person assigned to be the operator shall have attended the approved departmental training on the operation and protocol associated with its use.

(7) Use of Specialty Impact Weapons:

(a) Specialty impact munitions are intended as a less lethal alternative to the use of deadly force. Use of specialty impact munitions shall be authorized by the functional unit manager or designee prior to deployment.

(b) After each use of specialty impact munitions, exposed inmates shall be examined by Health Services personnel.

(8) Firearms:

(a) The functional unit manager or designee will authorize the location and carrying of a department issued firearm on the grounds of a facility.

(b) A Transportation Unit officer or facility correctional officer may carry a firearm in the performance of his/her duties as authorized by the functional unit manager/designee and in accordance with the department policy.

(c) Prior to resorting to the use of firearms against an inmate or other persons, time and circumstances permitting, an employee shall first issue an appropriate warning to the inmate or other person in a readily understandable fashion. An appropriate warning may include, but is not limited to, one or more of the following:

(A) Shouting;

(B) Blowing a whistle;

(C) Hand signals; or

(D) Firing a warning shot.

(d) The discharge of a firearm will be handled in accordance with the departmental policy. The State Police or local law enforcement officials shall be notified to investigate any discharge of a firearm except for training or negligent discharge where injury or significant property damage has not occurred. The external law enforcement investigation shall be separate from the full review.

(e) Any employee involved in the discharge of a firearm in a situation on duty shall immediately report the incident to the officer-in-charge.

(f) A warning shot is the least preferred method of warning. It should be used only in situations where other warning methods are not practical or effective, and when there is a target that is sufficiently large to minimize the risk of harm to others from a missed shot or ricochet.

(g) Time and circumstances permitting, an employee shall attempt to warn an inmate that is observed to be:

(A) Entering or inside a restricted security perimeter zone;

(B) Tampering with or cutting security perimeter equipment or fence/wall;

(C) On or climbing a security fence/wall;

(D) Moving toward any motor vehicle or airborne craft in an obvious attempt to escape;

(E) Engaged in any other behavior that is a clear or obvious attempt to escape; or

(F) Engaged in any behavior that poses serious bodily injury or death to oneself or another person.

Stat. Auth.: ORS 179.040, 423.020, 423.030 & 423.075
Stats. Implemented: ORS 179.040, 423.020, 423.030 & 423.075
Hist.: DOC 14-1998, f. & cert. ef. 6-18-98; Renumbered from 291-013-0090, DOC 15-2004, f. & cert. ef. 11-2-04; DOC 14-2005, f. 10-14-05, cert. ef. 10-24-05; DOC 19-2008, f. & cert. ef. 8-7-08; DOC 6-2013, f. & cert. ef. 6-21-13; DOC 8-2015(Temp), f. & cert. ef. 7-9-15 thru 1-4-16; DOC 17-2015, f. & cert. ef. 10-26-15

291-013-0110
Bloodborne Pathogens

When a person has been exposed to blood or body fluid resulting from the use of force, standard universal precautions shall be implemented.

Stat. Auth.: ORS 179.040, 423.020, 423.030 & 423.075
Stats. Implemented: ORS 179.040, 423.020, 423.030 & 423.075
Hist.: CD 3-1995, f. & cert. ef. 1-19-95; DOC 14-1998, f. & cert. ef. 6-18-98, Renumbered from 291-013-0075; DOC 19-2008, f. & cert. ef. 8-7-08; DOC 6-2013, f. & cert. ef. 6-21-13; DOC 8-2015(Temp), f. & cert. ef. 7-9-15 thru 1-4-16; DOC 17-2015, f. & cert. ef. 10-26-15

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Department of Energy
Chapter 330

Rule Caption: Updating Residential Energy Tax Credit rules, including HB 2171, rate chart, and other program aspects
Adm. Order No.: DOE 6-2015
Filed with Sec. of State: 11-9-2015
Certified to be Effective: 1-1-16
Notice Publication Date: 10-1-2015
Rules Amended: 330-070-0010, 330-070-0013, 330-070-0014, 330-070-0020, 330-070-0021, 330-070-0022, 330-070-0025, 330-070-0026, 330-070-0040, 330-070-0045, 330-070-0059, 330-070-0060, 330-070-0062, 330-070-0063, 330-070-0064, 330-070-0070, 330-070-0073, 330-070-0089
Subject: The permanent rule amendments for the Residential Energy Tax Credit (RETC) program make updates and implement changes provided in Oregon Laws 2015, chapter 701, sections 26 through 37 (HB 2171). HB 2171 placed an incentive cap of 50 percent of device eligible cost for all category one alternative energy devices. The bill provided the Oregon Department of Energy with rulemaking authority to provide a lesser amount of incentive by rule based on market conditions for all category one alternative energy devices and wind devices. The bill also increased the incentive for solar radiation for domestic water heating and swimming pool heating devices, many of those changes were implemented in a prior RETC rulemaking focused on solar thermal.

Overall the rule provides updates to improve program administration. These rule updates include reducing the electric heat pump water heater and solar photovoltaic incentives based on market conditions, increasing the Heating Seasonal Performance Factor (HSPF) requirement for ducted and ductless heat pumps eligibility, updating solar radiation for domestic water heating requirements, allowing more than one tax credit for separate loop geothermal systems in one year, updates for water heating appliances and updating inspection requirements. There are also general updates to the tax credit rate chart. Lastly, the rules include amendments to correct terminology, simplify language and update references. The rules are effective January 1, 2016.
Rules Coordinator: Elizabeth Ross—(503) 378-8534

330-070-0010
Purpose

(1) The department will grant or deny tax credits in accordance with ORS 469B.100 through 469B.118 and ORS 316.116 which allow tax credits for Alternative Energy Devices (AEDs).

(2) These rules establish the criteria and standards for issuance of tax credits for AEDs. None of these rules replace any building code requirements.

(3) All decisions made by the department regarding AED eligibility, approval of tax-credit technician status, complaints regarding performance of tax-credit technicians, revocation of tax-credit technician status and other matters relating to the administration of this program after the effective date of these rules will be made consistent with the criteria and standards contained in these rules.

(4) The amendments to these rules apply to AEDs purchased on or after January 1, 2016.

Stat. Auth.: ORS 469.086
Stats. Implemented: ORS 316.116
Hist.: DOE 12(Temp), f. & ef. 10-14-77; DOE 3-1978, f. & ef. 3-7-78; DOE 5-1978, f. & ef. 9-27-78; DOE 6-1979, f. & ef. 11-13-79; DOE 1-1982, f. 1-12-82, ef. 2-1-82; DOE 6-1983, f. 12-16-83, ef. 1-1-84; DOE 1-1986, f. & ef. 2-7-86; DOE 4-1987, f. 12-18-87, ef. 1-1-88; DOE 1-1989, f. & cert. ef. 6-15-89; DOE 2-1989, f. 12-28-89, cert. ef. 1-1-1990; DOE 1-1995, f. & cert. ef. 1-17-95; DOE 1-1996, f. & cert. ef. 4-1-96; DOE 1-1997, f. 12-15-97, cert. ef. 1-1-98; DOE 1-1999, f. 12-21-99, cert. ef. 1-1-00; DOE 2-2000, f. 12-29-00, cert. ef. 1-1-01; DOE 2-2001, f. 10-5-01, cert. ef. 10-8-01; DOE 1-2004, f. & cert. ef. 1-21-04; DOE 2-2005, f. 12-30-05, cert. ef. 1-1-06; DOE 4-2006, f. 12-29-06, cert. ef. 1-1-07; DOE 4-2007, f. 11-30-07, cert. ef. 12-1-07; DOE 7-2008, f. 10-31-08, cert. ef. 11-1-08; DOE 7-2010(Temp), f. & cert. ef. 7-1-10 thru 12-28-10; DOE 16-2010, f. & cert. ef. 12-22-10; DOE 14-2012, f. 12-26-12, cert. ef. 1-1-13; DOE 8-2014, f. 11-18-14, cert. ef. 1-1-15; DOE 6-2015, f. 11-9-15, cert. ef. 1-1-16

330-070-0013
Definitions

For the purposes of Oregon Administrative Rules, chapter 330, division 70 the following definitions apply unless the context requires otherwise:

(1) "Alternative Energy Device" (AED) — has the meaning provided in ORS 469B.100 and includes a category one alternative energy device or a category two alternative energy device.

(2) "Alternative Fuel" — means any fuel other than gasoline or diesel oil such as electricity, natural gas, ethanol, methanol, propane, and any other fuel approved by the Director.

(3) "Alternative Fuel Device" — has the meaning provided in ORS 469B.100, and includes a facility for mixing, storing, compressing or dispensing fuels for alternative fuel vehicles, and any other necessary and reasonable equipment. Does not include the purchase of an alternative fuel vehicle.

(4) "Annual Fuel Utilization Efficiency" (AFUE) — means a thermal efficiency measurement of combustion equipment like furnaces, boilers, and water heaters. The AFUE differs from the true 'thermal efficiency' in that it is not a steady-state, peak measure of conversion efficiency, but instead attempts to represent the actual, season-long, average efficiency of that piece of equipment.

(5) "Applicant" — means an individual, estate or trust subject to tax under ORS chapter 316, who applies for a residential energy tax credit under this division of rules.

(6) "British Thermal Unit" (Btu) — means a unit of energy. One Btu is the amount of heat required to raise the temperature of one pound of water by one degree Fahrenheit.

(7) "Coefficient of Performance" (COP) — means the measurement of how efficiently a heating or cooling system (particularly a heat pump in its heating mode) will operate at a given outdoor temperature condition. The ratio calculated by dividing the usable output energy by the electrical input energy. Both energy values must be expressed in equivalent units.

(8) "Department" — means the Oregon Department of Energy, unless specified otherwise.

(9) "Domestic Water Heating" — has the meaning provided in ORS 469B.100 and does not include space heating systems.

(10) "Dwelling" — Has the meaning provided in ORS 469B.100.

(a) Dwelling includes, but is not limited to, a single-family residence or an individual unit within multiple unit residential housing.

(b) Dwelling does not include a mobile home or recreational vehicle as defined in ORS 446.003.

(11) "Energy-Efficient Appliance" — has the meaning provided in ORS 469B.100, which includes emerging technologies that exceed code or standards as specified in ORS 469B.100 and these rules.

(12) "Energy Factor" (EF) — means a metric used to compare relative efficiencies of water heaters. The higher the EF is, the more efficient the water heater. EF is determined by the USDOE test procedure, Code of Federal Regulations, Title 10, Section 430.

(13) "Energy Use Index" (EUI) — means an index used for Energy Recovery Ventilators (ERV) or Heat Recovery Ventilators (HRV) to determine its electric efficiency, and calculated by dividing a model's power consumption, in watts, by the net supply air delivered, in cubic feet per minute (cfm), while the unit is operating in the lowest speed for which performance data is provided in the Home Ventilating Institute (HVI) Directory.

(14) "Fireplace Efficiency (FE)" — means a measure of a natural gas or propane fireplace's energy efficiency performance over an entire heating season and is expressed as a percentage. The higher the rating, the more efficient the unit. The testing method used to establish Fireplace Efficiency is CAN/CSA-P.4.1-09 (R2014).

(15) "First Year Energy Savings" — means the first year energy yield as defined in ORS 469B.100. Energy savings is calculated under average conditions by an AED in 12 consecutive months of typical operation.

(16) "Fuel Cell Stack" — means she portion of a fuel cell system where the electrochemical reactions take place, generally consisting of an anode, an electrolyte, and a cathode and supporting systems bringing fuel to the stack and carrying away the electricity, electrochemical products and thermal energy generated.

(17) "Fuel Cell System" — means a system for producing electricity electrochemically and non-reversibly, using a hydrogen rich fuel and oxygen, and producing an electric current, water, and thermal energy.

(18) "Geothermal System" — means a heating and air-conditioning system, earth-coupled heat pump, geothermal heat pump or ground loop AED.

(19) "Heating Season Performance Factor" (HSPF) — means the measurement of how efficiently a heat pump will operate in a heat mode over an entire normal heating season. HSPF is measured according to test procedures defined by Air-Conditioning, Heating, and Refrigeration Institute (AHRI) in its Standard 210/240 as well as American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Standard 116 and the USDOE Test Procedure in 10 CFR; Part 430, Appendix M.

(20) "Ineligible Costs" — means the costs not allowed for determining the tax credit, including, but not limited to, finance charges, maintenance costs, service contracts, or extended warranty.

(21) "Operating Guidelines" (OG) — means the guidelines developed by the Solar Rating and Certification Corporation (SRCC) including system performance or component characteristics defined by SRCC in its directory.

(22) "Operational Date" — means the date when final inspection is completed by a local jurisdiction for an AED and the AED is fully operational.

(23) "Owner-Built" — means an AED that is assembled and installed on an owner's property and with an owner's labor only.

(24) "Passive" — means a solar AED that relies on heated liquid or air rising to collect, store and move heat without assistance from any mechanical devices.

(25) "Passive Solar Space Heating" — means a system or building design that collects and stores solar energy received directly through south facing windows. The system/design is without powered moving parts and includes provisions to collect, store and distribute the sun's energy using only convection, radiation and conduction of energy.

(26) "Pass-through Amount" — means the sum, equal to the present value of the credit, paid to an eligible AED owner in exchange for the right to claim the tax credit. The present value of the tax credit will be determined periodically by the Director.

(27) "Pass-through Partner" — means an individual, estate or trust subject to tax under ORS chapter 316 that pays the pass-through amount to an applicant and receives the tax credit in place of the applicant.

(28) "Pass-through Verification" — means a determination based on information collected by the department that the approved pass-through amount has been provided, that the applicant has relinquished any claim to the tax credit and has assigned the credit to the pass-through partner.

(29) "Photovoltaic System" — means a complete solar electric power system capable of delivering power to either the main or sub-panel in a dwelling. Necessary components include solar electric modules, inverter, mounting system, and disconnection equipment.

(30) "PowerClerk" — means an online incentive application processing tool used in processing residential photovoltaic system applications.

(31) "Premium Efficiency Biomass Combustion Device" — means any device that burns wood, compressed wood or other non-gaseous or non-liquid solid fuels of 100 percent organic origin for aesthetic or space-heating purposes.

(32) "Purchase Date" — means the date when the first down payment is made by the applicant on a contract or invoice for an AED. The applicant must provide confirmation of the purchase date to the department.

(33) "Sealed Duct System" — means a forced air duct system that has been repaired or constructed for premium efficiency. For purposes of the tax credit, sealed duct systems are considered energy-efficient appliances.

(34) "Sensible Recovery Efficiency" (SRE) — means, in an HRV or ERV, the measurable (sensible) energy recovered to the ventilation supply air stream minus supply fan and preheat coil energy use divided by the total sensible energy being exhausted plus exhaust fan energy. This measure of efficiency accounts for the effects of cross leakage between air streams, purchased energy for fan controls, and defrost system energy use.

(35) "Solar Domestic Water Heating System" — means any configuration of plumbing equipment and components to collect, convey, store and convert the sun's energy for the purpose of heating water.

(36) "Solar Electric AC Module" — means a solar photovoltaic module coupled with a utility interactive inverter (i.e. micro inverter). The combined system must be Underwriters Laboratory (UL) listed and meet all current Institute of Electronic and Electrical Engineers (IEEE) 929 requirements.

(37) "Solar Labor Costs" — means the cost of labor necessary for the installation of a solar powered AED.

(38) "Solar Material Costs" — means the total cost of all parts necessary for the installation of a solar powered AED.

(39) "Solar Site Assessment Worksheet" — means a form or report issued or approved by the department, and completed, signed and dated by a tax-credit technician demonstrating the Total Solar Resource Fraction (TSRF) at the site of the solar thermal collector(s) or photovoltaic array. The worksheet must represent the point on the array with the lowest TSRF, depict whether any plant life near the array is made up of evergreen or deciduous trees and estimate the effects of 20 years future plant growth.

(40) "Standard Test Conditions" (STC) — As applicable to photovoltaic panels, means 25 degrees Celsius cell temperature and 1000 watts per square meter (W/m2).

(41) "System Certification" — means the certification that an AED as described in an application for tax credit meets all criteria for the tax credit.

(42) "System Cost" — means the costs allowed for determining the tax credit, include material cost, labor cost, and costs for design and acquisition.

(43) "Tax-Credit Technician" (TCT) — means a person who has received a "contractor system certification" as used in ORS 469B.106(5). A technician who has been approved by the department to implement the tax credit program. A tax-credit technician is responsible for assuring that AEDs are installed in accordance with the department's rules and must verify system installation quality and performance.

(44) "Thermal Efficiency" (TE) — means the performance measurement of the output energy divided by the input energy in a system. Thermal efficiency indicates how well an energy conversion or transfer process is accomplished.

(45) "Third-party" — means the owner, or the owner's representative, of the alternative energy device for the duration of the third-party agreement.

(46) "Third-party alternative energy device installation" — has the definition given in ORS 469B.100.

(47) "Total Solar Resource Fraction" (TSRF) — means the fraction of usable solar energy that is received by the solar panel/collector throughout the year, which accounts for impacts due to external shading, collector tilt and collector orientation.

(48) "Uncertified Woodstove" — means a solid fuel burning device that burns wood, coal or other nongaseous or non-liquid fuels for aesthetic, space-heating or water heating purposes that has not been certified as meeting emission performance standards set by the U.S. Environmental Protection Agency.

Stat. Auth.: ORS 469.086
Stats. Implemented: ORS 316.116
Hist.: DOE 1-1982, f. 1-12-82, ef. 2-1-82; DOE 1-1986, f. & ef. 2-7-86; DOE 4-1987, f. 12-18-87, ef. 1-1-88, Renumbered from 330-070-0023; DOE 1-1989, f. & cert. ef. 6-15-89; DOE 2-1989, f. 12-28-89, cert. ef. 1-1-90; DOE 1-1995, f. & cert. ef. 1-17-95; DOE 1-1996, f. & cert. ef. 4-1-96; DOE 1-1997, f. 12-15-97, cert. ef. 1-1-98; DOE 1-1999, f. 12-21-99, cert. ef. 1-1-00; DOE 2-2000, f. 12-29-00, cert. ef. 1-1-01; DOE 2-2000, f. 12-29-00, cert. ef. 1-1-01; DOE 2-2001, f. 10-5-01, cert. ef. 10-8-01; DOE 1-2004, f. & cert. ef. 1-21-04; DOE 2-2005, f. 12-30-05, cert. ef. 1-1-06; DOE 4-2006, f. 12-29-06, cert. ef. 1-1-07; DOE 4-2007, f. 11-30-07, cert. ef. 12-1-07; DOE 7-2010(Temp), f. & cert. ef. 7-1-10 thru 12-28-10; DOE 16-2010, f. & cert. ef. 12-22-10; DOE 11-2011, f. 12-16-11, cert. ef. 1-1-12; DOE 14-2012, f. 12-26-12, cert. ef. 1-1-13; DOE 8-2014, f. 11-18-14, cert. ef. 1-1-15; DOE 6-2015, f. 11-9-15, cert. ef. 1-1-16

330-070-0014
Pass-Through Eligibility

(1) An individual, estate or trust subject to tax under ORS chapter 316 that pays the present value to purchase the approved tax credit from the applicant may be eligible to claim the tax credit in place of the applicant.

(2) In accordance with ORS 469B.106(10), the department establishes the following rates for calculating the present value of the tax credit:

(a) For tax credits greater than $1,500 the present value is 90 percent of the tax credit amount.

(b) For tax credits less than $1,500 the present value is 95 percent of the tax credit amount.

(3) The department will issue a credit certificate to the pass through partner when the applicant confirms receipt of an amount equal to the present value of the tax credit and relinquishes any claim to the credit.

(4) A tax credit may be transferred or sold only once.

(5) A tax credit may not be transferred in portions. Only the whole tax credit amount may be transferred.

Stat. Auth.: ORS 469.040, 469B.106; 469B.109
Stats. Implemented: ORS 469B.100–469B.118; 316.116; 317.115
Hist.: DOE 2-2001, f. 10-5-01, cert. ef. 10-8-01; DOE 1-2004, f. & cert. ef. 1-21-04; DOE 2-2005, f. 12-30-05, cert. ef. 1-1-06; DOE 4-2007, f. 11-30-07, cert. ef. 12-1-07; DOE 16-2010, f. & cert. ef. 12-22-10; DOE 11-2011, f. 12-16-11, cert. ef. 1-1-12; DOE 14-2012, f. 12-26-12, cert. ef. 1-1-13; DOE 8-2013, f. 12-27-13, cert. ef. 1-1-14; DOE 9-2014, f. 12-29-14, cert. ef. 1-1-15; DOE 6-2015, f. 11-9-15, cert. ef. 1-1-16

330-070-0020
Eligibility

(1) To qualify for a credit, a person must meet all of the following:

(a) Be subject to Oregon personal income tax.

(b) Purchase an AED, complete construction, install an AED in or at an Oregon dwelling, and obtain a certification in accordance with OAR 330-070-0010 through 330-070-0097.

(c) Be the owner or contract buyer of an Oregon dwelling served by the AED, or be a tenant of the dwelling owner:

(A) Use the dwelling as a primary or secondary residence; or

(B) Rent or lease the dwelling to a tenant who uses the dwelling or dwellings as a primary or secondary residence.

(2) Notwithstanding (1)(b), a residential property owner may qualify for a credit for an AED that is a third-party alternative energy device installation by meeting the following additional requirements:

(a) Installations must include a minimum 10-year agreement between the residential property owner and the third-party owner of the AED. The agreement must cover maintenance of the AED and either the use of the AED or the power generated by the AED for the entire length of the agreement.

(b) The third-party must comply with OAR 330-070-0029.

(c) The applicant must provide system cost information for third-party AED installations. System cost can be demonstrated by providing either a copy of an invoice for the purchase of the AED by the third-party owner, or a declaration from the third-party owner of representative market value for an AED that includes the costs of supply and installation. Such a declaration must include a list of primary system components and their pricing, itemizing material pricing separately from installation pricing.

Stat. Auth.: ORS 469.040; 469B.100; 469B.103; 469B.106
Stats. Implemented: ORS 469B.100–469B.118; 316.116; 317.115
Hist.: DOE 12(Temp), f. & ef. 10-14-77; DOE 3-1978, f. & ef. 3-7-78; DOE 5-1978, f. & ef. 9-27-78; DOE 6-1979, f. & ef. 11-13-79; DOE 1-1982, f. 1-12-82, ef. 2-1-82; DOE 6-1983, f. 12-16-83, ef. 1-1-84; DOE 7-1984, f. & ef. 12-19-84; DOE 1-1986, f. & ef. 2-7-86; DOE 4-1987, f. 12-18-87, ef. 1-1-88; DOE 1-1997, f. 12-15-97, cert. ef. 1-1-98; DOE 1-1999, f. 12-21-99, cert. ef. 1-1-00; DOE 2-2001, f. 10-5-01, cert. ef. 10-8-01; DOE 1-2004, f. & cert. ef. 1-21-04; DOE 2-2005, f. 12-30-05, cert. ef. 1-1-06; DOE 4-2006, f. 12-29-06, cert. ef. 1-1-07; DOE 16-2010, f. & cert. ef. 12-22-10; DOE 11-2011, f. 12-16-11, cert. ef. 1-1-12; DOE 14-2012, f. 12-26-12, cert. ef. 1-1-13; DOE 8-2013, f. 12-27-13, cert. ef. 1-1-14; DOE 8-2014, f. 11-18-14, cert. ef. 1-1-15; DOE 6-2015, f. 11-9-15, cert. ef. 1-1-16

330-070-0021
Eligible Devices

(1) To be eligible for a tax credit, an AED must meet all of the following:

(a) Be a complete system that is currently operating and meets these rules.

(b) Be a system that is built, installed, and operated in or at an Oregon dwelling in accordance with ORS 469B.100 through 469B.118, the AED manufacturer's instructions and all applicable codes and standards.

(c) Be a system with manufacturers' warranties against defects in products and materials, including remanufactured equipment.

(d) Be a system that complies with general and specific standards in these rules as they apply to AED systems and listed in OAR 330-070-0059 through 330-070-0097.

(e) Be a single system, which must be fully functional without the assistance of or component sharing with another system. Regardless of the number of components, a system must be controlled and able to distribute its result separate of any other system. Two or more units that share controls, a ductwork distribution system or hydronic distribution system will be considered a single system. This subsection does not apply to category two alternative energy devices.

(2) The following devices are not eligible for an AED tax credit, including those listed in ORS 469B.112:

(a) Standard efficiency furnaces;

(b) Standard back-up heating systems;

(c) Wood stoves or wood furnaces, or any part of a heating system that burns wood except a qualifying premium efficiency biomass combustion device;

(d) Heat pump water heaters that are part of a geothermal heat pump space heating system;

(e) Structures that cover or enclose a swimming pool and are not attached to the dwelling;

(f) Swimming pools and hot tubs used to store heat;

(g) Photovoltaic systems installed on recreational vehicles;

(h) Additions to existing spa and hot tub systems;

(i) Above-ground, uninsulated swimming pools, spas and hot tubs;

(j) Conversions of systems from one type to another. An example is a conversion of a draindown solar hot water system to a drainback solar hot water system;

(k) Used equipment, which is any product or any piece of equipment not under a current manufacturer's warranty or which has been acquired by a previous owner or user, not including remanufactured equipment that meets program standards;

(L) Repairs and maintenance of systems having received prior certification for an AED tax credit;

(m) Hydro systems;

(n) Wind systems that are used to heat or cool buildings, or to heat domestic, swimming pool or hot tub water;

(o) Systems or projects that received certification under the Energy Incentives Program or the Business Energy Tax Credit program;

(p) Air Conditioning Systems;

(q) Boilers;

(r) Dishwashers;

(s) Refrigerators and Freezers;

(t) Clothes Washers and Dryers; and

(u) Photovoltaic systems participating in the pilot Feed-In Tariff program under ORS 757.365.

Stat. Auth.: ORS 469.040; 469B.100; 469B.103; 469B.106
Stats. Implemented: ORS 469B.100–469B.118; 316.116; 317.115
Hist.: DOE 1-1986, f. & ef. 2-7-86; DOE 4-1987, f. 12-18-87, ef. 1-1-88; DOE 1-1989, f. & cert. ef. 6-15-89; DOE 2-1989, f. 12-28-89, cert. ef. 1-1-90; DOE 1-1995, f. & cert. ef. 1-17-95; DOE 1-1996, f. & cert. ef. 4-1-96; DOE 1-1997, f. 12-15-97, cert. ef. 1-1-98; DOE 1-

1999, f. 12-21-99, cert. ef. 1-1-00; DOE 2-2001, f. 10-5-01, cert. ef. 10-8-01; DOE 1-2004, f. & cert. ef. 1-21-04; DOE 2-2005, f. 12-30-05, cert. ef. 1-1-06; DOE 4-2007, f. 11-30-07, cert. ef. 12-1-07; DOE 16-2010, f. & cert. ef. 12-22-10; DOE 11-2011, f. 12-16-11, cert. ef. 1-1-12; DOE 14-2012, f. 12-26-12, cert. ef. 1-1-13; DOE 8-2013, f. 12-27-13, cert. ef. 1-1-14; DOE 8-2014, f. 11-18-14, cert. ef. 1-1-15; DOE 6-2015, f. 11-9-15, cert. ef. 1-1-16

330-070-0022
Amount of Tax Credit

(1) The amount of the AED tax credit is based on the first-year energy savings of an eligible AED. The department has determined first-year energy savings estimates for eligible AEDs and associated tax credit amounts, which are listed in the RETC Rate Chart. The energy savings basis for a solar tax credit may be adjusted by the department to account for less than optimal solar access.

(2) The amount of the AED tax credit may not exceed the lesser of:

(a) For AEDs used for space heating, cooling, electrical energy or domestic water heating, other than an AED using solar radiation for domestic water heating or electric heat pump water heater, $1,500 or the first-year energy savings of the AED in kWh multiplied by 60 cents. The amount of the credit may not exceed 50 percent of the cost of the system components and their installation.

(b) For electric heat pump water heaters rated as a Northern Climate Specification Product Tier 1, $1,500 or the first-year energy savings of the AED in kWh multiplied by 28 cents. The amount of the credit may not exceed 50 percent of the cost of the device.

(c) For electric heat pump water heaters rated as a Northern Climate Specification Product Tier 2 or greater, $1,500 or the first-year energy savings of the AED in kWh multiplied by 38 cents. The amount of the credit may not exceed 50 percent of the cost of the device.

(d) For AEDs that use solar radiation for domestic water heating:

(A) The incentive rate is based on when the system is certified as operational as of the date of the final inspection:

(i) Before September 1, 2015, $1,500 or the first-year energy savings of the AED in kWh multiplied by 60 cents. The amount of the credit may not exceed 100 percent of the cost of the system components and their installation.

(ii) Between September 1, 2015 and December 31, 2015 and for tax years beginning on or after January 1, 2015, the first-year energy savings of the AED in kWh multiplied by $2.00, or 50 percent of the cost of the system, not to exceed $6,000. The maximum credit claimed per year may not exceed $1,500.

(iii) On or after January 1, 2016, the first-year energy savings of the AED in kWh multiplied by $2.00, or 50 percent of the cost of the system, not to exceed $6,000.

(B) The tax credit is calculated:

(i) Prior to September 1, 2015, by multiplying the Solar Rating and Certification Corporation (SRCC) savings estimate for the appropriate zone, times the Total Solar Resource Fraction (TSRF), times the incentive rate.

(ii) On September 1, 2015 through December 31, 2016, by multiplying the Solar Rating and Certification Corporation (SRCC) savings estimate for the appropriate zone times the incentive rate.

(iii) On or after January 1, 2017, by multiplying the Solar Rating and Certification Corporation (SRCC) savings estimate for the appropriate zone, times the Total Solar Resource Fraction (TSRF), times the incentive rate.

(e) For AEDs used for swimming pool, spa or hot tub heating, other than an AED using solar radiation for swimming pool heating, the first-year energy savings of the AED in kWh multiplied by 15 cents, up to 50 percent of the eligible cost of the AED or $1,500.

(f) For AEDs using solar radiation for swimming pool heating:

(A) The incentive rate is based on when the system is certified as operational as of the operational date reported on the RETC application form:

(i) Before September 1, 2015, the first-year energy savings of the AED in kWh multiplied by 15 cents, up to 50 percent of the eligible cost of the AED, or $1,500.

(ii) Between September 1, 2015 and December 31, 2015 and for tax years beginning on or after January 1, 2015, the first-year energy savings of the AED in kWh multiplied by $0.20, or 50 percent of the cost of the system, not to exceed $2,500. The maximum credit claimed per year may not exceed $1,500.

(iii) On or after January 1, 2016, the first-year energy savings of the AED in kWh multiplied by $0.20, or 50 percent of the cost of the system, not to exceed $2,500.

(B) The tax credit is calculated:

(i) Prior to January 1, 2017, by multiplying the collector area in square feet, times the number of collectors, times the solar output by zone, times the incentive rate.

(ii) On or after January 1, 2017, by multiplying the collector area in square feet, times the number of collectors, times the solar output by zone, times the Total Solar Resource Fraction (TSRF), times the incentive rate.

(C) The solar output by zone is:

(i) 30 kWh/ft2 for systems located in Zone 1 which is areas not in Zone 4 of the following counties: Benton, Clackamas, Clatsop, Columbia, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Tillamook, Washington and Yamhill.

(ii) 30 kWh/ft2 for systems located in Zone 2 which is areas not in Zone 4 of the following counties: Coos, Curry, Douglas, Jackson and Josephine.

(iii) 35 kWh/ft2 for systems located in Zone 3 which is the following counties: Baker, Crook, Deschutes, Gilliam, Grant, Harney, Hood River, Jefferson, Klamath, Lake, Malheur, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco and Wheeler.

(iv) 20 kWh/ft2 for systems located in Zone 4 which is areas within 10 miles of the coast.

(g) For each alternative fuel device, 50 percent of the eligible cost of the alternative fuel device or $750.

(h) For fuel cell systems, $3.00 per watt of the installed capacity or $6,000, and not to exceed 50 percent of the cost of the system. One tax credit may be issued per year, per residence, and the maximum credit claimed per year may not exceed $1,500.

(i) For wind AEDs, the first-year energy savings of the AED in kWh multiplied by $2.00, not to exceed the lesser of $6,000 or 50 percent of the cost of the system. One tax credit may be issued per year, per residence, and the maximum credit claimed per year may not exceed $1,500, over a four year period.

(j) For premium efficiency biomass combustion devices, the average heating need times the stove efficiency improvement times 60 cents, up to $1,500. The amount of the credit may not exceed 50 percent of the cost of the device. The department will use the EPA default efficiency as of January 1, 2016 when calculating the stove efficiency improvement for:

(A) Wood or pellet stoves without full efficiency testing listed on the EPA list of EPA Certified Wood Heaters,

(B) Wood or pellet stoves without full efficiency testing with the testing data submitted and approved by EPA, or

(C) Pellet stoves on the List of EPA Exempt Wood Heating Appliances that submitted testing certificates to the department.

(3) For photovoltaic systems:

(a) On or after January 1, 2012 and before January 1, 2014, the credit allowed under this section is equal to $2.10 per watt of the installed capacity measured in watts of direct current at industry standard test conditions; the tax credit is claimed according to OAR 330-070-0024.

(b) On or after January 1, 2014 and before January 1, 2015, the credit allowed under this section is equal to $1.90 per watt of the installed capacity measured in watts of direct current at industry standard test conditions; the tax credit is claimed according to OAR 330-070-0024.

(c) On or after January 1, 2015, and before January 1, 2016, the credit allowed under this section is equal to $1.70 per watt of the installed capacity measured in watts of direct current at industry standard test conditions; the tax credit is claimed according to OAR 330-070-0024.

(d) On or after January 1, 2016, the credit allowed under this section is equal to $1.50 per watt of the installed capacity measured in watts of direct current at industry standard test conditions; the tax credit is claimed according to OAR 330-070-0024.

(e) A maximum of one credit valued at $6,000 is allowed per residence, per AED. The maximum amount of credit allowed per year, beginning in the year in which the AED was installed, is $1,500 per year over a four-year period. The total credit may not exceed 50 percent of the cost of the system.

(4) The amount of the tax credit may not exceed the system cost of the AED to the applicant. The sum of any rebates or cash payments, including public purpose organization or federal grants or credits and the residential energy tax credit may not exceed system costs.

(5) Each of the following device types installed at a dwelling within in a 5-year period will be considered a single device:

(a) Photovoltaic,

(b) Solar radiation for domestic water heating, or

(c) Solar radiation for swimming pool heating.

(6) For purposes of the tax credit, the cost of the AED must:

(a) Comply with OAR 330-070-0059 through 330-070-0097, as those rules apply;

(b) Be the system cost of acquiring the system.

(A) AEDs using an alternative energy source for only a part of their energy output or savings will have system cost prorated. System cost must be based on that part of the AED's energy output or savings that is due to the alternative source;

(B) The department may find an AED to be too large for a dwelling. In such case the system cost must be prorated. System cost must be based on the largest useful size of an AED for the dwelling. The department will determine largest useful size based on the energy needs of the building; and

(C) The amount of credit for the original system and any addition may not exceed $1,500 per year.

(7) For purposes of the tax credit, the eligible system cost of the AED is only those costs necessary for the system to yield energy savings or produce renewable energy such as:

(a) The cost to purchase the AED.

(b) The cost of materials directly associated with installation or construction of the AED.

(c) For solar thermal systems, the cost of solar collectors; thermal storage devices; monitors, meters and controls; photovoltaic devices used to supply electricity to parts of the system; installation charges; fees paid for design or building; and ductwork, piping, fans, pumps and controls that move heat from solar collectors to storage and to heat buildings.

(d) For solar photovoltaic systems, solar labor costs and solar material costs including photovoltaic modules; inverters; storage systems and regulators; monitors, meters, and controls; wiring and framing materials; trackers; mounting or racking structures only, no structures beyond those needed for mounting or racking purposes; shipping; and for owner-built system inspections by a tax-credit technician, up to $400; permits and fees.

(e) For wind systems, the cost of wind turbine generators; DC/AC converters, inverters and synchronous inverters; energy storage (batteries or other methods); tower, foundation and guys; electric transformers and lines and supports; safety equipment; up to $500 of wind permitting cost; windmills; pumps, linkage, pump heads, and vacuum chambers; and obtaining a project site specific computer model wind speed estimate from a nationally recognized service as approved by the department, not to exceed $100.

(8) Eligible system cost do not include:

(a) Unpaid labor (including the applicant's labor);

(b) Operating and maintenance costs;

(c) Land costs;

(d) Legal and court costs;

(e) Patent search fees;

(f) Fees for use permits or variances;

(g) Loan interest;

(h) Vendor rebates, discounts and refunds;

(i) Service contracts;

(j) Cost of moving a used AED from one site to another;

(k) Cost of repair or resale of a system;

(L) Any part of the purchase price which is optional, such as an extended warranty; or

(m) Support structures beyond the mounting or racking hardware necessary for securing equipment.

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

Stat. Auth.: ORS 469.040; 469B.103; 316.116

Stats. Implemented: ORS 469B.100–469B.118; 316.116; 317.115

Hist.: DOE 1-1986, f. & ef. 2-7-86; DOE 4-1987, f. 12-18-87, ef. 1-1-88; DOE 2-1989, f. 12-28-89, cert. ef. 1-1-90; DOE 1-1996, f. & cert. ef. 4-1-96; DOE 1-1997, f. 12-15-97, cert. ef. 1-1-98; DOE 1-1999, f. 12-21-99, cert. ef. 1-1-00; DOE 2-2001, f. 10-5-01, cert. ef. 10-8-01; DOE 1-2004, f. & cert. ef. 1-21-04; DOE 2-2005, f. 12-30-05, cert. ef. 1-1-06; DOE 4-2007, f. 11-30-07, cert. ef. 12-1-07; DOE 7-2010(Temp), f. & cert. ef. 7-1-10 thru 12-28-10; DOE 16-2010, f. & cert. ef. 12-22-10; DOE 11-2011, f. 12-16-11, cert. ef. 1-1-12; DOE 14-2012, f. 12-26-12, cert. ef. 1-1-13; DOE 8-2013, f. 12-27-13, cert. ef. 1-1-14; DOE 8-2014, f. 11-18-14, cert. ef. 1-1-15; DOE 4-2015, f. & cert. ef. 10-5-15; DOE 6-2015, f. 11-9-15, cert. ef. 1-1-16

330-070-0025

Application for System Certification

(1) Applicants for a tax credit must obtain a system certification from the department.

(2) All applications for a system certification must meet all of the following:

(a) Provide all requested information and include a statement that the system and technician or owner-builder will meet all federal, state and local requirements.

(b) Include the applicant's social security number for use as an identification number in maintaining internal records. The applicant's social security number may be shared with the Department of Revenue to establish the identity of an individual in order to administer state tax law.

(c) State:

(A) The system cost of the AED;

(B) The location of the AED; and

(C) That the applicant has received an operating manual for the AED, except that no operating manual is required for sunspaces or direct gain space heating systems.

(d) Include an agreement by the tax-credit technician to make any changes required by the department for the system to comply with ORS 469B.100 through 469B.118 and 316.116.

(e) Be signed by the applicant and tax-credit technician, if any. Alternatively, a form of electronic signature acceptable to the department may be provided.

(f) Include no false or misleading information about an AED.

(g) For third-party installations, include a valid reference number as issued to the third-party by the department under OAR 330-070-0029.

(h) The contractor's certification that the AED was installed in accordance with manufacturer's installation specifications and all applicable codes and standards.

(3) System certification applications for solar water heating AEDs must contain:

(a) All the data required in section (2);

(b) The number of collectors;

(c) The manufacturer and/or supplier;

(d) The collector dimensions and/or the net area of the collectors;

(e) The amount of heat storage;

(f) The system type;

(g) A declaration of Solar Rating and Certification Corporation (SRCC) Standard 300 certification status or equivalence, as determined by the department;

(h) The system model;

(i) A description of the orientation and tilt of the collector;

(j) A solar site assessment worksheet for the collector location;

(k) A consumer disclosure signed by the applicant and technician or supplier, if any. The disclosure must be provided to the applicant and include estimated energy savings of the AED, required conservation items, required maintenance and freeze protection information; and

(L) Other data the department requires to determine eligibility.

(4) System certification applications for active solar space heating AEDs must contain:

(a) All the data required in sections (2) and (3) of this rule;

(b) A heat loss estimate for the home;

(c) The type and amount of thermal storage;

(d) A solar site assessment worksheet for the collector location; and

(e) Other data the department requires to determine eligibility.

(5) System certification applications for passive solar space heating AEDs must contain:

(a) All the data required in section (2) above;

(b) A copy of the building permit plans;

(c) A copy of the window specifications used;

(d) The type and amount of thermal storage;

(e) A solar site assessment worksheet taken at the center of the solar glazing; and

(f) Other data the department requires to determine eligibility.

(6) System certification applications for photovoltaic AEDs must contain:

(a) The data required in section (2);

(b) Retail customer pricing information for:

(A) Total project labor, and

(B) Total project materials;

(c) The number of modules;

(d) The brand name of the module(s);

(e) The rated DC output in watts of the module(s) under Standard Test Conditions (STC);

(f) A description of the storage provided if storage is a part of the system;

(g) Storage brand and model;

(h) Storage capacity in kWh;

(i) The brand name of the inverter if an inverter is part of the system;

(j) The capacity of the inverter;

(k) The Total Solar Resource Fraction (TSRF);

(L) Other data the department requires to determine eligibility;

(m) The permit number and date of final inspection from the applicant's local jurisdiction; and

(n) All applications submitted by a tax-credit technician (TCT) after June 1, 2015, must be submitted through PowerClerk.

(7) System certification applications for geothermal systems must contain:

(a) All the data required in section (2) of this rule;

(b) For all systems connected to a well, data on the well including:

(A) Depth;

(B) Diameter (cased);

(C) Temperature;

(D) Static water level below grade;

(E) A copy of the well driller's log, if available; and

(F) Other data the department requires to determine eligibility.

(c) For systems connected to a heat pump:

(A) Brand name and model number of the heat pump;

(B) Rated output at the entering water temperature;

(C) Estimated system COP rated by AHRI under ANSI/AHRI/ASHRAE/ISO Standard 13256-1, at an entering water temperature of 50 degrees Fahrenheit; and

(D) Any other data the department requires to determine eligibility.

(d) For geothermal systems:

(A) All the information in subsection (7)(b) of this rule;

(B) Brand name, rated output, estimated COP;

(C) Length and depth of the loop;

(D) Materials and spacing used;

(E) Type of heat transfer fluid; and

(F) Other data the department requires to determine eligibility.

(8) System certification applications for energy-efficient appliances must contain:

(a) All the data required in section (2) of this rule;

(b) The brand name, make, model number, capacity and/or size of the appliance;

(c) A signed copy of the sales agreement, which must include all of the following:

(A) Verification of applicant's name and address,

(B) Verification of model of appliance, and

(C) Verification of actual price paid for appliance;

(d) Certification of new equipment warranty;

(e) For air source ducted heat pumps systems and furnace systems a description of the distribution system; and

(f) Other data the department requires to determine eligibility.

(9) System certification applications for alternative fuel devices must contain:

(a) Taxpayer's name;

(b) Taxpayer identification or social security number;

(c) Installation location by street address;

(d) The name of the licensed and bonded company employing the technician;

(e) The employing company's business location;

(f) The brand name, make, model number, or component list of the alternative fuel device;

(g) A signed copy of the sales agreement, which will include all of the following:

(A) Verification of applicant's name and address,

(B) Verification of model of, or components used for alternative fuel device, and

(C) Verification of actual price paid for the alternative fuel device;

(h) Certification of new equipment warranty; and

(i) Other data the department requires to determine eligibility.

(10) System certification applications for fuel cells must contain:

(a) All of the data required in section (2) of this rule;

(b) The rated fuel cell stack peak capacity, in kW;

(c) The rated fuel cell system peak capacity, in kW (this rating includes peak capacity enhancing devices such as batteries and other storage devices or systems);

(d) Whether or not the system is grid connected;

(e) The fuel used by the system;

(f) The type of fuel stack (PEM, PAFC, SOFC, etc.);

(g) An estimate of the average load, in kW, expected to be placed on the system;

(h) The thermal energy production rate, in Btu/hour, at peak capacity and at the average load specified in (10)(f) above;

(i) Whether or not the system has provisions for thermal heat recovery, and if so, where the thermal energy is designed to be used (domestic hot water, space heating, etc.); and

(j) Other data the department requires to determine eligibility.

(11) System certification applications for premium efficiency biomass combustion devices must contain:

(a) The manufacturer, model, capacity, serial number of the device;

(b) The device characteristics, defined as catalytic, non-catalytic, or pellet stove or boiler;

(c) Vendor name and address;

(d) Price paid for the device, any parts or installation;

(e) Efficiency information, as described in OAR 330-070-0073;

(f) For replacement of uncertified woodstoves, the applicant must additionally provide:

(A) A signed certification from the applicant verifying that the wood burning device being replaced has been rendered unusable, can no longer be used as a heating device, and will be retired permanently from service; and

(B) Documentation, in the form of a disposal receipt from a metal recycler, landfill or licensed contractor, verifying that the wood burning device being replaced is an uncertified woodstove and has been rendered unusable; and

(g) Other data the department requires to determine eligibility.

(12) A system certification may be transferred by an applicant who does not qualify for tax relief to the first eligible buyer of the dwelling.

(13) For a third-party financed system, the application must provide copies of an energy purchase or lease agreement and full service maintenance agreement.

Stat. Auth.: ORS 469.040; 469B.103

Stats. Implemented: ORS 469B.100–469B.118; 316.116; 317.115

Hist.: DOE 6-1979, f. & ef. 11-13-79; DOE 1-1982, f. 1-12-82, ef. 2-1-82; DOE 6-1983, f. 12-16-83, ef. 1-1-84; DOE 7-1984, f. & ef. 12-19-84; DOE 1-1986, f. & ef. 2-7-86; DOE 4-1987, f. 12-18-87, ef. 1-1-88; DOE 1-1988(Temp), f. & cert. ef. 1-13-88; DOE 1-1989, f. & cert. ef. 6-15-89; DOE 2-1989, f. 12-28-89, cert. ef. 1-1-90; DOE 1-1996, f. & cert. ef. 4-1-96; DOE 1-1997, f. 12-15-97, cert. ef. 1-1-98; DOE 1-1999, f. 12-21-99, cert. ef. 1-1-00; DOE 2-2001, f. 10-5-01, cert. ef. 10-8-01; DOE 1-2004, f. & cert. ef. 1-21-04; DOE 2-2005, f. 12-30-05, cert. ef. 1-1-06; DOE 4-2007, f. 11-30-07, cert. ef. 12-1-07; DOE 16-2010, f. & cert. ef. 12-22-10; DOE 11-2011, f. 12-16-11, cert. ef. 1-1-12; DOE 14-2012, f. 12-26-12, cert. ef. 1-1-13; DOE 8-2013, f. 12-27-13, cert. ef. 1-1-14; DOE 8-2014, f. 11-18-14, cert. ef. 1-1-15; DOE 6-2015, f. 11-9-15, cert. ef. 1-1-16

330-070-0026
Tax-Credit Technician

(1) Technicians may apply for the department's tax-credit technician (TCT) status for a technology listed in section (2) of this section. Tax-credit technician status is intended to assist consumers with the state tax credit program, ensure that the systems are installed according to department rules, and verify system installation quality and performance. Technician status is valid for two years and must be renewed to remain in effect.

(2) A tax-credit technician status applies only to the following products:

(a) Solar water heating systems;

(b) Geothermal systems; and

(c) Photovoltaic systems.

(3) The tax-credit technician's status is based on the following:

(a) Knowledge and understanding of the tax credit program requirements and expectations;

(b) Ability to provide systems that are designed and installed consistent with the manufacturer's warranty and department rules; and

(c) Employment by a company with a Construction Contractors Board (CCB) license.

(4) Those who do not maintain the competencies in section (3) are subject to revocation of the status.

(5) Tax-credit technician status entitles a technician to:

(a) Inform the AED system owner that he or she has attended the department's online training and is familiar with the rules and requirements of the Residential Energy Tax Credit Program.

(b) Verify that installation of tax-credit qualified equipment and systems meets department standards for performance and longevity.

(6) Tax-credit technician status requires that the technicians must follow department requirements including:

(a) Solar technicians must show at least one of the following, a valid and current:

(A) North American Board of Certified Energy Practitioners (NABCEP) certification,

(B) Limited Renewable Energy Technician (LRT) license for solar electric,

(C) Solar Thermal License (STL) for solar thermal,

(D) Successful passage of the NABCEP Entry-Level Exam for the appropriate AED, or

(E) Other certification approved by the Director to maintain their tax-credit solar technician status with the department.

(b) First-time geothermal technician applicants must show proof of successful completion of International Ground Source Heat Pump Association training (IGSHPA) or IGSHPA certified manufacturer's installer training program or other training approved by the Director.

(c) Solar and geothermal tax-credit technician applicants must complete the department's online training at least once every three years unless otherwise specified in department rule.

(d) Technicians must verify the AED owner has a user manual for the equipment/system.

(e) Technicians must provide the AED owner with a completed application and a copy of the final, itemized and dated invoice for the system that is marked "inspected and paid for," And they must verify the owner has a written full warranty for the system that lasts no less than 24 months after the system is installed.

(f) Technicians must maintain tax-credit technician status by completing the following technology-specific requirements during the period between awarding initial status and the renewal period or between renewal periods:

(A) For solar technology:

(i) Technicians must:

(I) Submit and have approved two (2) Residential or Energy Incentives Program applications for systems in a technology in which the tax-credit technician is listed and complete four (4) hours of related technical continuing education;

(II) Submit and have approved one (1) Residential or Energy Incentives Program application for a system in a technology in which the tax-credit technician is listed and complete six (6) hours of related technical continuing education; or

(III) Complete eight (8) hours of related technical education.

(ii) Technicians must provide information on the number of job hours directly associated with the installation of RETC qualified photovoltaic systems within the prior two years. Job estimates should be submitted in hours.

(iii) Technicians are subject to the renewal period on the second year from the year of initial status or renewal year.

(iv) The two month renewal period begins every year on June 1st and ends prior to August 1st.

(v) Proof of related technical continuing education must be provided during the renewal period.

(vi) Failure to complete requalification during the renewal period will result in the revocation of TCT status for one year. TCT status may be reinstated during the following year's renewal period.

(B) For geothermal systems, technicians must submit and have approved a minimum of one (1) tax credit application or provide proof of having completed at least two hours of relevant installer training, community college HVAC course, or other training approved by the Director.

(7) Tax credits for installation of geothermal systems, solar electric and solar thermal systems must be verified by a tax-credit technician.

(8) A tax-credit technician must notify the department within 30 days if changes are made in any of the information in the TCT application.

(9) Tax-credit technicians inspect owner-built systems to verify that the system appears to be installed in a workman-like manner. As part of an owner-built inspection, a tax-credit technician is not required to provide a warranty or guarantee of the owner-built system.

Stat. Auth.: ORS 469.040; 469B.103

Stats. Implemented: ORS 469B.100–469B.118; 316.116

Hist.: DOE 1-1982, f. 1-12-82, ef. 2-1-82; DOE 6-1983, f. 12-16-83, ef. 1-1-84; DOE 7-1984, f. & ef. 12-19-84; DOE 1-1986, f. & ef. 2-7-86; DOE 4-1987, f. 12-18-87, ef. 1-1-88; DOE 1-1989, f. & cert. ef. 6-15-89; DOE 2-1989, f. 12-28-89, cert. ef. 1-1-90; DOE 1-1995, f. & cert. ef. 1-17-95; DOE 1-1996, f. & cert. ef. 4-1-96; DOE 1-1997, f. 12-15-97, cert. ef. 1-1-98; DOE 1-1999, f. 12-21-99, cert. ef. 1-1-00; DOE 2-2001, f. 10-5-01, cert. ef. 10-8-01; DOE 1-2004, f. & cert. ef. 1-21-04; DOE 2-2005, f. 12-30-05, cert. ef. 1-1-06; DOE 4-2007, f. 11-30-07, cert. ef. 12-1-07; DOE 7-2008, f. 10-31-08, cert. ef. 11-1-08; DOE 16-2010, f. & cert. ef. 12-22-10; DOE 11-2011, f. 12-16-11, cert. ef. 1-1-12; DOE 14-2012, f. 12-26-12, cert. ef. 1-1-13; DOE 8-2013, f. 12-27-13, cert. ef. 1-1-14; DOE 8-2014, f. 11-18-14, cert. ef. 1-1-15; DOE 6-2015, f. 11-9-15, cert. ef. 1-1-16

330-070-0040
Other Rules and Regulations

(1) AEDs must comply with all state, federal and local laws and rules that apply.

(2) The policy of the department is:

(a) To accept the findings of local, state and federal agencies which license or permit projects to be built or run;

(b) To avoid influencing any of those agencies to approve or deny a license or a permit; and

(c) To provide facts from tax credit files to such agencies when asked.

(3) Each applicant must:

(a) Obtain each local, state, and federal permit and license that applies to a project;

(b) Agree to comply with the express terms and conditions of each permit and license; and

(c) Agree to comply with all state rules and laws that apply to the project.

(4) System certification and tax-credit technician status are based on the applicant's promise that each needed local, state and federal license and permit has been or will be obtained. Failure to obtain those approvals will cause the department certification or status approval to be revoked.

(5) If any license or permit named in these rules does not apply to the project, the licensing or permitting agency must certify that the license or permit is not required. This does not apply to residential DHW, pool, spa and hot tub systems.

(6) AED technicians must install all systems in compliance with the system manufacturer's published specifications.

(7) The department will assign an energy savings for all solar domestic water heating systems. For systems approved by the department that are not Solar Rating and Certification Corporation (SRCC) certified, the department will assign an energy savings based on requirements determined comparable to SRCC ratings.

Stat. Auth.: ORS 469.086

Stats. Implemented: ORS 316.116

Hist.: DOE 12(Temp), f. & ef. 10-14-77; DOE 3-1978, f. & ef. 3-7-78; DOE 5-1978, f. & ef. 9-27-78; DOE 6-1979, f. & ef. 11-13-79; DOE 1-1982, f. 1-12-82, ef. 2-1-82; DOE 7-1984, f. & ef. 12-19-84; DOE 1-1986, f. & ef. 2-7-86; DOE 4-1987, f. 12-18-87, ef. 1-1-88; DOE 1-1989, f. & cert. ef. 6-15-89; DOE 2-1989, f. 12-28-89, cert. ef. 1-1-90; DOE 1-1995, f. & cert. ef. 1-17-95; DOE 1-1996, f. & cert. ef. 4-1-96; DOE 1-1997, f. 12-15-97, cert. ef. 1-1-98; DOE 1-1999, f. 12-21-99, cert. ef. 1-1-00; DOE 2-2001, f. 10-5-01, cert. ef. 10-8-01; DOE 1-2004, f. & cert. ef. 1-21-04; DOE 2-2005, f. 12-30-05, cert. ef. 1-1-06; DOE 14-2012, f. 12-26-12, cert. ef. 1-1-13; DOE 8-2014, f. 11-18-14, cert. ef. 1-1-15; DOE 6-2015, f. 11-9-15, cert. ef. 1-1-16

330-070-0045
Enforcement

(1) Actions that are cause for revocation of a residential alternate energy tax credit:

(a) A system certification may be revoked pursuant to ORS 469B.118 if the Director finds any of the following:

(A) The applicant obtained the system certification as a result of misrepresentation.

(B) The AED has not been installed or operated in substantial compliance with the plans, specifications or procedures specified in the application or certificate, such as:

(i) Failure to follow applicable standards;

(ii) Failure to comply with required codes or obtain required permits or inspections;

(iii) Return of the AED to the seller or installer for a refund; or

(iv) Sale or removal of the device so that it no longer operates on the property of the applicant.

(C) The applicant refuses to allow the department to inspect the AED after a reasonable written request by the department. A reasonable request must allow applicant to choose a day within three weeks of the request from the department.

(b) Following revocation, the applicant will forfeit the tax credit, and the Oregon Department of Revenue will proceed to collect any taxes not paid by the taxpayer because of this credit.

(2) A technician's tax credit status may be revoked pursuant to ORS 469B.118 if the Director finds that:

(a) The system or tax-credit technician status was obtained by fraud or misrepresentation by the technician. The Director may find that fraud or misrepresentation occurred if false statements were made regarding the technician's licenses held, products or warranties carried by the tax-credit technician's employing company, the company's range of product cost, personnel employed in the business, or any other item in the application for technician tax credit status as defined in OAR 330-070-0026.

(b) The technician's performance regarding sales or installation of the alternative energy device for which the technician is issued a tax credit certificate under ORS 469B.106 does not meet industry standards. The Director may find that the technician's performance does not meet industry standards under any one or more of the following conditions:

(A) The technician or employing company is not registered with the Construction Contractors Board or does not carry the required level of insurance, licensure or bonding.

(B) The technician or employing company fails to obtain the required state, federal or local permits required to install the AED as defined in OAR 330-070-0040.

(C) The technician fails to install the AED system in compliance with standards adopted under OAR 330-070-0059 through 330-070-0097.

(D) The technician fails to install the AED system to comply with manufacturers' published specifications.

(E) The technician or employing company fail to honor contract provisions when there is no legitimate excuse for nonperformance of the obligation.

(F) The technician or employing company fail to honor a warranty that they are contractually obligated to perform.

(G) The technician or employing company fail to make corrections to remedy failure to comply with paragraphs (A) through (F) of this subsection, as requested by the department, within 30 days of written notification from the department of the problem, unless a time extension is granted by the department.

(H) A tax credit for an AED sold or installed under the tax-credit technician status is ordered revoked under subsection (2)(a) of this rule.

(I) Information indicates that the AEDs installed under the tax-credit technician status or the employing company do not meet eligibility requirements.

(c) The technician or employing company has misrepresented to the customer either the tax credit program or the nature or quality of the alternative energy device. The Director may find that the technician or employing company has misrepresented the tax credit program or the AED under any of the following conditions:

(A) The technician or employing company has provided false or misleading information to the customer regarding the availability of the tax credit, amount and nature of the tax credit, procedures for tax credit application, eligibility standards for credit, or any other misleading information about the program implemented under ORS 469B.100 through 469B.118.

(B) The technician or employing company has misrepresented the nature of the performance of the AED or claimed savings in excess of those on an energy savings chart without providing accurate calculations to the customer and to the department to substantiate the energy savings. For geothermal systems, the technician or employing company has claimed savings higher than other units of similar efficiency.

(C) The technician or employing company has misrepresented the cost of a system. For example, the technician or employing company omits costs in the contract for features necessary for basic installation and/or operation of the system and/or costs to comply with the AED eligibility under ORS 469B.100 through 469B.118.

(D) The technician or employing company has misrepresented a competitor's product or service.

(E) The technician or employing company fails to make corrections requested in writing to the department to remedy violations of (A)–(D) of this subsection within 30 days, unless more time is allowed by the department.

(F) The technician or employing company fails to remedy the construction and/or warranty claim as directed by order of the Construction Contractors Board.

Stat. Auth.: ORS 469
Stats. Implemented: ORS 469.180
Hist.: DOE 5-1978, f. & ef. 9-27-78; DOE 6-1979, f. & ef. 11-13-79; DOE 1-1982, f. 1-12-82, ef. 2-1-82; DOE 6-1983, f. 12-16-83, ef. 1-1-84; DOE 1-1986, f. & ef. 2-7-86; DOE 4-1987, f. 12-18-87, ef. 1-1-88; DOE 1-1989, f. & cert. ef. 6-15-89; DOE 2-1989, f. 12-28-89, cert. ef. 1-1-90; DOE 1-1995, f. & cert. ef. 1-17-95; DOE 1-1997, f. 12-15-97, cert. ef. 1-1-98; DOE 1-1999, f. 12-21-99, cert. ef. 1-1-00; DOE 2-2001, f. 10-5-01, cert. ef. 10-8-01; DOE 1-2004, f. & cert. ef. 1-21-04; DOE 2-2005, f. 12-30-05, cert. ef. 1-1-06; DOE 4-2006, f. 12-29-06, cert. ef. 1-1-07; DOE 16-2010, f. & cert. ef. 12-22-10; DOE 11-2011, f. 12-16-11, cert. ef. 1-1-12; DOE 14-2012, f. 12-26-12, cert. ef. 1-1-13; DOE 8-2014, f. 11-18-14, cert. ef. 1-1-15; DOE 6-2015, f. 11-9-15, cert. ef. 1-1-16

330-070-0059
Solar Swimming Pool, Spa and Hot Tub AEDs

(1) Installations must be installed according to manufacturer's instructions; and comply with all applicable state, county, or local codes and regulations.

(2) Consumers who purchase a solar swimming pool, spa or hot tub heating system must receive written operating and maintenance instructions. These instructions must at a minimum include:

(a) Clear instructions on how to monitor the system performance;

(b) Description and recommended frequency of homeowner maintenance;

(c) Diagram of the system noting location of valves and monitoring devices; and

(d) What to do and who to call in an emergency and when the system needs professional maintenance and repairs.

(3) Swimming pool heating system designs and installations must comply with the following additional requirements:

(a) Collectors and piping must be securely mounted to withstand local wind loads.

(b) Piping and pump sizing must consider collector area, total flow rates, pressure drop across collectors, length of run from collectors to pump, and maximum allowable pressure drop for the system.

(c) Any building insulation disturbed due to the system installation must be restored to previous condition.

(d) Swimming pool collectors must come with a minimum 10-year manufacturer's full warranty (to ensure that equipment designed for temporary installation is not used).

(e) System must have a method to show that it is operating correctly. This equipment must be a permanent part of the system, not require any special tools, and be in an easily accessible location.

(f) Collectors must be mounted in a manner to enable seasonal drainage by gravity for proper freeze protection.

(g) The system must have a minimum Total Solar Resource Fraction (TSRF) of 75 percent.

(h) Swimming pool collectors must be certified by the Solar Rating and Certification Corporation (SRCC), Florida Solar Energy Center (FSEC) or other certification body approved by the department.

(i) Swimming pool heating collectors will be limited to no more than 125 percent of the pool area for the purposes of calculating the tax credit.

(j) To estimate annual savings, swimming pools are assumed to be heated to a maximum of 85 degrees F. Swimming pools, spas or hot tubs heated beyond 85 degrees F will be considered a spa or hot tub for tax credit purposes.

(4) Spa and hot tub heating system designs and installations must comply with the following additional requirements:

(a) System design must be approved by the department. Approval is based on complete system design documentation and calculation of annual energy savings.

(b) Controls must be capable of maintaining safe spa temperatures.

(c) The system must have a minimum Total Solar Resource Fraction (TSRF) of 75 percent.

(5) The addition of more energy producing capacity to an existing solar pool heating system may be eligible for an AED tax credit if:

(a) The system addition increases first year energy savings; and

(b) The system addition is built, installed and operated in accord with OAR 330-070-0010 through 330-070-0097.

(6) The department will calculate first year energy savings of a system addition by subtracting the estimated savings of the original AED from the increased first year energy savings with the addition.

(a) The department will not recalculate the original AED's estimated energy savings, even if the AED produces less than estimated.

(b) Any AED that received an AED tax credit in a prior five years will be assumed to remain in place, for purposes of calculating a tax credit for a system addition.

Stat. Auth.: ORS 469.086
Stats. Implemented: ORS 316.116
Hist.: DOE 1-2004, f. & cert. ef. 1-21-04; DOE 2-2005, f. 12-30-05, cert. ef. 1-1-06; DOE 4-2006, f. 12-29-06, cert. ef. 1-1-07; DOE 4-2007, f. 11-30-07, cert. ef. 12-1-07; DOE 16-2010, f. & cert. ef. 12-22-10; DOE 16-2010, f. & cert. ef. 12-22-10; DOE 14-2012, f. 12-26-12, cert. ef. 1-1-13; DOE 8-2014, f. 11-18-14, cert. ef. 1-1-15; DOE 6-2015, f. 11-9-15, cert. ef. 1-1-16

330-070-0060
Solar Domestic Water Heating AEDs

(1) Installations of solar domestic water heating systems must comply with all applicable state, county or local codes and regulations and be verified by a tax-credit technician.

(2) Consumers who purchase a solar domestic water heating system must receive written operating and maintenance instructions. These instructions must at a minimum include:

(a) Clear instructions on how to determine if the system is functioning properly; and

(b) How to protect the system from overheating due to stagnation during periods when the system is not in use.

(3) System designs and installations must comply with the following additional requirements:

(a) Collectors and piping must be securely mounted to withstand local wind loads.

(b) Piping and pump sizing must consider collector area, total flow rates, pressure drop across collectors, length of run from collectors to pump, and maximum allowable pressure drop for the system.

(c) Pipe insulation must be installed on all solar pipe runs and protected against damage from exposure in outdoor conditions and be rated for design condition temperatures.

(d) Any building insulation disturbed due to the system installation must be restored to previous condition.

(e) For systems using pressurized anti-freeze fluids, a pressure gauge must be installed to indicate pressure in the system.

(f) Piping containing pressurized water in attics 24 hours a day must be of the appropriate material allowed by applicable Oregon plumbing codes.

(4) Systems using tanks, piping, pumps and other components containing water in unheated spaces must be adequately protected from freezing.

(5) Drain-down or manual drain systems are not acceptable freeze protection methods for solar domestic water heating systems.

(6) A method to show that the system is operating correctly must be provided.

(a) For passive systems this must be a thermometer in line between solar storage and backup tank.

(b) For an active system this must be a flow meter in the supply line to the collectors and a thermometer on the outlet port of the solar storage tank.

(7) Annual energy savings will be based on the annual performance simulations provided by the Solar Rating and Certification Corporation (SRCC).

(a) The SRCC annual energy savings must be adjusted for site specific conditions as documented by a Solar Site Assessment Worksheet.

(b) The system must have a minimum Total Solar Resource Fraction (TSRF) of 75 percent.

(8) All systems must meet the standards established by the SRCC Standard-300 system certification in effect at the time the rules are adopted, or equivalent requirements as determined by the Director.

[Publications: Publications referenced are available from the agency.]
Stat. Auth.: ORS 469.086
Stats. Implemented: ORS 316.116
Hist.: DOE 12(Temp), f. & ef. 10-14-77; DOE 3-1978, f. & ef. 3-7-78; DOE 5-1978, f. & ef. 9-27-78; DOE 6-1979, f. & ef. 11-13-79; DOE 1-1982, f. 1-12-82, ef. 2-1-82; DOE 6-1983, f. 12-16-83, ef. 1-1-84; DOE 7-1984, f. & ef. 12-19-84; DOE 1-1986, f. & ef. 2-7-86; DOE 4-1987, f. 12-18-87, ef. 1-1-88; DOE 1-1989, f. & cert. ef. 6-15-89; DOE 2-1989, f. 12-28-89, cert. ef. 1-1-90; DOE 1-1995, f. & cert. ef. 1-17-95; DOE 1-1996, f. & cert. ef. 4-1-96; DOE 1-1997, f. 12-15-97, cert. ef. 1-1-98; DOE 1-1999, f. 12-21-99, cert. ef. 1-1-00; DOE 2-2000, f. 12-29-00, cert. ef. 1-1-01; DOE 2-2001, f. 10-5-01, cert. ef. 10-8-01; DOE 1-2004, f. & cert. ef. 1-21-04; DOE 2-2005, f. 12-30-05, cert. ef. 1-1-06; DOE 4-2006, f. 12-29-06, cert. ef. 1-1-07; DOE 4-2007, f. 11-30-07, cert. ef. 12-1-07; DOE 16-2010, f. & cert. ef. 12-22-10; DOE 11-2011, f. 12-16-11, cert. ef. 1-1-12; DOE 14-2012, f. 12-26-12, cert. ef. 1-1-13; DOE 8-2014, f. 11-18-14, cert. ef. 1-1-15; DOE 6-2015, f. 11-9-15, cert. ef. 1-1-16

330-070-0062
Passive Solar Space Heating AEDs

(1) Installations of passive solar space heating systems must comply with all applicable state, county or local codes and regulations.

(2) The estimated first year energy savings for the system must be the net usable energy produced under average environmental conditions in one year.

(3) Passive solar space heating systems must produce energy savings equal to not less than 20 percent of the annual energy used for space heating in the dwelling to be eligible for a tax credit. Such systems must:

(a) Have sufficient solar access not jeopardized by future buildings or tree growth;

(b) Provide usable heat for the heated space;

(c) Provide adequate thermal storage for solar heat gained;

(d) Prevent overheating of the heated space that requires mechanical space cooling; and

(e) In addition, sunspaces must:

(A) Have no backup heating device; and

(B) Be able to be isolated from the heated space.

(4) Determination of annual performance must be based on one of the following approved methods:

(a) Using the department's prescriptive passive solar heating path to achieve 20 percent savings.

(b) Annual hourly simulation using an approved energy modeling software (e.g.: Energy-10).

(c) Monitored data from system before and after installation of AED.

(5) Costs eligible for passive solar space heating systems include:

(a) The cost for thermal storage;

(b) The cost of movable window insulation that is part of a passive system. It must tightly seal on all sides of the window. It must also have an R- value of at least three;

(c) The cost of south-facing windows, if the requirements of section (4) of this rule are met; and

(d) The cost of passive heat distribution components.

(6) The department will use data supplied by the applicant to determine the amount of the tax credit.

[Publications: Publications referenced are available from the agency.]
Stat. Auth.: ORS 469
Stats. Implemented: ORS 469.170
Hist.: DOE 1-1986, f. & ef. 2-7-86; DOE 4-1987, f. 12-18-87, ef. 1-1-88; DOE 1-1989, f. & cert. ef. 6-15-89; DOE 2-1989, f. 12-28-89, cert. ef. 1-1-90; DOE 1-1997, f. 12-15-97, cert. ef. 1-1-98; DOE 1-1999, f. 12-21-99, cert. ef. 1-1-00; DOE 2-2001, f. 10-5-01, cert. ef. 10-8-01; DOE 1-2004, f. & cert. ef. 1-21-04; DOE 2-2005, f. 12-30-05, cert. ef. 1-1-06; DOE 16-2010, f. & cert. ef. 12-22-10; DOE 14-2012, f. 12-26-12, cert. ef. 1-1-13; DOE 8-2014, f. 11-18-14, cert. ef. 1-1-15; DOE 6-2015, f. 11-9-15, cert. ef. 1-1-16

330-070-0063
Combined Active Solar Space and Domestic Water Heating AEDs

(1) Combined active solar space and domestic water heating systems use air or water that is moved by pumps or fans to collect, store and distribute the sun's energy to a dwelling or part of a dwelling.

(2) Installations of active solar space and domestic water heating systems must comply with all applicable state, county and local codes and regulations, and be verified by a tax-credit technician.

(3) The estimated first-year energy savings must be based on the following:

(a) The house design prior to installation of the solar energy equipment, not a base code design or reference design.

(b) An annual solar utilization calculation method approved by the Director that accounts for the operating temperature of the energy storage and collector system and gives no credit for any insulation measures not directly associated with the solar AED.

(c) Typical residential occupancy setpoints and operating behavior. Savings will not be granted for consumer behavior options.

(4) Applicant must provide the following information:

(a) Complete system design documentation with component list and controls sequence;

(b) Documentation showing that the system has a minimum Total Solar Resource Fraction (TSRF) of 75 percent;

(c) Annual estimated savings calculations; and

(d) Solar equipment specifications and performance test data.

(5) The department will use data supplied by the applicant to determine if the requirements of OAR 330-070-0022 are met.

[Publications: Publications referenced are available from the agency.]
Stat. Auth.: ORS 469.086
Stats. Implemented: ORS 316.116
Hist.: DOE 1-1986, f. & ef. 2-7-86; DOE 4-1987, f. 12-18-87, ef. 1-1-88; DOE 1-1996, f. & cert. ef. 4-1-96; DOE 1-1997, f. 12-15-97, cert. ef. 1-1-98; DOE 1-1999, f. 12-21-99, cert. ef. 1-1-00; DOE 2-2001, f. 10-5-01, cert. ef. 10-8-01; DOE 1-2004, f. & cert. ef. 1-21-04; DOE 2-2005, f. 12-30-05, cert. ef. 1-1-06; DOE 16-2010, f. & cert. ef. 12-22-10; DOE 14-2012, f. 12-26-12, cert. ef. 1-1-13; DOE 8-2014, f. 11-18-14, cert. ef. 1-1-15; DOE 6-2015, f. 11-9-15, cert. ef. 1-1-16

330-070-0064
Photovoltaic AEDs

(1) Installations of photovoltaic systems must be installed according to manufacturer's instructions, comply with all applicable Oregon codes and be verified by a tax-credit technician.

(2) System size will be determined by the sum of all the photovoltaic module DC wattage ratings under standard test conditions (STC). The minimum system size must be 200 Watts DC output under STC.

(3) All modules must have a minimum Total Solar Resource Fraction (TSRF) of 75 percent over the entire module. Solar electric AC modules with a TSRF of less than 75 percent will not be counted in the system size.

(4) The department may verify that the modules and inverters are listed on the California Energy Commission (CEC) eligible list as of the date of the application.

[Publications: Publications referenced are available from the agency.]
Stat. Auth.: ORS 469.040; 469B.103
Stats. Implemented: ORS 469B.100–469B.118; 316.116
Hist.: DOE 1-2004, f. & cert. ef. 1-21-04; DOE 2-2005, f. 12-30-05, cert. ef. 1-1-06; DOE 4-2006, f. 12-29-06, cert. ef. 1-1-07; DOE 4-2007, f. 11-30-07, cert. ef. 12-1-07; DOE 16-2010, f. & cert. ef. 12-22-10; DOE 11-2011, f. 12-16-11, cert. ef. 1-1-12; DOE 14-2012, f. 12-26-12, cert. ef. 1-1-13; DOE 8-2013, f. 12-27-13, cert. ef. 1-1-14; DOE 8-2014, f. 11-18-14, cert. ef. 1-1-15; DOE 6-2015, f. 11-9-15, cert. ef. 1-1-16

330-070-0070
Geothermal Systems

(1) Geothermal systems must comply with OAR 330-070-0025 and 330-070-0040. Installations must be verified by a tax-credit technician.

(2) System parts must have adequate:

(a) Structural strength;

(b) Resistance to weather and fire;

(c) Ease of upkeep; and

(d) Durability.

(3) Systems must fully protect drinking water as specified in the Oregon Plumbing Specialty Code and be designed for the least impact on ground water.

(4) Direct use geothermal systems must include a summary report from Oregon Institute of Technology or other source approved by the Director which describes the system and indicates that it will deliver sufficient heat and the design meets current good practice guidelines. These systems will be reviewed on a case-by-case basis.

(5) The system Coefficient of Performance (COP) must be at least 3.3 for all systems including energy used by pumps, except 3.5 for direct expansion (DX) systems including energy used by pumps. COP will be determined by the following methods:

(a) For water source heat pumps, the COP must be determined in accordance with ANSI/AHRI/ASHRAE/ISO Standard 13256-1, at an entering water temperature of 50 degrees F.

(b) For solar assisted heat pumps, the COP must be the measured ratio of the heating season energy output divided by the heating season energy input. Both energy values must be expressed in the same units.

(6) All other types of geothermal systems must be reviewed on their COP.

(7) Geothermal upgrade systems must comply with the following requirements:

(a) All units must be installed on systems that comply with these rules.

(b) All units must be installed on systems that use an operational closed-loop ground coupled heat exchanger.

(c) The compressor upgrade unit must be sized within 15 percent of the unit it is replacing, based on rated cooling capacity in Btus. The department may grant an exception to this limit for an upgrade that is accompanied by a written justification including measured data and appropriate engineering calculations.

(d) All units must be manufactured by a company appearing in the Air-Conditioning, Heating and Refrigeration Institute (AHRI) Unitary Directory.

(e) Post-upgrade system COP must be at least 3.3 for closed loop systems and 3.5 for direct expansion (DX) systems, including energy used by pumps. COP must be determined by the following methods:

(A) For water source heat pumps, the COP must be determined in accordance with ANSI/AHRI/ASHRAE/ISO Standard 13256-1, at an entering water temperature of 50 degrees F.

(B) For water source or ground loop heat pumps using ambient surface water as an energy source and for solar assisted heat pumps, the COP must be the measured ratio of the heating season energy output divided by the heating season energy input. Both energy values must be expressed in the same units.

Stat. Auth.: ORS 469.086

Stats. Implemented: ORS 316.116

Hist.: DOE 12(Temp), f. & ef. 10-14-77; DOE 3-1978, f. & ef. 3-7-78; DOE 5-1978, f. & ef. 9-27-78; DOE 6-1979, f. & ef. 11-13-79; DOE 1-1982, f. 1-12-82, ef. 2-1-82; DOE 6-1983, f. 12-16-83, ef. 1-1-84; DOE 1-1986, f. & ef. 2-7-86; DOE 4-1987, f. 12-18-87, ef. 1-1-88; DOE 1-1989, f. & cert. ef. 6-15-89; DOE 2-1989, f. 12-28-89, cert. ef. 1-1-90; DOE 1-1996, f. & cert. ef. 4-1-96; DOE 1-1997, f. 12-15-97, cert. ef. 1-1-98; DOE 1-1999, f. 12-21-99, cert. ef. 1-1-00; DOE 2-2001, f. 10-5-01, cert. ef. 10-8-01; DOE 1-2004, f. & cert. ef. 1-21-04; DOE 4-2006, f. 12-29-06, cert. ef. 1-1-07; DOE 7-2008, f. 10-31-08, cert. ef. 11-1-08; DOE 16-2010, f. & cert. ef. 12-22-10; DOE 11-2011, f. 12-16-11, cert. ef. 1-1-12; DOE 14-2012, f. 12-26-12, cert. ef. 1-1-13; DOE 8-2014, f. 11-18-14, cert. ef. 1-1-15; DOE 6-2015, f. 11-9-15, cert. ef. 1-1-16

330-070-0073

Energy-Efficient Appliances

(1) Energy-efficient appliances must meet or exceed the United States Department of Energy (USDOE) energy efficiency standards, as applicable, the department will designate a nationally recognized test procedure that will apply where USDOE standards do not exist.

(2) Water Heating Appliances.

(a) High-efficiency heat pump water heaters (HPWH) for domestic hot water must meet the "Northern Climate" specifications by the Northwest Energy Efficiency Alliance (NEEA). AEDs meeting the Northern Climate Specification Product Tier 1 must provide configuration options for semi-conditioned spaces such as unheated basements and unconditioned spaces such as garages or crawl spaces. Tier 1 AEDs must be Energy Star compliant and rated at a minimum 1.8 Energy Factor.

(b) High-efficiency heat pump water heaters (HPWH) for domestic hot water must meet the "Northern Climate" specifications by NEEA. AEDs meeting Northern Climate Specification Product Tier 2 or greater must provide configuration options for semi-conditioned, unconditioned and conditioned spaces such as heated utility rooms. Tier 2 or greater AEDs must be Energy Star compliant and rated at a minimum 2.0 Energy Factor.

(c) Storage gas water heaters, which heat and store water within the appliance at a thermostatically controlled temperature for delivery, and natural gas, propane, or oil-fired residential storage type water heaters, as defined by Title 10, Code of Federal Regulations, Chapter 11, Part 430, Subpart B, Appendix E, must have either an Energy Factor of 0.70 or greater as tested with natural gas fuel or a thermal efficiency of 0.80 or greater.

(d) Whole-home gas fired instantaneous water heaters, as defined by Title 10, Code of Federal Regulations, Chapter 11, Part 430, Subpart B, Appendix E, must have an Energy Factor of at least 0.82 or greater if installed on or after January 1, 2011. Integrated water-space heating combination devices will be evaluated as if they were an instantaneous water heater with at least a 93.3 Annual Fuel Utilization Efficiency (AFUE) rating.

(e) Equipment efficiency requirements are based on either the listing by ENERGY STAR®, the directory of the Air-Conditioning, Heating, and Refrigeration Institute (AHRI), or other third-party certified list approved by the Director.

(3) Wastewater Heat Recovery Device is a device designed to recover thermal energy from household wastewater streams for the purpose of returning a portion of this energy to the dwelling's domestic hot water system. Field performance data submitted to and approved by the department will be the basis for tax credit qualification. The following rules also apply:

(a) The system must meet all plumbing code requirements for vented double-wall heat exchangers;

(b) The system must not interfere with the proper operation of the dwelling's wastewater system; and

(c) Energy recovered must be re-introduced into the dwelling's hot water supply system.

(4) Sealed Duct Systems must meet the following requirements:

(a) Have all work must done by technician with a current or valid certification with Performance Tested Comfort System (PTCS), ACCA Quality Installation or approved by the department as equivalent.

(b) To apply for a sealed duct tax credit, the following information must be submitted on the department approved application form:

(A) Certification that Bonneville Power Association's Prescriptive Duct Sealing Specifications have been completed; and

(B) Itemized invoice identifying costs.

(5) Energy Recovery Ventilators (ERVs) are devices that provide balanced fresh air ventilation for homes with the ability to transfer energy from the outgoing air stream to the incoming air stream. ERVs must:

(a) Be tested, rated and certified through the Home Ventilating Institute (HVI) Division of the Air Movement and Control Association (AMCA) International, Inc., and listed in the HVI directory;

(b) Be capable of at least 30 percent Latent Recovery/Moisture Transfer (LRMT) at 32 degrees F when operating on the lowest fan speed. LRMT is the moisture recovered to the ventilation supply air stream divided by moisture being exhausted, corrected for cross leakage, if any. For example, LRMT = 0 would indicate that no exhausting moisture is recovered for the incoming supply air stream. LRMT = 1 would indicate that all exhausting moisture is recovered for the incoming supply air stream;

(c) Have a maximum EUI of 1.10 watts/cfm at the lowest fan speed for which performance data is published in the HVI directory; and

(d) Have a minimum Sensible Recovery Efficiency (SRE) of:

(A) 75 percent at 32°F/0°C when operating at the lowest fan speed; and

(B) 67 percent at 32°F/0°C when operating at the highest fan speed.

(6) Heat Recovery Ventilators (HRVs) are devices that provide balanced fresh air ventilation for homes with the ability to transfer energy from the outgoing air stream to the incoming air stream. HRVs must:

(a) Be tested, rated and certified through the Home Ventilating Institute (HVI) Division of the Air Movement and Control Association (AMCA) International, Inc., and listed in the HVI directory;

(b) Have a maximum EUI of 1.10 watts/cfm at the lowest fan speed for which performance data is published in the HVI directory; and

(c) Have a minimum Sensible Recovery Efficiency (SRE) of:

(A) 75 percent at 32°F/0°C when operating at the lowest fan speed; and

(B) 67 percent at 32°F/0°C when operating at the highest fan speed.

(7) High Efficiency Air Source Ducted Heat Pump Systems are devices that use heat pump technology to create heated or cooled air, for distribution through ductwork. An air source ducted heat pump device consists of one or more factory-made assemblies which normally include an indoor conditioning coil, compressor and outdoor coil. These devices must:

(a) Have all work done by technician with a current or valid certification with Performance Tested Comfort System (PTCS), Proctor Engineering CheckMe!, ACCA Quality Installation or approved by the department as equivalent;

(b) Be tested and rated in accordance with the USDOE Appendix M test procedure in effect at the time these rules are adopted, and be certified by, and be listed in the directory of the Air-Conditioning, Heating, and Refrigeration Institute (AHRI) that is in effect at the time these rules are adopted;

(c) Consist of a matched outdoor unit and indoor unit (air handler and coil or furnace and coil), as tested, rated and listed in the AHRI directory;

(d) Have a minimum USDOE Region IV HSPF rating of 9.5 or greater; and

(e) Systems must be installed and attested to the protocols of tested and serviced as needed to confirm correct refrigerant charge and air flow by a technician authorized by the department and by an approved Performance Tested Comfort System (PTCS), Proctor Engineering CheckMe!, ACCA Quality Installation or approved by the department as equivalent.

(8) High Efficiency Furnace Systems are devices that heat and distribute air through the dwelling using a system of ductwork. A high efficiency furnace system is determined by its Annual Fuel Utilization Efficiency, (AFUE). These devices must:

(a) Be rated by and listed in the directory of the Air-Conditioning, Heating, and Refrigeration Institute (AHRI) in effect at the time these rules are adopted;

(b) Have a minimum AFUE rating of 0.95 (95 percent);

(c) Use direct ducted outdoor air for combustion; and

(d) Must be listed in the AHRI directory of Certified Energy Rating in effect at the time these rules are adopted as an "e" "electrically efficient" furnace.

(9) High Efficiency Ductless Air Source Heat Pump Systems are air-source heat pumps consisting of an outdoor unit connected directly to one or more indoor units through which conditioned air is delivered directly to the room or zone of a home rather than through a central furnace. These devices must:

(a) Include an inverter-driven variable speed compressor;

(b) Be listed in the Air-Conditioning, Heating and Refrigeration Institute (AHRI) Directory of Certified Products;

(c) Deliver at least 50 percent of its AHRI-certified rated heating capacity at 17°F outside temperature;

(d) Have a minimum USDOE Region IV HSPF rating of 10.0 or greater;

(e) Include no integrated electric resistance backup heat;

(f) Be sized and installed per manufacturer specifications; and

(g) Be installed by a technician trained by the equipment manufacturer.

(10) High Efficiency Direct Vent Gas Fireplace Devices are direct vent sealed combustion natural gas or propane fireplace devices that take combustion air directly from outside through a dedicated air inlet and vent combustion products directly outside. These devices must:

(a) Meet CAN/CSA-P.4.1-09 (R2014) Fireplace Efficiency (FE) of 70 percent or greater.

(b) Be direct vented to the outside with sealed combustion.

(c) Have an electronic ignition that is either an intermittent or Pilot on Demand system meeting American National Standards Institute (ANSI) Z21.20-2014.

(11) Any other standards adopted by the department for energy-efficient appliances and alternative fuel devices, their components, or systems as determined by the Director.

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

Stat. Auth.: ORS 469.040 & 469B.103

Stats. Implemented: ORS 469B.100 - 469B.118 & 316.116

Hist.: DOE 1-1982, f. 1-12-82, ef. 2-1-82; DOE 1-1986, f. & ef. 2-7-86; DOE 4-1987, f. 12-18-87, ef. 1-1-88; DOE 1-1996, f. & cert. ef. 4-1-96; DOE 1-1997, f. 12-15-97, cert. ef. 1-1-98; DOE 1-1999, f. 12-21-99, cert. ef. 1-1-00; DOE 2-2000, f. 12-29-00, cert. ef. 1-1-01; DOE 2-2001, f. 10-5-01, cert. ef. 10-8-01; DOE 1-2004, f. & cert. ef. 1-21-04; DOE 4-2004, f. & cert. ef. 8-2-04; DOE 2-2005, f. 12-30-05, cert. ef. 1-1-06; DOE 4-2006, f. 12-29-06, cert. ef. 1-1-07; DOE 4-2007, f. 11-30-07, cert. ef. 12-1-07; DOE 7-2008, f. 10-31-08, cert. ef. 11-1-08; DOE 16-2010, f. & cert. ef. 12-22-10; DOE 11-2011, f. 12-16-11, cert. ef. 1-1-12; DOE 14-2012, f. 12-26-12, cert. ef. 1-1-13; DOE 8-2013, f. 12-27-13, cert. ef. 1-1-14; DOE 4-2014(Temp), f. & cert. ef. 5-15-14 thru 11-10-14; Administrative correction, 11-24-14; DOE 8-2014, f. 11-18-14, cert. ef. 1-1-15; DOE 6-2015, f. 11-9-15, cert. ef. 1-1-16

330-070-0089
Wind Alternative Energy Devices

(1) A qualifying wind energy conversion system is a device that uses wind to produce mechanical or electrical power or energy, and includes turbines, towers and their associated components needed to form a complete system.

(2) To qualify for a tax credit:

(a) A minimum annual average wind speed of 10 miles per hour at hub height or lower must be demonstrated at the wind AED site.

(b) A wind AED system manufacturer must make available estimated monthly or annual energy production data (kWh) at various annual average wind speeds for each model or system they produce.

(c) The wind AED system model must meet industry standards as approved by the department.

(d) A wind AED system application must include the nominal rated electric capacity, the power curve and energy production data as a function of the average annual wind speed.

(e) A wind system must have a minimum five-year manufacturer's warranty.

(3) The department reserves the right to deny eligibility for any wind AED for reasons including, but not limited to, poor generator performance, concerns about wind generation system design, the quality of data presented, lack of manufacturing support for maintenance or warranties.

(4) Systems must be designed and located to reduce the potential for hazards and unpleasant living conditions. Systems must be designed and located taking into account:

(a) The proximity of the system to buildings, power lines, antennae or other similar hazards;

(b) The effect of high winds on the system and on any building connected to the system by guy wires;

(c) Whether the system blocks fire lanes, obstructs dwelling access, or otherwise increases fire danger;

(d) Whether the operation of the system significantly increases background noise; and

(e) Whether connecting the system to other buildings by guy wires creates vibration and tension in other buildings.

(5) Materials used will assure that the wind AED has adequate:

(a) Strength;

(b) Resistance to ice, moisture, corrosion and fire;

(c) Durability; and

(d) Low maintenance cost.

(6) No part of a wind AED project may result in toxic substances entering into the environment in amounts that will cause disease or harmful physical effects to humans, animals or plants.

(7) Maximum Design Wind Speed: All parts of a Wind AED project must withstand the highest wind speed expected at its location. All parts must withstand this wind without damage. To meet this requirement, wind AEDs may be shut down during highest expected winds.

(8) Shutdown: All wind AEDs must have a way to stop the rotor from turning. This method must work safely during high winds and routine service.

(9) Overspeed Control: Rotor overspeeds must be prevented by the wind AED's design.

(10) Tower Safety: All parts of a wind AED project must meet accepted engineering standards. Tower design must include consideration of:

(a) Gravity load; and

(b) Peak thrust on the rotor, nacelle, tail and tower over the full wind speed operating range.

(11) Tower Height: A minimum tower height of 70 feet is required. All portions of the rotor disc of the wind AED must be at least 30 feet above any object within a 400 foot radius of the wind AED's base. Future growth of trees for the next 20 years must be taken into consideration.

(12) Electric: All wind AED electrical parts must adhere to all standards and codes in force at the time they are installed.

Stat. Auth.: ORS 469.160 - 469.180

Stats. Implemented:

Hist.: DOE 1-1999, f. 12-21-99, cert. ef. 1-1-00; DOE 2-2001, f. 10-5-01, cert. ef. 10-8-01; DOE 1-2004, f. & cert. ef. 1-21-04; DOE 2-2005, f. 12-30-05, cert. ef. 1-1-06; DOE 4-2007, f. 11-30-07, cert. ef. 12-1-07; DOE 7-2008, f. 10-31-08, cert. ef. 11-1-08; DOE 16-2010, f. & cert. ef. 12-22-10; DOE 11-2011, f. 12-16-11, cert. ef. 1-1-12; DOE 14-2012, f. 12-26-12, cert. ef. 1-1-13; DOE 8-2014, f. 11-18-14, cert. ef. 1-1-15; DOE 6-2015, f. 11-9-15, cert. ef. 1-1-16

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Department of Energy, Energy Facility Siting Council
Chapter 345

Rule Caption: Amendments to update the dates of publications, rules, codes, standards, and laws incorporated by reference.

Adm. Order No.: EFSC 2-2015

Filed with Sec. of State: 10-20-2015

Certified to be Effective: 10-20-15
Notice Publication Date: 9-1-2015
Rules Amended: 345-001-0005, 345-001-0010, 345-021-0010, 345-023-0030, 345-024-0720, 345-027-0023
Subject: These rule amendments are adopted to ensure Energy Facility Siting Council (EFSC) rules are current. The purpose of this rulemaking is to update identified Chapter 345 rule provisions that incorporate non-EFSC publications, rules, codes, standards and laws by reference. These amendments adopt a more current publication, rule, code, standard or law as referenced in each identified EFSC rule.

In addition to effective dates, some of the identified Chapter 345 rule provisions that incorporate non-EFSC publications, rules, codes, standards and laws also include instructional language that fully implements the provision. Accordingly, to ensure the identified rules continue to function appropriately, some adopted amendments also include updates to the implementing language.

The existing EFSC rules already incorporate by reference the relevant publications, rules, codes, standards, and laws relied upon by Council. Some of the adopted amendments incorporate updated versions of publications, rules, codes, standards, and laws that have not been substantively altered from the version currently referenced in the EFSC rules. Other adopted amendments incorporate updated versions of publications, rules, codes, standards, and laws that have been substantively altered from the version currently referenced in the EFSC rules. However, the adopted amendments do not otherwise alter the requirements contained in the updated publications, rules, codes, standards and laws.

The Council requested public comment on these draft rules. The Council also requested public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on business. A call-in number was available for the public hearing. Please see the Oregon Department of Energy website for hearing details and other materials: http://www.oregon.gov/energy/Siting/Pages/council-rulemaking.aspx
Rules Coordinator: Jason Sierman—(503) 373-2127

345-001-0005
Uniform and Model Rules

(1) Except as described in this rule, the Council adopts and incorporates by reference in this chapter the following rules from the Attorney General's Uniform and Model Rules (July 2014): OAR 137-001-0005 through 137-001-0100, 137-002-0010 through 137-002-0060, 137-003-0001 through 137-003-0092, and 137-005-0010 through 137-005-0070.

(2) Notwithstanding the provisions of OAR 137-003-0055(1), following the issuance of notice of a contested case, the Department of Energy shall enter into the record the substance of any significant contact between a Council member and any Department staff from that point forward, concerning facts in the record.

(3) In any conflict between the model rules and Council rules, the Council shall apply its own rules.

Stat. Auth.: ORS 469.470
Stats. Implemented: ORS 469.490
Hist.: NTEC 1, f. 12-16-71, ef. 1-1-72; NTEC 6, f. 11-19-73, ef. 12-11-73; EFSC 13, f. & ef. 6-11-76; EFSC 5-1978, f. & ef. 5-9-78; EFSC 4-1981, f. & ef. 3-25-81; EFSC 10-1981, f. & ef. 12-28-81; EFSC 6-1986, f. & ef. 9-12-86; EFSC 2-1992, f. & cert. ef. 8-28-92, Renumbered from 345-010-0026; EFSC 5-1994, f. & cert. ef. 11-30-94; EFSC 3-1995, f. & cert. ef. 11-16-95; EFSC 2-1999, f. & cert. ef. 4-14-99; EFSC 2-2000, f. & cert. ef. 11-20-00; EFSC 1-2002, f. & cert. ef. 4-3-02; EFSC 1-2007, f. & cert. ef. 5-15-07; EFSC 1-2012, f. & cert. ef. 5-15-12; EFSC 2-2015, f. & cert. ef. 10-20-15

345-001-0010
Definitions

In this chapter, the following definitions apply unless the context requires otherwise or a term is specifically defined within a division or a rule:

(1) "Adjusted to ISO conditions" as defined in ORS 469.503(2)(e).

(2) "Analysis area" means the area or areas specifically described in the project order issued under OAR 345-015-0160(1), containing resources that the proposed facility may significantly affect. The analysis area is the area for which the applicant shall describe the proposed facility's impacts in the application for a site certificate. A proposed facility might have different analysis areas for different types of resources. For the purpose of submitting an application for a site certificate in an expedited review granted under 345-015-0300 or 345-015-0310, the analysis areas are the study areas defined in this rule, subject to modification in the project order.

(3) "Applicant" as defined in ORS 469.300 or, if an application has not been submitted, a person who has submitted, or intends to submit, a notice of intent or a request for expedited review.

(4) "Associated transmission lines" as defined in ORS 469.300.

(5) "Average electric generating capacity" as defined in ORS 469.300.

(6) "Background radiation" means the direct radiation (gamma) and concentrations of potential radionuclide contaminants in construction materials and the environment in the vicinity of the plant not associated with the nuclear operation and retirement of the facility. Background shall be determined as follows:

(a) For direct radiation, the results of any background measurements taken prior to operation of the facility shall be provided and 6 to 10 measurements shall be taken in areas in the vicinity of the site with materials and/or geological formations representative of the site that have not been affected by the operation and retirement of the facility. Background shall be calculated at the average and at the 95% confidence level.

(b) Environmental samples shall be taken for soil, sediment, water, and other materials present at the facility site that could have been affected by facility operations and retirement. Measurements for these samples shall be calculated at the average and 95% confidence levels, based on 6 to 10 measurements. Background environmental samples shall be taken at locations on site or in the immediate vicinity of the site which are unaffected by plant operations. Background shall be calculated at the average and 95% confidence levels, based on 6 to 10 measurements at each location.

(c) For construction material such as concrete, asphalt, block, brick and other materials used to construct the buildings and systems at the site, representative samples of materials unaffected by site operations shall be selected and surveyed. Six to ten samples of each material shall be taken to determine the level of naturally occurring and artificially induced concentrations of naturally occurring radioactivity present. Measurements shall include direct radiation (beta-gamma and alpha), wipes and qualitative and quantitative laboratory analyses. Concentrations of fission and activation products from historical fallout shall be characterized as well.

(d) All measurements shall be made using appropriate instruments, properly calibrated, and in sufficient number to determine compliance with requirements.

(7) "Base load gas plant" as defined in ORS 469.503(2)(e).

(8) "Carbon dioxide equivalent" as defined in ORS 469.503(2)(e).

(9) "Certificate holder" means the person to whom a site certificate has been granted by the Council pursuant to this chapter.

(10) "Chair" means the chairman or chairwoman of the Energy Facility Siting Council.

(11) "Committed firm energy and capacity resources" means generating facilities or power purchase contracts that are assured to be available to the energy supplier over a defined time period. Committed firm energy and capacity resources include existing generating facilities, existing power purchase contracts and planned generating facilities that sponsors have made firm commitments to develop.

(12) "Construction" as defined in ORS 469.300.

(13) "Corridor" means a continuous area of land not more than one-half mile in width and running the entire length of a proposed transmission line or pipeline. "Micrositing corridor" is defined below in this rule.

(14) "Council" means the Energy Facility Siting Council established under ORS 469.450.

(15) "Council Secretary" means the person designated by the Director of the Oregon Department of Energy to serve as secretary to the Council.

(16) "Department" means the Office of Energy or the Department of Energy created under ORS 469.030.

(17) "Direct cost" means the discounted sum of all monetary costs to the ultimate consumer over the lifetime of the facility or resource plan or resource strategy.

(18) "Energy facility" means an energy facility as defined in ORS 469.300, including a small generating plant for which an applicant must have a site certificate according to OAR 345-001-0210.

(19) "Energy supplier" means:

(a) A retail electric utility, a federal power marketing agency, or a local gas distribution company, or

(b) A person or public agency generating electric energy for its own consumption, lawfully purchasing electric energy directly from a generator for its own consumption, or transmitting or distributing natural or synthetic gas from an energy facility for its own consumption.

(20) "Existing corridor," as used in ORS 469.300 and 469.442, means the right-of-way of an existing transmission line, not to exceed 100 feet on either side of the physical center line of the transmission line or 100 feet from the physical center line of the outside lines if the corridor contains more than one transmission line.

(21) "Facility" as defined in ORS 469.300 or a small generating plant for which an applicant must have a site certificate according to OAR 345-001-0210 together with any related or supporting facilities.

(22) "Facility substantially similar to the proposed facility" means:

(a) A facility that uses the same fuel and substantially similar technology, that has substantially the same in-service date, and that has a direct cost not substantially greater than that of the proposed facility; or

(b) A facility that is demonstrated to provide as good a mix of reliability, compatibility with the power system, strategic flexibility, environmental impact and direct cost as the proposed facility taking into account reasonable trade-offs among such factors.

(23) "Fossil fuel" means natural gas, petroleum, coal and any form of solid, liquid or gaseous fuel derived from such materials that is used to produce useful energy.

(24) "Fossil-fueled power plant" as defined in ORS 469.503(2)(e).

(25) "Fuel chargeable to power heat rate" means the net heat rate of electric power production during the first twelve months of commercial operation. A fuel chargeable to power heat rate is calculated with all factors adjusted to the average temperature, barometric pressure and relative humidity at the site during the times of the year when the facility is intended to operate using the formula, FCP = (FI - FD)/ P, where:

(a) FCP = Fuel chargeable to power heat rate.

(b) FI = Annual fuel input to the facility applicable to the cogeneration process in British thermal units (higher heating value).

(c) FD = Annual fuel displaced in any industrial or commercial process, heating, or cooling application by supplying useful thermal energy from a cogeneration facility instead of from an alternate source, in British thermal units (higher heating value). (d) P = Annual net electric output of the cogeneration facility in kilowatt-hours.

(26) "Generating facility" as defined in ORS 469.503(2)(e).

(27) "Greenhouse gas" as defined in ORS 469.503(2)(e).

(28) "Gross carbon dioxide emissions" as defined in ORS 469.503(2)(e). The Council shall measure the gross carbon dioxide emissions of a fossil-fueled power plant on a new and clean basis. For nongenerating energy facilities that emit carbon dioxide, the Council shall measure the gross carbon dioxide emissions as described in OAR 345-024-0620(1).

(29) "High efficiency cogeneration facility" means an energy facility, except coal and nuclear power plants, that sequentially produces electrical and useful thermal energy from the same fuel source and under average annual operating conditions:

(a) Has a nominal electric generating capacity of less than 50 megawatts and the fuel chargeable to power heat rate value is not greater than 5550 Btu per kilowatt-hour (higher heating value); or

(b) Has a nominal electric generating capacity of 50 megawatts or more and the fuel chargeable to power heat rate value is not greater than 6000 Btu per kilowatt-hour (higher heating value).

(30) "Land use approval" means a final quasi-judicial decision or determination made by a local government that:

(a) Applies existing comprehensive plan provisions or land use regulations to a proposed facility;

(b) Amends a comprehensive plan map or zoning map to accommodate a proposed facility;

(c) Amends comprehensive plan text or land use regulations to accommodate a proposed facility;

(d) Applies the statewide planning goals to a proposed facility; or

(e) Takes an exception to the statewide planning goals adopted by the Land Conservation and Development Commission for a proposed facility.

(31) "Local government" as defined in ORS 469.300.

(32) "Micrositing corridor" means a continuous area of land within which construction of facility components may occur, subject to site certificate conditions.

(33) "Mitigation" means taking one or more of the following actions listed in order of priority:

(a) Avoiding the impact altogether by not taking a certain action or parts of an action;

(b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation;

(c) Partially or completely rectifying the impact by repairing, rehabilitating or restoring the affected environment;

(d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action by monitoring and taking appropriate corrective measures;

(e) Partially or completely compensating for the impact by replacing or providing comparable substitute resources or environments; or

(f) Implementing other measures approved by the Council.

(34) "Natural gas" means gas as defined in ORS 520.005.

(35) "Natural gas fired facility" means an energy facility that is intended to be fueled by natural gas except for infrequent periods when the natural gas supply is interrupted, during which an alternate fuel may be used. Such alternate fuel use shall not exceed 10 percent of expected fuel use in British thermal units, higher heating value on an annual basis.

(36) "Net carbon dioxide emissions" as defined in ORS 469.503(2)(e).

(37) "Net electric power output" means the electric power produced or capacity made available for use. Calculation of net electric power output subtracts losses from on-site transformers and power used for any on-site electrical loads from gross capacity as measured or estimated at the generator terminals for each generating unit.

(38) "New and clean basis" means the average carbon dioxide emissions rate per hour and net electric power output of the energy facility, without degradation. The site certificate holder shall determine the new and clean basis:

(a) By a 100-hour test at full power that the site certificate holder completes during the first 12 months of commercial operation of the energy facility, unless the Council specifies a different testing period for a non-base load power plant (or power augmentation) or a nongenerating energy facility. A 100-hour test performed for purposes of the certificate holder's commercial acceptance of the facility may suffice in lieu of testing after beginning commercial operation;

(b) With the results adjusted for the average annual site condition for temperature, barometric pressure and relative humidity and use of alternative fuels unless the Council specifies that the results for a non-base load power plant (or power augmentation) or a nongenerating energy facility be adjusted for the average temperature, barometric pressure and relative humidity at the site during the times of the year when the facility is intended to operate;

(c) Using a rate of 117 pounds of carbon dioxide per million Btu of natural gas fuel (higher heating value); and,

(d) Using a rate of 161 pounds of carbon dioxide per million Btu of distillate fuel (higher heating value), if such fuel use is proposed by the applicant.

(e) Notwithstanding subsection (a) and including subsections (b) through (d), for a facility that employs major power generating equipment that has previously been used, the new and clean basis shall mean average carbon dioxide emissions rate and net electric power output for the first use of the equipment at the site, as determined by historical data from the previous usage or by testing on site.

(39) "Nominal electric generating capacity" as defined in ORS 469.300.

(40) "Non-base load power plant" means a fossil-fueled generating facility that is limited by the site certificate to an average number of hours of operation per year of not more than 6,600 hours. For a non-base load power plant designed to operate at variable loads, the facility's annual hours of operation are determined by dividing the actual annual electric output of the facility in megawatt-hours by the facility's nominal electric generating capacity in megawatts. The Council shall assume a 30-year life for the plants for purposes of determining gross carbon dioxide emissions, unless the applicant requests and the Council approves a shorter operational life in the site certificate. If the Council approves a shorter operational life, the certificate holder shall operate the facility for no longer than the approved operational life or, before the expiration of the approved operational life, shall request an amendment of the site certificate to extend the operational life.

(41) "Nongenerating facility" as defined in ORS 469.503(2)(e).

(42) "Office of Energy" and "Office" mean the Oregon Office of Energy and the Oregon Department of Energy.

(43) "Offset" as defined in ORS 469.503(2)(e).

(44) "Offset funds" means the amount of funds determined by the Council to satisfy the applicable carbon dioxide emissions standard pursuant to OAR 345-024-0560(3), 345-024-0600(3) or 345-024-0630(2) and (4).

(45) "Owner" means owner or lessee under a capital lease.

(46) "Permit" means any permit, license, certificate or other approval required by federal law, state statute, state administrative rule or local government ordinance.

(47) "Person" as defined in ORS 469.300.

(48) "Power augmentation" means technologies that increase the capacity and the heat rate of the plant above the capacity and heat rate of the base load gas plant. These include, but are not limited to, duct burning and some forms of steam augmentation.

(49) "Project order" as defined in ORS 469.300.

(50) "Qualified organization" means an organization that:

(a) Is exempt from federal taxation under section 501(c)(3) of the Internal Revenue Code as amended and in effect on September 18, 2015;

(b) Either is incorporated in the State of Oregon or is a foreign corporation authorized to do business in the State of Oregon;

(c) Has in effect articles of incorporation that:

(A) Require that offset funds received under OAR 345-024-0710(3) are used for offsets;

(B) Require that decisions on the use of the offset funds are made by a decision-making body composed of seven voting members of which three are appointed by the Council, three are Oregon residents appointed by the Bullitt Foundation or an alternative environmental nonprofit organization named by the body, and one is appointed by the applicants for site certificates that are subject to OAR 345-024-0550, 345-024-590, and 345-024-0620 and the holders of such site certificates; and

(C) Require nonvoting membership on the decision-making body for holders of site certificates that have provided funds not yet disbursed under OAR 345-024-0710(3);

(d) Has made available on an annual basis, beginning after the first year of operation, a signed opinion of an independent certified public accountant stating that the qualified organization's use of funds pursuant to ORS 469.503 conforms with generally accepted accounting procedures except that the qualified organization shall have one year to conform with generally accepted accounting principles in the event of a nonconforming audit;

(e) Has to the extent applicable, except for good cause, entered into contracts obligating at least 60 percent of the offset funds to implement offsets within two years after the commencement of construction of the facility; and

(f) Has to the extent applicable, except for good cause, complied with OAR 345-024-0710(3).

(51) "Related or supporting facilities" as defined in ORS 469.300. The Council interprets the terms "proposed to be built in connection with" as meaning that a structure is a related or supporting facility if it would not be built but for construction or operation of the energy facility. "Related or supporting facilities" does not include any structure existing prior to construction of the energy facility, unless such structure must be significantly modified solely to serve the energy facility.

(52) "Reviewing agency" means any of the following officers, agencies or tribes:

(a) Department of Environmental Quality.

(b) Water Resources Commission and the Water Resources Director through the Water Resources Department.

(c) Fish and Wildlife Commission through the Department of Fish and Wildlife.

(d) State Geologist.

(e) Department of Forestry.

(f) Public Utility Commission.

(g) Department of Agriculture.

(h) Department of Land Conservation and Development.

(i) Pacific Northwest Electric Power and Conservation Planning Council.

(j) Office of State Fire Marshal.

(k) Department of State Lands.

(L) State Historic Preservation Office.

(m) Any other agency identified by the Department of Energy.

(n) Any tribe identified by the Legislative Commission on Indian Services as affected by the proposed facility.

(o) The governing body of any incorporated city or county in Oregon within the study area as defined in OAR 345-001-0010 for impacts to public services.

(p) Any special advisory group designated by the Council under ORS 469.480.

(q) The federal land management agency with jurisdiction if any part of the proposed site is on federal land.

(53) "Significant" means having an important consequence, either alone or in combination with other factors, based upon the magnitude and likelihood of the impact on the affected human population or natural resources, or on the importance of the natural resource affected, considering the context of the action or impact, its intensity and the degree to which possible impacts are caused by the proposed action. Nothing in this definition is intended to require a statistical analysis of the magnitude or likelihood of a particular impact.

(54) "Site" as defined in ORS 469.300. "Energy facility site" means all land upon which an energy facility is located or proposed to be located. "Related or supporting facilities site" means all land upon which related or supporting facilities for an energy facility are located or proposed to be located.

(55) "Site boundary" means the perimeter of the site of a proposed energy facility, its related or supporting facilities, all temporary laydown and staging areas and all corridors and micrositing corridors proposed by the applicant.

(56) "Site certificate" as defined in ORS 469.300.

(57) "Special nuclear material" means plutonium, uranium-233 or uranium enriched in the isotope 233 or in the isotope 235.

(58) "Strategic flexibility" means the value of a resource as part of a strategy to manage variance in costs or risks caused by future uncertainty.

(59) "Study area" means an area defined in this rule. Except as specified in subsections (f) and (g), the study area is an area that includes all the area within the site boundary and the area within the following distances from the site boundary:

(a) For impacts to threatened and endangered plant and animal species, 5 miles.

(b) For impacts to scenic resources and to public services, 10 miles.

(c) For land use impacts and impacts to fish and wildlife habitat, one-half mile.

(d) For impacts to recreational opportunities, 5 miles.

(e) For impacts to protected areas described in OAR 345-022-0040, 20 miles.

(f) The distance stated in subsection (a) above does not apply to surface facilities related to an underground gas storage reservoir.

(g) The distances stated in subsections (a) and (d) above do not apply to pipelines or transmission lines.

(60) "Substantial loss of steam host" means the thermal energy user associated with a high efficiency cogeneration facility has made such long-term changes in its manner and magnitude of operation as to result in the loss of one or more work shifts for at least a year, accompanied by at least a 30 percent resultant reduction in the use of thermal energy.

(61) "Substantial loss of fuel use efficiency" means an increase in the fuel chargeable to power heat rate at a high efficiency cogeneration facility to greater than 7000 Btu per kilowatt-hour (higher heating value), or reduction of the fraction of energy output going to the thermal energy user associated with the facility to less than 20 percent, as a result of a substantial loss of steam host. Substantial loss of fuel use efficiency does not include efficiency losses due to equipment wear or condition.

(62) "Surface facilities related to an underground gas storage reservoir" means structures or equipment adjacent to and associated with an underground gas storage reservoir that are proposed to be built in connection with an underground gas storage reservoir and include, but are not limited to:

(a) Facilities such as stripping plants, main line dehydration stations, offices, warehouses, equipment shops, odorant storage and injection equipment and compressors;

(b) Pipelines, such as gathering lines and liquid collection lines; and

(c) Roads and road maintenance equipment housing at the reservoir site.

(63) "Thermal power plant" as defined in ORS 469.300.

(64) "Total energy output" means the sum of useful thermal energy output and useful electrical energy output.

(65) "Underground gas storage reservoir" as defined in ORS 469.300.

(66) "Useful thermal energy" means the verifiable thermal energy used in any industrial or commercial process, heating or cooling application;

(67) "Utility" as defined in ORS 469.300.

(68) "Vice-chair" means the vice-chairman or vice-chairwoman of the Energy Facility Siting Council.

(69) "Waste disposal facility" as defined in ORS 469.300.

Stat. Auth.: ORS 469.373 & 469.470

Stats. Implemented: ORS 469.300-570, 469.590-619 & 469.992

Hist.: EFSC 1-1980, f. & ef. 2-28-80; EFSC 1-1981, f. & ef. 1-19-81; EFSC 2-1981, f. & ef. 1-19-81; EFSC 8-1981, f. & ef. 10-29-81; EFSC 4-1982, f. & ef. 5-3-82; EFSC 4-1986, f. & ef. 9-5-86; EFSC 7-1986, f. & ef. 9-18-86; EFSC 2-1992, f. & cert. ef. 8-28-92; EFSC 1-

1993, f. & cert. ef. 1-15-93; Renumbered from 345-079-0025, 345-100-0025, 345-111-0020 & 345-125-0025; EFSC 5-1994, f. & cert. ef. 11-30-94; EFSC 3-1995, f. & cert. ef. 11-16-95; EFSC 2-1999, f. & cert. ef. 4-14-99; EFSC 1-2000, f. & cert. ef. 2-2-00; EFSC 1-2002, f. & cert. ef. 4-3-02; EFSC 1-2003, f. & cert. ef. 9-3-03; EFSC 1-2007, f. & cert. ef. 5-15-07; EFSC 1-2009, f. & cert. ef. 11-24-09; EFSC 1-2012, f. & cert. ef. 5-15-12; EFSC 1-2012, f. & cert. ef. 5-15-12; EFSC 2-2015, f. & cert. ef. 10-20-15

345-021-0010
Contents of an Application

(1) The project order described in OAR 345-015-0160(1) identifies the provisions of this rule applicable to the application for the proposed facility, including any appropriate modifications to applicable provisions of this rule. The applicant shall include in its application for a site certificate information that addresses each provision of this rule identified in the project order. The applicant shall designate the information with the appropriate exhibit label identified in the following subsections. If the same information is required in each of several exhibits the applicant may provide the required information in one exhibit and include appropriate references in the others. For the purpose of submitting an application for a site certificate in an expedited review granted under 345-015-0300 or 345-015-0310, the applicant shall include information that addresses all provisions of this rule. In such expedited reviews, analysis areas addressed in this rule are the study areas defined in 345-001-0010, subject to later modification in the project order.

(a) Exhibit A. Information about the applicant and participating persons, including:

(A) The name and address of the applicant including all co-owners of the proposed facility, the name, mailing address, email address and telephone number of the contact person for the application, and if there is a contact person other than the applicant, the name, title, mailing address, email address and telephone number of that person.

(B) The contact name, mailing address, email address and telephone number of all participating persons, other than individuals, including but not limited to any parent corporation of the applicant, persons upon whom the applicant will rely for third-party permits or approvals related to the facility, and, if known, other persons upon whom the applicant will rely in meeting any facility standard adopted by the Council.

(C) If the applicant is a corporation, it shall give:

(i) The full name, official designation, mailing address, email address and telephone number of the officer responsible for submitting the application;

(ii) The date and place of its incorporation;

(iii) A copy of its articles of incorporation and its authorization for submitting the application; and

(iv) In the case of a corporation not incorporated in Oregon, the name and address of the resident attorney-in-fact in this state and proof of registration to do business in Oregon.

(D) If the applicant is a wholly owned subsidiary of a company, corporation or other business entity, in addition to the information required by paragraph (C), it shall give the full name and business address of each of the applicant's full or partial owners.

(E) If the applicant is an association of citizens, a joint venture or a partnership, it shall give:

(i) The full name, official designation, mailing address, email address and telephone number of the person responsible for submitting the application;

(ii) The name, business address and telephone number of each person participating in the association, joint venture or partnership and the percentage interest held by each;

(iii) Proof of registration to do business in Oregon;

(iv) A copy of its articles of association, joint venture agreement or partnership agreement and a list of its members and their cities of residence; and

(v) If there are no articles of association, joint venture agreement or partnership agreement, the applicant shall state that fact over the signature of each member.

(F) If the applicant is a public or governmental entity, it shall give:

(i) The full name, official designation, mailing address, email address and telephone number of the person responsible for submitting the application; and

(ii) Written authorization from the entity's governing body to submit an application.

(G) If the applicant is an individual, the individual shall give his or her mailing address, email address and telephone number.

(H) If the applicant is a limited liability company, it shall give:

(i) The full name, official designation, mailing address, email address and telephone number of the officer responsible for submitting the application;

(ii) The date and place of its formation;

(iii) A copy of its articles of organization and its authorization for submitting the application; and

(iv) In the case of a limited liability company not registered in Oregon, the name and address of the resident attorney-in-fact in this state and proof of registration to do business in Oregon.

(b) Exhibit B. Information about the proposed facility, construction schedule and temporary disturbances of the site, including:

(A) A description of the proposed energy facility, including as applicable:

(i) The nominal electric generating capacity and the average electrical generating capacity, as defined in ORS 469.300.

(ii) Major components, structures and systems, including a description of the size, type and configuration of equipment used to generate electricity and useful thermal energy.

(iii) A site plan and general arrangement of buildings, equipment and structures.

(iv) Fuel and chemical storage facilities, including structures and systems for spill containment

(v) Equipment and systems for fire prevention and control.

(vi) For thermal power plants:

(I) A discussion of the source, quantity and availability of all fuels proposed to be used in the facility to generate electricity or useful thermal energy.

(II) Process flow, including power cycle and steam cycle diagrams to describe the energy flows within the system.

(III) Equipment and systems for disposal of waste heat.

(IV) The fuel chargeable to power heat rate.

(vii) For surface facilities related to underground gas storage, estimated daily injection and withdrawal rates, horsepower compression required to operate at design injection or withdrawal rates, operating pressure range and fuel type of compressors.

(viii) For facilities to store liquefied natural gas, the volume, maximum pressure, liquefication and gasification capacity in thousand cubic feet per hour.

(B) A description of major components, structures and systems of each related or supporting facility.

(C) The approximate dimensions of major facility structures and visible features.

(D) If the proposed energy facility is a pipeline or a transmission line or has, as a related or supporting facility, a transmission line or pipeline that, by itself, is an energy facility under the definition in ORS 469.300, a corridor selection assessment explaining how the applicant selected the corridor(s) for analysis in the application. In the assessment, the applicant shall evaluate the corridor adjustments the Department has described in the project order, if any. The applicant may select any corridor for analysis in the application and may select more than one corridor. However, if the applicant selects a new corridor, then the applicant must explain why the applicant did not present the new corridor for comment at an informational meeting under OAR 345-015-0130. In the assessment, the applicant shall discuss the reasons for selecting the corridor(s), based upon evaluation of the following factors:

(i) Least disturbance to streams, rivers and wetlands during construction.

(ii) Least percentage of the total length of the pipeline or transmission line that would be located within areas of Habitat Category 1, as described by the Oregon Department of Fish and Wildlife.

(iii) Greatest percentage of the total length of the pipeline or transmission line that would be located within or adjacent to public roads and existing pipeline or transmission line rights-of-way.

(iv) Least percentage of the total length of the pipeline or transmission line that would be located within lands that require zone changes, variances or exceptions.

(v) Least percentage of the total length of the pipeline or transmission line that would be located in a protected area as described in OAR 345-022-0040.

(vi) Least disturbance to areas where historical, cultural or archaeological resources are likely to exist.

(vii) Greatest percentage of the total length of the pipeline or transmission line that would be located to avoid seismic, geological and soils hazards.

(viii) Least percentage of the total length of the pipeline or transmission line that would be located within lands zoned for exclusive farm use.

(E) If the proposed energy facility is a pipeline or transmission line or has, as a related or supporting facility, a transmission line or pipeline of any size:

(i) The length of the pipeline or transmission line.

(ii) The proposed right-of-way width of the pipeline or transmission line, including to what extent new right-of-way will be required or existing right-of-way will be widened.

(iii) If the proposed transmission line or pipeline corridor follows or includes public right-of-way, a description of where the transmission line or pipeline would be located within the public right-of-way, to the extent known. If the applicant proposes to locate all or part of a transmission line or pipeline adjacent to but not within the public right-of-way, describe the reasons for locating the transmission line or pipeline outside the public right-of-way. The applicant must include a set of clear and objective criteria and a description of the type of evidence that would support locating the transmission line or pipeline outside the public right-of-way, based on those criteria.

(iv) For pipelines, the operating pressure and delivery capacity in thousand cubic feet per day and the diameter and location, above or below ground, of each pipeline.

(v) For transmission lines, the rated voltage, load carrying capacity, and type of current and a description of transmission line structures and their dimensions.

(F) A construction schedule including the date by which the applicant proposes to begin construction and the date by which the applicant proposes to complete construction. Construction is defined in OAR 345-001-0010. The applicant shall describe in this exhibit all work on the site that the applicant intends to begin before the Council issues a site certificate. The applicant shall include an estimate of the cost of that work. For the purpose of this exhibit, "work on the site" means any work within a site or corridor, other than surveying, exploration or other activities to define or characterize the site or corridor, that the applicant anticipates or has performed as of the time of submitting the application.

(c) Exhibit C. Information about the location of the proposed facility, including:

(A) A map or maps showing the proposed locations of the energy facility site, all related or supporting facility sites and all areas that might be temporarily disturbed during construction of the facility in relation to major roads, water bodies, cities and towns, important landmarks and topographic features, using a scale of 1 inch = 2000 feet or smaller when necessary to show detail.

(B) A description of the location of the proposed energy facility site, the proposed site of each related or supporting facility and areas of temporary disturbance, including the total land area (in acres) within the proposed site boundary, the total area of permanent disturbance, and the total area of temporary disturbance. If a proposed pipeline or transmission line is to follow an existing road, pipeline or transmission line, the applicant shall state to which side of the existing road, pipeline or transmission line the proposed facility will run, to the extent this is known.

(C) For energy generation facilities, a map showing the approximate locations of any other energy generation facilities that are known to the applicant to be permitted at the state or local level within the study area as defined in OAR 345-001-0010 for impacts to public services.

(d) Exhibit D. Information about the organizational expertise of the applicant to construct and operate the proposed facility, providing evidence to support a finding by the Council as required by OAR 345-022-0010, including:

(A) The applicant's previous experience, if any, in constructing and operating similar facilities.

(B) The qualifications of the applicant's personnel who will be responsible for constructing and operating the facility, to the extent that the identities of such personnel are known when the application is submitted.

(C) The qualifications of any architect, engineer, major component vendor, or prime contractor upon whom the applicant will rely in constructing and operating the facility, to the extent that the identities of such persons are known when the application is submitted.

(D) The past performance of the applicant, including but not limited to the number and severity of any regulatory citations in constructing or operating a facility, type of equipment, or process similar to the proposed facility.

(E) If the applicant has no previous experience in constructing or operating similar facilities and has not identified a prime contractor for construction or operation of the proposed facility, other evidence that the applicant can successfully construct and operate the proposed facility. The applicant may include, as evidence, a warranty that it will, through contracts, secure the necessary expertise.

(F) If the applicant has an ISO 9000 or ISO 14000 certified program and proposes to design, construct and operate the facility according to that program, a description of the program.

(G) If the applicant relies on mitigation to demonstrate compliance with any standards of Division 22 or 24 of this chapter, evidence that the applicant can successfully complete such proposed mitigation, including past experience with other projects and the qualifications and experience of personnel upon whom the applicant will rely, to the extent that the identities of such persons are known at the date of submittal.

(e) Exhibit E. Information about permits needed for construction and operation of the facility, including:

(A) Identification of all federal, state and local government permits related to the siting of the proposed facility, a legal citation of the statute, rule or ordinance governing each permit, and the name, mailing address, email address and telephone number of the agency or office responsible for each permit.

(B) A description of each permit, the reasons the permit is needed for construction or operation of the facility and the applicant's analysis of whether the permit should or should not be included in and governed by the site certificate.

(C) For any state or local government agency permits, licenses or certificates that are proposed to be included in and governed by the site certificate, evidence to support findings by the Council that construction and operation of the proposed facility will comply with the statutes, rules and standards applicable to the permit. The applicant may show this evidence:

(i) In Exhibit J for permits related to wetlands.

(ii) In Exhibit O for permits related to water rights.

(D) For federally-delegated permit applications, evidence that the responsible agency has received a permit application and the estimated date when the responsible agency will complete its review and issue a permit decision.

(E) If the applicant relies on a state or local government permit or approval issued to a third party, identification of any such third-party permit and for each:

(i) Evidence that the applicant has, or has a reasonable likelihood of entering into, a contract or other agreement with the third party for access to the resource or service to be secured by that permit.

(ii) Evidence that the third party has, or has a reasonable likelihood of obtaining, the necessary permit.

(iii) An assessment of the impact of the proposed facility on any permits that a third party has obtained and on which the applicant relies to comply with any applicable Council standard.

(F) If the applicant relies on a federally-delegated permit issued to a third party, identification of any such third-party permit and for each:

(i) Evidence that the applicant has, or has a reasonable likelihood of entering into, a contract or other agreement with the third party for access to the resource or service to be secured by that permit.

(ii) Evidence that the responsible agency has received a permit application.

(iii) The estimated the date when the responsible agency will complete its review and issue a permit decision.

(G) The applicant's proposed monitoring program, if any, for compliance with permit conditions.

(f) Exhibit F. A list of the names and mailing addresses of all owners of record, as shown on the most recent property tax assessment roll, of property located within or adjacent to the site boundary as defined in OAR 345-001-0010. The applicant shall submit an updated list of property owners as requested by the Department before the Department issues notice of any public hearing on the application for a site certificate as described in 345-015-0220. In addition to incorporating the list in the application for a site certificate, the applicant shall submit the list to the Department in an electronic format approved by the Department. Property adjacent to the site boundary means property that is:

(A) Within 100 feet of the site boundary where the site, corridor or micrositing corridor is within an urban growth boundary.

(B) Within 250 feet of the site boundary where the site, corridor or micrositing corridor is outside an urban growth boundary and not within a farm or forest zone.

(C) Within 500 feet of the site boundary where the site, corridor or micrositing corridor is within a farm or forest zone.

(g) Exhibit G. A materials analysis including:

(A) An inventory of substantial quantities of industrial materials flowing into and out of the proposed facility during construction and operation.

(B) The applicant's plans to manage hazardous substances during construction and operation, including measures to prevent and contain spills.

(C) The applicant's plans to manage non-hazardous waste materials during construction and operation.

(h) Exhibit H. Information from reasonably available sources regarding the geological and soil stability within the analysis area, providing evidence to support findings by the Council as required by OAR 345-022-0020, including:

(A) A geologic report meeting the guidance in Oregon Department of Geology and Mineral Industries open file report 00-04 "Guidelines for Engineering Geologic reports and Site-Specific Seismic Hazard Reports."

(B) A description and schedule of site-specific geotechnical work that will be performed before construction for inclusion in the site certificate as conditions.

(C) Evidence of consultation with the Oregon Department of Geology and Mineral Industries regarding the appropriate site-specific geotechnical work that must be performed before submitting the application for the Department to determine that the application is complete.

(D) For all transmission lines, a description of locations along the proposed route where the applicant proposes to perform site specific geotechnical work, including but not limited to railroad crossings, major road crossings, river crossings, dead ends, corners, and portions of the proposed route where geologic reconnaissance and other site specific studies provide evidence of existing landslides or marginally stable slopes that could be made unstable by the planned construction.

(E) For all pipelines that would carry explosive, flammable or hazardous materials, a description of locations along the proposed route where the applicant proposes to perform site specific geotechnical work, including but not limited to railroad crossings, major road crossings, river crossings and portions of the proposed alignment where geologic reconnaissance and other site specific studies provide evidence of existing landslides or marginally stable slopes that could be made unstable by the planned construction.

(F) An assessment of seismic hazards. For the purposes of this assessment, the maximum probable earthquake (MPE) is the maximum earthquake that could occur under the known tectonic framework with a 10 percent chance of being exceeded in a 50 year period. If seismic sources are not mapped sufficiently to identify the ground motions above, the applicant shall provide a probabilistic seismic hazard analysis to identify the peak ground accelerations expected at the site for a 500 year recurrence interval and a 5000 year recurrence interval. In the assessment, the applicant shall include:

(i) Identification of the Maximum Considered Earthquake Ground Motion as shown for the site under the 2009 International Building Code.

(ii) Identification and characterization of all earthquake sources capable of generating median peak ground accelerations greater than 0.05g on rock at the site. For each earthquake source, the applicant shall assess the magnitude and minimum epicentral distance of the maximum credible earthquake (MCE).

(iii) A description of any recorded earthquakes within 50 miles of the site and of recorded earthquakes greater than 50 miles from the site that caused ground shaking at the site more intense than the Modified Mercalli III intensity. The applicant shall include the date of occurrence and a description of the earthquake that includes its magnitude and highest intensity and its epicenter location or region of highest intensity.

(iv) Assessment of the median ground response spectrum from the MCE and the MPE and identification of the spectral accelerations greater than the design spectrum provided in the 2010 Oregon Structural Specialty Code. The applicant shall include a description of the probable behavior of the subsurface materials and amplification by subsurface materials and any topographic or subsurface conditions that could result in expected ground motions greater than those characteristic of the Maximum Considered Earthquake Ground Motion identified above.

(v) An assessment of seismic hazards expected to result from reasonably probable seismic events. As used in this rule "seismic hazard" includes ground shaking, ground failure, landslide, lateral spreading, liquefaction, tsunami inundation, fault displacement and subsidence.

(G) An assessment of soil-related hazards such as landslides, flooding and erosion which could, in the absence of a seismic event, adversely affect or be aggravated by the construction or operation of the facility.

(H) An explanation of how the applicant will design, engineer and construct the facility to avoid dangers to human safety from the seismic hazards identified in paragraph (F). The applicant shall include proposed design and engineering features, applicable construction codes, and any monitoring for seismic hazards.

(I) An explanation of how the applicant will design, engineer and construct the facility to adequately avoid dangers to human safety presented by the hazards identified in paragraph (G).

(i) Exhibit I. Information from reasonably available sources regarding soil conditions and uses in the analysis area, providing evidence to support findings by the Council as required by OAR 345-022-0022, including:

(A) Identification and description of the major soil types in the analysis area.

(B) Identification and description of current land uses in the analysis area, such as growing crops, that require or depend on productive soils.

(C) Identification and assessment of significant potential adverse impact to soils from construction, operation and retirement of the facility, including, but not limited to, erosion and chemical factors such as salt deposition from cooling towers, land application of liquid effluent, and chemical spills.

(D) A description of any measures the applicant proposes to avoid or mitigate adverse impact to soils.

(E) The applicant's proposed monitoring program, if any, for adverse impact to soils during construction and operation.

(j) Exhibit J. Information based on literature and field study, as appropriate, about waters of this state, as defined under ORS 196.800, including:

(A) A description of all areas within the site boundary that might be waters of this state and a map showing the location of these features.

(B) An analysis of whether construction or operation of the proposed facility would adversely affect any waters of this state.

(C) A description of the significance of potential adverse impacts to each feature identified in (A), including the nature and amount of material the applicant would remove from or place in the waters analyzed in (B).

(D) If the proposed facility would not need a removal-fill authorization, an explanation of why no such authorization is required for the construction and operation of the proposed facility.

(E) If the proposed facility would need a removal-fill authorization, information to support a determination by the Council that the Oregon Department of State Lands should issue a removal-fill permit, including information in the form required by the Department of State Lands under OAR Chapter 141 Division 85.

(F) A description of proposed actions to mitigate adverse impacts to the features identified in (A) and the applicant's proposed monitoring program, if any, for such impacts.

(k) Exhibit K. Information about the proposed facility's compliance with the statewide planning goals adopted by the Land Conservation and Development Commission, providing evidence to support a finding by the Council as required by OAR 345-022-0030. The applicant shall state whether the applicant elects to address the Council's land use standard by obtaining local land use approvals under ORS 469.504(1)(a) or by obtaining a Council determination under ORS 469.504(1)(b). An applicant may elect different processes for an energy facility and a related or supporting facility but may not otherwise combine the two processes. Once the applicant has made an election, the applicant may not amend the application to make a different election. In this subsection, "affected local government" means a local government that has land use jurisdiction over any part of the proposed site of the facility. In the application, the applicant shall:

(A) Include a map showing the comprehensive plan designations and land use zones in the analysis area.

(B) If the applicant elects to obtain local land use approvals:

(i) Identify the affected local government(s) from which land use approvals will be sought.

(ii) Describe the land use approvals required in order to satisfy the Council's land use standard.

(iii) Describe the status of the applicant's application for each land use approval.

(iv) Provide an estimate of time for issuance of local land use approvals.

(C) If the applicant elects to obtain a Council determination on land use:

(i) Identify the affected local government(s).

(ii) Identify the applicable substantive criteria from the affected local government's acknowledged comprehensive plan and land use regulations that are required by the statewide planning goals and that are in effect on the date the application is submitted and describe how the proposed facility complies with those criteria.

(iii) Identify all Land Conservation and Development Commission administrative rules, statewide planning goals and land use statutes directly applicable to the facility under ORS 197.646(3) and describe how the proposed facility complies with those rules, goals and statutes.

(iv) If the proposed facility might not comply with all applicable substantive criteria, identify the applicable statewide planning goals and describe how the proposed facility complies with those goals.

(v) If the proposed facility might not comply with all applicable substantive criteria or applicable statewide planning goals, describe why an exception to any applicable statewide planning goal is justified, providing evidence to support all findings by the Council required under ORS 469.504(2).

(D) If the proposed facility will be located on federal land:

(i) Identify the applicable land management plan adopted by the federal agency with jurisdiction over the federal land.

(ii) Explain any differences between state or local land use requirements and federal land management requirements.

(iii) Describe how the proposed facility complies with the applicable federal land management plan.

(iv) Describe any federal land use approvals required for the proposed facility and the status of application for each required federal land use approval.

(v) Provide an estimate of time for issuance of federal land use approvals.

(vi) If federal law or the land management plan conflicts with any applicable state or local land use requirements, explain the differences in the conflicting requirements, state whether the applicant requests Council waiver of the land use standard described under paragraph (B) or (C) of this subsection and explain the basis for a waiver.

(L) Exhibit L. Information about the proposed facility's impact on protected areas, providing evidence to support a finding by the Council as required by OAR 345-022-0040, including:

(A) A list of the protected areas within the analysis area showing the distance and direction from the proposed facility and the basis for protection by reference to a specific subsection under OAR 345-022-0040(1).

(B) A map showing the location of the proposed facility in relation to the protected areas listed in OAR 345-022-0040 located within the analysis area.

(C) A description of significant potential impacts of the proposed facility, if any, on the protected areas including, but not limited to, potential impacts such as:

(i) Noise resulting from facility construction or operation;

(ii) Increased traffic resulting from facility construction or operation;

(iii) Water use during facility construction or operation;

(iv) Wastewater disposal resulting from facility construction or operation;

(v) Visual impacts of facility structures or plumes.

(vi) Visual impacts from air emissions resulting from facility construction or operation, including, but not limited to, impacts on Class 1 Areas as described in OAR 340-204-0050.

(m) Exhibit M. Information about the applicant's financial capability, providing evidence to support a finding by the Council as required by OAR 345-022-0050(2). Nothing in this subsection shall require the disclosure of information or records protected from public disclosure by any provision of state or federal law. The applicant shall include:

(A) An opinion or opinions from legal counsel stating that, to counsel's best knowledge, the applicant has the legal authority to construct and operate the facility without violating its bond indenture provisions, articles of incorporation, common stock covenants, or similar agreements.

(B) The type and amount of the applicant's proposed bond or letter of credit to meet the requirements of OAR 345-022-0050.

(C) Evidence that the applicant has a reasonable likelihood of obtaining the proposed bond or letter of credit in the amount proposed in paragraph (B), before beginning construction of the facility.

(n) Exhibit N. If the proposed facility is a non-generating facility for which the applicant must demonstrate need under OAR 345-023-0005, information about the need for the facility, providing evidence to support a finding by the Council as required by 345-023-0005, including:

(A) Identification of the rule in Division 23 of this chapter under which the applicant chooses to demonstrate need.

(B) If the applicant chooses to demonstrate need for the proposed facility under OAR 345-023-0020(1), the least-cost plan rule:

(i) Identification of the energy resource plan or combination of plans on which the applicant relies to demonstrate need.

(ii) The name, address and telephone number of the person responsible for preparing each energy resource plan identified in subparagraph (i).

(iii) For each plan reviewed by a regulatory agency, the agency's findings and final decision, including:

(I) For a plan reviewed by the Oregon Public Utility Commission, the acknowledgment order; or

(II) For a plan reviewed by any other regulatory agency, a summary of the public process including evidence to support a finding by the Council that the agency's decision process included a full, fair and open public participation and comment process as required by OAR 345-023-0020(1)(L), and the location of and means by which the Department can obtain a complete copy of the public record.

(iv) Identification of the section(s) of the short-term action plan(s) that call(s) for the acquisition of the proposed facility or, as defined in OAR 345-001-0010, a facility substantially similar to the proposed facility.

(v) The attributes of the proposed facility that qualify it as one called for in the short-term action plan of the energy resource plan or combination of plans identified in subparagraph (i) or a demonstration that, as defined in OAR 345-001-0010, a facility substantially similar to the proposed facility is called for in the plan(s).

(C) In addition to the information described in paragraph (B), if the applicant chooses to demonstrate need for the proposed facility under OAR 345-023-0020(1), the least-cost plan rule, and relies on an energy resource plan not acknowledged by the Public Utility Commission of Oregon:

(i) The names, addresses and telephone numbers of members of any public advisory groups that participated in the preparation and review of each plan identified in paragraph (B).

(ii) A discussion of how the plan or combination of plans conforms to the standards in OAR 345-023-0020(1)(a) through (L) including citations to relevant portions of the plan documents or other supporting evidence.

(iii) The expected annual emissions in tons of nitrogen oxides, PM-10 particulate, sulfur dioxide, carbon dioxide and mercury and a discussion of other environmental impacts, as compared to resources in the applicable energy resource plan.

(D) In addition to the information described in paragraphs (B) and (C), if the applicant chooses to demonstrate need for a proposed natural gas pipeline or storage facility for liquefied natural gas under OAR 345-023-0020(1), the least-cost plan rule, and relies on an energy resource plan not acknowledged by the Public Utility Commission of Oregon, the applicant shall include the information described in paragraph (G) of this subsection if the energy resource plan or combination of plans does not contain that information. If the energy resource plan or combination of plans contains the information described in paragraph (G), the applicant shall provide a list of citations to the sections of the energy resource plan(s) that contain the information;

(E) In addition to the information described in paragraphs (B) and (C), if the applicant chooses to demonstrate need for a proposed electric transmission line under OAR 345-023-0020(1), the least-cost plan rule and relies on an energy resource plan not acknowledged by the Public Utility Commission of Oregon, the applicant shall include the information described in paragraph (F) of this subsection if the energy resource plan or combination of plans does not contain that information. If the energy resource plan or combination of plans contains the information described in paragraph (F), the applicant shall provide a list of citations to the sections of the energy resource plan(s) that contain the information.

(F) If the applicant chooses to demonstrate need for a proposed electric transmission line under OAR 345-023-0030, the system reliability rule:

(i) Load-resource balance tables for the area to be served by the proposed facility. In the tables, the applicant shall include firm capacity demands and existing and committed firm resources for each of the years from the date of submission of the application to at least five years after the expected in-service date of the facility.

(ii) Within the tables described in subparagraph (i), a forecast of firm capacity demands for electricity and firm annual electricity sales for the area to be served by the proposed facility. The applicant shall separate firm capacity demands and firm annual electricity sales into loads of retail customers, system losses, reserve margins and each wholesale contract for firm sale. In the forecast, the applicant shall include a discussion of how the forecast incorporates reductions in firm capacity demand and firm annual electricity sales resulting from:

(I) Existing federal, state or local building codes, and equipment standards and conservation programs required by law for the area to be served by the proposed facility;

(II) Conservation programs provided by the energy supplier, as defined in OAR 345-001-0010;

(III) Conservation that results from responses to price; and

(IV) Retail customer fuel choice;

(iii) Within the tables described in subparagraph (i), a forecast of existing and committed firm resources used to meet the demands described in subparagraph (ii). The applicant shall include, as existing and committed firm resources, existing generation and transmission facilities, firm contract resources and committed new resources minus expected resource retirements or displacement. In the forecast, the applicant shall list each resource separately.

(iv) A discussion of the reasons each resource is being retired or displaced if the forecast described in subparagraph (iii) includes expected retirements or displacements.

(v) A discussion of the annual capacity factors assumed for any generating facilities listed in the forecast described in subparagraph (iii).

(vi) A discussion of the reliability criteria the applicant uses to demonstrate the proposed facility is needed, considering the load carrying capability of existing transmission system facilities supporting the area to be served by the proposed facility.

(vii) A discussion of reasons why the proposed facility is economically reasonable compared to the alternatives described below. In the discussion, the applicant shall include a table showing the amounts of firm capacity and firm annual electricity available from the proposed facility and each alternative and the estimated direct cost, as defined in OAR 345-001-0010, of the proposed facility and each alternative. The applicant shall include documentation of assumptions and calculations supporting the table. The applicant shall evaluate alternatives to construction and operation of the proposed facility that include, but are not limited to:

(I) Implementation of cost-effective conservation, peak load management and voluntary customer interruption as a substitute for the proposed facility.

(II) Construction and operation of electric generating facilities as a substitute for the proposed facility.

(III) Direct use of natural gas, solar or geothermal resources at retail loads as a substitute for use of electricity transmitted by the proposed facility.

(IV) Adding standard sized smaller or larger transmission line capacity.

(viii) The earliest and latest expected in-service dates of the facility and a discussion of the circumstances of the energy supplier, as defined in OAR 345-001-0010, that determine these dates.

(G) If the applicant chooses to demonstrate need for a proposed natural gas pipeline or a proposed facility for storing liquefied natural gas under OAR 345-023-0040, the economically reasonable rule:

(i) Load-resource balance tables for the area to be served by the proposed facility. In the tables, the applicant shall include firm demands and resource availability for each of the years from the date of submission of the application to at least five years after the expected in-service date of the proposed facility. In the tables, the applicant shall list flowing supply and storage supply separately.

(ii) Within the tables described in subparagraph (i), a forecast of firm capacity demands for the area to be served by the proposed facility. The applicant shall separate firm capacity demands into firm demands of retail customers, system losses and each wholesale contract for firm sale. The applicant shall accompany the tables with load duration curves of firm capacity and interruptible demands for the most recent historical year, the year the facility is expected to be placed in service and the fifth year after the expected in-service date. In the forecast of firm capacity demands, the applicant shall include a discussion of how the forecast incorporates reductions in firm capacity demand resulting from:

(I) Existing federal, state or local building codes and equipment standards and conservation programs required by law for the area to be served by the proposed facility;

(II) Conservation programs provided by the energy supplier, as defined in OAR 345-001-0010;

(III) Conservation that results from responses to price; and

(IV) Retail customer fuel choice;

(iii) Within the tables described in subparagraph (i), a forecast of existing and committed firm resources used to meet the demands described in subparagraph (ii). The applicant shall include, as existing and committed firm capacity resources, existing pipelines, storage facilities, and scheduled and budgeted new facilities minus expected resource retirements or displacement. In the forecast, the applicant shall list each committed resource separately.

(iv) A discussion of the reasons each resource is being retired or displaced if the forecast described in subparagraph (iii) includes expected retirements or displacements.

(v) A discussion of the capacity factors assumed for any storage facilities listed in the forecast described in subparagraph (iii).

(vi) A discussion of the reliability criteria the applicant uses to demonstrate the proposed facility is needed, considering the capacity of existing gas system facilities supporting the area to be served by the proposed facility;

(vii) A discussion of reasons why the proposed facility is economically reasonable compared to the alternatives described in subparagraphs (viii) or (ix). In the discussion, the applicant shall include a table showing the amounts of firm capacity available from the proposed facility and each alternative and the estimated direct cost, as defined in OAR 345-001-0010, of the proposed facility and each alternative. The applicant shall include documentation of assumptions and calculations supporting the table.

(viii) In an application for a proposed natural gas pipeline, an evaluation of alternatives to construction and operation of the proposed facility including, but not limited to:

(I) Implementation of cost-effective conservation, peak load management and voluntary customer interruption as a substitute for the proposed facility.

(II) Installation of propane storage systems, facilities to store liquefied natural gas and underground gas storage reservoirs as a substitute for the proposed facility.

(III) Direct use of electricity, solar or geothermal resources at retail loads as a substitute for use of natural gas supplied by the proposed facility.

(IV) Adding standard sized smaller or larger pipeline capacity.

(ix) In an application for a proposed liquefied natural gas storage facility, an evaluation of alternatives to construction and operation of the proposed facility including, but not limited to:

(I) Implementation of cost-effective conservation, peak load management and voluntary customer interruption as a substitute for the proposed facility.

(II) Installation of propane storage systems, natural gas pipelines and underground gas storage facilities as a substitute for the proposed facility.

(III) Direct use of electricity, solar or geothermal resources at retail loads as a substitute for use of natural gas supplied by the proposed facility.

(IV) Adding smaller or larger liquefied natural gas storage capacity; and

(x) The earliest and latest expected in-service date of the facility and a discussion of the circumstances of the energy supplier, as defined in OAR 345-001-0010, that determine these dates.

(o) Exhibit O. Information about anticipated water use during construction and operation of the proposed facility. The applicant shall include:

(A) A description of the use of water during construction and operation of the proposed facility.

(B) A description of each source of water and the applicant's estimate of the amount of water the facility will need during construction and during operation from each source under annual average and worst-case conditions.

(C) A description of each avenue of water loss or output from the facility site for the uses described in (A), the applicant's estimate of the amount of water in each avenue under annual average and worst-case conditions and the final disposition of all wastewater.

(D) For thermal power plants, a water balance diagram, including the source of cooling water and the estimated consumptive use of cooling water during operation, based on annual average conditions.

(E) If the proposed facility would not need a groundwater permit, a surface water permit or a water right transfer, an explanation of why no such permit or transfer is required for the construction and operation of the proposed facility.

(F) If the proposed facility would need a groundwater permit, a surface water permit or a water right transfer, information to support a determination by the Council that the Water Resources Department should issue the permit or transfer of a water use, including information in the form required by the Water Resources Department under OAR Chapter 690, Divisions 310 and 380.

(G) A description of proposed actions to mitigate the adverse impacts of water use on affected resources.

(p) Exhibit P. Information about the fish and wildlife habitat and the fish and wildlife species, other than the species addressed in subsection (q) that could be affected by the proposed facility, providing evidence to sup-

port a finding by the Council as required by OAR 345-022-0060. The applicant shall include:

(A) A description of biological and botanical surveys performed that support the information in this exhibit, including a discussion of the timing and scope of each survey.

(B) Identification of all fish and wildlife habitat in the analysis area, classified by the habitat categories as set forth in OAR 635-415-0025 and a description of the characteristics and condition of that habitat in the analysis area, including a table of the areas of permanent disturbance and temporary disturbance (in acres) in each habitat category and subtype.

(C) A map showing the locations of the habitat identified in (B).

(D) Based on consultation with the Oregon Department of Fish and Wildlife (ODFW) and appropriate field study and literature review, identification of all State Sensitive Species that might be present in the analysis area and a discussion of any site-specific issues of concern to ODFW.

(E) A baseline survey of the use of habitat in the analysis area by species identified in (D) performed according to a protocol approved by the Department and ODFW.

(F) A description of the nature, extent and duration of potential adverse impacts on the habitat identified in (B) and species identified in (D) that could result from construction, operation and retirement of the proposed facility.

(G) A description of any measures proposed by the applicant to avoid, reduce or mitigate the potential adverse impacts described in (F) in accordance with the ODFW mitigation goals described in OAR 635-415-0025 and a discussion of how the proposed measures would achieve those goals.

(H) A description of the applicant's proposed monitoring plans to evaluate the success of the measures described in (G).

(q) Exhibit Q. Information about threatened and endangered plant and animal species that may be affected by the proposed facility, providing evidence to support a finding by the Council as required by OAR 345-022-0070. The applicant shall include:

(A) Based on appropriate literature and field study, identification of all threatened or endangered species listed under ORS 496.172(2), ORS 564.105(2) or 16 USC Sec. 1533 that may be affected by the proposed facility.

(B) For each species identified under (A), a description of the nature, extent, locations and timing of its occurrence in the analysis area and how the facility might adversely affect it.

(C) For each species identified under (A), a description of measures proposed by the applicant, if any, to avoid or reduce adverse impact.

(D) For each plant species identified under (A), a description of how the proposed facility, including any mitigation measures, complies with the protection and conservation program, if any, that the Oregon Department of Agriculture has adopted under ORS 564.105(3).

(E) For each plant species identified under paragraph (A), if the Oregon Department of Agriculture has not adopted a protection and conservation program under ORS 564.105(3), a description of significant potential impacts of the proposed facility on the continued existence of the species and on the critical habitat of such species and evidence that the proposed facility, including any mitigation measures, is not likely to cause a significant reduction in the likelihood of survival or recovery of the species.

(F) For each animal species identified under (A), a description of significant potential impacts of the proposed facility on the continued existence of such species and on the critical habitat of such species and evidence that the proposed facility, including any mitigation measures, is not likely to cause a significant reduction in the likelihood of survival or recovery of the species.

(G) The applicant's proposed monitoring program, if any, for impacts to threatened and endangered species.

(r) Exhibit R. An analysis of significant potential impacts of the proposed facility, if any, on scenic resources identified as significant or important in local land use plans, tribal land management plans and federal land management plans for any lands located within the analysis area, providing evidence to support a finding by the Council as required by OAR 345-022-0080, including:

(A) A list of the local, tribal and federal plans that address lands within the analysis area.

(B) Identification and description of the scenic resources identified as significant or important in the plans listed in (A), including a copy of the portion of the management plan that identifies the resource as significant or important.

(C) A description of significant potential adverse impacts to the scenic resources identified in (B), including, but not limited to, impacts such as:

(i) Loss of vegetation or alteration of the landscape as a result of construction or operation; and

(ii) Visual impacts of facility structures or plumes.

(D) The measures the applicant proposes to avoid, reduce or otherwise mitigate any significant adverse impacts.

(E) A map or maps showing the location of the scenic resources described under (B).

(F) The applicant's proposed monitoring program, if any, for impacts to scenic resources.

(s) Exhibit S. Information about historic, cultural and archaeological resources. Information concerning the location of archaeological sites or objects may be exempt from public disclosure under ORS 192.502(4) or ORS 192.501(11). The applicant shall submit such information separately, clearly marked as "confidential," and shall request that the Department and the Council keep the information confidential to the extent permitted by law. The applicant shall include information in Exhibit S or in confidential submissions providing evidence to support a finding by the Council as required by OAR 345-022-0090, including:

(A) Historic and cultural resources within the analysis area that have been listed, or would likely be eligible for listing, on the National Register of Historic Places.

(B) For private lands, archaeological objects, as defined in ORS 358.905(1)(a), and archaeological sites, as defined in ORS 358.905(1)(c), within the analysis area.

(C) For public lands, archaeological sites, as defined in ORS 358.905(1)(c), within the analysis area.

(D) The significant potential impacts, if any, of the construction, operation and retirement of the proposed facility on the resources described in paragraphs (A), (B) and (C) and a plan for protection of those resources that includes at least the following:

(i) A description of any discovery measures, such as surveys, inventories, and limited subsurface testing work, recommended by the State Historic Preservation Officer or the National Park Service of the U.S. Department of Interior for the purpose of locating, identifying and assessing the significance of resources listed in paragraphs (A), (B) and (C).

(ii) The results of the discovery measures described in subparagraph (i), together with an explanation by the applicant of any variations from the survey, inventory, or testing recommended.

(iii) A list of measures to prevent destruction of the resources identified during surveys, inventories and subsurface testing referred to in subparagraph (i) or discovered during construction.

(E) The applicant's proposed monitoring program, if any, for impacts to historic, cultural and archaeological resources during construction and operation of the proposed facility.

(t) Exhibit T. Information about the impacts the proposed facility would have on important recreational opportunities in the analysis area, providing evidence to support a finding by the Council as required by OAR 345-022-0100, including:

(A) A description of the recreational opportunities in the analysis area that includes information on the factors listed in OAR 345-022-0100(1) as a basis for identifying important recreational opportunities.

(B) A description of any significant potential adverse impacts to the important opportunities identified in (A) including, but not limited to:

(i) Direct or indirect loss of a recreational opportunity as a result of facility construction or operation.

(ii) Noise resulting from facility construction or operation.

(iii) Increased traffic resulting from facility construction or operation.

(iv) Visual impacts of facility structures or plumes.

(C) A description of any measures the applicant proposes to avoid, reduce or otherwise mitigate the significant adverse impacts identified in (B).

(D) A map of the analysis area showing the locations of important recreational opportunities identified in (A).

(E) The applicant's proposed monitoring program, if any, for impacts to important recreational opportunities.

(u) Exhibit U. Information about significant potential adverse impacts of construction and operation of the proposed facility on the ability of public and private providers in the analysis area to provide the services listed in OAR 345-022-0110, providing evidence to support a finding by the Council as required by 345-022-0110. The applicant shall include:

(A) The important assumptions the applicant used to evaluate potential impacts.

(B) Identification of the public and private providers in the analysis area that would likely be affected.

(C) A description of any likely adverse impact to the ability of the providers identified in (B) to provide the services listed in OAR 345-022-0110.

(D) Evidence that adverse impacts described in (C) are not likely to be significant, taking into account any measures the applicant proposes to avoid, reduce or otherwise mitigate the impacts.

(E) The applicant's proposed monitoring program, if any, for impacts to the ability of the providers identified in (B) to provide the services listed in OAR 345-022-0110.

(v) Exhibit V. Information about the applicant's plans to minimize the generation of solid waste and wastewater and to recycle or reuse solid waste and wastewater, providing evidence to support a finding by the Council as required by OAR 345-022-0120. The applicant shall include:

(A) A description of the major types of solid waste and wastewater that construction, operation and retirement of the facility are likely to generate, including an estimate of the amount of solid waste and wastewater.

(B) A description of any structures, systems and equipment for management and disposal of solid waste, wastewater and storm water.

(C) A discussion of any actions or restrictions proposed by the applicant to reduce consumptive water use during construction and operation of the facility.

(D) The applicant's plans to minimize, recycle or reuse the solid waste and wastewater described in (A).

(E) A description of any adverse impact on surrounding and adjacent areas from the accumulation, storage, disposal and transportation of solid waste, wastewater and stormwater during construction and operation of the facility.

(F) Evidence that adverse impacts described in (D) are likely to be minimal, taking into account any measures the applicant proposes to avoid, reduce or otherwise mitigate the impacts.

(G) The applicant's proposed monitoring program, if any, for minimization of solid waste and wastewater impacts.

(w) Exhibit W. Information about site restoration, providing evidence to support a finding by the Council as required by OAR 345-022-0050(1). The applicant shall include:

(A) The estimated useful life of the proposed facility.

(B) Specific actions and tasks to restore the site to a useful, non-hazardous condition.

(C) An estimate, in current dollars, of the total and unit costs of restoring the site to a useful, non-hazardous condition.

(D) A discussion and justification of the methods and assumptions used to estimate site restoration costs.

(E) For facilities that might produce site contamination by hazardous materials, a proposed monitoring plan, such as periodic environmental site assessment and reporting, or an explanation why a monitoring plan is unnecessary.

(x) Exhibit X. Information about noise generated by construction and operation of the proposed facility, providing evidence to support a finding by the Council that the proposed facility complies with the Oregon Department of Environmental Quality's noise control standards in OAR 340-035-0035. The applicant shall include:

(A) Predicted noise levels resulting from construction and operation of the proposed facility.

(B) An analysis of the proposed facility's compliance with the applicable noise regulations in OAR 340-035-0035, including a discussion and justification of the methods and assumptions used in the analysis.

(C) Any measures the applicant proposes to reduce noise levels or noise impacts or to address public complaints about noise from the facility.

(D) Any measures the applicant proposes to monitor noise generated by operation of the facility.

(E) A list of the names and addresses of all owners of noise sensitive property, as defined in OAR 340-035-0015, within one mile of the proposed site boundary.

(y) Exhibit Y. If the facility is a base load gas plant, a non-base load power plant, or a nongenerating energy facility that emits carbon dioxide, a statement of the means by which the applicant elects to comply with the applicable carbon dioxide emissions standard under OAR 345-024-0560, 345-024-0600, or 345-024-0630 and information, showing detailed calculations, about the carbon dioxide emissions of the energy facility. The applicant may present the calculations in tabular form. The applicant shall include the following information and calculations:

(A) Fuel cycle and usage including the maximum hourly fuel use at net electrical power output at average annual conditions for a base load gas plant and the maximum hourly fuel use at nominal electric generating capacity for a non-base load power plant or a base load gas plant with power augmentation technologies, as applicable.

(B) The gross capacity as estimated at the generator output terminals for each generating unit. For a base load gas plant, gross capacity is based on the average annual ambient conditions for temperature, barometric pressure and relative humidity. For a non-base load plant, gross capacity is based on the average temperature, barometric pressure and relative humidity at the site during the times of year when the facility is intended to operate. For a baseload gas plant with power augmentation, gross capacity in that mode is based on the average temperature, barometric pressure and relative humidity at the site during the times of year when the facility is intended to operate with power augmentation.

(C) A table showing a reasonable estimate of all on-site electrical loads and losses greater than 50 kilowatts, including losses from on-site transformers, plus a factor for incidental loads, that are required for the normal operation of the plant when the plant is at its designed full power operation.

(D) The maximum number of hours per year and energy content (Btu per year, higher heating value) of alternate fuel use.

(E) The total gross carbon dioxide emissions for 30 years, unless an applicant for a non-base load power plant or nongenerating energy facility proposes to limit operation to a shorter time.

(F) The gross carbon dioxide emissions rate expressed as:

(i) Pounds of carbon dioxide per kilowatt-hour of net electric power output for a base load gas plant, including operation with or without power augmentation, as appropriate, or for a non-base load power plant;

(ii) Pounds of carbon dioxide per horsepower hour for nongenerating facilities for which the output is ordinarily measured in horsepower; or

(iii) A rate comparable to pounds of carbon dioxide per kilowatt-hour of net electric power output for nongenerating facilities other than those measured in horsepower.

(G) The total excess carbon dioxide emissions for 30 years, unless an applicant for a non-base load power plant or a nongenerating energy facility proposes to limit operation to a shorter time.

(H) The excess carbon dioxide emissions rate, using the same measure as required for paragraph (F).

(I) The average annual site conditions, including temperature, barometric pressure and relative humidity, together with a citation of the source and location of the data collection devices.

(J) For a non-base load power plant (or when using power augmentation), the average temperature, barometric pressure and relative humidity at the site during the times of the year when the facility is intended to operate, together with a citation of the source and location of the data collection devices.

(K) The annual fuel input in British thermal units, higher heating value, to the facility for each type of fuel the facility will use, assuming:

(i) For a base load gas plant, a 100-percent capacity factor on a new and clean basis and the maximum number of hours annually that the applicant proposes to use alternative fuels.

(ii) For a non-base load power plant, the applicant's proposed annual hours of operation on a new and clean basis, the maximum number of hours annually that the applicant proposes to use alternative fuels and, if the calculation is based on an operational life of fewer than 30 years, the proposed operational life of the facility.

(iii) For a nongenerating energy facility, the reasonably likely operation of the facility based on one year, 5-year, 15-year, and 30-year averages, unless an applicant proposes to limit operation to a shorter time.

(L) For each type of fuel a base load gas plant or a non-base load power plant will use, the estimated heat rate and capacity of the facility measured on a new and clean basis with no thermal energy to cogeneration, consistent with the data supplied in Exhibit B.

(M) For each type of fuel a nongenerating energy facility will use, the estimated efficiency and capacity of the facility with no thermal energy to cogeneration.

(N) If the facility provides thermal energy for cogeneration to lower its net carbon dioxide emissions rate, the applicant shall include:

(i) The estimated annual useful thermal energy available from the facility for non-electric processes, annual useful thermal energy used by non-electric processes, and annual thermal energy rejected as waste heat.

(ii) For a base load gas plant or non-base load power plant, the estimated annual net electric power output and annual fuel input in British thermal units higher heating value for the facility for each type of fuel the facility will use and the basis of such estimates.

(iii) A description of the non-electric thermal processes, the names and addresses of the persons intending to use the non-electric thermal ener-

gy, and a description and an estimate of the fuel displaced by cogeneration, including supporting assumptions.

(iv) A description of the products produced and thermal energy needed for production of the primary products made by the persons intending to use the non-electric thermal energy produced by the proposed facility, supported by fuel use and steam production records or estimates, if the production facility is new.

(v) The efficiency of each boiler that the thermal energy will displace.

(vi) For each boiler, the annual fossil fuel displaced in million Btu, higher heating value, by type of fuel that will be displaced by the thermal energy.

(vii) The annual carbon dioxide offset by the cogeneration host, using a rate of 117 pounds of carbon dioxide per million Btu of natural gas fuel (higher heating value) and a rate of 161 pounds of carbon dioxide per million Btu of distillate fuel (higher heating value).

(viii) The cumulative carbon dioxide offset by the steam host through the thirtieth year of facility operation, or for a shorter period if an applicant for a nongenerating facility proposes a shorter operational period.

(ix) A copy of the contractual agreement between the applicant and the cogeneration host for the use of the thermal energy.

(x) A description of the guarantees of offsets that the applicant shall provide for cogeneration projects, pursuant to OAR 345-024-0560(1) and 345-024-0600(1).

(xi) A proposed monitoring and evaluation plan and an independent verification plan, pursuant to subparagraphs (O)(xix) and (O)(xx).

(xii) A copy of the instrument by which the certificate holder will transfer the offsets to the Council for it to hold in trust.

(O) If the applicant proposes to offset carbon dioxide emissions as described in OAR 345-024-0550(3), 345-024-0560(2), 345-024-0590(3), 345-024-0600(2), 345-024-0620(3) or 345-024-0630(1), the applicant shall include:

(i) A description of each offset project.

(ii) A description of who will implement the offset project, including qualifications and experience.

(iii) Detailed estimates of the of carbon dioxide offset, measured in short tons, that the offset projects will achieve over the life of the project.

(iv) For each offset project, an explanation of how the applicant quantified its carbon dioxide estimates to a degree of certainty acceptable to the Council though a transparent and replicable calculation methodology.

(v) For each offset project, evidence that the offset project would not likely have been implemented if not for the applicant's activities or funding.

(vi) For each offset project, a description of a "Baseline" projection that does not include the proposed project and a "Project Case" projection that does. The historic Baseline shall use reliable emissions data or pre-project data available for the most recent three years unless the applicant can demonstrate that a different period more closely represents historical operations or unless it can demonstrate that another method provides a more reasonable estimate. The applicant shall show how the Baseline projection changes over time if changes from business-as-usual could be reasonably anticipated during the project life.

(vii) For each offset project, a description, in a transparent and realistic manner, of the assumptions and methodologies used to quantify the Baseline and the Project Case projections, including a description of key parameters and data sources. This shall include a description of the formulae used to estimate carbon dioxide emissions or sequestration within the project boundary and a net change of carbon dioxide emissions or sequestration that occurs outside of the project boundary that is measurable and attributable to the project activity.

(viii) For projects that avoid conventional electricity generation, a description of a Baseline that calculates the carbon dioxide emissions per kilowatt hour in two steps: (1) for the first five years of operation, a description of the rate based on dispatch data or models or, absent that, a weighted average of all resources in a power pool except zero-fuel-cost or must-run facilities, and (2) a description of the rate for any subsequent years based on a group of similar facilities built within the prior five years or under construction in the electrical distribution region of the project or the three most recent plants built in the region, whichever rate is lower.

(ix) For projects that avoid conventional electricity generation, a description of avoided transmission and distribution losses, using average grid area or national losses.

(x) A description of any guarantee for offsets from projects that the applicant proposes pursuant to OAR 345-024-0560(2), 345-024-0600(2), and 345-024–630(1), if the applicant chooses to offer a guarantee.

(xi) A description of the offset project boundary. The boundary shall encompass all carbon dioxide emissions under the control of the project that are significant and reasonably attributable to the project activity. If the project is being conducted by one part of a corporation, the boundary shall include the emissions and reductions of the whole corporate entity and the carbon dioxide emissions resulting from processes and facilities that are related to the project, with identification of subsidiaries that are affected by the project.

(xii) A description of significant risks and risk mitigation strategies, including an estimate of the range of uncertainty around the expected carbon dioxide offsets.

(xiii) For biological sequestration projects, an assessment of the risk of climate change to natural systems that are sequestering the carbon dioxide, including, if appropriate, the risks from forest fires, pest and other unplanned releases of carbon from sequestration.

(xiv) A description of whether the offset project will permanently avoid or displace emissions of carbon dioxide. If a project only temporarily sequesters carbon, an indication of the duration of sequestration or storage.

(xv) A description of the amount of funding the applicant will provide for each offset project it proposes.

(xvi) If the applicant anticipates that a project will have funding sources in addition to itself, identification of the sources of those funds, the amount of other funding that is required to implement a project, the amount of funds other parties have committed, and the risks of other funds not being available.

(xvii) If the applicant proposes that a project will have funding sources in addition to itself, a description of how ownership of the offsets will be allocated among the several funding sources.

(xviii) A copy of the instrument by which the certificate holder will transfer all the offsets to the Council for it to hold in trust.

(xix) A description of a transparent and replicable methodology for the applicant's monitoring and evaluation plan and for an independent verification plan, including (1) procedures the applicant and the independent entity will employ, (2) how the applicant will assure funds for ongoing monitoring, evaluation and verification, (3) the time frame and frequency over which the applicant will conduct monitoring and evaluation and over which the independent entity will conduct verification, including the frequency of site visits, if applicable, (4) the reporting procedures and guidelines for the plans, and (5) whether the applicant has identified the independent entity that will perform the verification.

(xx) The monitoring and evaluation plan and the verification plan shall identify the data needs and data quality with regard to accuracy, comparability, completeness and validity. It shall include methodologies to be used for data collection, monitoring, storage, reporting and management, including quality assurance and quality control provisions. It shall provide complete calculations used to calculate and estimate carbon dioxide emissions from activity within the project boundary. It shall show any formulae and assumptions the applicant used to calculate offset project leakage.

(xxi) A description of reasonably likely, significant undesirable long-term environmental impacts from the implementation of an offset project.

(P) If the applicant elects to comply with the applicable carbon dioxide emissions standard by using the monetary path under OAR 345-024-0560(3), 345-024-0600(3) or 345-024-0630(2), the applicant shall include:

(i) A statement of the applicant's election to use the monetary path.

(ii) The amount of carbon dioxide reduction, in tons, for which the applicant is taking credit by using the monetary path.

(iii) The qualified organization to whom the applicant will provide offset funds and funds for the cost of selecting and contracting for offsets. The applicant shall include evidence that the organization meets the definition of a qualified organization under OAR 345-001-0010. The applicant may identify an organization that has applied for, but has not received, an exemption from federal income taxation, but the Council shall not find that the organization is a qualified organization unless the organization is exempt from federal taxation under section 501(c)(3) of the Internal Revenue Code as amended and in effect on September 18, 2015.

(iv) A statement of whether the applicant intends to provide a bond or letter of credit to secure the funds it must provide to the qualified organization or whether it requests the option of providing either a bond or a letter of credit.

(z) Exhibit Z. If the proposed facility has an evaporative cooling tower, information about the cooling tower plume, including:

(A) The predicted size and frequency of occurrence of a visible plume and an assessment of its visual impact.

(B) The predicted locations and frequency of occurrence of ice formation on surfaces and ground level fogging and an assessment of significant potential adverse impacts, including, but not limited to, traffic hazards on public roads.

(C) The predicted locations and rates of deposition of solids released from the cooling tower (cooling tower drift) and an assessment of significant potential adverse impacts to soils, vegetation and other land uses.

(D) Any measures the applicant proposes to reduce adverse impacts from the cooling tower plume or drift.

(E) The assumptions and methods used in the plume analysis.

(F) The applicant's proposed monitoring program, if any, for cooling tower plume impacts;

(aa) Exhibit AA. If the proposed energy facility is a transmission line or has, as a related or supporting facility, a transmission line of any size:

(A) Information about the expected electric and magnetic fields, including:

(i) The distance in feet from the proposed center line of each proposed transmission line to the edge of the right-of-way.

(ii) The type of each occupied structure, including but not limited to residences, commercial establishments, industrial facilities, schools, daycare centers and hospitals, within 200 feet on each side of the proposed center line of each proposed transmission line.

(iii) The approximate distance in feet from the proposed center line to each structure identified in (A).

(iv) At representative locations along each proposed transmission line, a graph of the predicted electric and magnetic fields levels from the proposed center line to 200 feet on each side of the proposed center line.

(v) Any measures the applicant proposes to reduce electric or magnetic field levels.

(vi) The assumptions and methods used in the electric and magnetic field analysis, including the current in amperes on each proposed transmission line.

(vii) The applicant's proposed monitoring program, if any, for actual electric and magnetic field levels.

(B) An evaluation of alternate methods and costs of reducing radio interference likely to be caused by the transmission line in the primary reception area near interstate, U.S. and state highways.

(bb) Exhibit BB. Any other information that the Department requests in the project order or in a notification regarding expedited review.

(cc) Exhibit CC. Identification, by legal citation, of all state statutes and administrative rules and local government ordinances containing standards or criteria that the proposed facility must meet for the Council to issue a site certificate, other than statutes, rules and ordinances identified in Exhibit E, and identification of the agencies administering those statutes, administrative rules and ordinances. The applicant shall identify all statutes, administrative rules and ordinances that the applicant knows to be applicable to the proposed facility, whether or not identified in the project order. To the extent not addressed by other materials in the application, the applicant shall include a discussion of how the proposed facility meets the requirements of the applicable statutes, administrative rules and ordinances.

(dd) Exhibit DD. If the proposed facility is a facility for which the Council has adopted specific standards, information about the facility providing evidence to support findings by the Council as required by the following rules:

(A) For wind energy facilities, OAR 345-024-0010 and 345-024-0015.

(B) For surface facilities related to underground gas storage reservoirs, OAR 345-024-0030, including information required by 345-021-0020.

(C) For any transmission line under Council jurisdiction, OAR 345-024-0090.

(2) Documents prepared in connection with an environmental assessment or environmental impact statement for the proposed facility under the National Environmental Policy Act of 1970, if any, may contain some of the information required under section (1) of this rule. The applicant may copy relevant sections of such documents into the appropriate exhibits of the site certificate application. The applicant may otherwise submit full copies of those documents and include, in the appropriate exhibits of the site certificate application, cross-references to the relevant sections of those documents. The applicant may use such documents only to avoid duplication. The applicant shall include additional information in the site certificate application as needed to meet the requirements of section (1) of this rule.

(3) The applicant shall include a table of contents in the preliminary application identifying the location of each exhibit required by this rule. The applicant shall submit an original and two printed copies of the preliminary application to the Department and shall prepare and distribute additional copies of the application as required by OAR 345-021-0050. Upon a request by the Department, the applicant must submit printed copies of the preliminary application for members of the Council. In addition to the printed copies, the applicant shall submit the full preliminary application in a non-copy-protected electronic format acceptable to the Department.

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

Stat. Auth.: ORS 469.373 & 469.470

Stats. Implemented: ORS 469.350, 469.370, 469.501, 469.503 & 469.504

Hist.: EFSC 6-1980, f. & ef. 8-26-80; EFSC 7-1986, f. & ef. 9-18-86; EFSC 9-1980, f. & ef. 12-22-80; EFSC 1-1981, f. & ef. 1-19-81; EFSC 2-1981, f. & ef. 1-19-81; EFSC 4-1986, f. & ef. 9-5-86; EFSC 2-1992, f. & cert. ef. 8-28-92; EFSC 1-1993, f. & cert. ef. 1-15-93; Renumbered from 345-079-0140, 345-080-0090, 345-100-0055, 345-111-0075, 345-115-0055 & 345-125-0100; EFSC 5-1994, f. & cert. ef. 11-30-94; EFSC 3-1995, f. & cert. ef. 11-16-95; EFSC 2-1999, f. & cert. ef. 4-14-99; EFSC 1-2000, f. & cert. ef. 2-2-00; EFSC 2-2000, f. & cert. ef. 11-20-00; EFSC 1-2002, f. & cert. ef. 4-3-02; EFSC 1-2003, f. & cert. ef. 9-3-03; EFSC 1-2007, f. & cert. ef. 5-15-07; EFSC 1-2012, f. & cert. ef. 5-15-12; EFSC 2-2015, f. & cert. ef. 10-20-15

345-023-0030
System Reliability Rule for Electric Transmission Lines

The Council shall find that the applicant has demonstrated need for an electric transmission line that is an energy facility under the definition in ORS 469.300 if the Council finds that:

(1) The facility is needed to enable the transmission system of which it is to be a part to meet firm capacity demands for electricity or firm annual electricity sales that are reasonably expected to occur within five years of the facility's proposed in-service date based on weather conditions that have at least a 5 percent chance of occurrence in any year in the area to be served by the facility;

(2) The facility is consistent with the applicable mandatory and enforceable North American Electric Reliability Corporation (NERC) Reliability Standards in effect as of September 18, 2015 as they apply either internally or externally to a utility system; and

(3) Construction and operation of the facility is an economically reasonable method of meeting the requirements of sections (1) and (2) compared to the alternatives evaluated in the application for a site certificate.

Stat. Auth.: ORS 469.470 & 469.501

Stats. Implemented: ORS 469.501

Hist.: EFSC 9-1980, f. & ef. 12-22-80; EFSC 1-1993, f. & cert. ef. 1-15-93, Renumbered from 345-080-0043; EFCS 5-1993(Temp), f. & cert. ef. 8-16-93; EFCS 1-1994, f. & cert. ef. 1-28-94; EFCS 2-1994, f. & cert. ef. 5-6-94; EFSC 3-1995, f. & cert. ef. 11-16-95; EFSC 2-1999, f. & cert. ef. 4-14-99; EFSC 1-2000, f. & cert. ef. 2-2-00; EFSC 1-2012, f. & cert. ef. 5-15-12; EFSC 2-2015, f. & cert. ef. 10-20-15

345-024-0720
Qualified Organization

(1) If the applicant elects to meet the applicable carbon dioxide emissions standard in whole or in part under OAR 345-024-0560(3), 345-024-0600(3) and (4), or 345-024-0630(2), (4) and (5), the applicant shall identify the qualified organization. The applicant may identify an organization that has applied for, but has not received, an exemption from federal income taxation, but the Council may not find that the organization is a qualified organization unless the organization is exempt from federal taxation under section 501(c)(3) of the Internal Revenue Code as amended and in effect on September 18, 2015.

(2) If the Council finds there is no qualified organization, the certificate holder shall disburse the offset funds according to one or more contracts for implementation of offsets as determined by the following process:

(a) The Council shall establish criteria for selection of offsets, based on the reduction of net carbon dioxide emissions and the criteria set forth in OAR 345-024-0550(3) for base load plants, 345-024-0590(3) for non-base load power plants and 345-024-0620(3) for nongenerating facilities. The Council may consider the costs of particular types of offsets in relation to the expected benefits of such offsets. In establishing criteria, the Council shall not require the certificate holder to select particular offsets and shall allow the certificate holder a reasonable range of choices in selecting offsets.

(b) Based on the criteria established by the Council, the certificate holder shall select one or more offsets. The certificate holder shall give written notice of its selections to the Council and to any person requesting notice. For the purposes of this rule, the date of notice is the date the certificate holder places the notice in the United States mail, with first-class postage prepaid.

(c) On petition by the Department of Energy or by any person adversely affected or aggrieved by the certificate holder's selection of offsets, or on the Council's own motion, the Council may review the selection.

The petition must be received by the Council within 30 days of the date of notice.

(d) The Council shall approve the certificate holder's selection unless it finds that the selection is not consistent with criteria established under subsection (a).

(e) The certificate holder shall execute one or more contracts to implement the selected offsets within 18 months after commencing construction of the facility unless the Council allows additional time based on a showing of good cause by the certificate holder. If a certificate holder would have made a payment to a qualified organization as described in OAR 345-024-0600(4) or 345-024-0630(4) or (5), the certificate holder shall instead execute one or more contracts to implement the selected offsets, by a method acceptable to the Council, within 18 months after reporting to the Council as described in 345-024-0590(5) or within 18 months after the Department notifies the certificate holder that the certificate holder must replenish the offset credit account as described in 345-024-0630(4). The certificate holder shall, under such contracts, obligate the expenditure of at least 85 percent of the offset funds for the implementation of offsets. The certificate holder may spend no more than 15 percent of the offset funds on monitoring, evaluation and enforcement of such contracts.

(f) The certificate holder's financial liability for implementation, monitoring, evaluation and enforcement of offsets under this subsection (2) is limited to the amount of any offset funds not already contractually obligated. The Council shall not base a revocation of the site certificate or any other enforcement action with respect to the certificate holder on any nonperformance, negligence or misconduct by the entity or entities implementing, monitoring or evaluating the selected offsets.

(3) Every qualified organization that has received funds under this rule shall, at five-year intervals beginning on the date of receipt of such funds, provide the Council with the information the Council requests about the qualified organization's performance. The Council shall evaluate the information requested and, based on such information, shall make recommendations to the Legislative Assembly that the Council deems appropriate.

Stat. Auth.: ORS 469.470
Stats. Implemented: ORS 469.501 & 469.503
Hist.: EFSC 2-1999, f. & cert. ef. 4-14-99; EFSC 1-2007, f. & cert. ef. 5-15-07; EFSC 1-2012, f. & cert. ef. 5-15-12; EFSC 2-2015, f. & cert. ef. 10-20-15

345-027-0023
Site-Specific Conditions

The Council may include the following conditions, as appropriate, in the site certificate:

(1) If the facility uses coal, the certificate holder shall take all necessary steps to ensure that surface and groundwater are not contaminated by run off or seepage associated with coal or ash storage, transport or disposal. The certificate holder shall handle coal and ash so as to minimize the likelihood of coal dust and ash being windblown and causing an environmental or public health problem. If the certificate holder permanently disposes of ash on the facility site, the certificate holder shall cover the ash with a layer of topsoil and revegetate the area.

(2) If the energy facility or related or supporting facility is a natural gas pipeline, the certificate holder shall submit to the Department copies of all incident reports involving the pipeline required under 49 CFR Sec. 191.15.

(3) If the facility includes any pipeline under Council jurisdiction:

(a) The certificate holder shall design, construct and operate the pipeline in accordance with the requirements of the U.S. Department of Transportation as set forth in Title 49, Code of Federal Regulations, Part 192, in effect on August 15, 2011; and

(b) The certificate holder shall develop and implement a program using the best available practicable technology to monitor the proposed pipeline to ensure protection of public health and safety.

(4) If the facility includes any transmission line under Council jurisdiction:

(a) The certificate holder shall design, construct and operate the transmission line in accordance with the requirements of the 2012 Edition of the National Electrical Safety Code approved on June 3, 2011, by the American National Standards Institute; and

(b) The certificate holder shall develop and implement a program that provides reasonable assurance that all fences, gates, cattle guards, trailers, or other objects or structures of a permanent nature that could become inadvertently charged with electricity are grounded or bonded throughout the life of the line.

(5) If the proposed energy facility is a pipeline or a transmission line or has, as a related or supporting facility, a pipeline or transmission line, the Council shall specify an approved corridor in the site certificate and shall allow the certificate holder to construct the pipeline or transmission line anywhere within the corridor, subject to the conditions of the site certificate. If the applicant has analyzed more than one corridor in its application for a site certificate, the Council may, subject to the Council's standards, approve more than one corridor.

(6) If the facility is a surface facility related to an underground gas storage reservoir, the Council shall, in the site certificate, specify the site boundary and total permitted daily throughput of the facility.

(7) If the facility is subject to a carbon dioxide emissions standard adopted by the Council or enacted by statute, the Council shall include in the site certificate appropriate conditions as described in OAR 345-024-0550, 345-024-0560, 345-024-0590, 345-024-0600, 345-024-0620, 345-024-0630 and 345-024-0710.

[Publications: Publications referenced are available from the agency.]
Stat. Auth.: ORS 469.470
Stats. Implemented: ORS 469.401, 469.501 & 469.503
Hist.: EFSC 5-1994, f. & cert. f. 11-30-94; EFSC 2-1999, f. & cert. ef. 4-14-99; EFSC 1-2000, f. & cert. ef. 2-2-00; EFSC 1-2003, f. & cert. ef. 9-3-03; EFSC 1-2007, f. & cert. ef. 5-15-07; EFSC 1-2012, f. & cert. ef. 5-15-12; EFSC 2-2015, f. & cert. ef. 10-20-15

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Department of Environmental Quality
Chapter 340

Rule Caption: Clean Water State Revolving Fund
Adm. Order No.: DEQ 9-2015
Filed with Sec. of State: 10-16-2015
Certified to be Effective: 10-16-15
Notice Publication Date: 8-1-2015
Rules Amended: 340-054-0005, 340-054-0010, 340-054-0011, 340-054-0015, 340-054-0022, 340-054-0025, 340-054-0026, 340-054-0027, 340-054-0036, 340-054-0056, 340-054-0060, 340-054-0065, 340-054-0071, 340-054-0072
Rules Repealed: 340-054-0100, 340-054-0102, 340-054-0104, 340-054-0106, 340-054-0108
Subject: DEQ proposes rules to for changes to the Clean Water State Revolving Fund program related to the 2014 federal Clean Water Act amendments. The rules will make the following changes to the program to align with new federal law and provide additional funding options for borrowers:

- Longer financing terms to all eligible borrowers,
- Larger amount of principal forgiveness available with a fairer process for allocating principal forgiveness,
- Expanded eligibilities for projects including allowing for construction of new decentralized wastewater systems,
- Incentives for selected projects in the form of lower interest rates,
- Additional funding application requirements some of which encourage fiscal and environmental sustainability in project designs, others are specific to certain types of funding
- Housekeeping items to simplify rules

Rules Coordinator: Meyer Goldstein—(503) 229-6478

340-054-0005
Purpose

(1) The rules in this division establish procedures and requirements for the funding of projects and activities that enhance, protect or restore water quality through the Water Pollution Control Revolving Fund, called the Clean Water State Revolving Fund.

(2) This division:

(a) Assists a public agency to obtain financing for a project that enhances, protects or restores water quality.

(b) Ensures the loan application and funding processes, procedures and requirements are clear.

(c) Promotes loan affordability by offering below-market interest rates.

(d) Ensures perpetuity of the CWSRF for reliability of project funding.

Stat. Auth.: ORS 468.020 & 468.440
Stats. Implemented: ORS 468.423 – 468.440
Hist.: DEQ 2-1989, f. & cert. ef. 3-10-89; DEQ 3-1995, f. & cert. ef. 1-23-95; DEQ 10-2003, f. & cert. ef. 5-27-03; DEQ 11-2012, f. & cert. ef. 12-14-12; DEQ 9-2015, f. & cert. ef. 10-16-15

340-054-0010
Definitions

The following definitions apply to this rule division:

(1) "Applicant" means a public agency that has applied for a CWSRF loan under this division.

(2) "Borrower" means a public agency that has signed a CWSRF loan agreement with DEQ.

(3) "Change order" means a written order and supporting information from a borrower to a borrower's contractor authorizing an addition, deletion or revision in the work within the scope of the contract documents, including any required adjustment in contract price or time.

(4) "Checklist of application requirements" means a list that DEQ provides of all documents an applicant must submit to DEQ under this division.

(5) "Clean Water Act" or "CWA" means the federal Water Pollution Control Act, 33 U.S.C.§1251 – §1387.

(6) "Clean Water State Revolving Fund" or "CWSRF" means the Water Pollution Control Revolving Fund established under ORS 468.427.

(7) "Construction" means the erection, installation, expansion or improvement of a wastewater or stormwater facility, nonpoint source control activity or estuary management project, and includes the demolition of an obsolete facility.

(8) "Cross-cutting authorities" means requirements of federal laws and Executive Orders that apply to projects and activities funded under the CWSRF program.

(9) "Default" means the failure to pay principal, interest or annual fees, or to comply with other CWSRF loan terms or provisions, and includes the filing of bankruptcy or other written admission of an inability to satisfy a borrower's obligations under a CWSRF loan.

(10) "DEQ" means the Oregon Department of Environmental Quality.

(11) "Design" means preparing engineering drawings and specifications for the proposed construction, and may include pre-design activities.

(12) "EPA" means the U.S. Environmental Protection Agency.

(13) "Estuary management" means implementing actions identified in a Comprehensive Conservation Management Plan developed for a designated national estuary.

(14) "Federal loans" are loans DEQ designates yearly in its Intended Use Plan that represent projects that are funded with monies directly made available by the federal capitalization grant for the associated federal fiscal year.

(15) "Local community loan" means a loan, the proceeds of which a public agency uses to establish a local financial program that will fund an eligible nonpoint source control or estuary management activity.

(16) "Maintenance" means regularly scheduled work performed to repair, replace or upgrade equipment in a facility, or to prevent or correct a failure or a malfunction of a wastewater or stormwater facility, nonpoint source control or estuary management project.

(17) "Natural infrastructure" means the use of natural form and ecosystem function to restore or augment a project's intended water quality benefits.

(18) "Nonpoint source" has the meaning given in ORS 468B.005.

(19) "Nonpoint source control" means implementation of a nonpoint source control activity under section 319 of the Clean Water Act and 40 C.F.R. §35.3115(b) that is included in the 2014 Oregon Nonpoint Source Management Program Plan.

(20) "Operation" means the control of wastewater collection system pumping stations and wastewater facility treatment unit processes, the control of equipment and processes of stormwater facilities, nonpoint source control and estuary management projects, and the financial and personnel management, records, laboratory control, process control, safety, and emergency planning for these facilities and projects.

(21) "Planning" means monitoring, data collection and measurement, evaluation, analysis, security evaluations, report preparation, environmental review, public education and review process and any other activity leading to a written plan for providing a wastewater or stormwater facility, nonpoint source control or estuary management project intended to remediate an existing or anticipated water pollution problem, but does not include the preparation of detailed bid documents for construction.

(22) "Point source" has the meaning given in ORS 468B.005.

(23) "Principal forgiveness" means additional subsidization that allows a borrower to repay only a specified portion of the loan principal.

(24) "Project" means the activities or tasks identified in a loan application or a loan agreement for which a borrower may expend or obligate funds.

(25) "Public agency" has the meaning given in ORS 468.423.

(26) "Ready to proceed" means, in regard to a project, that a loan applicant's project details have been published in the Intended Use Plan under OAR 340-054-0025(3)–340-054-0025(5) and the applicant has met all loan requirements set out in OAR 340-054-0022.

(27) "Replacement" means obtaining and installing equipment, accessories or appurtenances necessary for the ongoing operation of a wastewater or stormwater facility, nonpoint source control or estuary management project in order to maintain a facility or project for the purpose for which it was designed and constructed during its useful life, but does not mean the replacement of a facility or project at the end of its useful life.

(28) "Small community" means a public agency serving a population of 10,000 or less.

(29) "Sponsorship option" means DEQ's financing mechanism that allows a public agency with the authority to finance and implement a wastewater facility project and an eligible nonpoint source control or estuary management activity to be financed through one combined CWSRF application.

(30) "Stormwater" means water runoff from a precipitation event, snowmelt runoff, and surface runoff and drainage.

(31) "Sustainability" means the long term reliability and viability of finance, operations, environmental performance or technology, or the use of natural infrastructure.

(32) "Treatment works" has the meaning given in ORS 468.423.

(33) "Wastewater" has the meaning given for "sewage" in ORS 468B.005.

(34) "Wastewater collection system" means publicly owned pipelines, conduits, pumping stations, force mains and any other related structures, devices or equipment used to convey wastewater to a wastewater treatment facility.

(35) "Wastewater facility" means a wastewater collection system or wastewater treatment facility.

(36) "Wastewater treatment facility" means a publicly owned device, structure or equipment used to treat, neutralize, stabilize, reuse or dispose of wastewater and treatment residuals.

(37) "Water quality standards" means the surface water standards established in OAR 340-041 and the minimum groundwater protection requirements established in OAR 340-040.

[Publications: Publications referenced are available from the agency.]
Stat. Auth.: ORS 468.020 & 468.440
Stats. Implemented: ORS 468.423 – 468.440
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 3-2010(Temp), f. & cert. ef. 5-4-10 thru 10-29-10; DEQ 13-2010, f. & cert. ef. 10-27-10; DEQ 11-2012, f. & cert. ef. 12-14-12; DEQ 2-2014, f. 1-28-14, cert. ef. 2-3-14; DEQ 9-2015, f. & cert. ef. 10-16-15

340-054-0011
Authorized Fund Uses

DEQ will use the CWSRF only to:

(1) Make loans to eligible borrowers identified in the Intended Use Plan developed under OAR 340-054-0025;

(2) Fund loan reserves specified in OAR 340-054-0036;

(3) Purchase bonds or acquire other debt obligations incurred after March 7, 1985 as provided in OAR 340-054-0071;

(4) Pay CWSRF program administration costs to the extent federal and state law allow;

(5) Earn interest on fund accounts;

(6) Establish reserves for bonds issued by the state for use by the fund; or

(7) Pay principal and interest of bond obligations sold to benefit the fund.

Stat. Auth.: ORS 468.020 & 468.440
Stats. Implemented: ORS 468.423–468.440
Hist.: DEQ 11-2012, f. & cert. ef. 12-14-12; DEQ 2-2014, f. 1-28-14, cert. ef. 2-3-14; DEQ 9-2015, f. & cert. ef. 10-16-15

340-054-0015
Eligible Projects and Activities

A public agency may apply for a CWSRF loan up to 100 percent of the cost of a water quality project or the project related costs for the following project types:

(1) To any municipality or intermunicipal, interstate, or State agency to construct publicly owned treatment works.

(2) Implementing a management program established under section 319 of the Clean Water Act.

(3) Developing and implementing a comprehensive conservation and management plan under section 320 of the Clean Water Act.

(4) Constructing, repairing, or replacing decentralized wastewater treatment systems that treat municipal wastewater or domestic sewage.

(5) Measures to manage, reduce, treat, or recapture stormwater or subsurface drainage water.

(6) To any municipality or intermunicipal, interstate, or State agency for measures to reduce the demand for publicly owned treatment works capacity through water conservation, efficiency, or reuse.

(7) Developing and implementing watershed projects meeting the criteria set forth in section 122 of the Clean Water Act.

(8) To any municipality or intermunicipal, interstate, or State agency for measures to reduce the energy consumption needs for publicly owned treatment works.

(9) For reusing or recycling wastewater, stormwater, or subsurface drainage water.

(10) For measures to increase the security of publicly owned treatment works.

Stat. Auth.: ORS 468.020 & 468.440
Stats. Implemented: ORS 468.423 - 468.440
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 11-2012, f. & cert. ef. 12-14-12; DEQ 9-2015, f. & cert. ef. 10-16-15

340-054-0022
Loan Application Requirements

(1) Application submittal. DEQ will notify interested parties at least annually of the opportunity to submit applications for a CWSRF loan. An eligible public agency may submit a CWSRF loan application to DEQ at any time.

(2) Consideration for funding. DEQ will consider an applicant for funding only if its project is included in the Intended Use Plan and all application requirements in this division are met.

(3) All CWSRF loans. An applicant must submit the following to DEQ:

(a) A complete application on the applicable DEQ form;

(b) Documents specified in the DEQ checklist of application requirements;

(c) Audited financial statements for the three years prior to the application date and the applicant's current budget, unless waived in writing by DEQ;

(d) Evidence the applicant has the authority to undertake the project including, but not limited to, evidence of a loan approval resolution or similar authorization for signing a loan agreement and establishing a loan reserve account;

(e) Evidence the applicant has authority to collect and pledge the revenue offered as repayment for a CWSRF loan, repay a loan and, where applicable, the ability to ensure ongoing operation and maintenance of the proposed wastewater or stormwater facility, nonpoint source control or estuary management project. DEQ may require an applicant to meet the following criteria for a revenue-secured loan described under OAR 340-054-0065(2):

(A) An applicant's revenue stream is not at risk from undue dependence upon a limited portion of the system's customer base or a pattern of delinquent payment from that portion of the system's customer base, and

(B) An applicant must have the ability to collect from delinquent customers;

(f) Pre-award compliance review report or other evidence DEQ requires showing compliance with federal nondiscrimination requirements;

(g) For projects serving two or more public agencies, the executed inter-agency agreements, contracts or other legally binding instruments necessary for financing, construction and operation of the proposed project. The documents must be satisfactory to DEQ for determining an adequate pledge of security;

(h) Evidence of resolution, ordinance or other authorization approving bonds secured by sewer or other revenue sources if required by DEQ;

(i) Official statement of recently issued bonds if required by DEQ;

(j) A DEQ-approved certification that the requirements for the cost and effectiveness analysis and the subsequent project selection are completed as required by section 602(b)(13) of the CWA;

(k) Any other information DEQ requests as necessary to complete the loan application.

(4) Local community loan. In addition to the requirements in section (3) of this rule, an applicant applying for a CWSRF local community loan must submit the following to DEQ:

(a) A description of how the project will implement a nonpoint source control activity or estuary management effort.

(b) A projected cash flow statement based on anticipated number of local loans, their repayment schedule, amount and timing of department disbursement and amount and timing of repayments to DEQ.

(c) Unless waived by DEQ, evidence of a user charge system or other source of revenue if the applicant will be securing and repaying the loan with sewer system revenues.

(d) Unless waived by DEQ, demonstration of compliance with applicable federal environmental cross-cutting authorities.

(e) Documentation that demonstrates compliance with the land use requirements in OAR 340-018-0050.

(f) DEQ approved plans and specifications as required under OAR chapter 340, division 52.

(g) An environmental determination obtained from DEQ for a nonpoint source pollution control (CWA § 319) or estuary management (CWA § 320) project that are construction and treatment works as defined in ORS 468.423. The environmental determination must meet the following conditions:

(A) An applicant must provide all necessary documentation to support DEQ's review of the entire projects' potential environmental impacts and include an analysis of a no action alternative and other reasonable alternatives considered.

(B) Project construction must begin within five years of the environmental determination.

(h) If an applicant does not obtain an environmental determination as specified in subsection (4)(g) of this section, an applicant may submit to DEQ, and DEQ may accept, an environmental determination made by another agency that meets the following conditions:

(A) The project scope must be essentially unchanged from that accepted by the other agency.

(B) The other agency's determination must have been made within the previous five years.

(C) The federal environmental cross-cutting authorities have been met and documented.

(5) All design or construction loans. In addition to the requirements in section (3) of this rule, an applicant applying for a CWSRF design or construction loan must submit the following to DEQ:

(a) Unless waived by DEQ, evidence of a user charge system or other source of revenue if the applicant will be securing and repaying the loan with sewer system revenues.

(b) Unless waived by DEQ, demonstration of compliance with applicable federal environmental cross-cutting authorities for a construction project.

(c) An environmental determination obtained from DEQ for a construction project of a treatment works as defined in ORS 468.423, including a nonpoint source pollution control (CWA § 319) or estuary management (CWA § 320) project that are construction and treatment works as defined in ORS 468.423. The environmental determination must meet the following conditions:

(A) An applicant must provide all necessary documentation to support DEQ's review of the entire projects' potential environmental impacts and include an analysis of a no action alternative and other reasonable alternatives considered.

(B) Project construction must begin within five years of the environmental determination.

(d) If an applicant does not obtain an environmental determination as specified in subsection (5)(c) of this section, an applicant may submit to DEQ, and DEQ may accept, an environmental determination made by another agency that meets the following conditions:

(A) The project scope must be essentially unchanged from that accepted by the other agency.

(B) The other agency's determination must have been made within the previous five years.

(C) The federal environmental cross-cutting authorities have been met and documented.

(e) Documentation that demonstrates compliance with the land use requirements in OAR 340-018-0050.

(f) For a construction-only loan, DEQ-approved plans and specifications for the project as OAR chapter 340, division 052 requires.

(g) If the estimated cost of a project is in excess of $10 million, a value engineering study satisfactory to DEQ done prior to beginning construction. The study must be a specialized cost control technique specifically applicable to the wastewater treatment facility design identifying cost savings that can be made without sacrificing project reliability or efficiency.

(6) Design or construction loan for a point source project. In addition to the requirements in sections (3) and (5) of this rule, an applicant applying for a CWSRF design or construction loan for a point source project must submit the following to DEQ:

(a) An engineered planning document in the form of either a facility plan or project pre-design report that provides a comprehensive evaluation of environmental factors, engineering alternatives and financial considerations affecting the project area. This document must adequately describe the effectiveness and suitability of the proposed project to address the identified water quality problem. An applicant must have DEQ review and approve this document before signing a design or construction loan.

(b) Evidence of a sewer use ordinance or equivalent authority that prohibits:

(A) New connections from inflow sources into the wastewater collection system; and

(B) Wastewater introduced into the wastewater collection system containing toxics or other pollutants in amounts or concentrations that have the potential of endangering public safety, adversely affecting the project or precluding the selection of the most cost-effective alternative for the project.

(c) When a public agency applies for a wastewater facility construction loan that includes a sponsorship option, complete information about the nonpoint source control or estuary management activity on the applicable application form. DEQ will only consider a sponsorship option if a nonpoint source control or estuary management activity is included as part of the entire project scope.

(7) Design or construction loan for a nonpoint source project. In addition to the requirements in sections (3) and (5) of this rule, an applicant applying for a CWSRF design or construction loan for a nonpoint source project must submit an engineered planning report to DEQ. The report must define the water quality problem and specify actions an applicant will implement to correct the problem.

(8) Federal loans. In addition to the applicable requirements in sections (3)–(7) of this rule, a loan designated as a federal loan must meet the requirements for federally funded projects in accordance with the Clean Water Act Title VI and EPA's January 6, 2015 memo "Interpretive Guidance for Certain Amendments in the Water Resources Reform and Development Act to Titles I, II, V, and VI of the Federal Water Pollution Control Act."

Stat. Auth.: ORS 468.020 & 468.440
Stats. Implemented: ORS 468.423 – 468.440
Hist.: DEQ 10-2003, f. & cert. ef. 5-27-03; DEQ 11-2012, f. & cert. ef. 12-14-12; DEQ 9-2015, f. & cert. ef. 10-16-15

340-054-0025
Intended Use Plan (IUP) and Project Priority List

(1) IUP development. DEQ will annually develop and submit an IUP to EPA as described in the CWA § 606 and 40 C.F.R. §35.3150. DEQ will update the IUP as specified in section (2) of this rule. The IUP will describe how DEQ proposes to fund projects through the CWSRF and will include a project priority list that numerically ranks all eligible applications received.

(2) IUP update.

(a) Except as specified in subsection (b) of this section, DEQ will update the annual IUP and project priority list at least every four months or when DEQ receives five eligible applications, whichever timeframe is shorter, and will submit the updated plan to EPA.

(b) If DEQ does not receive an eligible application during a four month period and determines the project priority list does not need to be updated, DEQ will not update the IUP.

(3) IUP public notice. DEQ will provide public notice and 30 days for the public to comment on a proposed draft IUP.

(a) DEQ will notify all new applicants of their project application ranking on the project priority list when DEQ develops and updates an annual IUP.

(b) An applicant may ask DEQ to reevaluate their project application's score and ranking on the proposed project priority list or to make other changes to an IUP during the public comment period.

(c) DEQ will consider and respond to all comments submitted during the public comment period before finalizing an IUP.

(4) Project priority list development. DEQ will include an eligible project under OAR 340-054-0015 on the project priority list if an applicant submits a completed application on a DEQ- approved form.

(5) Project priority list ranking. DEQ will numerically rank all eligible proposed project applications based on the point sum from the criteria specified in OAR 340-054-0026 and 340-054-0027.

(a) Except as specified in subsection (b) of this section, DEQ will evaluate each criterion in OAR 340-054-0026 and 340-054-0027 on a point scale from one to five as follows:

(A) One point = No or very low likelihood.

(B) Two points = Low or in some minor way.

(C) Three points = Moderate to significant likelihood.

(D) Four points = High likelihood.

(E) Five points = Very high likelihood.

(b) DEQ will evaluate criteria 1c, 1d, 2b, 2c, 2d, 2e, and 3d in OAR 340-054-0026 and criterion 5 in OAR 340-054-0027 by doubling the point scale specified in subsection (a) of this section.

(6) Removal of application from the project priority list.

(a) DEQ may retain an applicant's ranked project on the project priority list in an IUP for up to 36 months while an applicant pursues all applicable CWSRF financing requirements specified in this division.

(b) After DEQ initially includes a ranked project on the project priority list, an applicant must submit to DEQ an annual written project status report to remain on the project priority list.

(c) DEQ may provide one six-month extension to an applicant asking to remain on the project priority list beyond the 36-month limit. An applicant asking for an extension must submit to DEQ a written project status report on the applicant's project progress and an updated time frame indicating when the applicant will complete all CWSRF financing requirements.

(d) DEQ will provide written notice to an applicant before removing the applicant's project from the project priority list.

(e) DEQ will remove a project from the project priority list if:

(A) An applicant does not submit an annual written project status report as subsection (b) of this section requires;

(B) An applicant does not ask for a six-month extension beyond the 36-month limit and submit the project status report as subsection (c) of this section requires;

(C) DEQ determines the project scope changed from the original ranked application;

(D) DEQ determines a project does not meet eligibility requirements;

(E) An applicant does not require CWSRF financing; or

(F) An applicant asks to be removed from the project priority list.

(f) If DEQ removes a project from the project priority list as specified in paragraph (e)(A through C) of this section, an applicant may resubmit to DEQ a loan application for an eligible project that DEQ will evaluate under section (5) of this rule.

Stat. Auth.: ORS 468.020 & 468.440
Stats. Implemented: ORS 468.423 – 468.440
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; DEQ 3-2010(Temp), f. & cert. ef. 5-4-10 thru 10-29-10; DEQ 13-2010, f. & cert. ef. 10-27-10; DEQ 11-2012, f. & cert. ef. 12-14-12; DEQ 9-2015, f. & cert. ef. 10-16-15

340-054-0026
CWSRF Project Ranking Criteria for Non-planning Loans

(1) Category 1. Water quality standards and public health considerations.

(a) Does the project improve water quality by addressing water quality parameters including, but not limited to: temperature, dissolved oxygen, contaminated sediments, toxic substances, bacteria or nutrients?

(b) Does the project ensure that a facility currently in compliance, but at risk of noncompliance, maintains compliance?

(c) Does the project address noncompliance with water quality standards, public health issues or effluent limits related to surface waters, biosolids, water reuse or groundwater?

(d) If the project is not implemented, is a water quality standard likely to be exceeded or an existing exceedance likely to worsen?

(2) Category 2. Watershed and health benefits.

(a) Does the project improve or sustain aquatic habitat supporting native species or state or federally threatened or endangered species?

(b) Does the project address a water quality or public health issue within a federally designated wild and scenic river or sole source aquifer, state designated scenic waterway, the Lower Columbia River or Tillamook Bay estuary, a river designated under OAR 340-041-0350, or a significant wetland and riparian area identified and listed by a local government?

(c) Does the project support implementation of a total maximum daily load (TMDL) allocation, a department water quality status and action plan or designated groundwater management area declared under ORS 468B.180?

(d) Does the project provide performance-based water quality improvements supported by monitoring and reasonable assurance that the project will continue to function over time?

(e) Does the project integrate or expand sustainability or the use of natural infrastructure, or use approaches including, but not limited to, water quality trading, that are not specified in subsections (f) through (i) of this section of the rule?

(f) Does the project incorporate or expand green stormwater infrastructure including, but not limited to, practices that manage wet weather and that maintain and restore natural hydrology by infiltrating, evapotranspiring, harvesting or using stormwater on a local or regional scale?

(g) Does the project incorporate or expand water efficiency including, but not limited to, using improved technologies and practices to deliver equal or better services with less water, such as conservation, reuse efforts or water loss reduction and prevention?

(h) Does the project incorporate or expand energy efficiency including, but not limited to, using improved technologies and practices to reduce energy consumption of water quality projects, use energy in a more efficient way or to produce or utilize renewable energy?

(i) Does the project incorporate or expand environmentally innovative projects including, but not limited to, demonstrating new or innovative approaches to deliver services or manage water resources in a more sustainable way?

(3) Category 3. Other considerations.

(a) Does the project include a long-term planning effort that addresses financial, managerial or technical capability, or asset planning that ensures the project will be maintained?

(b) Does the project include a significant on-going educational or outreach component?

(c) Does the project incorporate other resources including, but not limited to, in-kind support, other funding sources or a partnership with a governmental, tribal or non-governmental organization?

(d) Does the project address a small community's water quality improvement or restoration need?

(e) Does the project include a sponsorship option?

Stat. Auth.: ORS 468.020 & 468.440
Stats. Implemented: ORS 468.423 - 468.440
Hist.: DEQ 11-2012, f. & cert. ef. 12-14-12; DEQ 9-2015, f. & cert. ef. 10-16-15

340-054-0027
CWSRF Project Ranking Criteria for Planning Loans

Will the scope of the planning effort:

(1) Include more than one water quality benefit, pollutant or restoration effort?

(2) Include sustainability?

(3) Take advantage of an opportunity with respect to timing, finances, partnership or other advantageous opportunity?

(4) Include financial, managerial or technical capability aspects of the project?

(5) Include integrating natural infrastructure and built systems?

(6) Demonstrate applicant cost effectiveness by considering three or more project alternatives such as optimizing an existing facility, regional partnership or consolidation?

Stat. Auth.: ORS 468.020, 468.440
Stats. Implemented: ORS 468.423 - 468.440
Hist.: DEQ 11-2012, f. & cert. ef. 12-14-12; DEQ 9-2015, f. & cert. ef. 10-16-15

340-054-0036
Reserves, CWSRF General Fund and Project Funding

(1) Allocation to reserves and CWSRF general fund. DEQ will allocate available CWSRF funds in a state fiscal year first to the small community, planning and green project reserves, and then to the CWSRF general fund based on the following amounts:

(a) A maximum of 25 percent of the total available CWSRF funds to the small community reserve.

(b) A maximum of $3 million to the planning reserve.

(c) An amount at least equal to the minimum required by the federal capitalization grant to the green project reserve.

(d) Amount of funds remaining, after allocation to the reserves as specified in subsections (a) through (c) of this section of the rule, to the CWSRF general fund.

(2) Project funding increase.

(a) DEQ will offer a funding increase to a borrower for an existing project based on the original project priority list ranking before offering a loan to an applicant for a new project loan if:

(A) Funds are available in the CWSRF; and

(B) The borrower submits a written request to DEQ for additional funding, has the legal authority to borrow the increased loan amount and has the financial capability to repay the increased loan amount.

(b) Any funding increase DEQ awards to a borrower will be in an amount specified in section (3) of this rule and will be done by increasing the amount of the borrower's existing loan or by DEQ making an additional loan to the borrower at the current interest rate.

(3) Project funding allocation.

(a) During a state fiscal year DEQ will assign a project to an appropriate reserve, to the CWSRF general fund or to both.

(b) Based on availability of funds in the CWSRF at the time of allocation, DEQ will allocate an amount to a borrower in project priority list rank order that:

(A) Is not more than the greater of $2.5 million or 15 percent of the total available CWSRF funds in a state fiscal year. DEQ may allocate additional funds if funds are available after allocating the maximum amount under subsection (b)(A) of this section of the rule to each borrower who requested project funding in a state fiscal year;

(B) Is not more than the greater of $750,000 or 25 percent of the small community reserve, until all eligible small community requests have been allocated;

(C) Is not more than $250,000 of the planning reserve; and

(D) Only finances the portion of a project funded under the green project reserve that DEQ determines meets federal requirements for green infrastructure, water or energy efficiency improvement, or other environmentally innovative activities as defined by EPA requirements.

(c) During a state fiscal year DEQ will allocate funding for a new design or construction project loan from the CWSRF general fund if the project is not funded from a reserve.

(d) DEQ will allocate in project priority list rank order available funding from the CWSRF general fund for a small community or planning project that was not allocated from their respective reserves, or allocated less than the total loan amount requested.

(4) Reallocation of reserve funds.

(a) DEQ may reallocate funds between small community and planning reserves and the CWSRF general fund unless demand exceeds available funds.

(b) DEQ will not reallocate funds remaining in the green project reserve to the CWSRF general fund.

(5) Sponsorship option allocation. DEQ will determine the total amount of CWSRF funds to be allocated at a reduced interest rate through the sponsorship option in each state fiscal year.

Stat. Auth.: ORS 468.020, 468.440
Stats. Implemented: ORS 468.423 - 468.440
Hist.: DEQ 11-2012, f. & cert. ef. 12-14-12; DEQ 9-2015, f. & cert. ef. 10-16-15

340-054-0056
CWSRF Loan Use Conditions

(1) Clean Water Act plans. DEQ will only provide a loan to a project that is consistent with plans developed under sections 303(e), 319 or 320 of the Clean Water Act.

(2) Refinancing a long-term loan. DEQ will not provide a loan that will be used for refinancing a long-term loan or other debt obligations.

(3) Refinancing an interim loan. DEQ may provide a loan to refinance an interim loan or self-generated funds used to pay DEQ-approved project costs if the borrower:

(a) Provides DEQ with a written notice of intent to apply for long-term financing;

(b) Wants to proceed with the project using interim financing or self-generated funds; and

(c) Agrees to proceed at its own risk whether or not the CWSRF is available to provide long-term financing.

(4) Interim financing. DEQ may provide short-term, construction period financing for an eligible project if the following conditions are met:

(a) The CWSRF's liquidity is sufficient to provide financing without adversely affecting the amount and timing of disbursements needed for prior obligations;

(b) The borrower has a legally enforceable obligation for long-term project financing satisfactory to DEQ; and

(c) The loan agreement for interim financing will stipulate DEQ is not obligated to provide long-term financing for the project.

Stat. Auth.: ORS 468.020, 468.440
Stats. Implemented: ORS 468.423 - 468.440
Hist.: DEQ 11-2012, f. & cert. ef. 12-14-12; DEQ 9-2015, f. & cert. ef. 10-16-15

340-054-0060
Loan Agreement and Conditions

DEQ will include conditions in a loan agreement that are applicable to the type of project being financed, including, but not limited to, the following:

(1) Timely use of loan funding. DEQ may cancel a loan agreement if a borrower fails to begin using loan proceeds within two years after signing a loan agreement.

(2) Accounting. A borrower must maintain all CWSRF project accounts as separate accounts and must use accounting, audit and fiscal procedures that conform to Generally Accepted Governmental Accounting Standards and the requirements of the Governmental Accounting Standards Board.

(3) Records retention. A borrower must retain project files and records for six years after project performance affirmative certification or project completion as determined by DEQ or such longer period as applicable state or federal law requires. A borrower must also retain financial files and records for three years after the loan is repaid in full.

(4) Wage requirements.

(a) A borrower for construction of a treatment works project must comply with all provisions of the Davis-Bacon Act, as amended, 40 U.S.C. §§3141 to 3144 and 3146, as detailed in section 513 of the Clean Water Act. Wage rates must be based on the wage requirements of the Davis Bacon Act or the prevailing wage rate requirements for public works projects under ORS 279C.800 to 279C.870 and OAR 839-025-0000 to 839-025-0540, whichever is higher.

(b) A borrower for a project not specified in subsection (a) of this section of the rule must comply with the prevailing wage rate requirements under ORS 279C.800 to 279C.870 and OAR 839-025-0000 to 839-025-0540.

(5) Construction materials. A borrower for construction of a treatments works project must ensure that all of the iron and steel products used in the project are produced in the United States as required by section 608 of the Clean Water Act.

(6) Debarment and suspension. A borrower must comply with Subpart C of 2 C.F.R part 180, Responsibilities of Participants Regarding Transactions Doing Business with Other Persons and Subpart C of 2 C.F.R part 1532, Responsibilities of Participants Regarding Transactions.

(7) Engineering documents. If a borrower uses CWSRF financing to construct a wastewater facility subject to OAR 340-052, it must submit to DEQ plans and specifications, operation and maintenance manuals, inspection and certification of proper construction, and any other applicable documentation OAR 340-052 and 340-054-022 require.

(8) Inspections and progress reports.

(a) A borrower must have a qualified inspector under the direction of a registered civil, mechanical or electrical engineer, as appropriate, conduct on-going inspections during the construction phase of a wastewater facility subject to OAR 340-052 to ensure the project complies with approved plans and specifications. DEQ or its representative may enter property the borrower owns or controls to conduct interim inspections. DEQ may require progress reports sufficient to determine compliance with approved plans and specifications and with other loan agreement provisions.

(b) DEQ may request review and analysis of construction plans from relevant agencies or offices to ensure the project plans not subject to department review under OAR 340-052 support the successful implementation and completion of the project. A borrower must allow inspections by appropriately qualified persons during project construction or implementation to ensure the project as constructed conforms to project plans and other provisions of the loan agreement.

(9) Loan amendments.

(a) DEQ will not require a loan amendment for changes in project work that are consistent with project objectives and within the loan scope and funding level.

(b) DEQ will execute a loan amendment if:

(A) DEQ awards a borrower an increase in the original approved loan amount at any time during the project;

(B) The borrower requests a decrease in the original loan amount at any time during the project or completes the project and does not request disbursement of all loan proceeds; or

(C) DEQ determines a borrower must meet additional federal or state requirements for CWSRF financing.

(10) Change orders. DEQ may approve or reject a change order based on the loan eligibility of the project modification and on engineering value under OAR 340-052-0015. A borrower must submit a change order to DEQ for engineering and financial review:

(a) When any change order is executed, and

(b) Prior to executing any change order that exceeds $100,000 or will alter project performance.

(11) Project performance certification for a wastewater facility. A borrower must submit to DEQ, within a timeframe DEQ specifies, project performance documents to verify whether the facility meets performance and operational requirements and specifications which the project was planned, designed and built to achieve. The documents may include, but are not limited to, construction certification, performance evaluation report or performance certification.

(12) Eligible construction costs. DEQ will disburse loan funds for construction costs limited to work that complies with plans, specifications, change orders and addenda DEQ reviewed or approved.

(13) Adjustments. DEQ may at any time review and audit requests for payment and make adjustments for eligibility, math errors, items not built or bought, unacceptable construction or other discrepancies.

(14) Contract and bid documents. A borrower must submit a copy of the awarded contract and bid documents to DEQ, including a tabulation of all bids received.

(15) Architectural and engineering services. Contractors for program management, construction management, feasibility studies, preliminary engineering design, design, engineering, surveying, mapping, or architectural related services for federal loans must be selected as provided in ORS 279C.110 and OAR 137-048-0220.

(16) Audit.

(a) If DEQ requests it, a borrower must submit audited financial statements to DEQ each year until the loan is repaid.

(b) If a borrower expends $500,000 or more in federal funds (from all sources) in its fiscal year beginning prior to December 26, 2014, the borrower shall have a single organization-wide audit conducted in accordance with the Single Audit Act, as amended. If borrower expends $750,000 or more in federal funds (from all sources) in a fiscal year beginning on or after December 26, 2014, borrower shall have a single organization-wide audit conducted in accordance with the provisions of 2 C.F.R. Subtitle B, with guidance at 2 C.F.R. part 200. Copies of all audits must be submitted to DEQ within 30 days of completion. If borrower expends less than $500,000 in federal funds in a fiscal year beginning prior to December 26, 2014, or less than $750,000 in a fiscal year beginning on or after that date, borrower is exempt from federal audit requirements for that year. Records must be available to DEQ, the Oregon Secretary of State's Office, the federal government and their duly authorized representatives for the purpose of making audits, examinations and copies.

(17) Default remedies. A loan agreement must provide adequate remedies for DEQ to enforce the agreement's terms. Upon default by a borrower, DEQ may proceed with one or more of the following:

(a) Pursuing any remedy available to it against the borrower.

(b) Appointing a receiver at the expense of the borrower to operate the facility that generates the pledged revenues.

(c) Setting and collecting utility rates and charges pledged as security for the loan.

(d) Withholding any amounts otherwise due to the borrower from the State of Oregon and directing such funds be applied to the debt service and fees due on the CWSRF loan. If DEQ finds the loan to the borrower is otherwise adequately secured, DEQ may waive this right in the loan agreement or other loan documentation.

(e) Declaring all or any part of the indebtedness immediately due and payable.

(18) Release. A borrower must release and discharge DEQ, its officers, agents and employees from all liabilities, obligations and claims occurring from project work or under the loan, subject only to exceptions previously agreed upon in a written contract between DEQ and the borrower.

(19) Effect of document approval or certification.

(a) DEQ's review and approval of facilities plans, design drawings and specifications, or any other documents by or for DEQ does not relieve a borrower of responsibility to properly plan, design, build and effectively operate and maintain a wastewater or stormwater facility, nonpoint source control or estuary management project as required by law, regulations, permits and good management practices.

(b) DEQ may not be held responsible for:

(A) Any project costs or any losses or damages resulting from defects in plans, design drawings and specifications, or other sub-agreement documents; or

(B) Verifying cost-effectiveness, cost comparisons or adherence to state procurement regulations.

(20) Reservation of rights.

(a) A borrower is not prohibited from requiring such assurances, guarantees, indemnity or other contractual requirements as it deems necessary or prudent from any party performing project work.

(b) This rule does not affect DEQ's right to take remedial action, including, but not limited to, administrative enforcement action and actions for breach of contract against a borrower that fails to carry out its obligations under OAR chapter 340.

(21) Other provisions and documentation. DEQ may include other provisions in a CWSRF loan agreement necessary to meet the Clean Water Act and ORS 468.423 to 468.440. DEQ may require documentation including, but not limited to, a legal counsel opinion that the loan agreement is enforceable.

Stat. Auth.: ORS 468.020 & 468.440
Stats. Implemented: ORS 468.423 – 468.440
Hist.: DEQ 2-1989, f. & cert. ef. 3-10-89; DEQ 31-1989(Temp), f. & cert. ef. 12-14-89; 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; Administrative Correction; DEQ 10-2003, f. & cert. ef. 5-27-03; DEQ 2-2008, f. & cert. ef. 2-27-08; DEQ 11-2012, f. & cert. ef. 12-14-12; DEQ 9-2015, f. & cert. ef. 10-16-15

340-054-0065
Loan Types, Terms and Interest Rates

(1) Loan types. A CWSRF loan must be one of the following:

(a) A loan secured by a general obligation bond, as defined in ORS 287A.001(1).

(b) A loan secured by the borrower's pledge of its full faith and credit and taxing power, as described in ORS 287A.315.

(c) A loan agreement, bond or other unconditional obligation that meets the requirements specified in section (2) of this rule.

(d) An alternative loan that meets the requirements specified in section (3) of this rule.

(2) A revenue secured loan that must:

(a) Be represented by a properly executed loan agreement, bonds or other unconditional obligations to pay from specified revenues that are pledged by the borrower to DEQ. The obligation to pay must include a pledge of security acceptable to DEQ.

(b) Include a rate provision that requires the borrower to impose and collect revenues sufficient to pay:

(A) All expenses of operation, maintenance and replacement of a wastewater or stormwater facility, nonpoint source control or estuary management project;

(B) All debt service;

(C) All other financial obligations including, but not limited to, contributions to reserve accounts imposed in connection with prior lien obligations; and

(D) An amount equal to the loan's coverage requirements. This requirement is the product of the coverage factor times the debt service due in that year on the CWSRF loan. The coverage factor used must correspond to the coverage factor and reserve percentage selected by the borrower from subsection (d) of this section of the rule.

(c) Include a debt service reserve provision requiring the borrower to maintain a pledged reserve dedicated to the CWSRF loan payment and that meets the following requirements:

(A) The debt service reserve must be maintained in an amount at least equal to the product of the reserve percentage listed in subsection (d) of this section of the rule times one half the average annual debt service during the repayment period based on the repayment schedule or revised repayment schedule in the loan agreement. The reserve percentage selected from subsection (d) of this section of the rule must correspond to the coverage factor selected for the CWSRF loan.

(B) A loan reserve may be funded with the borrower's cash, a letter of credit, repayment guaranty or other third party commitment to advance funds that is satisfactory to DEQ. If DEQ determines reserve funding imposes an undue hardship on the borrower, DEQ may allow reserves to be funded with CWSRF loan proceeds.

(d) Comply with the one of the following coverage factors (net income to debt service) and reserve percentages (percentage of one-half the average annual debt service):

(A) 1.05:1-100 percent.

(B) 1.15:1-75 percent.

(C) 1.25:1-50 percent.

(D) 1.35:1-25 percent.

(e) Include a requirement for the borrower to conduct a periodic rate review and adjustment of rates, if necessary, to ensure estimated revenues in subsequent years are sufficient.

(f) Include a requirement that if revenues fail to achieve the required rate level, the borrower must promptly adjust rates and charges to assure future compliance with the rate requirements. DEQ may determine that failure to adjust rates does not constitute a default if the borrower transfers unencumbered resources in an amount equal to the revenue deficiency to the utility system that generates the revenues.

(g) Include a requirement that if the reserve account is depleted for any reason, the borrower must take prompt action to restore the reserve to the required minimum amount.

(h) Include a requirement restricting additional debt appropriate to the borrower's financial condition.

(i) Prohibit the borrower from selling, transferring or encumbering any financial or fixed asset of the utility system that produces the pledged revenues if the borrower is in violation of a CWSRF loan requirement, or if such sale, transfer or encumbrance may cause a violation of a CWSRF loan requirement.

(3) Alternative loans. DEQ may authorize an alternative loan for a reasonable alternative financing method if the borrower demonstrates to DEQ's satisfaction that:

(a) Borrowing money from the CWSRF through general obligation bonds, revenue bonds or a revenue-secured loan, as described in subsection(a), (b), (c), or (d) of section (1) of this rule is unduly burdensome or costly to the borrower; and

(b) The alternative loan has a credit quality substantially equal to, or better than, the revenue secured loan credit quality to the borrower. DEQ may consult with a financial advisor and may charge the borrower reasonable consultation costs to determine if an alternative loan meets the credit quality requirement.

(4) Interest rates.

(a) Effective date. The interest rates as specified in this section are effective for all loan agreements executed on or after January 1, 2013.

(b) Base rate. DEQ will determine the base rate used in computing the interest rates on all direct loans for a quarter based on the weekly average of state and local government bond interest rates for the preceding quarter. This base rate will be the "state and local bonds" entry reported in "Selected Interest Rates, H.15" posted by the Federal Reserve from the "Bond Buyer Index" for general obligation bonds (20 years to maturity, mixed quality).

(c) Planning loans. The interest rate for a planning loan will be equal to 25 percent of the base rate.

(d) Local community loans. The interest rate for a local community loan will be equal to 50 percent of the base rate.

(e) Federal loans. DEQ will determine the interest rate for federal loans. DEQ will not set a rate that exceeds the highest rate described in Table 2 of this rule.

(f) All other direct loans. Except as provided in OAR 340-054-0065(10), DEQ will provide the following interest rates for all other CWSRF loans:

(A) For loans with a maximum repayment period of up to 20 years, DEQ will provide the following interest rates as detailed in Table 1 of this rule.

(B) (Effective January 1, 2016) For loans with a maximum repayment period of up to 30 years, DEQ will provide the following interest rates as detailed in Table 2 of this rule.

Interest rate premiums as described in Tables 1, 2 in this rule, and Table 3 in OAR 340-054-0072, will be set so as to safeguard the perpetuity of the fund and will be reevaluated from time to time.

(g) Sponsorship option. When a sponsorship option is implemented within the scope of a construction loan, DEQ:

(A) Will calculate the debt service on the wastewater facility project based on subsection (f) of this section of the rule;

(B) Will calculate the debt service on a combined sponsorship loan by reducing the interest rate so the debt service on the sponsorship loan equals the debt service as calculated in subsection (g)(A) of this section of the rule; and

(C) May not reduce the resulting interest rate below one percent.

(h) Bond proceeds for direct loans. DEQ may use bond proceeds that are matching funds for federal capitalization grants to fund direct loans at the interest rates listed in this section. Any change in the source of repayment for matching bonds will not affect this subsection's requirements.

(5) Interest accrual and payment period. Interest accrual begins when DEQ makes the first CWSRF loan disbursement to a borrower. A borrower must include all outstanding accrued interest with each loan repayment.

(6) Annual loan fee.

(a) Except as provided in subsection (b) of this section of the rule, a borrower must pay DEQ an annual loan fee of 0.5 percent on the unpaid loan balance specified in the payment schedule in its loan agreement. This

annual loan fee is in addition to any other payments a borrower is required to make under its loan agreement.

(b) DEQ will not charge a borrower any annual loan fee for a planning loan.

(7) Commencement of loan repayment. A borrower must begin its loan principal and interest repayments within one year of the date the facility is operationally complete and ready for the purpose for which it was planned, designed, and built or DEQ determines that the project is completed.

(8) Loan term.

(a) A borrower must fully repay a loan in accordance with a repayment schedule determined by DEQ. DEQ will consider the useful life of the assets financed when determining the repayment schedule. The repayment term for:

(A) A planning loan will not exceed five years;

(B) A local community loan will not exceed ten years;

(C) All other loans will not exceed 20 years after project completion; and

(D) Effective January 1, 2016, loan terms will not exceed 30 years after project completion.

(b) DEQ will allow prepayments at any time without penalty on all CWSRF loans except as specified in section (10) of this rule.

(c) A loan must be fully amortized by the maturity date of the loan.

(9) Minor variations in loan terms. DEQ may authorize minor variations in financial terms of loans described in this rule to facilitate administration and repayment of a loan.

(10) Leveraged loans.

(a) DEQ may fund loans with bond proceeds through a leveraged loan program under the following terms and conditions:

(A) Interest rates will be less than the interest rate paid by the state on bonds sold to fund the leveraged loans. Rates will be fixed at 65 percent of the base rate.

(B) Loan fees will be calculated in accordance with section (6) of this rule.

(C) Notwithstanding other provisions of this rule, DEQ may make changes to the terms and conditions of a leveraged CWSRF loan to make it marketable. To the maximum extent practicable, the terms and conditions will be the same as for direct loans.

(b) Bond issuance and related transaction costs will be paid out of bond proceeds to the extent permitted by law.

(11) Additional subsidization (principal forgiveness). DEQ may provide additional subsidization in the form of principal forgiveness to the maximum extent allowed by the federal capitalization grant and in accordance with the criteria established in this section. A loan with principal forgiveness is subject to standard interest rates, fees, and loan terms as defined in this rule.

(a) Eligibility. Except as specified in subsection (b) of this section of the rule, the following applicants are eligible for principal forgiveness:

(A) Applicants that are a municipality or intermunicipal, interstate, or State agency and meet affordability criteria as specified in subsection (c) of this section of the rule;

(B) Applicants that are a municipality or intermunicipal, interstate, or State agency with a project, determined by DEQ, that implements a process, material, technique, or technology to address water-efficiency and energy-efficiency goals, to mitigate stormwater runoff, or to encourage sustainable project planning, design, and construction; or

(C) Applicants that are a municipality or intermunicipal, interstate, or State agency and that do not meet the requirements of subsection (a)(A) or (a)(B) in this section of the rule but have individual ratepayers who will experience financial hardship from a rate increase resulting from financing a project. Applicants qualifying under this section must have an established ratepayer hardship assistance program. DEQ will review the applicant's ratepayer hardship assistance program for duration and effectiveness.

(b) Ineligible Loans. The following types of loans are not eligible for principal forgiveness:

(A) Loans for projects that are not ready to proceed;

(B) Loan agreements that include incentives such as sponsorship option loans;

(C) Interim loans; and

(D) Planning loans, except for planning loans for projects described in subsection (a)(B) of this section of the rule.

(c) Affordability Criteria. DEQ will use the following criteria to determine affordability, with the most weight added to subsection (c)(A) of this section of the rule:

(A) Distressed as calculated by the Oregon Distressed Index using the methodology described in OAR 123-024-0031; and

(B) Negative population trends as calculated by the annual American Community Survey.

(d) Additional subsidization allocation amount. DEQ may allocate or adjust the allocation of principal forgiveness every federal fiscal year as a percentage of the annual federal capitalization grant, not to exceed the maximum permitted by the federal allocation regulation. DEQ will determine the maximum allowable annual percentage allocation of principal forgiveness from time to time to safeguard the perpetuity of the CWSRF.

(e) Award Amount.

(A) Eligible applicants may receive principal forgiveness for up to fifty percent of their loan but not to exceed $500,000.

(B) Applicants may only receive one principal forgiveness award per project.

(f) Award Reserves.

(A) DEQ will reserve seventy percent of the principal forgiveness allocation for applicants meeting the affordability criteria in subsection (a)(A) of this section of the rule.

(B) DEQ will reserve thirty percent of the principal forgiveness allocation for applicants with projects eligible under subsection (a)(B) of this section of the rule.

(C) At the close of the federal fiscal year, DEQ may reallocate any unawarded allocation of principal forgiveness in one reserve to the other reserve, and if after such reallocation unawarded allocation still remains, to those borrowers that are eligible under subsection (a)(C) of this section of the rule.

(g) Loan Term. Applicants eligible for principal forgiveness under the affordability criteria as specified in subsection (a)(A) of this section of the rule must take the longest term available for their loan. All other applicants may choose any term permitted in section (8) of this rule. A borrower may prepay its loan without penalty.

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

Stat. Auth.: ORS 468.020 & 468.440

Stats. Implemented: ORS 468.423 – 468.440

Hist.: DEQ 2-1989, f. & cert. ef. 3-10-89; DEQ 31-1989(Temp), f. & cert. ef. 12-14-89; 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 3-2010(Temp), f. & cert. ef. 5-4-10 thru 10-29-10; DEQ 13-2010, f. & cert. ef. 10-27-10; DEQ 11-2012, f. & cert. ef. 12-14-12; DEQ 9-2015, f. & cert. ef. 10-16-15

340-054-0071
Debt Obligation Purchase

DEQ may use the CWSRF to buy a public agency's debt obligation subject to all of the following limitations:

(1) The debt was incurred after March 7, 1985.

(2) The debt obligation does not exceed 20 years except for a bond purchase as specified in OAR 340-054-0072.

(3) DEQ will not use the purchase of a debt obligation to refinance a pre-existing CWSRF loan or other debt obligation except as specified in OAR 340-054-0072(5)(b).

Stat. Auth.: ORS 468.020 & 468.440

Stats. Implemented: ORS 468.423 - 468.440

Hist.: DEQ 2-2014, f. 1-28-14, cert. ef. 2-3-14; DEQ 9-2015, f. & cert. ef. 10-16-15

340-054-0072
Bond Purchase

(1) Application requirements. All application requirements for a CWSRF loan as specified in OAR 340-054-0022 apply to a bond purchase under this rule.

(2) Intended Use Plan and project priority list. All applications for a bond purchase are subject to IUP and project priority list development in the same manner as specified in OAR 340-054-0025.

(3) Project ranking criteria. All applicants for a bond purchase will be ranked based on the point sum from the criteria specified in OAR 340-054-0026 and 340-054-0027.

(4) Reserves, CWSRF general fund and project funding. DEQ will allocate reserves and CWSRF general funds for a bond purchase in the same manner as specified in OAR 340-054-0036.

(5) Requirements for a bond purchase.

(a) Clean Water Act plans. DEQ will only purchase a bond whose proceeds are used to finance a project that is consistent with plans developed under sections 303(e), 319 or 320 of the Clean Water Act.

(b) Refunding an existing CWSRF loan or debt obligation is not an eligible use of the proceeds of a bond purchase for treatment works unless all of the following apply:

(A) All of the following conditions must be met on February 1, 2014:

(i) The public agency's existing CWSRF loan or debt obligation for treatment works is not in default.

(ii) The median household income in the area that the treatment works of the public agency serves is less than 70 percent of the statewide median household income.

(iii) The public agency's existing CWSRF loan or debt obligation for treatment works has a remaining term of 10 years or greater.

(iv) The public agency's existing CWSRF loan or debt obligation for treatment works does not include any American Recovery and Reinvestment Act funds or provide for principal forgiveness.

(B) The public agency must:

(i) Submit written confirmation to DEQ by May 1, 2014 that it intends to refinance its existing CWSRF loan or debt obligation for treatment works with the proceeds of a bond for treatment works issued by the public agency and purchased by DEQ; and

(ii) Complete the issuance and sale of the bond for treatment works by February 1, 2016.

(C) When DEQ purchases a debt obligation to replace an existing CWSRF loan or debt obligation, the amortization period of the debt obligation may not exceed the lesser of:

(i) The useful life of the asset, or

(ii) Thirty years minus the number of years that the existing CWSRF loan or debt obligation has been in repayment.

(D) The interest rate for the bond for treatment works DEQ purchases as described in subsection (b) of this section of the rule is determined under subsection (b) of section (7) of this rule.

(c) Refinancing an interim loan. A public agency may sell a bond to DEQ to refinance an interim loan or reimburse itself for self-generated funds used to pay DEQ-approved project costs for treatment works if the public agency meets the conditions in OAR 340-054-0056(3).

(6) Conditions for bond purchase. The terms, conditions and requirements set out in OAR 340-054-0060 apply to a bond purchase.

(7) Bond purchase, terms and interest rates.

(a) Bonds. A bond DEQ purchases under this rule must be a revenue bond for a term not to exceed 30 years and meet the requirements specified in OAR 340-054-0065(2).

(b) Interest rates. OAR 340-054-0065(4)(b) specifies the base rate for a bond purchase. DEQ will provide the following interest rates for bond purchases:

(A) For bond purchase agreements for treatment works executed between February 1, 2014 and January 31, 2016, DEQ will calculate the interest rates in accordance with Table 3 of this section.

(B) For bond purchase agreements executed on or after February 1, 2016, interest rates will be calculated in accordance with OAR 340-054-0065(4)(f)(B).

(c) Interest accrual and payment. OAR 340-054-0065(5) sets the terms for interest accrual and payment for bond purchases under this rule.

(d) Annual fee. OAR 340-054-0065(6) specifies the annual fee for a bond purchase.

(e) Commencement of bond repayment. OAR 340-054-0065(7) prescribes when a public agency must begin principal and interest repayment for a bond DEQ purchased under this rule.

(f) Term. A public agency must fully repay bond purchases under this rule in accordance with a schedule DEQ prescribes. The term of the bond DEQ purchases under this rule will not exceed 30 years after project completion or the useful life of the asset financed by the bond, whichever is less.

(g) Minor variations in bond terms. DEQ may, as OAR 340-054-0065(9) specifies, authorize minor variations in financial terms of a bond purchased under this rule to facilitate administration and repayment of the bond.

(h) Principal forgiveness. DEQ may provide principal forgiveness for a bond purchase in the same manner as for a loan under OAR 340-054-0065(11).

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

Stat. Auth.: ORS 468.020 & 468.440

Stats. Implemented: ORS 468.423 - 468.440

Hist.: DEQ 2-2014, f. 1-28-14, cert. ef. 2-3-14; DEQ 9-2015, f. & cert. ef. 10-16-15

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Rule Caption: Infrastructure SIP PM2.5 Standard Update
Adm. Order No.: DEQ 10-2015
Filed with Sec. of State: 10-16-2015
Certified to be Effective: 10-16-15
Notice Publication Date: 8-1-2015
Rules Amended: 340-200-0040, 340-202-0060, 340-250-0030

Subject: DEQ proposes the Oregon Environmental Quality Commission approve the proposed rules for incorporation into the Oregon Clean Air Act State Implementation Plan and submittal to the U.S. Environmental Protection Agency for its approval under the federal Clean Air Act. After the public notice period, DEQ will submit the proposed rules to EQC for approval. Following the commission's approval, DEQ will submit the proposed rules to EPA for its approval.

The proposed rule amendments incorporate a revised annual National Ambient Air Quality Standard for PM 2.5 and amend the definition of NAAQS to include PM 2.5 in Oregon's administrative rule. These changes will allow Oregon to meet Clean Air Act requirements and request that EPA approve Oregon's revised State Implementation Plan.

The proposal includes the following actions:

- Amend Oregon Administrative Rule 340-200-0040 to update the Oregon Clean Air Act State Implementation plan. If EQC adopts the amendments, the actions proposed in this rulemaking will be incorporated into and made part of the Oregon SIP.

- Amend OAR 340-202-0060(3) to incorporate the annual national primary ambient air quality standard for PM 2.5, adopted by the EPA, Dec.14, 2012, and effective on March 18, 2013.

- Amend OAR 340-250-0030(22) to include PM 2.5 as part of the definition of NAAQS.

In addition to the rule amendments outlined above, a "crosswalk" titled "Infrastructure SIP Submittal for Purposes of Clean Air Act Sections 110(a)(1) and (2) for the 2012 PM 2.5 NAAQS" is included with this proposal. The crosswalk identifies existing Oregon Administrative Rules and corresponding Oregon Revised Statutes that demonstrate DEQ has the necessary authorities in place to implement requirements of Sections 110(a)(1) and (a)(2) of the CAA with respect to the current NAAQS for PM 2.5. They are included for EQC approval and submittal to EPA as documentation that the infrastructure elements of the Oregon SIP meet the requirements of the CAA as they relate to the PM 2.5 NAAQS.

The interstate transport provision in the CAA, section 110(a)(2)(D)(i), (also called "the good neighbor" provision) requires each state to submit a SIP that prohibits emissions that will have certain adverse air quality effects in other states. This section of the SIP is due within three years of the EPA establishing a new or revised NAAQS. DEQ's State Implementation Plan addresses the interstate transport of PM 2.5. Note: The interstate transport submittal also addresses Sulfur Dioxide (SO2), Nitrogen Dioxide (NO2) and Lead (Pb) SIP standards updated in 2013. (Attachment C).

Rules Coordinator: Meyer Goldstein—(503) 229-6478

340-200-0040
State of Oregon Clean Air Act Implementation Plan

(1) This implementation plan, consisting of Volumes 2 and 3 of the State of Oregon Air Quality Control Program, contains control strategies, rules and standards prepared by DEQ and is adopted as the state implementation plan (SIP) of the State of Oregon pursuant to the federal Clean Air Act, 42 U.S.C.A 7401 to 7671q.

(2) Except as provided in section (3), the Commission will revise the SIP pursuant to the rulemaking procedures in division 11 of this chapter and any other requirements contained in the SIP and will direct DEQ to submit such revisions to the United States Environmental Protection Agency for approval. The Commission last adopted revisions to the State Implementation Plan on Oct. 15, 2015.

(3) Notwithstanding any other requirement contained in the SIP, DEQ may:

(a) Submit to the Environmental Protection Agency any permit condition implementing a rule that is part of the federally-approved SIP as a source-specific SIP revision after DEQ has complied with the public hearings provisions of 40 CFR 51.102 (July 1, 2002); and

(b) Approve the standards submitted by a regional authority if the regional authority adopts verbatim any standard that the Commission has adopted, and submit the standards to EPA for approval as a SIP revision.

NOTE: Revisions to the State of Oregon Clean Air Act Implementation Plan become federally enforceable upon approval by the United States Environmental Protection Agency. If any provision of the federally approved Implementation Plan conflicts with any provision adopted by the Commission, DEQ shall enforce the more stringent provision.

Stat. Auth.: ORS 468.020 & 468A
Stats. Implemented: ORS 468A
Hist.: DEQ 35, f. 2-3-72, ef. 2-15-72; DEQ 54, f. 6-21-73, ef. 7-1-73; DEQ 19-1979, f. & ef. 6-25-79; DEQ 21-1979, f. & ef. 7-2-79; DEQ 22-1980, f. & ef. 9-26-80; DEQ 11-1981, f. & ef. 3-26-81; DEQ 14-1982, f. & ef. 7-21-82; DEQ 21-1982, f. & ef. 10-27-82; DEQ 1-1983, f. & ef. 1-21-83; DEQ 6-1983, f. & ef. 4-18-83; DEQ 18-1984, f. & ef. 10-16-84; DEQ 25-1984, f. & ef. 11-27-84; DEQ 3-1985, f. & ef. 2-1-85; DEQ 12-1985, f. & ef. 9-30-85; DEQ 5-1986, f. & ef. 2-21-86; DEQ 10-1986, f. & ef. 5-9-86; DEQ 20-1986, f. & ef. 11-7-86; DEQ 21-1986, f. & ef. 11-7-86; DEQ 4-1987, f. & ef. 3-2-87; DEQ 5-1987, f. & ef. 3-2-87; DEQ 8-1987, f. & ef. 4-23-87; DEQ 21-1987, f. & ef. 12-16-87; DEQ 31-1988, f. 12-20-88, cert. ef. 12-23-88; DEQ 2-1991, f. & cert. ef. 2-14-91; DEQ 19-1991, f. & cert. ef. 11-13-91; DEQ 20-1991, f. & cert. ef. 11-13-91; DEQ 21-1991, f. & cert. ef. 11-13-91; DEQ 22-1991, f. & cert. ef. 11-13-91; DEQ 23-1991, f. & cert. ef. 11-13-91; DEQ 24-1991, f. & cert. ef. 11-13-91; DEQ 25-1991, f. & cert. ef. 11-13-91; DEQ 1-1992, f. & cert. ef. 2-4-92; DEQ 3-1992, f. & cert. ef. 2-4-92; DEQ 7-1992, f. & cert. ef. 3-30-92; DEQ 19-1992, f. & cert. ef. 8-11-92; DEQ 20-1992, f. & cert. ef. 8-11-92; DEQ 25-1992, f. 10-30-92, cert. ef. 11-1-92; DEQ 26-1992, f. & cert. ef. 11-2-92; DEQ 27-1992, f. & cert. ef. 11-12-92; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 8-1993, f. & cert. ef. 5-11-93; DEQ 12-1993, f. & cert. ef. 9-24-93; DEQ 15-1993, f. & cert. ef. 11-4-93; DEQ 16-1993, f. & cert. ef. 11-4-93; DEQ 17-1993, f. & cert. ef. 11-4-93; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 1-1994, f. & cert. ef. 1-3-94; DEQ 5-1994, f. & cert. ef. 3-21-94; DEQ 14-1994, f. & cert. ef. 5-31-94; DEQ 15-1994, f. 6-8-94, cert. ef. 7-1-94; DEQ 25-1994, f. & cert. ef. 11-2-94; DEQ 9-1995, f. & cert. ef. 5-1-95; DEQ 10-1995, f. & cert. ef. 5-1-95; DEQ 14-1995, f. & cert. ef. 5-25-95; DEQ 17-1995, f. & cert. ef. 7-12-95; DEQ 19-1995, f. & cert. ef. 9-1-95; DEQ 20-1995 (Temp), f. & cert. ef. 9-14-95; DEQ 8-1996(Temp), f. & cert. ef. 6-3-96; DEQ 15-1996, f. & cert. ef. 8-14-96; DEQ 19-1996, f. & cert. ef. 9-24-96; DEQ 22-1996, f. & cert. ef. 10-22-96; DEQ 23-1996, f. & cert. ef. 11-4-96; DEQ 24-1996, f. & cert. ef. 11-26-96; DEQ 10-1998, f. & cert. ef. 6-22-98; DEQ 15-1998, f. & cert. ef. 9-23-98; DEQ 16-1998, f. & cert. ef. 9-23-98; DEQ 17-1998, f. & cert. ef. 9-23-98; DEQ 20-1998, f. & cert. ef. 10-12-98; DEQ 21-1998, f. & cert. ef. 10-12-98; DEQ 1-1999, f. & cert. ef. 1-25-99; DEQ 5-1999, f. & cert. ef. 3-25-99; DEQ 6-1999, f. & cert. ef. 5-21-99; DEQ 10-1999, f. & cert. ef. 7-1-99; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-020-0047; DEQ 15-1999, f. & cert. ef. 10-22-99; DEQ 2-2000, f. 2-17-00, cert. ef. 6-1-01; DEQ 6-2000, f. & cert. ef. 5-22-00; DEQ 8-2000, f. & cert. ef. 6-6-00; DEQ 13-2000, f. & cert. ef. 7-28-00; DEQ 16-2000, f. & cert. ef. 10-25-00; DEQ 17-2000, f. & cert. ef. 10-25-00; DEQ 20-2000 f. & cert. ef. 12-15-00; DEQ 21-2000, f. & cert. ef. 12-15-00; DEQ 2-2001, f. & cert. ef. 2-5-01; DEQ 4-2001, f. & cert. ef. 3-27-01; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 15-2001, f. & cert. ef. 12-26-01; DEQ 16-2001, f. & cert. ef. 12-26-01; DEQ 17-2001, f. & cert. ef. 12-28-01; DEQ 4-2002, f. & cert. ef. 3-14-02; DEQ 5-2002, f. & cert. ef. 5-3-02; DEQ 11-2002, f. & cert. ef. 10-8-02; DEQ 5-2003, f. & cert. ef. 2-6-03; DEQ 14-2003, f. & cert. ef. 10-24-03; DEQ 19-2003, f. & cert. ef. 12-12-03; DEQ 1-2004, f. & cert. ef. 4-14-04; DEQ 10-2004, f. & cert. ef. 12-15-04; DEQ 1-2005, f. & cert. ef. 1-4-05; DEQ 2-2005, f. & cert. ef. 2-10-05; DEQ 4-2005, f. 5-13-05, cert. ef. 6-1-05; DEQ 7-2005, f. & cert. ef. 7-12-05; DEQ 9-2005, f. & cert. ef. 9-9-05; DEQ 2-2006, f. & cert. ef. 3-14-06; DEQ 4-2006, f. 3-29-06, cert. ef. 3-31-06; DEQ 3-2007, f. & cert. ef. 4-12-07; DEQ 4-2007, f. & cert. ef. 6-28-07; DEQ 8-2007, f. & cert. ef. 11-8-07; DEQ 5-2008, f. & cert. ef. 3-20-08; DEQ 11-2008, f. & cert. ef. 8-29-08; DEQ 12-2008, f. & cert. ef. 9-17-08; DEQ 14-2008, f. & cert. ef. 11-10-08; DEQ 15-2008, f. & cert. ef 12-31-08; DEQ 3-2009, f. & cert. ef. 6-30-09; DEQ 8-2009, f. & cert. ef. 12-16-09; DEQ 2-2010, f. & cert. ef. 3-5-10; DEQ 5-2010, f. & cert. ef. 5-21-10; DEQ 14-2010, f. & cert. ef. 12-10-10; DEQ 1-2011, f. & cert. ef. 2-24-11; DEQ 2-2011, f. 3-10-11, cert. ef. 3-15-11; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11; DEQ 18-2011, f. & cert. ef. 12-21-11; DEQ 1-2012, f. & cert. ef. 5-17-12; DEQ 7-2012, f. & cert.ef 12-10-12; DEQ 10-2012, f. & cert. ef. 12-11-12; DEQ 4-2013, f. & cert. ef. 3-27-13; DEQ 11-2013, f. & cert. ef. 11-7-13; DEQ 12-2013, f. & cert. ef. 12-19-13; DEQ 1-2014, f. & cert. ef. 1-6-14; DEQ 4-2014, f. & cert. ef. 3-31-14; DEQ 5-2014, f. & cert. ef. 3-31-14; DEQ 6-2014, f. & cert. ef. 3-31-14; DEQ 7-2014, f. & cert. ef. 6-26-14; DEQ 6-2015, f. & cert. ef. 4-16-15; DEQ 7-2015, f. & cert. ef. 4-16-15; DEQ 10-2015, f. & cert. ef. 10-16-15

340-202-0060
Suspended Particulate Matter

Concentrations of the fraction of suspended particulate that is equal to or less than ten microns in aerodynamic diameter in ambient air as measured by an approved method must not exceed:

(1) 150 micrograms of PM10 per cubic meter of air as a 24-hour average concentration for any calendar day. This standard is attained when the expected number of days per calendar year with a 24-hour average concentration above 150 micrograms per cubic meter as determined in accordance with **Appendix K of 40 CFR 50** is equal to or less than one at any site. Concentrations of the fraction of suspended particulate that is equal to or less than 2.5 microns in aerodynamic diameter in ambient air as measured by an approved method must not exceed:

(2) 35 micrograms of PM2.5 per cubic meter of air as a 3-year average of annual 98th percentile 24-hour average values recorded at each monitoring site. This standard is attained when the 3-year average of annual 98th percentile 24-hour average concentrations is equal to or less than 35 micrograms per cubic meter as determined in accordance with **Appendix N of 40 CFR 50**.

(3) 12 micrograms of PM2.5 per cubic meter of air as a 3-year average of the annual arithmetic mean. This standard is attained when the annual arithmetic mean concentration is equal to or less than 12 micrograms per cubic meter as determined in accordance with **Appendix N of 40 CFR 50**.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040.

Stat. Auth.: ORS 468 & 468A
Stats. Implemented: ORS 468A.025
Hist.: DEQ 37, f. 2-15-72, ef. 3-1-72; DEQ 8-1988, f. & cert. ef. 5-19-88 (corrected 9-30-88); DEQ 24-1991, f. & cert. ef. 11-13-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-031-0015; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 5-2010, f. & cert. ef. 5-21-10; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11; DEQ 10-2015, f. & cert. ef. 10-16-15

340-250-0030
Definitions

The definitions in OAR 340-200-0020, 340-204-0010 and this rule apply to this division. If the same term is defined in this rule and 340-200-0020 or 340-204-0010, the definition in this rule applies to this division.

(1) "Affected federal land manager" means the federal agency or the federal official charged with direct responsibility for management of an area designated as Class I under the Act that is located within 100 km of the proposed federal action.

(2) "Applicable implementation plan" or "applicable SIP" means the portion (or portions) of the applicable SIP or most recent revision thereof, which has been approved under Section 110 of the Act, or promulgated under Section 110(c) of the Act (Federal implementation plan), or promulgated under Section 301(d) of the Act which implements the relevant requirements of the Act.

(3) "Areawide air quality modeling analysis" means an assessment on a scale that includes the entire nonattainment area or maintenance area which uses an air quality dispersion model to determine the effects of emissions on air quality.

(4) "Cause or contribute to any new violation of any standard in any area" means a federal action that:

(a) Causes a new violation of a NAAQS at a location in a nonattainment area or maintenance area which would otherwise not be in violation of the standard during the future period in question if the federal action were not taken; or

(b) Contributes, in conjunction with other reasonably foreseeable actions, to a new violation of a NAAQS at a location in a nonattainment area or maintenance area in a manner that would increase the frequency or severity of the new violation.

(5) "Caused by", as used in the terms "direct emissions" and "indirect emissions," means emissions that would not otherwise occur in the absence of the federal action.

(6) "Criteria pollutant" means any pollutant for which there is established a NAAQS at 40 CFR part 50 (July 1, 1994).

(7) "Direct emissions" means those emissions of a criteria pollutant or precursors of a criteria pollutant that are caused or initiated by the federal action and occur at the same time and place as the action.

(8) "Emergency" means a situation where extremely quick action on the part of the Federal agencies involved is needed and where the timing of such federal activities makes it impractical to meet the requirements of this division, such as natural disasters like hurricanes or earthquakes, civil disturbances such as terrorist acts, and military mobilizations.

(9) "Emissions budgets" means those portions of the applicable SIP's projected emissions inventories that describe levels of emissions (mobile, stationary, area, etc.) that provide for meeting reasonable further progress milestones, attainment, or maintenance for any criteria pollutant or precursors of a criteria pollutant.

(10) "Emissions offsets", for purposes of OAR 340-250-0080, means emissions reductions which are quantifiable, consistent with OAR 340 division 268 and 340-224-0090, and the applicable SIP attainment and reasonable further progress demonstrations, surplus to reductions required by, and credited to, other SIP provisions, enforceable at both the state and federal levels, and permanent within the timeframe specified by the program.

(11) "Emissions that a federal agency has a continuing program responsibility for" means emissions that are specifically caused by an agency carrying out its authorities, and does not include emissions that occur due to subsequent activities, unless such activities are required by the federal agency. Where an agency, in performing its normal program responsibilities, takes actions itself or imposes conditions that result in air pollutant emissions by a nonfederal entity taking subsequent actions, such emissions are covered by the meaning of a continuing program responsibility.

(12) "EPA" means the United States Environmental Protection Agency.

(13) "Federal action" means any activity engaged in by a department, agency, or instrumentality of the federal government, or any activity that a department, agency or instrumentality of the federal government supports in any way, provides financial assistance for licenses, permits, or approves under title 23 U.S.C. or the Federal Transit Laws (49 U.S.C. Chapter 53). Where the federal action is a permit, license, or other approval for some aspect of a nonfederal undertaking, the relevant activity is the part, portion, or phase of the nonfederal undertaking that requires the federal permit, license, or approval.

(14) "Federal agency" means a federal department, agency, or instrumentality of the federal government.

(15) "Increase the frequency or severity of any existing violation of any standard in any area" means to cause a nonattainment area to exceed a standard more often or to cause a violation at a greater concentration than previously existed or would otherwise exist during the future period in question, if the project were not implemented.

(16) "Indirect emissions" means those emissions of a criteria pollutant or precursors of a criteria pollutant that:

(a) Are caused by the federal action, but may occur later in time or may be farther removed in distance from the action itself but are still reasonably foreseeable; and

(b) The federal agency can practicably control and will maintain control over due to a continuing program responsibility of the federal agency.

(17) "Local air quality modeling analysis" means an assessment of localized impacts on a scale smaller than the entire nonattainment area or maintenance area, including, for example, congested roadway intersections and highways or transit terminals, which uses an air quality dispersion model to determine the effects of emissions on air quality.

(18) "Maintenance area" means an area with a maintenance plan approved under Section 175A of the Act.

(19) "Maintenance plan" means a revision to the applicable SIP, meeting the requirements of Section 175A of the Act.

(20) "Metropolitan Planning Organization" or "MPO" means that organization designated as being responsible, together with the state, for conducting the continuing, cooperative, and comprehensive planning process under 23 U.S.C. 134 and 49 U.S.C. 1607.

(21) "Milestone" has the meaning given in Sections 182(g)(1) and 189(c)(1) of the Act.

(22) "National ambient air quality standards" or "NAAQS" means those standards established pursuant to Section 109 of the Act and include standards for carbon monoxide (CO), lead (Pb), nitrogen dioxide (NO2), ozone, particulate matter (PM10, PM 2.5), and sulfur dioxide (SO2).

(23) "NEPA" means the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 et seq.).

(24) "Nonattainment area" means an area designated as nonattainment under Section 107 of the Act and described in 40 CFR part 81 (July 1, 1994).

(25) "Precursors of a criteria pollutant" means:

(a) For ozone, nitrogen oxides (NOx), unless an area is exempted from NOx requirements under Section 182(f) of the Act, and volatile organic compounds (VOC); and

(b) For PM10, those pollutants described in the PM10 nonattainment area applicable SIP as significant contributors to the PM10 levels.

(26) "Reasonably foreseeable emissions" means projected future indirect emissions that are identified at the time the conformity determination is made; the location of such emissions is known and the emissions are quantifiable, as described and documented by the federal agency based on its own information and after reviewing any information presented to the federal agency.

(27) "Regional water or wastewater projects" include construction, operation, and maintenance of water or wastewater treatment facilities, and water storage reservoirs which affect a large portion of a nonattainment area or maintenance area.

(28) "Regionally significant action" means a federal action for which the direct emissions and indirect emissions of any pollutant represent 10 percent or more of a nonattainment area's or maintenance area's emissions inventory for that pollutant.

(29) "Total of direct and indirect emissions" means the sum of direct emissions and indirect emissions increases and decreases caused by the federal action; i.e., the "net" emissions considering all direct emissions and indirect emissions. The portion of emissions which are exempt or presumed to conform under OAR 340-250-0020(4), (5), (6) or (7) are not included in the "total of direct and indirect emissions."

[**NOTE**: This rule is included in the State of Oregon Clean Air Act Implementation Plan as Adopted by the Environmental Quality Commission under OAR 340-200-0040.]

Stat. Auth.: ORS 468.020 & 468A.035

Stats. Implemented: ORS 468A.035

Hist.: DEQ 9-1995, f. & cert. ef. 5-1-95; DEQ 17-1998, f. & cert. ef. 9-23-98; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-020-1510; DEQ 10-2015, f. & cert. ef. 10-16-15

Department of Fish and Wildlife
Chapter 635

Rule Caption: Retention of Non-Adipose Fin-clipped Chinook in Youngs Bay, Youngs and Klaskanine Rivers Prohibited.
Adm. Order No.: DFW 142-2015(Temp)
Filed with Sec. of State: 10-16-2015
Certified to be Effective: 10-16-15 thru 12-31-15
Notice Publication Date:
Rules Amended: 635-014-0090
Rules Suspended: 635-014-0090(T)
Subject: This amended rule prohibits retention of non-adipose fin-clipped Chinook salmon in portions of Youngs Bay and the Youngs River from the commercial fishing deadline at Battle Creek Slough upstream to Youngs River Falls; and the Klaskanine River upstream from the confluence with Youngs River, North Fork Klaskanine upstream to Klaskanine Hatchery Dam, and South Fork Klaskanine upstream to the first falls (approximately RM 4.7) beginning Sunday, October 18 through Saturday, October 31, 2015.
Rules Coordinator: Michelle Tate—(503) 947-6044

635-014-0090
Inclusions and Modifications

(1) The **2015 Oregon Sport Fishing Regulations** provide requirements for the Northwest Zone. However, additional regulations may be adopted in this rule division from time to time and to the extent of any inconsistency, they supersede the **2015 Oregon Sport Fishing Regulations** pamphlet.

(2) Notwithstanding all other requirements provided in the 2015 Oregon Sport Fishing Regulations pamphlet, the following additional rules apply to wild coho salmon angling in waters of the Northwest Zone during the period September 1–December 31, 2015:

(a) For the purposes of regulations described in section (2) of this rule, wild coho are defined as fish with an intact adipose fin.

(b) For all waters in the Northwest and Southwest zones that are open to wild coho harvest, anglers may not take more than 1 wild adult coho and 1 wild jack coho per day regardless of location. There is no seasonal limit on wild coho jacks regardless of location. The seasonal limit on wild coho adults for the Northwest and Southwest zones is 5 fish in aggregate from all waters. Harvest of wild coho salmon is allowed in the following waterbodies with restrictions as specified in sections (2)(c) through (2)(i) of this rule.

(A) No more than 1 adult wild coho may be harvested for the season from either the Nestucca River Basin or the Tillamook River Basin. Wild adult coho taken from these areas do not count towards the 2 fish limit described in section (2)(b)(B) of this rule, but do count towards the overall 5 fish aggregate limit for the Northwest and Southwest zones;

(B) No more than 2 adult wild coho in total for the season may come from any combination of the following areas: Siletz River, Yaquina River, Alsea River, Siuslaw River, Umpqua River, Beaver Creek (Ona Beach), Floras Creek/New River, Coos River, and Coquille River. Wild adult coho taken from these areas do not count towards the 1 fish limit described in section (2)(b)(A) of this rule, but do count towards the overall 5 fish aggregate limit for the Northwest and Southwest zones; and

(C) No more than 5 adult wild coho in total for the season may come from any combination of the following areas: Siltcoos Lake, Tahkenitch Lake, and Tenmile Lake (SW Zone). Wild adult coho taken from these areas do not count against aggregate limits described in sections (2)(b)(A) and (2)(b)(B) of this rule, but do count towards the overall 5 fish limit for the Northwest and Southwest zones as specified in section (2)(b) of this rule.

(c) Tillamook Bay tidewater from the jetty tips upstream to Highway 101 Bridge on Miami, Kilchis, Wilson, and Trask rivers and Burton Bridge on Tillamook River is open on Fridays and Saturdays only for wild coho salmon from September 18 through October 31. Daily and seasonal catch limits as described in section (2)(b) of this rule apply.

(d) Nestucca Bay tidewater (excluding Little Nestucca tidewater) from the bay mouth upstream to the Cloverdale Bridge (RM 7.1) is open on Sundays and Mondays only for wild coho salmon from September 20 through November 2. Daily and seasonal catch limits as described in section (2)(b) of this rule apply.

(e) Siletz River and Bay upstream to an ODFW marker sign approximately 1,200 feet upstream of Ojalla Bridge (RM 31) is open for wild coho salmon from September 15 through October 6; Siletz River and Bay upstream to Illahee Boat Ramp is open for wild coho salmon from October

7 through November 30. Daily and seasonal catch limits as described in section (2)(b) of this rule apply.

(f) The Yaquina River and Bay upstream to the confluence of the Yaquina River and Big Elk Creek are open for wild coho salmon from September 15 through November 30. Daily and seasonal catch limits as described in section (2)(b) of this rule apply.

(g) The Alsea River and Bay upstream to the USFS River Edge Boat Landing are open for wild coho salmon from September 15 through October 15. Daily and seasonal catch limits as described in section (2)(b) of this rule apply.

(h) The Siuslaw River and Bay upstream to the confluence of the Siuslaw River with Lake Creek is open for wild coho salmon from September 15 through October 15. Daily and seasonal catch limits as described in section (2)(b) of this rule apply.

(i) Beaver Creek (at Ona Beach between Newport and Waldport) from footbridge west of Highway 101 upstream to the power line crossing near the the confluence of South Fork Beaver Creek (Ona Beach) open for wild coho salmon from November 1-30 or until attainment of an adult wild coho quota of 150 fish. Daily and seasonal catch limits as described in section (2)(b) of this rule apply.

(3) Siletz River and Bay, upstream to painted boulder located 900 feet downstream from Siletz Falls at rivermile 64.4 including tidewater:

(a) Open for adipose fin-clipped steelhead all year;

(b) Open for spring Chinook salmon April 1-July 31, upstream to deadline marker at Moonshine Park boat ramp, one non fin-clipped spring Chinook salmon per day and 2 per year;

(c) Open for fall Chinook salmon August 1–December 31 upstream to marker sign approximately 1200 feet upstream of Ojalla Bridge;

(d) Open for fall Chinook salmon October 7–December 31 upstream to Illahee boat ramp; and

(e) Use of bait is allowed.

(4) Beginning Saturday, July 18, 2015 until further notice, all waterbodies defined as 'streams' in the **2015 Oregon Sport Fishing Regulations** will be closed to angling for trout, salmon, steelhead, and sturgeon from 2:00 p.m. daily until one hour before sunrise the following day with the following exception: Angling hours in tidewater areas, as defined in the **2015 Oregon Sport Fishing Regulations**, remain in effect.

(5) Five Rivers upstream to Buck Creek (Alsea Basin; Lincoln, Lane, and Benton counties) is Closed for Chinook salmon August 1-December 31, 2015.

(6) Beginning Sunday, October 18, 2015 through Saturday, October 31, 2015 retention of non-adipose fin clipped Chinook is prohibited in:

(a) The waters of Youngs Bay and Youngs River, in an area from the commercial fishing deadline at Battle Creek Slough upstream to Youngs River Falls; and

(b) Klaskanine River upstream from the confluence with Youngs River, North Fork Klaskanine upstream to Klaskanine Hatchery Dam, and South Fork Klaskanine upstream to the first falls (approximately RM 4.7).

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

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

Hist.: FWC 82-1993, f. 12-22-93, cert. ef. 1-1-94; FWC 21-1994(Temp), f. 4-22-94, cert. ef. 4-25-94; FWC 31-1994, f. 5-26-94, cert. ef. 6-20-94; FWC 65-1994(Temp), f. 9-15-94, cert. ef. 9-17-94; FWC 22-1995, f. 3-7-95, cert. ef. 3-10-95; FWC 28-1995(Temp), f. 3-31-95, cert. ef. 5-1-95; FWC 34-1995, f. & cert. ef. 5-1-95; FWC 39-1995, f. 5-10-95, cert. ef. 5-12-95; FWC 77-1995, f. 9-13-95, cert. ef. 1-1-96; FWC 19-1996, f. & cert. ef. 5-16-96; FWC 20-1996, f. & cert. ef. 4-29-96; FWC 29-1996, f. & cert. ef. 5-31-96; FWC 46-1996, f. & cert. ef. 8-23-96; FWC 55-1996(Temp), f. 9-25-96, cert. ef. 10-1-96; FWC 72-1996, f. 12-31-96, cert. ef. 1-1-97; FWC 73-1996(Temp), f. 12-31-96, cert. ef. 1-1-97; FWC 5-1997, f. & cert. ef. 2-4-97; FWC 30-1997, f. & cert. ef. 5-5-97; FWC 58-1997, f. 9-8-97, cert. ef. 10-1-97; FWC 75-1997, f. 12-31-97, cert. ef. 1-1-98; DFW 12-1998(Temp), f. & cert. ef. 2-24-98 thru 4-24-98; DFW 34-1998, f. & cert. ef. 5-4-98; DFW 69-1998, f. 8-28-98, cert. ef. 9-1-98; DFW 100-1998, f. 12-23-98, cert. ef. 1-1-99; DFW 36-1999, f. & cert. ef. 5-20-99; DFW 96-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 24-2000, f. 4-28-00, cert. ef. 5-1-00; DFW 83-2000(Temp), f. 12-28-00, cert. ef. 1-1-01 thru 1-31-01; DFW 1-2001, f. 1-25-01, cert. ef. 2-1-01; DFW 28-2001, f. & cert. ef. 5-1-01; DFW 40-2001(Temp) f. & cert. ef. 5-24-01 thru 11-20-01; DFW 72-2001(Temp), f. 8-10-01, cert. ef. 8-16-01 thru 12-31-01; DFW 81-2001, f. & cert. ef. 8-29-01; DFW 85-2001(Temp), f. & cert. ef. 8-30-01 thru 12-31-01; DFW 90-2001(Temp), f. 9-14-01, cert. ef. 9-15-01 thru 12-31-01; DFW 123-2001, f. 12-31-01, cert. ef. 1-1-02; DFW 5-2002(Temp) f. 1-11-02 cert. ef. 1-12-02 thru 7-11-02; DFW 26-2002, f. & cert. ef. 3-21-02; DFW 37-2002, f. & cert. ef. 4-23-02; DFW 91-2002(Temp) f. 8-19-02, cert. ef 8-20-02 thru 11-1-02 (Suspended by DFW 101-2002(Temp), f. & cert. ef. 10-3-02 thru 11-1-02); DFW 118-2002(Temp), f, 10-22-02, cert. ef. 12-1-02 thru 3-31-03; DFW 120-2002(Temp), f. 10-24-02, cert. ef. 10-26-02 thru 3-31-03; DFW 130-2002, f. 11-21-02, cert. ef. 1-1-03; DFW 18-2003(Temp) f. 2-28-03, cert. ef. 3-1-03 thru 4-30-03; DFW 38-2003(Temp), f. 5-7-03, cert. ef. 5-10-03 thru 10-31-03; DFW 51-2003(Temp), f. & cert. ef. 6-13-03 thru 10-31-03; DFW 90-2003(Temp), f. 9-12-03 cert. ef. 9-13-03 thru 12-31-03; DFW 108-2003(Temp), f. 10-28-03, cert. ef. 12-1-03 thru 3-31-04; DFW 123-2003(Temp), f. 12-10-03, cert. ef. 12-11-03 thru 12-31-03; DFW 125-2003, f. 12-11-03, cert. ef. 1-1-04; DFW 126-2003(Temp), f. 12-11-03, cert. ef. 1-1-04 thru 3-31-04; DFW 60-2004(Temp), f. 6-29-04, cert. ef 7-1-04 thru 7-15-04; DFW 90-2004(Temp), f. 8-30-04, cert. ef. 10-1-04 thru 12-31-04; DFW 103-2004(Temp), f. & cert, ef, 10-4-04 thru 12-31-04; DFW 108-2004(Temp), f. & cert. ef. 10-18-04 thru 12-31-04; DFW 111-2004(Temp), f. 11-16-04, cert. ef. 11-20-04 thru 12-31-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 62-2005(Temp), f. 6-29-05, cert. ef. 7-1-05 thru 7-10-05; Administrative correction 7-20-05; DFW 105-2005(Temp), f. 9-12-05, cert. ef. 10-1-05 thru 12-15-05; DFW 127-2005(Temp), f. & cert. ef. 11-23-05 thru 12-31-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 53-2006(Temp), f. 6-29-06, cert. ef. 7-1-06 thru 7-9-06; Administrative correction 7-20-06; DFW 64-2006(Temp), f. 7-17-06, cert. ef. 8-1-06 thru 12-31-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 104-2006(Temp), f. 9-19-06, cert. ef. 10-1-06 thru 12-31-06; DFW 24-2007, f. 4-16-07, cert. ef. 5-1-07; DFW 63-2007(Temp), f. 8-6-07, cert. ef. 8-11-07 thru 12-31-07; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 25-2008(Temp), f. 3-13-08, cert. ef. 3-15-08 thru 9-10-08; DFW 67-2008(Temp), f. 6-20-08, cert. ef. 8-1-08 thru 12-31-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 43-2009(Temp), f. 5-5-09, cert. ef. 5-22-09 thru 10-31-09; DFW 67-2009(Temp), f. 6-9-09, cert. ef. 6-15-09 thru 10-31-09; DFW 87-2009(Temp), f. 7-31-09, cert. ef. 8-1-09 thru 12-31-09; DFW 99-2009(Temp), f. 8-26-09, cert. ef. 9-1-09 thru 12-31-09; DFW 115-2009(Temp), f. & cert. ef. 9-22-09 thru 12-31-09; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 44-2010(Temp), f. 4-20-10, cert. ef. 4-21-10 thru 9-30-10; DFW 73-2010(Temp), f. 5-27-10, cert. ef. 6-1-10 thru 9-30-10; DFW 76-2010, f. 6-8-10, cert. ef. 8-1-10; DFW 89-2010(Temp), f. 6-28-10, cert. ef. 7-1-10 thru 9-30-10; Administrative correction 10-26-10; DFW 171-2010, f. 12-30-10, cert. ef. 1-1-11; DFW 57-2011(Temp), f. 5-27-11, cert. ef. 6-1-11 thru 6-30-11; DFW 83-2011, f. 6-30-11, cert. ef. 7-1-11; DFW 139-2011(Temp), f. 10-3-11, cert. ef. 10-6-11 thru 12-31-11; DFW 141-2011(Temp), f. 10-6-11, cert. ef. 10-10-11 thru 12-31-11; DFW 143-2011(Temp), f. 10-10-11, cert. ef. 10-11-11 thru 12-31-11; DFW 148-2011(Temp), f. 10-20-11, cert. ef. 10-21-11 thru 12-31-11; DFW 163-2011, f. 12-27-11, cert. ef. 1-1-12; DFW 53-2012(Temp), f. 5-29-12, cert. ef. 6-1-12 thru 10-31-12; DFW 62-2012, f. 6-12-12, cert. ef. 7-1-12; DFW 63-2012(Temp), f. & cert. ef. 6-12-12 thru 10-31-12; DFW 71-2012(Temp), f. 6-27-12, cert. ef. 7-1-12 thru 11-30-12; DFW130-2012(Temp), f. 10-10-12, cert. ef. 10-13-12 thru 12-31-12; DFW 135-2012(Temp), f. 10-22-12, cert. ef. 10-24-12 thru 12-31-12; DFW 139-2012(Temp), f. 10-30-12, cert. ef. 10-31-12 thru 12-31-12; DFW 152-2012, f. 12-27-12, cert. ef. 1-1-13; DFW 23-2013(Temp), f. 3-20-13, cert. ef. 4-1-13 thru 9-27-13; DFW 43-2013(Temp), f. 5-29-13, cert. ef. 6-1-13 thru 10-31-13; DFW 50-2013, f. 6-10-13, cert. ef. 7-1-13; DFW 60-2013(Temp), f. 6-24-13, cert. ef. 6-30-13 thru 9-30-13; Administrative correction 11-1-13; DFW 137-2013, f. 12-19-13, cert. ef. 1-1-14; DFW 74-2014(Temp), f. 6-23-14, cert. ef. 6-30-14 thru 9-30-14; DFW 110-2014, f. & cert. ef. 8-4-14; DFW 111-2014(Temp), f. & cert. ef. 8-4-14 thru 9-30-14; DFW 133-2014(Temp), f. 9-16-14 & cert. ef. 9-17-14 thru 12-31-14; DFW 148-2014(Temp), f. 10-13-14, cert. ef. 10-15-14 thru 12-31-14; DFW 165-2014, f. 12-18-14, cert. ef. 1-1-15; DFW 23-2015(Temp), f. & cert. ef. 4-1-15 thru 7-31-15; DFW 73-2015, f. 6-22-15, cert. ef. 6-23-15; DFW 75-2015(Temp), f. 6-23-15, cert. ef. 6-24-15 thru 7-31-15; DFW 88-2015(Temp), f. 7-16-15, cert. ef. 7-18-15 thru 12-31-15; DFW 94-2015(Temp), f. 7-27-15, cert. ef. 8-1-15 thru 12-31-15; DFW 118-2015(Temp), f. 8-28-15, cert. ef. 9-1-15 thru 12-31-15; DFW 120-2015(Temp), f. 8-31-15, cert. ef. 9-1-15 thru 12-31-15; DFW 142-2015(Temp), f. & cert. ef. 10-16-15 thru 12-31-15

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Rule Caption: Chetco River Terminal Area Commercial Chinook Salmon Quota Fishery Closes.
Adm. Order No.: DFW 143-2015(Temp)
Filed with Sec. of State: 10-16-2015
Certified to be Effective: 10-16-15 thru 12-31-15
Notice Publication Date:
Rules Amended: 635-003-0085
Subject: This amended rule closes the Chetco River terminal area commercial Chinook salmon quota fishery effective at 11:59 p.m. Saturday, October 17, 2015 due to the anticipated attainment of the 600 fish allocation for this fishery.
Rules Coordinator: Michelle Tate—(503) 947-6044

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 November 30 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 (42º50'20" N. Lat.) thence SW to Black Rock (42º49'24" N. Lat. 124º35'00" W. Long.), thence SSW to Best Rock (42º47'24" N. Lat. 124º35'42" W. Long.), thence SE to 42º40'30" N. Lat. 124º29'00" W. Long., thence to shore (Humbug Mountain).

(b) During the season described in this section (1), it is unlawful to take Chinook salmon less than 26 inches in total length; 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 20 Chinook per day taken in this fishery. Landings are restricted to Port Orford.

(2) Chetco River Ocean Terminal Area - from October 12 through 11:59 p.m. Saturday, October 17, 2015 in the area described in section (2)(a) of this rule:

(a) The open area is all Pacific Ocean waters inside an area south of the north shore of Twin Rocks (42º05'36" N. Lat.) to the Oregon/California border (42º00'00" 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; 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 20 Chinook per day taken in this fishery. Landings are restricted to Brookings.

(c) All vessels landing salmon caught in this season must report to ODFW within one hour of delivery or prior to transport away from the port of landing by either calling (541) 867-0300, ext. 252 or by e-mail to

kmzor.trollreport@state.or.us. Notification shall include vessel name and number, number of salmon by species, port of landing, location of delivery, and estimated time of delivery.

(3) Tillamook Terminal Area - from October 1 through October 31 in the area described in section (3)(a) of this rule:

(a) The open area is all Pacific Ocean waters inside an area south of Twin Rocks (45º35'54" N. Lat.) to Pyramid Rock (45º29'48" N. Lat.) and seaward three nautical miles offshore;

(b) During the season described in this section (3) 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; 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 Garibaldi and Tillamook Bay.

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; Administrative correction 11-19-09; DFW 76-2010, f. 6-8-10, cert. ef. 8-1-10; DFW 147-2010(Temp), f. & cert. ef. 10-15-10 thru 10-31-10DFW 151-2010(Temp), f. 10-19-10, cert. ef. 10-20-10 thru 10-31-10; DFW 153-2010(Temp), f. & cert. ef. 10-29-10 thru 10-31-10; Administrative correction 11-23-10; DFW 83-2011, f. 6-30-11, cert. ef. 7-1-11; DFW 62-2012, f. 6-12-12, cert. ef. 7-1-12; DFW 61-2014, f. & cert. ef. 6-10-14; DFW 78-2014, f. & cert. ef 6-24-14; DFW 31-2015, f. & cert. ef. 4-27-15; DFW 143-2015(Temp), f. & cert. ef. 10-16-15 thru 12-31-15

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Rule Caption: Mainstem Columbia River Late Fall Commercial Drift Net Salmon Season Set.
Adm. Order No.: DFW 144-2015(Temp)
Filed with Sec. of State: 10-19-2015
Certified to be Effective: 10-20-15 thru 10-31-15
Notice Publication Date:
Rules Amended: 635-042-0032
Rules Suspended: 635-042-0032(T)
Subject: This amended rule authorizes a 12-hour fishing period for the 2015 late fall commercial salmon drift net fishery in the Columbia River mainstem. The fishing period is scheduled to begin at 7:00 a.m. Tuesday, October 20, 2015, in Zones 1 through 3. Modifications are consistent with joint state action taken October 14, 2015 by the Departments of Fish and Wildlife for the States of Oregon and Washington at a meeting of the Columbia River Compact.
Rules Coordinator: Michelle Tate—(503) 947-6044

635-042-0032
Coho Target Fishery

(1) Chinook, coho, pink, and sockeye salmon, and shad may be taken in the Columbia River for commercial purposes in all of, or portions of Zones 1 3 from the mouth of the Columbia River upstream to a line projected from Warrior Rock Lighthouse on the Oregon shore easterly through the green navigation buoy #1 and continuing to the Washington shore.

(2) An authorized Fishing Period is as follows: 7:00 a.m. to 7:00 p.m. Tuesday, October 20, 2015 (12 hours).

(3) Gear: Unslackened, floater drift nets only. Nets are to be hung even with no strings, slackers, trammels, or riplines used to slacken nets. Riplines are allowed providing they do not slacken the net. Maximum mesh size is six inches. The multiple net rule is in effect for all authorized fishing periods. Nets not authorized for a specific fishery may be onboard the vessel if properly stored. A properly stored net is defined as a net on a drum that is fully covered by a tarp (canvas or plastic) and bound with a minimum of ten revolutions of rope with a diameter of 3/8 (0.375) inches or greater. Nets that are fished at any time between official sunset and official sunrise must have lighted buoys on both ends of the net unless the net is attached to the boat. If the net is attached to the boat, then one lighted buoy on the opposite end of the net from the boat is required.

(4) Closed areas include the following sanctuaries: Elokomin-A, Cowlitz River, Kalama-A, and the Lewis-A.

Stat. Auth.: ORS 183.325, 506.109 & 506.119
Stats. Implemented: ORS 506.129 & 507.030
Hist.: FWC 96-1991, f. & cert. ef. 9-9-91; FWC 101-1991 (Temp), f. & cert. ef. 9-10-91; FWC 102-1991, f. & cert. ef. 9-17-91; Suspended by FWC 92-1992(Temp), f. & cert. ef. 9-16-92; FWC 46-1996, f. & cert. ef. 8-23-96; DFW 71-1999(Temp), f. & cert. ef. 9-20-99 thru 10-22-99; DFW 75-1999(Temp), f. 9-29-99, cert. ef. 9-30-99 thru 10-22-99; 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 62-2000(Temp), f. 9-15-00, cert. ef. 9-19-00 thru 12-31-00; DFW 65-2000(Temp) f. 9-22-00, cert. ef. 9-25-00 thru 12-31-00; DFW 66-2000(Temp) f. 9-29-00, cert. ef. 10-2-00 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), f. & cert. ef. 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 102-2002(Temp), f. & cert. ef. 9-13-02 thru 12-31-02; DFW 104-2002(Temp), f. & cert. ef. 9-19-02 thru 12-31-02; DFW 106(Temp), f. & cert. ef. 9-24-02 thru 12-31-02; DFW 92-2003(Temp), f. 9-12-03 cert. ef. 9-15-03 thru 12-31-03; Administrative correction, 2-23-05; DFW 23-2011, f. & cert. ef. 3-21-11; DFW 114-2013(Temp), f. 9-27-13, cert. ef. 10-2-13 thru 10-15-13; Administrative correction, 11-22-13; DFW 139-2014(Temp), f. 9-24-14, cert. ef. 10-1-14 thru 10-31-14; DFW 145-2014(Temp), f. 10-8-14, cert. ef. 10-13-14 thru 10-31-14; Administrative correction 11-24-14; DFW 135-2015(Temp), f. 9-29-15, cert. ef. 10-1-15 thru 10-31-15; DFW 138-2015(Temp), f. 10-7-15, cert. ef. 10-8-15 thru 10-31-15; DFW 144-2015(Temp), f. 10-19-15, cert. ef. 10-20-15 thru 10-31-15

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Rule Caption: Prior Year 5,000 Pound Landing Requirement Temporarily Removed from Brine Shrimp Permit Renewal Rule.
Adm. Order No.: DFW 145-2015(Temp)
Filed with Sec. of State: 10-19-2015
Certified to be Effective: 11-1-15 thru 2-1-16
Notice Publication Date:
Rules Amended: 635-005-0705
Subject: This amended rule allows the renewal of Brine Shrimp permits without the previously required 5,000 pound landing from the previous year. Due to low water in Lake Abert, in 2015, harvesters were unable to use their boats and harvest enough Brine Shrimp to satisfy the 5,000 pounds in landings required by permanent rule for permit renewal.
Rules Coordinator: Michelle Tate—(503) 947-6044

635-005-0705
Renewal of Permit

(1) Brine Shrimp Permits may be renewed the following year by submitting to the Department a $100.00 fee (plus a $2.00 license agent fee) and a complete application date-stamped or postmarked by January 31 of the year for which renewal is sought.

(2) An application for renewal of a Brine Shrimp Permit shall be considered complete if it is legible, has all information requested in the form, and is accompanied by the required fee in full. Any application which is not complete shall be returned, and unless it is thereafter resubmitted and deemed complete by December 31 of the permit year sought, the individual may not be considered to have applied for renewal in a timely manner.

(3) It is the responsibility of the permittee to ensure that an application is complete and is filed in a timely manner. Failure of the Department to return an application for incompleteness or of an individual to receive a returned application may not be grounds for treating the application as having been filed in a timely and complete manner.

Stat. Auth.: ORS 506.036, 506.109, 506.119 & 506.129
Stats. Implemented: ORS 506.109 & 506.129
Hist.: DFW 76-2012, f. 6-28-12, cert. ef. 7-1-12; DFW 131-2013(Temp), f. & cert. ef. 12-9-13 thru 6-7-14; Administrative correction, 6-30-14; DFW 156-2014(Temp), f. & cert. ef. 11-10-14 thru 1-31-15; Administrative correction, 2-24-15; DFW 145-2015(Temp), f. 10-19-15, cert. ef. 11-1-15 thru 2-1-16

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Rule Caption: Chetco River Terminal Area Commercial Chinook Salmon Quota Fishery Extended.
Adm. Order No.: DFW 146-2015(Temp)
Filed with Sec. of State: 10-19-2015
Certified to be Effective: 10-21-15 thru 12-31-15
Notice Publication Date:
Rules Amended: 635-003-0085
Rules Suspended: 635-003-0085(T)
Subject: This amended rule extends the Chetco River terminal area commercial Chinook salmon quota fishery by one day, October 21, 2015 with reduced landing and possession limits to provide access to the remaining Chinook on the quota.
Rules Coordinator: Michelle Tate—(503) 947-6044

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 November 30 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 (42º50'20" N. Lat.) thence SW to Black Rock (42º49'24" N. Lat. 124º35'00" W. Long.), thence SSW to Best Rock (42º47'24" N. Lat. 124º35'42" W. Long.), thence SE to 42º40'30" N. Lat. 124º29'00" W. Long., thence to shore (Humbug Mountain).

(b) During the season described in this section (1), it is unlawful to take Chinook salmon less than 26 inches in total length; 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 20 Chinook per day taken in this fishery. Landings are restricted to Port Orford.

(2) Chetco River Ocean Terminal Area — from October 12 through October 17, and October 21 in the area described in section (2)(a) of this rule:

(a) The open area is all Pacific Ocean waters inside an area south of the north shore of Twin Rocks (42º05'36" N. Lat.) to the Oregon/California border (42º00'00" 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; 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 20 Chinook per day taken in this fishery through October 17, or to have in possession or to land more than 10 Chinook on October 21, 2015. Landings are restricted to Brookings.

(c) All vessels landing salmon caught in this season must report to ODFW within one hour of delivery or prior to transport away from the port of landing by either calling (541) 867-0300, ext. 252 or by e-mail to kmzor.trollreport@state.or.us. Notification shall include vessel name and number, number of salmon by species, port of landing, location of delivery, and estimated time of delivery.

(3) Tillamook Terminal Area — from October 1 through October 31 in the area described in section (3)(a) of this rule:

(a) The open area is all Pacific Ocean waters inside an area south of Twin Rocks (45º35'54" N. Lat.) to Pyramid Rock (45º29'48" N. Lat.) and seaward three nautical miles offshore;

(b) During the season described in this section (3) 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; 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 Garibaldi and Tillamook Bay.

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; Administrative correction 11-19-09; DFW 76-2010, f. 6-8-10, cert. ef. 8-1-10; DFW 147-2010(Temp), f. & cert. ef. 10-15-10 thru 10-31-10DFW 151-2010(Temp), f. 10-19-10, cert. ef. 10-20-10 thru 10-31-10; DFW 153-2010(Temp), f. & cert. ef. 10-29-10 thru 10-31-10; Administrative correction 11-23-10; DFW 83-2011, f. 6-30-11, cert. ef. 7-1-11; DFW 62-2012, f. 6-12-12, cert. ef. 7-1-12; DFW 61-2014, f. & cert. ef. 6-10-14; DFW 78-2014, f. & cert. ef 6-24-14; DFW 31-2015, f. & cert. ef. 4-27-15; DFW 143-2015(Temp), f. & cert. ef. 10-16-15 thru 12-31-15; DFW 146-2015(Temp), f. 10-19-15, cert. ef. 10-21-15 thru 12-31-15

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Rule Caption: Amend Division 415 rules to refer specifically to Division 140 rules for sage-grouse mitigation issues.
Adm. Order No.: DFW 147-2015(Temp)
Filed with Sec. of State: 10-19-2015
Certified to be Effective: 10-19-15 thru 4-15-16
Notice Publication Date:
Rules Amended: 635-415-0025
Subject: This amendment in Division 415 directs sage-grouse specific mitigation issues to refer to Division 140, Greater Sage-Grouse Conservation Strategy for Oregon, and creates an exception for any energy facility that has submitted a preliminary application for site certificate pursuant to ORS 469.300 et seq. on or before the effective date of this rule.
Rules Coordinator: Michelle Tate—(503) 947-6044

635-415-0025
Implementation of Department Habitat Mitigation Recommendations

(1) "Habitat Category 1" is irreplaceable, essential habitat for a fish or wildlife species, population, or a unique assemblage of species and is limited on either a physiographic province or site-specific basis, depending on the individual species, population or unique assemblage.

(a) The mitigation goal for Category 1 habitat is no loss of either habitat quantity or quality.

(b) The Department shall act to protect Category 1 habitats described in this subsection by recommending or requiring:

(A) Avoidance of impacts through alternatives to the proposed development action; or

(B) No authorization of the proposed development action if impacts cannot be avoided.

(2) "Habitat Category 2" is essential habitat for a fish or wildlife species, population, or unique assemblage of species and is limited either on a physiographic province or site-specific basis depending on the individual species, population or unique assemblage.

(a) The mitigation goal if impacts are unavoidable, is no net loss of either habitat quantity or quality and to provide a net benefit of habitat quantity or quality.

(b) The Department shall act to achieve the mitigation goal for Category 2 habitat by recommending or requiring:

(A) Avoidance of impacts through alternatives to the proposed development action; or

(B) Mitigation of impacts, if unavoidable, through reliable in-kind, in-proximity habitat mitigation to achieve no net loss of either pre-development habitat quantity or quality. In addition, a net benefit of habitat quantity or quality must be provided. Progress towards achieving the mitigation goals and standards shall be reported on a schedule agreed to in the mitigation plan performance measures. The fish and wildlife mitigation measures shall be implemented and completed either prior to or concurrent with the development action.

(c) If neither 635-415-0025(2)(b)(A) or (B) can be achieved, the Department shall recommend against or shall not authorize the proposed development action.

(3) "Habitat Category 3" is essential habitat for fish and wildlife, or important habitat for fish and wildlife that is limited either on a physiographic province or site-specific basis, depending on the individual species or population.

(a) The mitigation goal is no net loss of either habitat quantity or quality.

(b) The Department shall act to achieve the mitigation goal for Category 3 habitat by recommending or requiring:

(A) Avoidance of impacts through alternatives to the proposed development action; or

(B) Mitigation of impacts, if unavoidable, through reliable in-kind, in-proximity habitat mitigation to achieve no net loss in either pre-development habitat quantity or quality. Progress towards achieving the mitigation goals and standards shall be reported on a schedule agreed to in the mitigation plan performance measures. The fish and wildlife mitigation measures shall be implemented and completed either prior to or concurrent with the development action.

(c) If neither 635-415-0025(3)(b)(A) or (B) can be achieved, the Department shall recommend against or shall not authorize the proposed development action.

(4) "Habitat Category 4" is important habitat for fish and wildlife species.

(a) The mitigation goal is no net loss in either existing habitat quantity or quality.

(b) The Department shall act to achieve the mitigation goal for Category 4 habitat by recommending or requiring:

(A) Avoidance of impacts through alternatives to the proposed development action; or

(B) Mitigation of impacts, if unavoidable, through reliable in-kind or out-of-kind, in-proximity or off-proximity habitat mitigation to achieve no net loss in either pre-development habitat quantity or quality. Progress

towards achieving the mitigation goals and standards shall be reported on a schedule agreed to in the mitigation plan performance measures. The fish and wildlife mitigation measures shall be implemented and completed either prior to or concurrent with the development action.

(c) If neither 635-415-0025(4)(b)(A) or (B) can be achieved, the Department shall recommend against or shall not authorize the proposed development action.

(5) "Habitat Category 5" is habitat for fish and wildlife having high potential to become either essential or important habitat.

(a) The mitigation goal, if impacts are unavoidable, is to provide a net benefit in habitat quantity or quality.

(b) The Department shall act to achieve the mitigation goal for Category 5 habitat by recommending or requiring:

(A) Avoidance of impacts through alternatives to the proposed development action; or

(B) Mitigation of impacts, if unavoidable, through actions that contribute to essential or important habitat.

(c) If neither 635-415-0025(5)(b)(A) or (B) can be achieved, the Department shall recommend against or shall not authorize the proposed development action.

(6) "Habitat Category 6" is habitat that has low potential to become essential or important habitat for fish and wildlife.

(a) The mitigation goal is to minimize impacts.

(b) The Department shall act to achieve the mitigation goal for Category 6 habitat by recommending or requiring actions that minimize direct habitat loss and avoid impacts to off-site habitat.

(7) For proposed developments subject to this rule with impacts to greater sage-grouse habitat in Oregon, mitigation shall be addressed as described in OAR 635-140-0000 through 635-140-0025, except that any energy facility that has submitted a preliminary application for site certificate pursuant to ORS 469.300 et seq. on or before the effective date of this rule is exempt from fulfilling the avoidance test contained in 635-140-0025, Policy 2, subsections (a), (b), (c) and (d)(A). Other mitigation provisions contained in 635-140-0025, Policy 2, subsections (d)(B) and (e), and Policies 3 and 4 remain applicable.

Stat. Auth.: ORS 496.012, 496.112, 496.118, 496.138, 496.146, 496.171, 498.500, 498.502, 506.109 & 506.119

Stats. Implemented: ORS 496.012, 496.112, 496.118, 496.138, 496.146, 496.171, 498.500, 498.502, 506.109 & 506.119

Hist.: FWC 133-1991, f. & cert. ef. 11-19-91; DFW 47-1998, f. & cert. ef. 6-15-98; DFW 25-2000, f. 4-26-00, cert. ef. 5-1-00; DFW 147-2015(Temp), f. & cert. ef. 10-19-15 thru 4-15-16

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Rule Caption: Chetco River Terminal Area Commercial Chinook Salmon Quota Fishery Extended.
Adm. Order No.: DFW 148-2015(Temp)
Filed with Sec. of State: 10-22-2015
Certified to be Effective: 10-23-15 thru 12-31-15
Notice Publication Date:
Rules Amended: 635-003-0085
Rules Suspended: 635-003-0085(T)
Subject: This amended rule extends the Chetco River terminal area commercial Chinook salmon quota fishery by two days, October 23 and October 24, 2015, with reduced landing and possession limits to provide access to the remaining Chinook on the quota. These additional days are within the original season framework of October 12 through 31.
Rules Coordinator: Michelle Tate—(503) 947-6044

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 November 30 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 (42º50'20" N. Lat.) thence SW to Black Rock (42º49'24" N. Lat. 124º35'00" W. Long.), thence SSW to Best Rock (42º47'24" N. Lat. 124º35'42" W. Long.), thence SE to 42º40'30" N. Lat. 124º29'00" W. Long., thence to shore (Humbug Mountain).

(b) During the season described in this section (1), it is unlawful to take Chinook salmon less than 26 inches in total length; 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 20 Chinook per day taken in this fishery. Landings are restricted to Port Orford.

(2) Chetco River Ocean Terminal Area — from October 12 through October 17, October 21, and October 23 through October 24, 2015 in the area described in section (2)(a) of this rule:

(a) The open area is all Pacific Ocean waters inside an area south of the north shore of Twin Rocks (42º05'36" N. Lat.) to the Oregon/California border (42º00'00" 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; 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 20 Chinook per day taken in this fishery through October 17, or to have in possession or to land more than 10 Chinook per day taken in this fishery on October 21, October 23, and October 24, 2015. Landings are restricted to Brookings.

(c) All vessels landing salmon caught in this season must report to ODFW within one hour of delivery or prior to transport away from the port of landing by either calling (541) 867-0300, ext. 252 or by e-mail to kmzor.trollreport@state.or.us. Notification shall include vessel name and number, number of salmon by species, port of landing, location of delivery, and estimated time of delivery.

(3) Tillamook Terminal Area — from October 1 through October 31 in the area described in section (3)(a) of this rule:

(a) The open area is all Pacific Ocean waters inside an area south of Twin Rocks (45º35'54" N. Lat.) to Pyramid Rock (45º29'48" N. Lat.) and seaward three nautical miles offshore;

(b) During the season described in this section (3) 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; 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 Garibaldi and Tillamook Bay.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stat. 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; Administrative correction 11-19-09; DFW 76-2010, f. 6-8-10, cert. ef. 8-1-10; DFW 147-2010(Temp), f. & cert. ef. 10-15-10 thru 10-31-10DFW 151-2010(Temp), f. 10-19-10, cert. ef. 10-20-10 thru 10-31-10; DFW 153-2010(Temp), f. & cert. ef. 10-29-10 thru 10-31-10; Administrative correction 11-23-10; DFW 83-2011, f. 6-30-11, cert. ef. 7-1-11; DFW 62-2012, f. 6-12-12, cert. ef. 7-1-12; DFW 61-2014, f. & cert. ef. 6-10-14; DFW 78-2014, f. & cert. ef 6-24-14; DFW 31-2015, f. & cert. ef. 4-27-15; DFW 143-2015(Temp), f. & cert. ef. 10-16-15 thru 12-31-15; DFW 146-2015(Temp), f. 10-19-15, cert. ef. 10-21-15 thru 12-31-15; DFW 148-2015(Temp), f. 10-22-15, cert. ef. 10-23-15 thru 12-31-15

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Rule Caption: Chetco River Terminal Area Commercial Chinook Salmon Quota Fishery Re-Opens.
Adm. Order No.: DFW 149-2015(Temp)
Filed with Sec. of State: 10-26-2015
Certified to be Effective: 10-27-15 thru 12-31-15
Notice Publication Date:
Rules Amended: 635-003-0085
Rules Suspended: 635-003-0085(T)
Subject: This amended rule re-opens the Chetco River terminal area commercial Chinook salmon quota fishery for five days, October 27-31, 2015, with reduced landing and possession limits to provide access to the remaining Chinook on the quota. These additional days are within the original season framework of October 12 through October 31, 2015.
Rules Coordinator: Michelle Tate—(503) 947-6044

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 November 30 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 (42º50'20" N. Lat.) thence SW to Black Rock (42º49'24" N. Lat. 124º35'00" W. Long.), thence SSW to Best Rock (42º47'24" N. Lat. 124º35'42" W. Long.), thence SE to 42º40'30" N. Lat. 124º29'00" W. Long., thence to shore (Humbug Mountain).

(b) During the season described in this section (1), it is unlawful to take Chinook salmon less than 26 inches in total length; 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 20 Chinook per day taken in this fishery. Landings are restricted to Port Orford.

(2) Chetco River Ocean Terminal Area — from October 12 through October 17, October 21, October 23 through October 24, and October 27 through October 31, 2015 in the area described in section (2)(a) of this rule:

(a) The open area is all Pacific Ocean waters inside an area south of the north shore of Twin Rocks (42º05'36" N. Lat.) to the Oregon/California border (42º00'00" 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; 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 10 Chinook per day taken in this fishery on October 21, October 23, October 24, and October 27 through October 31, 2015. Landings are restricted to Brookings.

(c) All vessels landing salmon caught in this season must report to ODFW within one hour of delivery or prior to transport away from the port of landing by either calling (541) 867-0300, ext. 252 or by e-mail to kmzor.trollreport@state.or.us. Notification shall include vessel name and number, number of salmon by species, port of landing, location of delivery, and estimated time of delivery.

(3) Tillamook Terminal Area — from October 1 through October 31 in the area described in section (3)(a) of this rule:

(a) The open area is all Pacific Ocean waters inside an area south of Twin Rocks (45º35'54" N. Lat.) to Pyramid Rock (45º29'48" N. Lat.) and seaward three nautical miles offshore;

(b) During the season described in this section (3) 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; 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 Garibaldi and Tillamook Bay.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
Stat. 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; Administrative correction 11-19-09; DFW 76-2010, f. 6-8-10, cert. ef. 8-1-10; DFW 147-2010(Temp), f. & cert. ef. 10-15-10 thru 10-31-10DFW 151-2010(Temp), f. 10-19-10, cert. ef. 10-20-10 thru 10-31-10; DFW 153-2010(Temp), f. & cert. ef. 10-29-10 thru 10-31-10; Administrative correction 11-23-10; DFW 83-2011, f. 6-30-11, cert. ef. 7-1-11; DFW 62-2012, f. 6-12-12, cert. ef. 7-1-12; DFW 61-2014, f. & cert. ef. 6-10-14; DFW 78-2014, f. & cert. ef 6-24-14; DFW 31-2015, f. & cert. ef. 4-27-15; DFW 143-2015(Temp), f. & cert. ef. 10-16-15 thru 12-31-15; DFW 146-2015(Temp), f. 10-19-15, cert. ef. 10-21-15 thru 12-31-15; DFW 148-2015(Temp), f. 10-22-15, cert. ef. 10-23-15 thru 12-31-15; DFW 149-2015(Temp), f. 10-26-15, cert. ef. 10-27-15 thru 12-31-15

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Rule Caption: Housekeeping Amendments to Commercial Dungeness Crab Regulations.
Adm. Order No.: DFW 150-2015
Filed with Sec. of State: 10-29-2015
Certified to be Effective: 10-29-15
Notice Publication Date: 8-1-2015
Rules Amended: 635-005-0465, 635-005-0485, 635-005-0491
Subject: These amended administrative rules for commercial Dungeness crab fisheries were adopted at the September 4, 2015 meeting of the Oregon Fish and Wildlife Commission. The modifications correct an error adopted by the Commission on August 1, 2014 and realigns regulations with then intended changes to the presoak length and start times for Dungeness crab fisheries.
Rules Coordinator: Michelle Tate—(503) 947-6044

635-005-0465
Closed Season in Pacific Ocean and Columbia River

(1) It is unlawful to take, land or possess Dungeness crab for commercial purposes from the Pacific Ocean or Columbia River from August 15 through December 1, 08:59 AM.

(2) The season opening for the commercial Ocean Dungeness crab fishery may be delayed in one or more fishing zones based on the results of crab quality testing. The Pre-season Testing Protocol for the Tri-State Coastal Dungeness crab Commercial Fishery (hereafter, "Tri-State Protocol") specifies the process for establishing fishing zones (section VI) and coordinating the opening of the fishery in Washington, Oregon, and California north of PointArena (sections IV and V). Therefore, the following sections of the Tri-State Protocol (Revised July 2014) are hereby incorporated into Oregon Administrative Rule by reference:

(a) Section IV — Season Opening Criteria.

(b) Section V — Test Fishing and Process for Setting the Season Opening Date.

(c) Section VI — Procedure for Establishing Fishing Zones. In the event that crab quality tests do not meet the criteria for opening the season on December 1, the Director shall adopt temporary rules delaying the season in accordance with the Tri-State Protocol.

(3) It is unlawful to land, receive or buy, Dungeness crab in the first thirty days of the ocean Dungeness crab fishery from a vessel that has not been certified by officials of the State of Oregon, Washington, or California to have been free of Dungeness crab before fishing in the ocean Dungeness crab fishery. In the event the area between Gray's Harbor, Washington and Point Arena, California is divided into zones with different season opening dates, the ocean Dungeness crab fishery refers to the fishery in that zone for the purposes of this rule.

(4) In the event the area between Gray's Harbor, Washington and Point Arena, California is divided into zones with different season opening dates, the transfer of a permit from one vessel to another is suspended from the earliest season opening date through thirty days after the latest season opening date, except in the event a vessel is unintentionally destroyed due to fire, capsizing, sinking, or other event.

(5) Upon a determination by the Department that catch in Oregon's ocean Dungeness crab fishery after May 31 is greater than ten percent of the catch in the previous December 1 through May 31 period, the Director shall adopt a temporary rule closing the commercial season until the following December 1.

Stat. Auth.: ORS 506.036, 506.109, 506.119 & 506.129
Stats. Implemented: ORS 506.109 & 506.129
Hist.: FC 246, f. 5-5-72, ef. 5-15-72; FC 285(74-20), f. 11-27-74, ef. 12-25-74; FC 293(75-6), f. 6-23-75, ef. 7-11-75; FWC 30, f. & ef. 11-28-75; FWC 132, f. & ef. 8-4-77; FWC 30-1985, f. 6-27-1985, ef. 7-1-85, Renumbered from 625-010-0155, Renumbered from 635-036-0125; FWC 56-1982, f. & ef. 8-27-82; FWC 13-1983, f. & ef. 3-24-83; FWC 39-1983(Temp), f. & ef. 8-31-83; FWC 11-1984, f. 3-30-84, ef. 9-16-84, except section (1) per FWC 45-1984, f. & ef. 8-30-84; FWC 30-1985, f. 6-27-85, ef. 7-1-85; FWC 78-1986(Temp), f. & ef. 12-1-86; FWC 36-1987, f. & ef. 7-1-87; FWC 97-1987(Temp), f. & ef. 11-17-87; FWC 102-1988, f. 11-29-88, cert. ef. 12-29-88; FWC 119-1989(Temp), f. 11-29-89, cert. ef. 12-1-89; FWC 135-1991(Temp), f. 12-10-91, cert. ef. 12-11-91; FWC 136-1991(Temp), f. & cert. ef. 12-19-91; FWC 112-1992, f. 10-26-92, cert. ef. 11-1-92; FWC 70-1993, f. 11-9-93, cert. ef. 11-11-93; FWC 88-1994(Temp), f. 11-30-94, cert. ef. 12-1-94; FWC 89-1994(Temp), f. & cert. ef. 12-1-94; FWC 89-1995(Temp), f. 11-28-95, cert. ef. 12-1-95; FWC 1-1996(Temp), f. 1-11-96, cert. ef. 1-13-96; DFW 51-1998(Temp), f. 6-29-98, cert. ef. 7-1-98 thru 9-15-98; DFW 54-1998(Temp), f. & cert. ef. 7-24-98 thru 9-15-98; DFW 40-1999, f. & cert. ef. 5-26-99; DFW 70-2000, f. & cert. ef. 10-23-00; DFW 77-2000(Temp), f. 11-27-00, cert. ef. 12-1-00 thru 12-14-00; DFW 39-2002, f. & cert. ef. 4-26-02; DFW 128-2002(Temp), f. & cert. ef. 11-15-02 thru 1-31-03; DFW 129-2002(Temp), f. & cert. ef. 11-20-02 thru 1-31-03; DFW 132-2002(Temp), f. & cert. ef. 11-25-02 thru 1-31-03 (Suspended by DFW 133-2002(Temp)); DFW 133-2002(Temp), f. & cert. ef. 12-6-02 thru 1-31-03; DFW 117-2003(Temp), f. 11-25-03, cert. ef. 12-1-03 thru 2-29-04; Administrative correction 10-26-04; DFW 113-2004(Temp), f. 11-23-04, cert. ef. 12-1-04 thru 3-1-05; DFW 116-2004(Temp), f. & cert. ef. 12-8-04 thru 3-1-05; DFW 126-2004(Temp), f. & cert. ef. 12-21-04 thru 3-1-05; DFW 132-2004(Temp), f. & cert ef. 12-30-04 thru 3-1-05; Administrative correction, 3-18-05; DFW 129-2005(Temp), f. & cert. ef. 11-29-05 thru 12-31-05; DFW 140-2005(Temp), f. 12-12-05, cert. ef. 12-30-05 thru 5-31-06; Administrative correction 7-20-06; DFW 142-2008, f. & cert. ef. 11-21-08; DFW 161-2010(Temp), f. 12-9-10, cert. ef. 12-10-10 thru 2-16-11; Administrative correction, 3-29-11; DFW 155-2011(Temp), f. 11-18-11, cert. ef. 12-1-11 thru 12-31-11; DFW 156-2011(Temp), f. 12-9-11, cert. ef. 12-15-11 thru 1-31-12; Administrative correction 4-24-12; DFW 37-2012, f. 4-24-12, cert. ef. 5-1-12; Renumbered from 635-005-0045, DFW 76-2012, f. 6-28-12, cert. ef. 7-1-12; DFW 145-2012(Temp), f. 11-14-12, cert. ef. 12-1-12 thru 12-31-12; DFW 146-2012(Temp), f. 12-11-12, cert. ef. 12-12-12 thru 6-9-13; Administrative correction, 6-27-13; DFW 118-2013, f. 10-11-13, cert. ef. 10-15-13: DFW 129-2013(Temp), f. 11-25-13, cert. ef. 12-1-13 thru 12-31-13; Administrative correction, 2-5-14; DFW 113-2014, f. 8-5-14, cert. ef. 8-15-14; DFW 157-2014(Temp), f. 11-24-14, cert. ef. 11-25-14 thru 5-23-15; Administrative correction, 6-23-15; DFW 150-2015, f. & cert. ef. 10-29-15

635-005-0485
Dungeness Crab Gear Prohibitions

It is *unlawful* for commercial purposes to:

(1) Place, operate, or leave Dungeness crab gear in the Pacific Ocean, Columbia River or in any bay or estuary during the closed season, except that in only the Pacific Ocean and Columbia River, Dungeness crab gear may be placed no more than 73 hours immediately prior to the date the Dungeness crab season opens. In addition, unbaited Dungeness crab gear with open release mechanisms may be left in the Pacific Ocean (not including the Columbia River) for a period not to exceed 14 days following the closure of the Dungeness crab season.

(2) Have Dungeness crab gear deployed in the Pacific Ocean or Columbia River more than 14 days without making a landing of Dungeness crab.

(3) Remove, damage, or otherwise tamper with crab buoy, pot or ring tags except:

(a) When lawfully applying or removing tags on the vessel's buoys, pots or rings; or

(b) When lawfully removing tags on crab gear retrieved under a Post-Season Derelict Gear Permit pursuant to OAR 635-005-0491 and after the gear has been registered by state officials.

(4) Attach one crab pot or ring to another crab pot or ring by a common groundline or any other means that connects Dungeness crab gear together.

(5) Take crabs for commercial purposes by crab pots from any bay or estuary except the Columbia River.

(6) Take or fish for Dungeness crab for commercial purposes in the Columbia River or Pacific Ocean adjacent to the state of Oregon unless a Dungeness crab gear allocation has been issued to the permit required under OAR 635-005-0405(5).

(7) Deploy or fish more Dungeness crab gear than the number of pots and rings in aggregate assigned by the Dungeness Crab Pot Allocation Certificate or to use any vessel other than the vessel designated on the Dungeness Crab Pot Allocation Certificate, except to set gear as allowed under OAR 635-005-0405.

Stat. Auth.: ORS 506.036, 506.109, 506.119 & 506.129
Stats. Implemented: ORS 506.109 & 506.129
Hist.: DFW 76-2012, f. 6-28-12, cert. ef. 7-1-12; DFW 113-2014, f. 8-5-14, cert. ef. 8-15-14; DFW 157-2014(Temp), f. 11-24-14, cert. ef. 11-25-14 thru 5-23-15; Administrative correction, 6-23-15; DFW 150-2015, f. & cert. ef. 10-29-15

635-005-0491
Post-season Derelict Gear Recovery Permits

(1) Fifteen days after the close of ocean commercial crab season, the Department may grant Post-Season Derelict Gear Recovery Permits to commercial vessels, licensed pursuant to ORS 508.260, to recover Dungeness crab gear that remains in the ocean.

(2) It is unlawful to fail to follow the provisions of a Post-Season Derelict Gear Recovery Permit.

(3) The Director or Director's designee may grant emergency exemptions from the gear recovery program for Dungeness crab gear that was unable to be removed from the ocean prior to fifteen days after the end of the season as a result of undue hardship as defined in OAR 635-005-0240. Requests for exemptions must be submitted to the Marine Resources Program, Newport by August 29 of each year.

(4) The provisions of ORS 98.005, 98.015, 98.025 and 98.302 to 98.436 do not apply to crab pots removed from the ocean under the provisions of a Post-Season Derelict Gear Recovery Permit.

(5) Dungeness crab gear retrieved under the authority of a Post-Season Derelict Gear Recovery Permit and not subject to emergency exemption under section (3) of this rule may be disposed of at the permit holder's discretion after documenting retrieval of the gear in accordance with permit conditions.

Stat. Auth.: ORS 506.036, 506.109, 506.119, 506.129
Stats. Implemented: ORS 506.109, 506.129 & 506.306
Hist.: DFW 113-2014, f. 8-5-14, cert. ef. 8-15-14; DFW 150-2015, f. & cert. ef. 10-29-15

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Rule Caption: Federal Actions and Management Measures Implemented for Commercial Groundfish Fisheries.
Adm. Order No.: DFW 151-2015(Temp)
Filed with Sec. of State: 11-2-2015
Certified to be Effective: 11-2-15 thru 4-29-16
Notice Publication Date:
Rules Amended: 635-004-0275
Rules Suspended: 635-004-0275(T)
Subject: This amended rule implements in-season actions previously adopted by the federal government for 2015 and 2016 Pacific Coast commercial groundfish fisheries, including but not limited to closure of the Limited Entry Fixed Gear Sablefish Daily Trip Limit Fishery for period 6 (November–December 2015), beginning November 1, 2015.
Rules Coordinator: Michelle Tate—(503) 947-6044

635-004-0275
Scope, Inclusion, and Modification of Rules

(1) The commercial groundfish fishery in the Pacific Ocean off Oregon is jointly managed by the state of Oregon and the federal government through the Pacific Fishery Management Council process. The Code of Federal Regulations provides federal requirements for this fishery, including but not limited to the time, place, and manner of taking groundfish. However, additional regulations may be promulgated subsequently by publication in the Federal Register, and these supersede, to the extent of any inconsistency, the Code of Federal Regulations. Therefore, the following publications are incorporated into Oregon Administrative Rule by reference:

(a) Code of Federal Regulations, Part 660, Subparts C, D, E and F (October 1, 2014 ed.);

(b) Federal Register Vol. 80, No. 46, dated March 10, 2015 (80 FR 12567);

(c) Federal Register Vol. 79, No. 231, dated December 2, 2014 (79 FR 71340).

(2) Persons must consult the federal regulations in addition to Division 004 to determine all applicable groundfish fishing requirements. Where federal regulations refer to the fishery management area, that area is extended from shore to three nautical miles from shore coterminous with the Exclusive Economic Zone.

(3) The Commission may adopt additional or modified regulations that are more conservative than federal regulations, in which case Oregon Administrative Rule takes precedence. See OAR 635-004-0205 through 635-004-0235 and 635-004-0280 through 635-004-0365 for additions or modifications to federal groundfish regulations.

(4) Notwithstanding the regulations defined in section (1) of this rule, the National Marine Fisheries Service, by means of Federal Register Vol. 80, No. 107, dated Thursday, June 4, 2015 (80 FR 31858), announced inseason actions and management measures effective June 1, 2015, including but not limited to establishment of trip limits and sorting requirements for big skate.

(5) Notwithstanding the regulations defined in sections (1) and (4) of this rule, the National Marine Fisheries Service, by means of Federal Register Vol. 80, No. 160, dated Wednesday, August 19, 2015 (80 FR 50212), announced inseason actions and management measures effective August 14, 2015, including but not limited to increases to sablefish trip limits in the Limited Entry Fixed Gear and Open Access Sablefish Daily Trip Limit Fisheries, and increases to Big Skate trip limits in the Shorebased Individual Fishing Quota Program.

(6) Notwithstanding the regulations defined in sections (1), (4) and (5) of this rule, the National Marine Fisheries Service, by means of Federal Register Vol. 80, No. 197, dated Tuesday, October 13, 2015 (80 FR 61318), announced inseason actions and management measures effective November 1, 2015, including but not limited to increases to sablefish trip limits in the Limited Entry Fixed Gear Daily Trip Limit Fishery.

[Publications: Publications referenced are available from the Department.]
Stat. Auth.: ORS 496.138, 496.162, 506.036, 506.109, 506.119, 506.129
Stats. Implemented: ORS 496.162, 506.109, 506.129
Hist.: DFW 75-2012, f. 6-28-12, cert. ef. 7-1-12; DFW 78-2012(Temp), f. 6-28-12, cert. ef. 7-1-12 thru 10-27-12; DFW 106-2012(Temp), f. 8-15-12, cert. ef. 9-1-12 thru 12-31-12; DFW 1-2013, f. & cert. ef. 1-3-13; DFW 96-2013(Temp), f. 8-27-13, cert. ef. 9-1-13 thru 12-31-13; DFW 132-2013(Temp), f. & cert. ef. 12-9-13 thru 6-7-14; DFW 136-2013, f. 12-19-13, cert. ef. 1-1-14; DFW 34-2014(Temp), f. & cert. ef. 4-23-14 thru 9-30-14; DFW 109-2014(Temp), f. & cert. ef. 8-4-14 thru 12-31-14; DFW 163-2014(Temp), f. 12-15-14, cert. ef. 1-1-15 thru 6-29-15; DFW 18-2015, f. & cert. ef. 3-10-15; DFW 68-2015(Temp), f. 6-11-15, cert. ef. 6-12-15 thru 12-8-15; DFW 111-2015(Temp), f. & cert. ef. 8-19-15 thru 2-14-16; DFW 151-2015(Temp), f. & cert. ef. 11-2-15 thru 4-29-16

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Rule Caption: Eagle Creek Closed to Retention of Coho Salmon.
Adm. Order No.: DFW 152-2015(Temp)
Filed with Sec. of State: 11-6-2015
Certified to be Effective: 11-7-15 thru 12-31-15
Notice Publication Date:
Rules Amended: 635-017-0090
Rules Suspended: 635-017-0090(T)

Subject: This amended rule prevents retention of any coho salmon on Eagle Creek, a tributary of the Clackamas River, beginning at 12:01 a.m. Sunday, November 8 through December 31, 2015. Extremely low numbers of returning hatchery coho to the Columbia Basin is leading to significant shortages and an inability to meet egg take goals for hatcheries involved in producing fish for US v. Oregon and Tribal reintroduction programs. This emergency action is to ensure adequate numbers of coho salmon broodstock make it back to Eagle Creek National Fish Hatchery. The closure will not affect anglers ability to continue to fish for winter steelhead which begin returning later in November.
Rules Coordinator: Michelle Tate—(503) 947-6044

635-017-0090
Inclusions and Modifications

(1) The **2015 Oregon Sport Fishing Regulations** provide requirements for the Willamette Zone. However, additional regulations may be adopted in this rule division from time to time and to the extent of any inconsistency, they supersede the **2015 Oregon Sport Fishing Regulations.**

(2) Pacific Lamprey Harvest:

(a) Pursuant to OAR 635-044-0130(1)(b), authorization from the Oregon Fish and Wildlife Commission must be in possession by individuals collecting or possessing Pacific lamprey for personal use. Permits are available from ODFW, 17330 SE Evelyn Street, Clackamas, OR 97015;

(b) Open fishing period is June 1 through July 31 from 7:00 A.M. to 6:00 P.M.; personal use harvest is permitted Friday through Monday each week. All harvest is prohibited Tuesday through Thursday;

(c) Open fishing area is the Willamette River at Willamette Falls on the east side of the falls only, excluding Horseshoe Area at the peak of the falls;

(d) Gear is restricted to hand or hand-powered tools only;

(e) Catch must be recorded daily on a harvest record card prior to leaving the open fishing area. Harvest record cards will be provided by ODFW. All harvest record cards must be returned to the ODFW Clackamas office by August 31 to report catch. Permit holders who do not return the harvest record cards by August 31 will be ineligible to receive a permit in the following year.

(f) Harvesters must allow sampling or enumeration of catches by ODFW personnel.

(3) Beginning Wednesday, May 27, 2015 on the South Santiam River, from the Waterloo Road Bridge to 200 feet above Waterloo Falls, the following regulations are in effect:

(a) Anglers are restricted to the use of fly angling and bobber angling gears only;

(b) Bobber angling gear must include a bobber and a leader no longer than 36 inches in length;

(c) Any weight attached to the line (except the bobber) may be no more than 36 inches from the lowermost hook when suspended vertically;

(d) The leader below the bobber must remain suspended in the water column and not residing on the river bottom.

(4) Beginning 12:01 a.m. Sunday, November 8 through December 31, 2015 Eagle Creek, a tributary of the Clackamas River, is closed to angling for any coho salmon.

(5) All other regulations as shown in the 2015 Oregon Sports Fishing Regulations remain in effect.

Stat. Auth.: ORS 496.138, 496.146, 497.121, 506.119
Stats. Implemented: ORS 496.004, 496.009, 496.162, 506.129
Hist.: FWC 82-1993, f. 12-22-93, cert. ef. 1-1-94; FWC 3-1994, f. 1-25-94, cert. ef. 1-26-94; FWC 65-1994(Temp), f. 9-15-94, cert. ef. 9-17-94; FWC 86-1994(Temp), f. 10-31-94, cert. ef. 11-1-94; FWC 22-1995, f. 3-7-95, cert. ef. 3-10-95; FWC 32-1995, f. & cert. ef. 4-24-95; FWC 77-1995, f. 9-13-95, cert. ef. 1-1-96; FWC 14-1996, f. 3-29-96, cert. ef. 4-1-96; FWC 20-1996, f. & cert. ef. 4-29-96; FWC 22-1996(Temp), f. 5-9-96 & cert. ef. 5-10-96; FWC 72-1996, f. 12-31-96, cert. ef. 1-1-97; FWC 5-1997, f. & cert. ef. 2-4-97; FWC 13-1997, f. 3-5-97, cert. ef. 3-11-97; FWC 17-1997(Temp), f. 3-19-97, cert. ef. 4-1-97; FWC 24-1997(Temp), f. & cert. ef. 4-10-97; FWC 31-1997(Temp), f. 5-14-97, cert. ef. 5-15-97; FWC 39-1997(Temp), f. 6-17-97, cert. ef. 6-18-97; FWC 69-1997, f. & cert. ef. 11-6-97; FWC 75-1997, f. 12-31-97, cert. ef. 1-1-98; DFW 19-1998, f. & cert. ef. 3-12-98; DFW 28-1998(Temp), f. & cert. ef. 4-9-98 thru 4-24-98; DFW 31-1998(Temp), f. & cert. ef. 4-24-98 thru 7-31-98; DFW 33-1998(Temp), f. & cert. ef. 4-30-98 thru 5-15-98; DFW 34-1998, f. & cert. ef. 5-4-98; DFW 35-1998(Temp), f. & cert. ef. 5-10-98 thru 5-15-98; DFW 37-1998(Temp), f. & cert. ef. 5-15-98 thru 7-31-98; DFW 100-1998, f. 12-23-98, cert. ef. 1-1-99; DFW 15-1999, f. & cert. ef. 3-9-99; DFW 16-1999(Temp), f. & cert. ef. 3-10-99 thru 3-19-99; DFW 19-1999(Temp), f. & ef. 3-19-99 thru 4-15-99; DFW 27-1999(Temp), f. & cert. ef. 4-23-99 thru 10-20-99; DFW 30-1999(Temp), f. & cert. ef. 4-27-99 thru 5-12-99; DFW 35-1999(Temp), f. & cert. ef. 5-13-99 thru 7-31-99; DFW 39-1999(Temp), f. 5-26-99, cert. ef. 5-27-99 thru 7-31-99; DFW 78-1999, f. & cert. ef. 10-4-99; DFW 88-1999(Temp), f. 11-5-99, cert. ef. 11-6-99 thru 11-30-99; administrative correction 11-17-99; DFW 96-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 13-2000, f. & cert. ef. 3-20-00; DFW 22-2000, f. 4-14-00, cert. ef. 4-16-00 thru 7-31-00; DFW 23-2000(Temp), f. 4-19-00, cert. ef. 4-22-00 thru 7-31-00; DFW 58-2000(Temp), f. & cert. ef. 9-1-00 thru 12-31-00; DFW 83-2000(Temp), f. 12-28-00, cert. ef. 1-1-01 thru 1-31-01; DFW 1-2001, f. 1-25-01, cert. ef. 2-1-01; DFW 6-2001, f. & cert. ef. 3-1-01; DFW 23-2001(Temp), f. & cert. ef. 4-23-01 thru 10-19-01; DFW 28-2001, f. & cert. ef. 5-1-01; DFW 40-2001(Temp) f. & cert. ef. 5-24-01 thru 11-20-01; DFW 46-2001(Temp) f. 6-8-01, cert. ef. 6-16-01 thru 12-13-01; DFW 70-2001, f. & cert. ef. 8-10-01; DFW 72-2001(Temp), f. 8-10-01, cert. ef. 8-16-01 thru 12-31-01; DFW 90-2001(Temp), f. 9-14-01, cert. ef. 9-15-01 thru 12-31-01; DFW 95-2001(Temp), f. 9-27-01, cert. ef. 10-20-01 thru 12-31-01; DFW 123-2001, f. 12-31-01, cert. ef. 1-1-02; DFW 5-2002(Temp) f. 1-11-02 cert. ef. 1-12-02 thru 7-11-02; DFW 26-2002, f. & cert. ef. 3-21-02; DFW 37-2002, f. & cert. ef. 4-23-02; DFW 42-2002, f. & cert. ef. 5-3-02; DFW 44-2002(Temp), f. 5-7-02, cert. ef. 5-8-02 thru 11-3-02; DFW 70-2002(Temp), f. 7-10-02 cert ef. 7-12-02 thru 12-31-02; DFW 91-2002(Temp) f. 8-19-02, cert. ef 8-20-02 thru 11-1-02 (Suspended by DFW 101-2002(Temp), f. & cert. ef. 10-3-02 thru 11-1-02); DFW 130-2002, f. 11-21-02, cert. ef. 1-1-03; DFW 16-2003(Temp), f. 2-27-03, cert. ef. 3-1-03 thru 7-1-03; DFW 42-2003, f. & cert. ef. 5-16-03; DFW 53-2003(Temp), f. 6-17-03, cert. ef. 6-18-03 thru 12-14-03; DFW 57-2003(Temp), f. & cert. ef. 7-8-03 thru 12-31-03; DFW 59-2003(Temp), f. & cert. ef. 7-11-03 thru 12-31-03; DFW 70-2003(Temp), f. & cert. ef. 7-23-03 thru 12-31-03; DFW 71-2003(Temp), f. 7-24-03, cert. ef. 7-25-03 thru 12-31-03; DFW 90-2003(Temp), f. 9-12-03 cert. ef. 9-13-03 thru 12-31-03; DFW 125-2003, f. 12-11-03, cert. ef. 1-1-04; DFW 33-2004, f. 4-22-04, cert ef. 5-1-04; DFW 48-2004(Temp), f. 5-26-04, cert. ef. 5-28-04 thru 11-23-04; DFW 69-2004(Temp), f. & cert. ef. 7-12-04 thru 11-23-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 24-2005, f. 4-15-05, cert. ef. 5-1-05; DFW 78-2005(Temp), f. 7-19-05, cert. ef. 7-21-05 thru 7-22-05; Administrative correction 8-17-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 36-2006(Temp), f. & cert. ef. 6-1-06 thru 9-30-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 121-2006(Temp), f. & cert. ef. 10-20-06 thru 12-31-06; DFW 32-2007, f. 5-14-07, cert. ef. 6-1-07; DFW 65-2007(Temp), f. & cert. ef. 8-6-07 thru 10-31-07; DFW 105-2007(Temp), f. 10-4-07, cert. ef. 10-6-07 thru 11-30-07; Administrative correction 12-20-07; DFW 134-2007, f. 12-26-07, cert. ef. 1-1-08; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 1-2008(Temp), f. & cert. ef. 1-9-08 thru 7-6-08; DFW 5-2008(Temp), f. 1-25-08, cert. ef. 2-1-08 thru 7-6-08; DFW 15-2008(Temp), f. 2-26-08, cert. ef. 3-1-08 thru 7-29-08; DFW 46-2008(Temp), f. 5-9-08, cert. ef. 5-12-08 thru 7-29-08; DFW 55-2008(Temp), f. 5-30-08, cert. ef. 6-2-08 thru 10-31-08; DFW 82-2008(Temp), f. 7-21-08, cert. ef. 7-29-08 thru 12-31-08; DFW 110-2008(Temp), f. 9-15-08, cert. ef. 9-17-08 thru 12-31-08; DFW 124-2008(Temp), f. 10-1-08, cert. ef. 10-2-08 thru 12-31-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 9-2009(Temp), f. 2-13-09, cert. ef. 3-1-09 thru 8-15-09; DFW 15-2009, f. & cert. ef. 2-25-09; DFW 74-2009(Temp), f. 6-25-09, cert. ef. 6-30-09 thru 7-2-09; Administrative correction 7-21-09; DFW 103-2009(Temp), f. 8-27-09, cert. ef. 9-1-09 thru 12-31-09; DFW 118-2009(Temp), f. & cert. ef. 9-28-09 thru 12-31-09; DFW 123-2009(Temp), f. & cert. ef. 10-5-09 thru 12-31-09; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 61-2010, f. & cert. ef. 5-14-10; DFW 62-2010(Temp), f. 5-14-10, cert. ef. 5-22-10 thru 11-17-10; DFW 84-2010(Temp), f. 6-17-10, cert. ef. 6-18-10 thru 10-31-10; DFW 94-2010(Temp), f. & cert. ef. 7-1-10 thru 10-31-10; DFW 96-2010(Temp), f. 7-7-10, cert. ef. 7-8-10 thru 10-31-10; DFW 123-2010(Temp), f. 8-26-10, cert. ef. 9-1-10 thru 12-31-10; DFW 134-2010(Temp), f. 9-22-10, cert. ef. 9-23-10 thru 12-31-10; DFW 171-2010, f. 12-30-10, cert. ef. 1-1-11; DFW 158-2011(Temp), f. 12-14-11, cert. ef. 1-1-12 thru 4-30-12; DFW 163-2011, f. 12-27-11, cert. ef. 1-1-12; DFW 21-2012, f. & cert. ef. 3-12-12; DFW 89-2012(Temp), f. 7-17-12, cert. ef. 7-26-12 thru 8-31-12; DFW 99-2012(Temp). f. 7-31-12, cert. ef. 8-1-12 thru 12-31-12; DFW 152-2012, f. 12-27-12, cert. ef. 1-1-13; DFW 67-2013(Temp), f. 7-3-13, cert. ef. 7-11-13 thru 7-31-13; Administrative correction, 8-21-13; DFW 137-2013, f. 12-19-13, cert. ef. 1-1-14; DFW 62-2014(Temp), f. & cert. ef. 6-10-14 thru 10-31-14; DFW 70-2014(Temp), f. & cert. ef. 6-13-14 thru 6-30-14; DFW 73-2014(Temp), f. 6-20-14, cert. ef. 6-23-14 thru 10-31-14; DFW 141-2014(Temp), f. 9-25-14, cert. ef. 9-26-14 thru 12-31-14; DFW 150-2014(Temp), f. 10-14-14, cert. ef. 10-15-14 thru 12-31-14; DFW 165-2014, f. 12-18-14, cert. ef. 1-1-15; DFW 49-2015(Temp), f. & cert. ef. 5-27-15 thru 11-22-15: DFW 66-2015(Temp), f. 6-10-15, cert. ef. 6-12-15 thru 11-22-15; DFW 88-2015(Temp), f. 7-16-15, cert. ef. 7-18-15 thru 12-31-15; DFW 120-2015(Temp), f. 8-31-15, cert. ef. 9-1-15 thru 12-31-15; DFW 152-2015(Temp), f. 11-6-15, cert. ef. 11-17-15 thru 12-31-15

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Rule Caption: Remove Gray Wolf from the Oregon List of Endangered Species
Adm. Order No.: DFW 153-2015
Filed with Sec. of State: 11-10-2015
Certified to be Effective: 11-10-15
Notice Publication Date: 10-1-2015
Rules Amended: 635-100-0125
Subject: Amend rule to remove the Gray Wolf from the List of Endangered Species under the Oregon Endangered Species Act.
Rules Coordinator: Michelle Tate—(503) 947-6044

635-100-0125
State List of Threatened and Endangered Species

The state list of threatened and endangered species is as follows:
[Table not included. See ED. NOTE.]

[ED. NOTE: Tables referenced are available from the agency.]
Stat. Auth.: ORS 496.004, 496.171, 496.172, 496.182, 496.192 & 498.026
Stats. Implemented: ORS 496.004, 496.171, 496.172, 496.182, 496.192 & 498.026
Hist.: FWC 50-1988, f. & cert. ef. 6-24-88; FWC 108-1988, f. & cert. ef. 12-29-88; FWC 40-1989, f. 6-20-89, cert. ef. 7-1-89; FWC 46-1991, f. 5-1-91, cert. ef. 5-6-91; FWC 130-1991, f. & cert. ef. 11-4-91; FWC 132-1991, f. 11-19-91, cert. ef. 11-20-91; FWC 69-1993, f. & cert. ef. 11-1-93; FWC 44-1995, f. & cert. ef. 5-30-95; FWC 93-1995, f. & cert. ef. 12-8-95; Administrative Correction 3-10-98; DFW 18-1999(Temp), f. 3-12-99, cert. ef. 4-1-99 thru 9-27-99; DFW 24-1999(Temp), f. 4-14-99, cert. ef. 5-1-99 thru 10-27-99; DFW 33-1999(Temp), f. 5-7-99, cert. ef. 6-1-99 thru 11-27-99; DFW 44-1999(Temp), f. & cert. ef. 7-1-99 thru 12-27-99; DFW 49-1999(Temp), f. 7-13-99, cert. ef. 8-1-99 thru 1-27-00; DFW 51-1999, f. & cert. ef. 7-22-99; DFW 54-1999(Temp), f. 8-10-99, cert. ef. 9-1-99 thru 2-27-00; DFW 63-1999(Temp), f. 9-10-99, cert. ef. 10-1-99 thru 3-28-00; DFW 80-1999(Temp), f. 10-11-99, cert. ef. 11-1-99 thru 4-27-00; DFW 91-1999(Temp), f. 12-2-99, cert. ef. 1-1-00 thru 6-28-00; DFW 2-2000(Temp), f. & cert. ef. 2-1-00 thru 7-28-00; DFW 5-2000, f. 2-3-00, cert. ef. 2-4-00; DFW 66-2005(Temp), f. & cert. ef. 7-1-05 thru 12-12-05; DFW 93-2005, f. &

cert. ef. 8-19-05; DFW 26-2007, f. & cert. ef. 4-19-07; DFW 23-2012, f. & cert. ef. 3-14-12; DFW 153-2015, f. & cert. ef. 11-10-15

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Rule Caption: Henry Hagg Lake Opens All Year Beginning November 23, 2015.
Adm. Order No.: DFW 154-2015(Temp)
Filed with Sec. of State: 11-12-2015
Certified to be Effective: 11-23-15 thru 12-31-15
Notice Publication Date:
Rules Amended: 635-017-0090
Rules Suspended: 635-017-0090(T)
Subject: This amended rule allows recreational fishers to angle at Henry Haag Lake all year beginning on November 23, 2015. The Oregon Fish and Wildlife Commission recently adopted these changes into permanent rule effective January 1, 2016. Modifications to this rule provide three and a half months of additional angling opportunity and consistency with open dates for most of the standing water bodies in Oregon. These changes are also supported by the angling community and Washington County Parks and Recreation which is responsible for management of Hagg Lake.
Rules Coordinator: Michelle Tate—(503) 947-6044

635-017-0090
Inclusions and Modifications

(1) The **2015 Oregon Sport Fishing Regulations** provide requirements for the Willamette Zone. However, additional regulations may be adopted in this rule division from time to time and to the extent of any inconsistency, they supersede the **2015 Oregon Sport Fishing Regulations**.

(2) Pacific Lamprey Harvest:

(a) Pursuant to OAR 635-044-0130(1)(b), authorization from the Oregon Fish and Wildlife Commission must be in possession by individuals collecting or possessing Pacific lamprey for personal use. Permits are available from ODFW, 17330 SE Evelyn Street, Clackamas, OR 97015;

(b) Open fishing period is June 1 through July 31 from 7:00 A.M. to 6:00 P.M.; personal use harvest is permitted Friday through Monday each week. All harvest is prohibited Tuesday through Thursday;

(c) Open fishing area is the Willamette River at Willamette Falls on the east side of the falls only, excluding Horseshoe Area at the peak of the falls;

(d) Gear is restricted to hand or hand-powered tools only;

(e) Catch must be recorded daily on a harvest record card prior to leaving the open fishing area. Harvest record cards will be provided by ODFW. All harvest record cards must be returned to the ODFW Clackamas office by August 31 to report catch. Permit holders who do not return the harvest record cards by August 31 will be ineligible to receive a permit in the following year.

(f) Harvesters must allow sampling or enumeration of catches by ODFW personnel.

(3) Beginning Wednesday, May 27, 2015 on the South Santiam River, from the Waterloo Road Bridge to 200 feet above Waterloo Falls, the following regulations are in effect:

(a) Anglers are restricted to the use of fly angling and bobber angling gears only;

(b) Bobber angling gear must include a bobber and a leader no longer than 36 inches in length;

(c) Any weight attached to the line (except the bobber) may be no more than 36 inches from the lowermost hook when suspended vertically; and

(d) The leader below the bobber must remain suspended in the water column and not residing on the river bottom.

(4) Beginning 12:01 a.m. Sunday, November 8 through December 31, 2015 Eagle Creek, a tributary of the Clackamas River, is closed to angling for any coho salmon.

(5) Beginning Monday, November 23, 2015 Henry Hagg Lake in Washington County is open to recreational angling all year. All other regulations as shown in the **2015 Oregon Sports Fishing Regulations** remain in effect.

Stat. Auth.: ORS 496.138, 496.146, 497.121 & 506.119
Stats. Implemented: ORS 496.004, 496.009, 496.162 & 506.129
Hist.: FWC 82-1993, f. 12-22-93, cert. ef. 1-1-94; FWC 3-1994, f. 1-25-94, cert. ef. 1-26-94; FWC 65-1994(Temp), f. 9-15-94, cert. ef. 9-17-94; FWC 86-1994(Temp), f. 10-31-94, cert. ef. 11-1-94; FWC 22-1995, f. 3-7-95, cert. ef. 3-10-95; FWC 32-1995, f. & cert. ef. 4-24-95; FWC 77-1995, f. 9-13-95, cert. ef. 1-1-96; FWC 14-1996, f. 3-29-96, cert. ef. 4-1-96; FWC 20-1996, f. & cert. ef. 4-29-96; FWC 22-1996(Temp), f. 5-9-96 & cert. ef. 5-10-96; FWC 72-1996, f. 12-31-96, cert. ef. 1-1-97; FWC 5-1997, f. & cert. ef. 2-4-97; FWC 13-1997, f. 3-5-97, cert. ef. 3-11-97; FWC 17-1997(Temp), f. 3-19-97, cert. ef. 4-1-97; FWC 24-1997(Temp), f. & cert. ef. 4-10-97; FWC 31-1997(Temp), f. 5-14-97, cert. ef. 5-15-97; FWC 39-1997(Temp), f. 6-17-97, cert. ef. 6-18-97; FWC 69-1997, f. & cert. ef. 11-6-97; FWC 75-1997, f. 12-31-97, cert. ef. 1-1-98; DFW 19-1998, f. & cert. ef. 3-12-98; DFW 28-1998(Temp), f. & cert. ef. 4-9-98 thru 4-24-98; DFW 31-1998(Temp), f. & cert. ef. 4-24-98 thru 7-31-98; DFW 33-1998(Temp), f. & cert. ef. 4-30-98 thru 5-15-98; DFW 34-1998, f. & cert. ef. 5-4-98; DFW 35-1998(Temp), f. & cert. ef. 5-10-98 thru 5-15-98; DFW 37-1998(Temp), f. & cert. ef. 5-15-98 thru 7-31-98; DFW 100-1998, f. 12-23-98, cert. ef. 1-1-99; DFW 15-1999, f. & cert. ef. 3-9-99; DFW 16-1999(Temp), f. & cert. ef. 3-10-99 thru 3-19-99; DFW 19-1999(Temp), f. & ef. 3-19-99 thru 4-15-99; DFW 27-1999(Temp), f. & cert. ef. 4-23-99 thru 10-20-99; DFW 30-1999(Temp), f. & cert. ef. 4-27-99 thru 5-12-99; DFW 35-1999(Temp), f. & cert. ef. 5-13-99 thru 7-31-99; DFW 39-1999(Temp), f. 5-26-99, cert. ef. 5-27-99 thru 7-31-99; DFW 78-1999, f. & cert. ef. 10-4-99; DFW 88-1999(Temp), f. 11-5-99, cert. ef. 11-6-99 thru 11-30-99; administrative correction 11-17-99; DFW 96-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 13-2000, f. & cert. ef. 3-20-00; DFW 22-2000, f. 4-14-00, cert. ef. 4-16-00 thru 7-31-00; DFW 23-2000(Temp), f. 4-19-00, cert. ef. 4-22-00 thru 7-31-00; DFW 58-2000(Temp), f. & cert. ef. 9-1-00 thru 12-31-00; DFW 83-2000(Temp), f. 12-28-00, cert. ef. 1-1-01 thru 1-31-01; DFW 1-2001, f. 1-25-01, cert. ef. 2-1-01; DFW 6-2001, f. & cert. ef. 3-1-01; DFW 23-2001(Temp), f. & cert. ef. 4-23-01 thru 10-19-01; DFW 28-2001, f. & cert. ef. 5-1-01; DFW 40-2001(Temp) f. & cert. ef. 5-24-01 thru 11-20-01; DFW 46-2001(Temp) f. 6-8-01, cert. ef. 6-16-01 thru 12-13-01; DFW 70-2001, f. & cert. ef. 8-10-01; DFW 72-2001(Temp), f. 8-10-01, cert. ef. 8-16-01 thru 12-31-01; DFW 90-2001(Temp), f. 9-14-01, cert. ef. 9-15-01 thru 12-31-01; DFW 95-2001(Temp), f. 9-27-01, cert. ef. 10-20-01 thru 12-31-01; DFW 123-2001, f. 12-31-01, cert. ef. 1-1-02; DFW 5-2002(Temp) f. 1-11-02 cert. ef. 1-12-02 thru 7-11-02; DFW 26-2002, f. & cert. ef. 3-21-02; DFW 37-2002, f. & cert. ef. 4-23-02; DFW 42-2002, f. & cert. ef. 5-3-02; DFW 44-2002(Temp), f. 5-7-02, cert. ef. 5-8-02 thru 11-3-02; DFW 70-2002(Temp), f. 7-10-02 cert ef. 7-12-02 thru 12-31-02; DFW 91-2002(Temp) f. 8-19-02, cert. ef 8-20-02 thru 11-1-02 (Suspended by DFW 101-2002(Temp), f. & cert. ef. 10-3-02 thru 11-1-02); DFW 130-2002, f. 11-21-02, cert. ef. 1-1-03; DFW 16-2003(Temp), f. 2-27-03, cert. ef. 3-1-03 thru 7-1-03; DFW 42-2003, f. & cert. ef. 5-16-03; DFW 53-2003(Temp), f. 6-17-03, cert. ef. 6-18-03 thru 12-14-03; DFW 57-2003(Temp), f. & cert. ef. 7-8-03 thru 12-31-03; DFW 59-2003(Temp), f. & cert. ef. 7-11-03 thru 12-31-03; DFW 70-2003(Temp), f. & cert. ef. 7-23-03 thru 12-31-03; DFW 71-2003(Temp), f. 7-24-03, cert. ef. 7-25-03 thru 12-31-03; DFW 90-2003(Temp), f. 9-12-03 cert. ef. 9-13-03 thru 12-31-03; DFW 125-2003, f. 12-11-03, cert. ef. 1-1-04; DFW 33-2004, f. 4-22-04, cert ef. 5-1-04; DFW 48-2004(Temp), f. 5-26-04, cert. ef. 5-28-04 thru 11-23-04; DFW 69-2004(Temp), f. & cert. ef. 7-12-04 thru 11-23-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 24-2005, f. 4-15-05, cert. ef. 5-1-05; DFW 78-2005(Temp), f. 7-19-05, cert. ef. 7-21-05 thru 7-22-05; Administrative correction 8-17-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 36-2006(Temp), f. & cert. ef. 6-1-06 thru 9-30-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 121-2006(Temp), f. & cert. ef. 10-20-06 thru 12-31-06; DFW 32-2007, f. 5-14-07, cert. ef. 6-1-07; DFW 65-2007(Temp), f. & cert. ef. 8-6-07 thru 10-31-07; DFW 105-2007(Temp), f. 10-4-07, cert. ef. 10-6-07 thru 11-30-07; Administrative correction 12-20-07; DFW 134-2007, f. 12-26-07, cert. ef. 1-1-08; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 1-2008(Temp), f. & cert. ef. 1-9-08 thru 7-6-08; DFW 5-2008(Temp), f. 1-25-08, cert. ef. 2-1-08 thru 7-6-08; DFW 15-2008(Temp), f. 2-26-08, cert. ef. 3-1-08 thru 7-29-08; DFW 46-2008(Temp), f. 5-9-08, cert. ef. 5-12-08 thru 7-29-08; DFW 55-2008(Temp), f. 5-30-08, cert. ef. 6-2-08 thru 10-31-08; DFW 82-2008(Temp), f. 7-21-08, cert. ef. 7-29-08 thru 12-31-08; DFW 110-2008(Temp), f. 9-15-08, cert. ef. 9-17-08 thru 12-31-08; DFW 124-2008(Temp), f. 10-1-08, cert. ef. 10-2-08 thru 12-31-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 9-2009(Temp), f. 2-13-09, cert. ef. 3-1-09 thru 8-15-09; DFW 15-2009, f. & cert. ef. 2-25-09; DFW 74-2009(Temp), f. 6-25-09, cert. ef. 6-30-09 thru 7-2-09; Administrative correction 7-21-09; DFW 103-2009(Temp), f. 8-27-09, cert. ef. 9-1-09 thru 12-31-09; DFW 118-2009(Temp), f. & cert. ef. 9-28-09 thru 12-31-09; DFW 123-2009(Temp), f. & cert. ef. 10-5-09 thru 12-31-09; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 61-2010, f. & cert. ef. 5-14-10; DFW 62-2010(Temp), f. 5-14-10, cert. ef. 5-22-10 thru 11-17-10; DFW 84-2010(Temp), f. 6-17-10, cert. ef. 6-18-10 thru 10-31-10; DFW 94-2010(Temp), f. & cert. ef. 7-1-10 thru 10-31-10; DFW 96-2010(Temp), f. 7-7-10, cert. ef. 7-8-10 thru 10-31-10; DFW 123-2010(Temp), f. 8-26-10, cert. ef. 9-1-10 thru 12-31-10; DFW 134-2010(Temp), f. 9-22-10, cert. ef. 9-23-10 thru 12-31-10; DFW 171-2010, f. 12-30-10, cert. ef. 1-1-11; DFW 158-2011(Temp), f. 12-14-11, cert. ef. 1-1-12 thru 4-30-12; DFW 163-2011, f. 12-27-11, cert. ef. 1-1-12; DFW 21-2012, f. & cert. ef. 3-12-12; DFW 89-2012(Temp), f. 7-17-12, cert. ef. 7-26-12 thru 8-31-12; DFW 99-2012(Temp). f. 7-31-12, cert. ef. 8-1-12 thru 12-31-12; DFW 152-2012, f. 12-27-12, cert. ef. 1-1-13; DFW 67-2013(Temp), f. 7-3-13, cert. ef. 7-11-13 thru 7-31-13; Administrative correction, 8-21-13; DFW 137-2013, f. 12-19-13, cert. ef. 1-1-14; DFW 62-2014(Temp), f. & cert. ef. 6-10-14 thru 10-31-14; DFW 70-2014(Temp), f. & cert. ef. 6-13-14 thru 6-30-14; DFW 73-2014(Temp), f. 6-20-14, cert. ef. 6-23-14 thru 10-31-14; DFW 141-2014(Temp), f. 9-25-14, cert. ef. 9-26-14 thru 12-31-14; DFW 150-2014(Temp), f. 10-14-14, cert. ef. 10-15-14 thru 12-31-14; DFW 165-2014, f. 12-18-14, cert. ef. 1-1-15; DFW 49-2015(Temp), f. & cert. ef. 5-27-15 thru 11-22-15: DFW 66-2015(Temp), f. 6-10-15, cert. ef. 6-12-15 thru 11-22-15; DFW 88-2015(Temp), f. 7-16-15, cert. ef. 7-18-15 thru 12-31-15; DFW 120-2015(Temp), f. 8-31-15, cert. ef. 9-1-15 thru 12-31-15; DFW 152-2015(Temp), f. 11-6-15, cert. ef. 11-17-15 thru 12-31-15; DFW 154-2015(Temp), f. 11-12-15, cert. ef. 11-23-15 thru 12-31-15

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Rule Caption: Treaty Indian Commercial Fall Fisheries In the Columbia River Modified.
Adm. Order No.: DFW 155-2015(Temp)
Filed with Sec. of State: 11-12-2015
Certified to be Effective: 11-13-15 thru 12-31-15
Notice Publication Date:
Rules Amended: 635-041-0063, 635-041-0075
Rules Suspended: 635-041-0063(T), 635-041-0075(T)
Subject: These amended rules set a Treaty Tribe commercial fall platform and hook-and-line fishery that begins Friday, November 13 through December 31, 2015. Modifications also set a white sturgeon setline season in The Dalles Pool beginning 6:00 a.m. Monday, November 16 through 6:00 p.m. Wednesday, November 25, 2015; and in the Bonneville Pool from 6:00 p.m. Friday, November 27 through 6:00 p.m. Thursday, December 31, 2015. Fishing for the pur-

pose of commercial sales and subsistence is allowed. Modifications are consistent with joint state action taken November 12, 2015, by the Departments of Fish and Wildlife for the States of Oregon and Washington, at a meeting of the Columbia River Compact, in cooperation with the Columbia River Treaty Tribes.

Rules Coordinator: Michelle Tate—(503) 947-6044

635-041-0063
Sturgeon Setline Fishery

(1) White sturgeon may be taken by setline for commercial purposes from 6:00 a.m. Monday, November 16 through 6:00 p.m. Wednesday, November 25, 2015 from The Dalles Pool and 6:00 a.m. Friday, November 27 through 6:00 p.m. Thursday, December 31, 2015 from the Bonneville Pool.

(a) In The Dalles Pool white sturgeon taken must be 43–54 inches in fork length.

(b) In the Bonneville Pool white sturgeon taken must be 38–54 inches in fork length.

(c) White sturgeon taken in The Dalles and Bonneville pools during open fishing periods as described in subsections (1)(a) and (1)(b) of this rule may be sold at any time or kept for subsistence use.

(2) Closed areas are set forth under OAR 635-041-0045.

(3) During the white sturgeon setline season it shall be unlawful to:

(a) Operate any fishing gear other than setlines except as provided in OAR 635-041-0060;

(b) Operate any setline having more than 100 hooks;

(c) Use other than single hooks size 9/0 or larger;

(d) Operate any setline on which the buoy or marker does not have the tribal identification number of the individual operating the line clearly marked on it and which is attached in a manner that will not allow it to float visibly on the surface at all times.

(4) Notwithstanding OAR 635-041-0045(6)–(11), it is lawful during the open season to fish for white sturgeon by means of set lines in the Columbia River within areas at and adjacent to the mouths of rivers.

Stat. Auth.: ORS 183.325 & 506.119
Stats. Implemented: ORS 506.129 & 507.030
Hist.: FWC 89, f. & ef. 1-28-77; FWC 2-1978, f. & ef. 1-31-78; FWC 7-1978, f. & ef. 2-21-78; FWC 2-1979, f. & ef. 1-25-79, Renumbered from 635-035-0063; FWC 6-1980, f. & ef. 1-28-80; FWC 12-1980, f. & ef. 2-29-80; FWC 64-1980(Temp), f. & ef. 11-7-80; FWC 1-1981, f. & ef. 1-19-81; FWC 6-1982, f. & ef. 1-28-82; FWC 2-1983, f. 1-21-83, ef. 2-1-83; FWC 9-1983(Temp), f. & ef. 3-1-83; FWC 4-1984, f. & ef. 1-31-84; FWC 2-1985, f. & ef. 1-30-85; FWC 4-1986(Temp), f. & ef. 1-28-86; FWC 79-1986(Temp), f. & ef. 12-22-86; FWC 2-1987, f. & ef. 1-23-87; FWC 10-1988, f. & cert. ef. 3-4-88; FWC 48-1988, f. & cert. ef. 6-21-88; FWC 5-1989, f. 2-6-89, cert. ef. 2-7-89; FWC 12-1989(Temp), f. & cert. ef. 3-21-89; FWC 54-1989(Temp), f. & cert. ef. 8-7-89; FWC 9-1991, f. & cert. ef. 1-31-91; FWC 37-1991(Temp), f. & cert. ef. 4-3-91; FWC 4-1992, f. 1-30-92, cert. ef. 2-1-92; FWC 13-1992(Temp), f. & cert. ef. 3-5-92; FWC 41-1992(Temp), f. 6-30-92, cert. ef. 7-1-92; FWC 107-1992(Temp), f. & cert. ef. 10-9-92; FWC 7-1993, f. & cert. ef. 2-1-93; FWC 15-1996(Temp), f. & cert. ef. 4-1-96; FWC 25-1996(Temp), f. 5-14-96, cert. ef. 5-15-96; FWC 23-1997(Temp), f. 4-4-97, cert. ef. 4-7-97; FWC 35-1997(Temp), f. & cert. ef. 6-13-97; FWC 40-1997(Temp), f. 6-20-97, cert. ef. 6-23-97; DFW 23-1998(Temp), f. & cert. ef. 3-20-98 thru 6-30-98; DFW 50-1998(Temp), f. 6-25-98, cert. ef. 6-26-98 thru 7-24-98; DFW 57-1998(Temp), f. & cert. ef. 7-24-98 thru 12-31-98; DFW 22-1999(Temp), f. & cert. ef. 4-1-99 thru 4-23-99; DFW 28-1999(Temp) , f. & cert. ef. 4-23-99 thru 7-31-99; DFW 41-1999(Temp), f. & cert. ef. 6-7-99 thru 7-31-99; DFW 79-1999(Temp), f. 10-8-99, cert. ef. 10-11-99 thru 12-31-99; DFW 14-2000(Temp), f. 3-17-00, cert. ef. 3-20-00 thru 7-31-00; DFW 31-2000(Temp), f. 6-9-00, cert. ef. 6-10-00 thru 7-31-00; DMV 43-2000(Temp), f. 8-7-00, cert. ef. 8-8-00 thru 8-20-00; DFW 66-2000(Temp), f. 9-29-00, cert. ef. 10-2-00 thru 12-31-00; DFW 43-2001(Temp), f. 5-23-01, cert. ef. 5-24-01 thru 11-20-01; DFW 65-2001(Temp), f. & cert. ef. 7-24-01 thru 12-31-01; DFW 94-2001(Temp), f. 9-26-01, cert. ef. 9-27-01 thru 12-31-01; DFW 114-2001(Temp), f. & cert. ef. 12-13-01 thru 12-31-01; DFW 51-2002(Temp), f. & cert. ef. 5-22-02 thru 9-1-02; DFW 104-2002(Temp), f. & cert. ef. 9-19-02 thru 12-31-02; DFW 121-2002(Temp), f. 10-24-02, cert. ef. 10-27-02 thru 12-31-02; DFW 49-2003(Temp), f. & cert. ef. 6-5-03 thru 9-1-03; DFW 58-2003(Temp), f. & cert. ef. 7-9-03 thru 12-31-03; DFW 67-2003(Temp), f. 7-18-03, cert. ef. 7-21-03 thru 12-31-03; DFW 104-2003(Temp), f. 10-10-03, cert. ef. 10-11-03 thru 12-31-03; DFW 120-2005(Temp), f. & cert. ef. 10-11-05 thru 12-31-05; Administrative correction 1-19-06; DFW 69-2006(Temp), f. 7-28-06, cert. ef. 7-31-06 thru 12-31-06; DFW 131-2006(Temp), f. 12-20-06, cert. ef. 1-1-07 thru 6-29-07; DFW 9-2007, f. & cert. ef. 2-14-07; DFW 60-2007(Temp), f. 7-30-07, cert. ef. 8-1-07 thru 12-31-07; Administrative Correction 1-24-08; DFW 142-2008, f. & cert. ef. 11-21-08; DFW 19-2009, f. & cert. ef. 2-26-09; DFW 88-2009(Temp), f. 7-31-09, cert. ef. 8-1-09 thru 12-31-09; Administrative correction 1-25-10; DFW 103-2011(Temp), f. 7-29-11, cert. ef. 8-1-11 thru 10-31-11; DFW 142-2011(Temp), f. 10-6-11, cert. ef. 10-8-11 thru 10-31-11; DFW 150-2011(Temp), f. 10-25-11, cert. ef. 10-26-11 thru 11-30-11; DFW 152-2011(Temp), f. 11-1-11, cert. ef. 11-2-11 thru 12-31-11; DFW 95-2012(Temp), f. 7-27-12, cert. ef. 7-30-12 thru 8-11-12; Administrative correction, 8-27-12; DFW 40-2013(Temp), f. 5-23-13, cert. ef. 5-24-13 thru 6-15-13; Administrative correction, 7-18-13; DFW 152-2014(Temp), f. & cert. ef. 10-23-14 thru 11-29-14; DFW 158-2014(Temp), f. & cert. ef. 11-25-14 thru 12-31-14; Administrative correction, 1-27-15; DFW 140-2015(Temp), f. 10-15-15, cert. ef. 10-19-15 thru 11-30-15; DFW 155-2015(Temp), f. 11-12-15, cert. ef. 11-13-15 thru 12-31-15

635-041-0075
Fall Salmon Season

(1) Salmon, steelhead, shad, walleye, catfish, bass, yellow perch, and carp may be taken for commercial purposes in all of Zone 6 of the Columbia River above Bonneville Dam from 6:00 a.m. Friday, November 13 through 6:00 p.m. Thursday, December 31, 2015. Legal fish landed during an open commercial period may be sold after the period concludes.

(a) White sturgeon between 43–54 inches in fork length caught in The Dalles Pool and John Day Pool and white sturgeon between 38–54 inches in fork length caught in the Bonneville Pool may not be sold but may be retained for subsistence use.

(b) Gear is restricted to subsistence fishing gear which includes hoopnets, dipnets, and rod and reel with hook-and-line.

(2) Closed areas are set forth in OAR 635-041-0045, including the closure at the mouth of Spring Creek, which is the standard 150-foot radius around the fishway as described in 635-041-0045(11).

Stat. Auth.: ORS 496.118 & 506.119
Stats. Implemented: ORS 506.109, 506.129 & 507.030
Hist.: FWC 25-1979, f. & ef. 8-2-79; FWC 36-1979(Temp), f. & ef. 8-22-79; FWC 47-1979(Temp), f. & ef. 9-21-79; FWC 44-1980(Temp), f. & ef. 8-22-80; FWC 46-1980(Temp), f. & ef. 9-13-80; FWC 33-1981(Temp), f. & ef. 9-15-81; FWC 58-1982(Temp), f. & ef. 8-27-82; FWC 62-1982(Temp), f. & ef. 9-7-82; FWC 63-1982(Temp), f. & ef. 9-14-82; FWC 75-1982 (Temp), f. & ef. 10-29-82; FWC 36-1983, f. & ef. 8-18-83; FWC 49-1983(Temp), f. & ef. 9-26-83; FWC 51-1983(Temp), f. & ef. 9-30-83; FWC 55-1983(Temp), f. & ef. 10-4-83; FWC 46-1984, f. & ef. 8-30-84; FWC 55-1984(Temp), f. & ef. 9-10-84; FWC 58-1984(Temp), f. & ef. 9-17-84; FWC 61-1984 (Temp), f. & ef. 9-21-84; FWC 70-1984(Temp), f. & ef. 10-9-84; FWC 47-1985, f. & ef. 8-23-85; FWC 60-1985(Temp), f. & ef. 9-13-85; FWC 63-1985(Temp), f. & ef. 9-24-85; FWC 42-1986, f. & ef. 8-15-86; FWC 53-1986(Temp), f. & ef. 9-4-86; FWC 54-1986(Temp), f. & ef. 9-5-86; FWC 57-1986(Temp), f. & ef. 9-11-86; FWC 60-1986(Temp), f. & ef. 9-26-86; FWC 62-1986(Temp), f. & ef. 10-2-86; FWC 63-1987, f. & ef. 8-7-87; FWC 74-1987(Temp), f. & ef. 9-4-87; FWC 75-1987 (Temp), f. & ef. 9-1-87; FWC 78-1987(Temp), f. & ef. 9-15-87; FWC 80-1987(Temp), f. & ef. 9-18-87; FWC 87-1987(Temp), f. & ef. 10-9-87; FWC 89-1987(Temp), f. & ef. 10-12-87; FWC 67-1988, f. & cert. ef. 8-15-88; FWC 72-1988(Temp), f. & cert. ef. 8-19-88; FWC 77-1988(Temp), f. & cert. ef. 9-2-88; FWC 91-1988(Temp), f. & cert. ef. 9-16-88; FWC 95-1988 (Temp), f. 9-27-88, cert. ef. 9-28-88; FWC 54-1989(Temp), f. & cert. ef. 8-7-89; FWC 87-1989(Temp), f. & cert. ef. 9-1-89; FWC 95-1989(Temp), f. & cert. ef. 9-19-89; FWC 96-1989 (Temp), f. & cert. ef. 9-21-89; FWC 99-1989(Temp), f. & cert. ef. 9-27-89; FWC 100-1989(Temp), f. & cert. ef. 9-28-89; FWC 80-1990(Temp), f. 8-7-90, cert. ef. 8-8-90; FWC 90-1990, f. & cert. ef. 8-31-90; FWC 96-1990(Temp), f. 9-7-90, cert. ef. 9-10-90; FWC 98-1990(Temp), f. 9-14-90, cert. ef. 9-17-90; FWC 85-1991, f. 8-7-91, cert. ef. 8-12-91; FWC 96-1991, f. & cert. ef. 9-9-91; FWC 101-1991(Temp), f. & cert. ef. 9-10-91; FWC 103-1991(Temp), f. 9-17-91, cert. ef. 9-18-91; FWC 110-1991(Temp), f. & cert. ef. 9-27-91; FWC 73-1992(Temp), f. & cert. ef. 8-10-92; FWC 86-1992(Temp), f. 9-1-92, cert. ef. 9-2-92; FWC 87-1992(Temp), f. 9-4-92, cert. ef. 9-7-92; FWC 91-1992(Temp), f. 9-16-92, cert. ef. 9-17-92; FWC 96-1992(Temp), f. 9-22-92, cert. ef. 9-23-92; FWC 105-1992(Temp), f. 10-2-92, cert. ef. 10-5-92; FWC 107-1992 (Temp), f. & cert. ef. 10-9-92; FWC 47-1993, f. 8-6-93, cert. ef. 8-9-93; FWC 52-1993, f. & cert. ef. 8-30-93; FWC 57-1993(Temp), f. & cert. ef. 9-13-93; FWC 59-1993(Temp), f. 9-17-93, cert. ef. 9-20-93; FWC 61-1993(Temp), f. & cert. ef. 9-24-93; FWC 55-1994(Temp), f. 8-26-94, cert. ef. 8-29-94; FWC 61-1994(Temp), f. 9-7-94, cert. ef. 9-8-94; FWC 74-1994(Temp), f. & cert. ef. 10-12-94; FWC 68-1995(Temp), f. 8-25-95, cert. ef. 8-29-95; FWC 72-1995(Temp), f. & cert. ef. 9-1-95; FWC 75-1995(Temp), f. 9-12-95, cert. ef. 9-13-95; FWC 46-1996, f. & cert. ef. 8-23-96; FWC 48-1996(Temp), f. 8-29-96, cert. ef. 9-2-96; FWC 51-1996(Temp), f. 9-6-96, cert. ef. 9-9-96; FWC 53-1996(Temp), f. & cert. ef. 9-26-96; FWC 54-1996(Temp), f. & cert. ef. 9-23-96; FWC 48-1997, f. & cert. ef. 8-25-97; FWC 52-1997(Temp), f. 8-29-97, cert. ef. 9-2-97, FWC 57(Temp), f. & cert. ef. 9-9-97; FWC 60-1997(Temp), f. 9-16-97, cert. ef. 9-17-97; DFW 68-1998(Temp), f. & cert. ef. 8-25-98 thru 9-25-98; DFW 76-1998(Temp), f. & cert. ef. 9-8-98 thru 9-25-98; DFW 77-1998(Temp), f. 9-14-98, cert. ef. 9-15-98 thru 9-25-98; DFW 79-1998(Temp), f. 9-21-98, cert. ef. 9-22-98 thru 9-25-98; DFW 80-1998(Temp), f. 9-23-98, cert. ef. 9-24-98 thru 9-25-98; DFW 59-1999(Temp), f. & cert. ef. 8-23-99 thru 9-11-99; DFW 62-1999(Temp), f. 9-2-99, cert. ef. 9-3-99 thru 9-11-99; DFW 65-1999(Temp), f. 9-14-99, cert. ef. 9-15-99 thru 9-17-99; DFW 69-1999(Temp), f. & cert. ef. 9-17-99 thru 9-18-99; DFW 72-1999(Temp), f. 9-21-99, cert. ef. 9-22-99 thru 10-22-99; DFW 74-1999(Temp), f. 9-28-99, cert. ef. 9-29-99 thru 10-22-99; Administrative correction 11-17-99; DFW 50-2000(Temp), f. 8-18-00, cert. ef. 8-21-00 thru 9-9-00; DFW 60-2000(Temp), f. 9-11-00, cert. ef. 9-12-00 thru 12-31-00; DFW 61-2000(Temp), f. 9-15-00, cert. ef. 9-19-00 thru 12-31-00; Administrative correction 6-19-01; DFW 75-2001(Temp), f. & cert. ef. 8-20-01 thru 9-8-01; DFW 87-2001(Temp), f. 9-10-01, cert. ef. 9-11-01 thru 9-15-01; DFW 91-2001(Temp), f. & cert. ef. 9-19-01 thru 12-31-01; DFW 94-2001(Temp), f. 9-26-01, cert. ef. 9-27-01 thru 12-31-01; DFW 100-2001(Temp), f. 10-16-01, cert. ef. 10-17-01 thru 12-31-01; DFW 89-2002(Temp), f. 8-16-02, cert. ef. 8-18-02 thru 12-31-02; DFW 98-2002(Temp), f. & cert. ef. 8-30-02 thru 12-31-02; DFW 102-2002(Temp), f. & cert. ef. 9-13-02 thru 12-31-02; DFW 104-2002(Temp), f. & cert. ef. 9-19-02 thru 12-31-02; DFW 113-2002(Temp), f. 10-14-02, cert. ef. 10-15-02 thru 12-31-02;. DFW 77-2003(Temp), f. & cert. ef. 8-13-03 thru 12-31-03; DFW 81-2003(Temp), f. 8-25-03, cert. ef. 8-26-03 thru 12-31-03; DFW 91-2003(Temp), f. 9-12-03 cert. ef. 9-16-03 thru 12-31-03; DFW 97-2003(Temp), f. 9-22-03, cert. ef. 9-24-03 thru 12-31-03; DFW 101-2003(Temp), f. 9-26-03, cert. ef. 10-1-03 thru 12-31-03; DFW 103-2003(Temp), f. 10-3-03, cert. ef. 10-8-03 thru 12-31-03; DFW 104-2003(Temp), f. 10-10-03, cert. ef. 10-11-03 thru 12-31-03; DFW 88-2004(Temp), f. & cert. ef. 8-23-04 thru 12-31-04; DFW 95-2004(Temp), f. 9-17-04, cert. ef. 9-19-04 thru 12-31-04; DFW 99-2004(Temp), f. & cert. ef. 9-24-04 thru 12-31-04; DFW 104-2004(Temp), f. 10-12-04 cert. ef. 10-13-04 thru 12-31-04; DFW 110-2004(Temp), f. & cert. ef. 10-29-04 thru 12-31-04; Administrative correction, 2-18-05; DFW 96-2005(Temp), f. & cert. ef. 8-22-05 thru 12-31-05; DFW 104-2005(Temp), f. & cert. ef. 9-12-05 thru 12-31-05; DFW 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05; DFW 113-2005(Temp), f. & cert. ef. 9-28-05 thru 12-31-05; DFW 120-2005(Temp), f. & cert. ef. 10-11-05 thru 12-31-05; Administrative correction 1-19-06; DFW 71-2006(Temp), f. 7-31-06, cert. ef. 8-1-06 thru 12-31-06; DFW 86-2006(Temp), f. 8-18-06, cert. ef. 8-21-06 thru 12-31-06; DFW 94-2006(Temp), f. 9-8-06, cert. ef. 9-11-06 thru 12-31-06; DFW 101-2006(Temp), f. 9-15-06, cert .ef. 9-18-06 thru 12-31-2006; DFW 107-2006(Temp), f. 9-28-06, cert. ef. 10-3-06 thru 12-31-06; DFW 115-2006(Temp), f. 10-13-06, cert. ef. 10-15-06 thru 12-31-06; Administrative correction 1-16-07; DFW 60-2007(Temp), f. 7-30-07, cert. ef. 8-1-07 thru 12-31-07; DFW 77-2007(Temp), f. 8-17-07, cert. ef. 8-22-07 thru 12-31-07; DFW 88-2007(Temp), f. 9-10-07, cert. ef. 9-11-07 thru 12-31-07; DFW 95-2007(Temp), f. 9-21-07, cert. ef. 9-25-07 thru 12-31-07; DFW 100-2007(Temp), f. 9-28-07, cert. ef. 10-3-07 thru 12-31-07; DFW 110-2007(Temp), f. 10-16-07, cert. ef. 10-20-07 thru 12-31-07; DFW 106-2008(Temp), f. 9-4-08, cert. ef. 9-6-08 thru 10-31-08; DFW 109-2008(Temp), f. 9-12-08, cert. ef. 9-15-08 thru 10-31-08; DFW 112-2008(Temp), f. 9-17-08,

cert. ef. 9-18-08 thru 10-31-08; DFW 117-2008(Temp), f. & cert. ef. 9-22-08 thru 10-31-08; DFW 122-2008(Temp), f. & cert. ef. 9-29-08 thru 10-31-08; DFW 125-2008(Temp), f. 10-6-08, cert. ef. 10-7-08 thru 10-31-08; DFW 134-2008(Temp), f. & cert. ef. 10-17-08 thru 10-31-08; DFW 141-2008(Temp), f. 11-10-08, cert. ef. 11-12-08 thru 11-30-08; DFW 88-2009(Temp), f. 7-31-09, cert. ef. 8-1-09 thru 12-31-09; DFW 95-2009(Temp), f. 8-19-09, cert. ef. 8-24-09 thru 12-31-09; DFW 111-2009(Temp), f. 9-11-09, cert. ef. 9-13-09 thru 9-30-09; DFW 114-2009(Temp), f. 9-18-09, cert. ef. 9-21-09 thru 10-31-09; DFW 119-2009(Temp), f. & cert. ef. 9-29-09 thru 10-31-09; DFW 129-2009(Temp), f. 10-13-09, cert. ef. 10-14-09 thru 10-31-09; Administrative correction 11-19-09; DFW 111-2010(Temp), f. 7-30-10, cert. ef. 8-1-10 thru 10-31-10; DFW 120-2010(Temp), f. 8-18-10, cert. ef 8-24-10 thru 10-31-10; DFW 128-2010(Temp), f. & cert. ef. 9-10-10 thru 10-31-10; DFW 136-2010(Temp), f. 9-24-10, cert. ef. 9-27-10 thru 10-31-10; DFW 142-2010(Temp), f. 10-8-10, cert. ef. 10-9-10 thru 10-31-10; DFW 149-2010(Temp), f. 10-18-10, cert. ef. 10-19-10 thru 10-31-10; Administrative correction 11-23-10; DFW 103-2011(Temp), f. 7-29-11, cert. ef. 8-1-11 thru 10-31-11; DFW 119-2011(Temp), f. 8-26-11, cert. ef. 8-29-11 thru 10-31-11; DFW 124-2011(Temp), f. 9-8-11, cert. ef. 9-12-11 thru 10-31-11; DFW 130-2011(Temp), f. 9-15-11, cert. ef. 9-19-11 thru 10-31-11; DFW 133-2011(Temp), f. 9-21-11, cert. ef. 9-22-11 thru 10-31-11; DFW 138-2011(Temp), f. 9-30-11, cert. ef. 10-3-11 thru 10-31-11; DFW 142-2011(Temp), f. 10-6-11, cert. ef. 10-8-11 thru 10-31-11; Administrative correction, 11-18-11; DFW 94-2012(Temp), f. & cert. ef. 7-27-12 thru 10-31-12; DFW 107-2012(Temp), f. 8-15-12, cert. ef. 8-21-12 thru 10-31-12; DFW 119-2012(Temp), f. 9-10-12, cert. ef. 9-11-12 thru 10-31-12; DFW 120-2012(Temp), f. & cert. ef. 9-18-12 thru 10-31-12; DFW 124-2012(Temp), f. 9-25-12, cert. ef. 9-26-12 thru 10-31-12; DFW 127-2012(Temp), f. & cert. ef. 10-2-12 thru 10-31-12; DFW 143-2012(Temp), f. 11-7-12, cert. ef. 11-8-12 thru 1-29-13; Administrative correction, 2-25-13; DFW 88-2013(Temp), f. 8-9-13, cert. ef. 8-12-13 thru 12-31-13; DFW 89-2013(Temp), f. 8-14-13, cert. ef. 8-19-13 thru 12-31-13; DFW 98-2013(Temp), f. 9-6-13, cert. ef. 9-10-13 thru 10-31-13; DFW 102-2013(Temp), f. 9-13-13, cert. ef. 9-16-13 thru 10-31-13; DFW 106-2013(Temp), f. 9-19-13, cert. ef. 9-24-13 thru 10-31-13; DWF 111-2013(Temp), f. 9-27-13, cert. ef. 9-30-13 thru 10-31-13; DFW 116-2013(Temp), f. 10-8-13, cert. ef. 10-9-13 thru 12-31-13; DFW 105-2014(Temp), f. 7-30-14, cert. ef. 8-1-14 thru 10-31-14; DFW 118-2014(Temp), f. 8-7-14, cert. ef. 8-18-14 thru 10-31-14; DFW 134-2014(Temp), f. 9-19-14, cert. ef. 9-23-14 thru 10-31-14; DFW 140-2014(Temp), f. 9-24-14, cert. ef. 9-25-14 thru 10-31-14; DFW 142-2014(Temp), f. 10-2-14, cert. ef. 10-3-14 thru 10-31-14; DFW 146-2014(Temp), f. 10-8-14, cert. ef. 10-13-14 thru 10-31-14; DFW 153-2014(Temp), f. 10-23-14, cert. ef. 10-31-14 thru 12-31-14; Administrative correction, 1-27-15; DFW 97-2015(Temp), f. 7-30-15, cert. ef. 8-1-15 thru 10-31-15; DFW 108-2015(Temp), f. 8-13-15, cert. ef. 8-17-15 thru 10-31-15; DFW 127-2015(Temp), f. 9-10-15, cert. ef. 9-15-15 thru 10-31-15; DFW 130-2015(Temp), f. 9-17-15, cert. ef. 9-18-15 thru 10-31-15; DFW 133-2015(Temp), f. 9-23-15, cert. ef. 9-28-15 thru 10-31-15; DFW 137-2015(Temp), f. & cert. ef. 10-1-15 thru 10-31-15; DFW 155-2015(Temp), f. 11-12-15, cert. ef. 11-13-15 thru 12-31-15

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Rule Caption: Commercial Bay Dungeness Crab Fishery Closed Due to Unsafe Levels of Domoic Acid.
Adm. Order No.: DFW 156-2015(Temp)
Filed with Sec. of State: 11-13-2015
Certified to be Effective: 11-13-15 thru 12-31-15
Notice Publication Date:
Rules Amended: 635-005-0505
Subject: This amended rule closes the bay Dungeness crab fishery on the Oregon coast south of Heceta Head due to unsafe levels of domoic acid and the issuance, by the Oregon Dept. of Agriculture, of a Health Advisory Closure.
Rules Coordinator: Michelle Tate—(503) 947-6044

635-005-0505
Closed Season in Bays and Estuaries

(1) For the purposes of the Bay and Estuary Dungeness Crab Fishery, the Columbia River is considered the Pacific Ocean and is closed to all commercial harvest of Dungeness crab without a valid Ocean Dungeness Crab Permit pursuant to OAR 635-005-0405 and during the times specified in 635-005-0465.

(2) It is unlawful to take, land or possess Dungeness crab for commercial purposes from any bay or estuary other than the Columbia River so taken:

(a) From January 1 through Labor Day;

(b) During December, if the adjacent ocean area is closed as provided in 635-005-0465;

(c) From midnight Friday through midnight Sunday of any week; and

(d) On all legal state and federal holidays.

(e) From a health closure area closed for biotoxins. "Health closure area" means an area closed to the public due to health risks of consuming shellfish from the area, and "Biotoxin" means naturally occurring shellfish toxins monitored by the Oregon Department of Agriculture.

Stat. Auth.: ORS 506.036, 506.109, 506.119 & 506.129
Stats. Implemented: ORS 506.109, 506.129 & 506.306
Hist.: FWC 70-1993, f. 11-9-93, cert. ef. 11-11-93; Renumbered from 635-005-0049, DFW 76-2012, f. 6-28-12, cert. ef. 7-1-12; DFW 156-2015(Temp), f. & cert. ef. 11-13-15 thru 12-31-15

Department of Human Services, Child Welfare Programs
Chapter 413

Rule Caption: Amending rules relating to child welfare programs
Adm. Order No.: CWP 24-2015
Filed with Sec. of State: 10-26-2015
Certified to be Effective: 10-26-15
Notice Publication Date: 9-1-2015
Rules Amended: 413-110-0000, 413-110-0010, 413-110-0020, 413-110-0040, 413-110-0100, 413-110-0130, 413-110-0150, 413-110-0290, 413-110-0299, 413-110-0300, 413-110-0330, 413-110-0340, 413-110-0360, 413-130-0000, 413-130-0010, 413-130-0015, 413-130-0020, 413-130-0040, 413-130-0070, 413-130-0075, 413-130-0100, 413-130-0110, 413-130-0125, 413-130-0130
Rules Repealed: 413-110-0110, 413-110-0205, 413-110-0284, 413-110-0310, 413-130-0010(T), 413-130-0305, 413-130-0410
Subject: The Department of Human Services, Office of Child Welfare Programs, is permanently adopting the definition of "sibling" that was adopted by temporary rule on May 22, 2015. The definition states that an individual who would be considered a sibling, but for the disruption or dissolution of parental rights, is still considered a sibling. This definition complies with 42 U.S.C. 675(12).

Additional non-substantive changes are being made to rules in divisions 413-110 and 413-130 to: consolidate definitions into one overarching definitions rule; remove policy titles and numbers from OAR references; change references to "SDA" to "district" to reflect current Department terminology; update statutory and rule references; and make formatting and grammatical corrections.
Rules Coordinator: Kris Skaro—(503) 945-6067

413-110-0000
Definitions

The following definitions apply to OAR chapter 413, division 110.

(1) "Adoptive resource" means an individual or individuals selected by the Department, another public child welfare agency, or a licensed adoption agency as the adoptive family for a child where no administrative review was requested within the timeframe allowed for such a request, or if a review was requested, the selection has been sustained by that review and the review is complete.

(2) "Appropriateness of adoption" means the determination that a child can be successfully freed, placed, and maintained in an adoptive placement and that adoption is in the best interest of the child.

(3) "Approved family" means a family that has been selected for a child in accordance with OAR 413-120-0010 to 413-120-0060.

(4) "Birth parent" means the woman or man who holds a legally recognized parental relationship to the child.

(5) "Child" means a person under 18 years of age.

(6) "Committee facilitator" means a Department staff member appointed as a member of the committee to facilitate a permanency or adoption committee meeting.

(7) "Compelling reason" means a reason meeting specific criteria and documented in the case plan by the local Department staff for not to file a petition to terminate parental rights of the parents of a child where the Department would otherwise be required to do so under state and federal law.

(8) "Date child entered substitute care": Oregon statute and federal law use the date the child is found to be within the jurisdiction of the court under ORS 419B.100 or 60 days from date of removal, whichever is earlier. The Department uses the date of the child's initial substitute care placement for calculating Citizens Review Board reviews, court, or permanency hearings intervals.

(9) "Department" means the Department of Human Services, Child Welfare.

(10) "Legal risk placement" means a placement that occurs when the Department believes that an adoption is in the best interests of the child; that the child is placed in an approved adoptive home; and the agency intends to approve this placement for adoption if the child becomes legally free for adoption.

(11) "Local Office Permanency/Adoption Committee" means the branch committee responsible for certain permanency and adoptions decisions, as specified in these rules. Members are selected by the local office

from among the staff of the Department's field offices. The members must not be involved in the case to be heard.

(12) "Permanency/Adoption Council" (Council) means a council consisting of field management staff, permanency and adoption staff, and community partners from several districts, except that the Council in District 2 consists only of representatives from Multnomah County. A Council makes decisions for children whose county of jurisdiction is within their geographic area about appropriateness of adoption as a permanency plan, sibling planning, recruitment, adoption disruptions, and adoption selections referred by the local office. It also may provide permanency staffings to decide whether to place a child with an out-of-state relative resource prior to receipt by the Department of an approved adoption home study.

(13) "Permanency/Adoption Council Committee" (Committee) means a committee established by the Permanency/Adoption Council that is responsible for decisions regarding adoptive placement selections that are not the responsibility of the local office or the Department's Adoption Services Unit. The district manager or designee responsible for the local office may delegate a decision to the Committee. Each Committee must include at least three members not involved in the case to be heard by the Committee. There are two types:

(a) An ad-hoc committee selected by the child's worker. This committee consists of three people drawn from a pool of qualified permanency and adoption staff designated by the Council.

(b) The Standing Permanency/Adoption Committee. This committee is a standing committee of three persons appointed by the Council or the Council chair. Responsibilities of this committee include making decisions, such as those relating to sibling placement planning or current caretaker placement decisions, delegated by the Local Office Permanency/Adoption Committee to the Council.

(14) "Permanency committee" means a group of individuals who are responsible for making a recommendation regarding a permanency plan or a potential permanency resource when the child or young adult likely is not returning to his or her parent.

(15) "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.

(16) "Relative" has the same meaning as in OAR 413-070-0000(78).

(17) "Sibling" means one of two or more children or young adults who are related, or would be related but for a termination or other disruption of parental rights, in one of the following ways:

(a) By blood or adoption through a common parent;

(b) Through the marriage of the legal or biological parents of the children or young adults; or

(c) Through a legal or biological parent who is the registered domestic partner of the legal or biological parent of the children or young adults.

(18) "Substitute care" means an out-of-home placement of a child or young adult who is in the legal or physical custody and care of the Department.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.005
Hist.: SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95; SOSCF 18-2001, f. 6-29-01, cert. ef. 7-1-01; CWP 44-2003, f. 12-31-03, cert. ef. 1-1-04; CWP 24-2015, f. & cert. ef. 10-26-15

413-110-0010
Purpose

A child in the legal custody of the Department for whom the Department has determined that adoption is an appropriate permanency plan and who is in the process of being freed for adoption may be placed in an approved adoptive home with the understanding that if the child becomes legally free for adoption, the child will be adopted. In the past, such a placement was described as a "foster-adopt placement" or a "potential adoptive placement." The term for such placements is now "legal risk placement" if the placement meets the requirements specified in these rules, OAR 413-110-0010 to 413-110-0060.

Stat. Auth.: ORS 418.005(1)(a)
Stats. Implemented: ORS 418.005
Hist.: SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95; SOSCF 18-2001, f. 6-29-01, cert. ef. 7-1-01; CWP 44-2003, f. 12-31-03, cert. ef. 1-1-04; CWP 24-2015, f. & cert. ef. 10-26-15

413-110-0020
Eligibility Criteria for Legal Risk Placement

A child may be placed in a legal risk placement when all of the following conditions have been met:

(1) The child is a ward of the court and is in substitute care and the Department has determined that adoption is an appropriate permanency plan for the child according to the procedures outlined in OAR 413-110-0300 to 413-110-0360.

(2) In accordance with OAR 413-070-0060 to 413-070-0093, the Department has considered all parents and relatives and has either determined none of them is a suitable permanent placement for the child or has selected one relative who meets the requirements of OAR 413-070-0060 to 413-070-0093 as the resource for a legal risk placement.

(3) The Department's legal assistance specialist has assessed the status of the child and has determined that a plan to free the child for adoption is in the best interests of the child.

(4) The Department has determined, in accordance with OAR 413-110-0300 to 413-110-0360, that adoption is an appropriate permanency plan for the child, and an approved adoptive home has been selected according to the process outlined in OAR 413-120-0010 to 413-120-0060.

(5) The Adoption Services Unit has reviewed and approved the plan.

(6) In the case of an out-of-state placement, prior to approval and designation of the child's legal risk placement:

(a) The Department has notified the court and has obtained its approval of the plan to place the child out of state;

(b) If the out-of-state placement is made through a private agency, the Department has a signed contract with the placing agency in the receiving state; and

(c) The Department has obtained verification that the child will receive medical coverage by the receiving state.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.005
Hist.: SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95; SOSCF 18-2001, f. 6-29-01, cert. ef. 7-1-01; CWP 44-2003, f. 12-31-03, cert. ef. 1-1-04; CWP 24-2015, f. & cert. ef. 10-26-15

413-110-0040
Home Requirements

(1) The home in which the legal risk placement will be made must be studied and approved as an adoptive home in accordance with OAR 413-120-0190 to 413-120-0246 or, in the case of an out-of-state placement, with OAR 413-040-0200 to 413-040-0330. The home must also meet the requirements of OAR 413-200-0301 to 413-200-0396.

(2) Each adoptive parent considered for a legal risk placement is informed by the Department of the risk of having the child removed and must sign an agreement that provides that:

(a) The adoptive parent understands that the child is not legally free for adoption;

(b) The adoptive parent understands that the Department cannot guarantee that the child will be legally free for adoption in the future;

(c) The adoptive parent wants to adopt the child; and

(d) The adoptive parent understands that the adoptive family will continue to provide temporary care for the child if adoption is not possible.

(3) The potential adoptive parents must complete the Adoption Recruitment Management System (ARMS) form 3010, "Legal Risk Placement Agreement," acknowledging that they understand the uncertainty of the legal risk placement.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.005
Hist.: SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95; SOSCF 18-2001, f. 6-29-01, cert. ef. 7-1-01; CWP 44-2003, f. 12-31-03, cert. ef. 1-1-04; CWP 24-2015, f. & cert. ef. 10-26-15

413-110-0100
Purpose

The purpose of OAR 413-110-0100 to 413-110-0150 is to describe the Department's case planning responsibility to maintain and support lifelong sibling relationships for a child in the legal custody of the Department whose permanency plan is adoption.

Stat. Auth.: ORS 418.005, 419B.192
Stats. Implemented: ORS 418.005, 419B.192
Hist.: SCF 6-1996, f. & cert. ef. 9-17-96; CWP 48-2003, f. 12-31-03, cert. ef. 1-1-04; CWP 8-2006, f. & cert. ef. 5-1-06; CWP 13-2010(Temp), f. & cert. ef. 7-1-10 thru 12-28-10; CWP 30-2010, f. & cert. ef. 12-29-10; CWP 24-2015, f. & cert. ef. 10-26-15

413-110-0130
Consideration of Sibling Placement

(1) The Department's first priorities for placement of a child in the legal custody of the Department are placement with relatives and placing siblings together.

(2) When any child in the legal custody of the Department is separated from one or more siblings in substitute care, the Department must make diligent efforts to place the siblings together in substitute care, so long as it is in the best interests of the child, regardless of each child's permanency plan.

(a) The caseworker must document the efforts to place siblings together in substitute care in the Department's information system.

(b) If siblings are placed separately in substitute care, the Department must ensure that the children have the opportunity for regular, ongoing contact unless contact is not in the best interests of the child or one or more of the siblings.

(3) When the Department is considering the permanent separation of one or more siblings through adoption, the caseworker must schedule a permanency committee for a recommendation and decision pursuant to OAR 413-070-0500 to 413-070-0519.

Stat. Auth.: ORS 418.005, 419B.192
Stats. Implemented: ORS 418.005, 419B.192
Hist.: SCF 6-1996, f. & cert. ef. 9-17-96; SOSCF 19-2001, f. 6-29-01, cert. ef. 7-1-01; CWP 48-2003, f. 12-31-03, cert. ef. 1-1-04; CWP 8-2006, f. & cert. ef. 5-1-06; CWP 13-2010(Temp), f. & cert. ef. 7-1-10 thru 12-28-10; CWP 29-2010, f. & cert. ef. 12-29-10; CWP 24-2015, f. & cert. ef. 10-26-15

413-110-0150
Sibling Placement and Permanency Planning

(1) When separation of siblings has occurred as a result of a Department action or decision pursuant to OAR 413-070-0519, the Department's efforts to identify and recruit a potential adoptive resource must include recruitment efforts to identify a potential adoptive resource who can initiate and maintain connections between the child and one or more siblings, unless such a connection is not in the best interests of the child or one or more siblings.

(2) The caseworker must make efforts to recruit and identify potential adoptive resources who appear to have the knowledge, skills, and abilities to be considered as the potential adoptive resource for other siblings when there are one or more siblings in substitute care who do not yet have a permanency plan of adoption.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.005, 419B.192
Hist.: CWP 13-2010(Temp), f. & cert. ef. 7-1-10 thru 12-28-10; CWP 30-2010, f. & cert. ef. 12-29-10; CWP 24-2015, f. & cert. ef. 10-26-15

413-110-0290
Support for Birth Parents to Ensure Informed Decision Making in Voluntary Relinquishments

(1) The Department shall accept the voluntary relinquishment of a child only under the following conditions:

(a) After providing the birth parents with full and accurate information about the consequences of a voluntary relinquishment;

(b) After providing birth parents with information to assist them to understand the changes in their legal rights, obligations and responsibilities;

(c) In the case of an Indian child, after informing the parents that if no different order of preference has been established by the child's tribe for adoptive placement, the agency, in the absence of the court's determination that good cause to the contrary exits, gives preference to placing the child with a member of the child's extended family, other members of the Indian child's tribe, or other Indian families;

(d) After informing the birth parents that under the Multiethnic Placement Act of 1994 and Small Business Job Protection Act of 1996, "Removal of Barriers to Interethnic Adoption", the Department may not honor any request of the birth parents to place the child with a family of preferred race, color, or national origin unless the child is an Indian child, in which case the Department follows OAR 413-070-0220(4);

(e) After the birth parents have reached an informed decision without pressure and with full consideration of alternative plans; and

(f) After supporting the birth parents in considering what their decision will mean to them.

(2) Once a birth parent decides that adoption through the Department is the best plan for the child, the Department shall assist the birth parent to complete the legal relinquishment of their parental rights, to consider the level of openness appropriate to their circumstances and in the best interests of the child, and to cope with their grief.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.270
Hist.: SOSCF 20-2001, f. 6-29-01, cert. ef. 7-1-01; CWP 24-2015, f. & cert. ef. 10-26-15

413-110-0299
Involuntary Termination of Parental Rights

When placement with a parent is not feasible within a reasonable time frame, or is not appropriate for a child in substitute care, and the birth parents are unable or unwilling to voluntarily place the child for adoption, the Department follows OAR 413-110-0200 to 413-110-0252. To the extent possible the Department must assist the birth parents to understand the need to pursue this action to ensure permanency and stability for the child.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.270
Hist.: SOSCF 20-2001, f. 6-29-01, cert. ef. 7-1-01; CWP 24-2015, f. & cert. ef. 10-26-15

413-110-0300
Purpose

The purpose of OAR 413-110-0300 to 413-110-0360 is to establish the Department's policies for determining whether adoption is an appropriate plan for a child. In the case of an Indian child, the Department follows OAR 413-070-0100 to 413-070-0260.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.005
Hist.: SOSCF 11-2000, f. & cert. ef. 4-28-00; CWP 47-2003, f. 12-31-03, cert. ef. 1-1-04; CWP 24-2015, f. & cert. ef. 10-26-15

413-110-0330
Procedure to Determine the Appropriateness of Adoption as a Permanency Plan

(1) Before proceeding to free a child for adoption, the Department must make a formal decision regarding whether adoption is an appropriate permanency plan for the child in accordance with these rules.

(2) The preliminary case-planning steps in the process of determining whether adoption is an appropriate permanency plan for the child are as follows:

(a) An adoption permanency goal must be considered concurrently with other permanency goals for a child in substitute care;

(b) When it appears that placement with a parent is not a viable goal, but not later than six months after the child enters substitute care, the local office must begin the process of obtaining information sufficient to make a formal decision whether adoption is an appropriate permanency plan for the child, for instance:

(A) The child's worker must obtain pertinent information such as psychological evaluations, therapist's assessments, an assessment by a mental health professional when appropriate that includes the attachment and other permanency needs of the child, medical records, personal care or special rate assessments, individual education plans, and early intervention assessments.

(B) The child's worker must address the following areas:

(i) The ability of the child to attach.

(ii) The needs of the child.

(iii) Prior or current caretaker or family relationships that could support or interfere with the ability of the child to build new family relationships.

(iv) Information about the siblings and half siblings of the child (see OAR 413-110-0100 to 413-110-0150).

(v) Prospective adoptive resources who have made it known to the agency that they want to be considered as an adoptive placement for this specific child.

(vi) The willingness of the child to consent to adoption, if the child is 12 years of age or older.

(3) Formal decision making at the local office.

(a) If the child's worker and supervisor believe adoption is an appropriate permanency plan for the child, and the legal assistance specialist concurs, the adoption plan may proceed without review by the Local Office Permanency/Adoption Committee.

(b) When the child's worker and supervisor review a case together and it is not clear that adoption is an appropriate permanency plan for the child, or if there are questions regarding available approved families, the determination whether adoption is an appropriate permanency plan for the child will be made by Local Office Permanency/Adoption Committee. The child's worker is responsible for scheduling a staffing with a Local Office Permanency/Adoption Committee within 60 days of the staffing by the child's worker and supervisor.

(c) If the child's worker and supervisor believe that adoption is not an appropriate permanency plan for the child, they must submit their written recommendation to the district manager or designee. Their recommendation must include the compelling reasons for their assessment that it is not an appropriate permanency plan (see OAR 413-110-0240(2)(c)(D)). If the district manager or designee disagrees with the recommendation or wishes to seek consultation, they must direct the child's worker to refer the determination of appropriateness of adoption to a Permanency/Adoption Council Committee.

(d) Before the Department initiates the permanency plan for adoption, the legal assistance specialist and the local office must agree that the plan is in the best interests of the child and is achievable.

(4) When a Committee determines that adoption is an appropriate permanency plan for the child, the committee representative must record the

decision regarding the appropriateness of adoption as a permanency plan and provide a copy of the documentation to the child's worker.

(5) The child's worker must send documentation of a Permanency/Adoption Committee decision to the Adoptions Services Unit to be included in the child's central office file.

[Publications: Publications referenced are available from the agency.]
Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.005
Hist.: SOSCF 11-2000, f. & cert. ef. 4-28-00; SOSCF 21-2001, f. 6-29-01, cert. ef. 7-1-01; CWP 47-2003, f. 12-31-03, cert. ef. 1-1-04; CWP 24-2015, f. & cert. ef. 10-26-15

413-110-0340
When Adoption is an Appropriate Permanency Plan

(1) When the Department determines that adoption is an appropriate permanency plan for the child, and in legal risk situations the legal assistance specialist has approved placement planning for the child, the child's worker must accomplish the following:

(a) The child's worker begins the process to locate an appropriate approved family while proceeding with efforts to free the child for adoption.

(b) The child's worker requests that either a Local Office Permanency/Adoption Committee or a Permanency/Adoption Council Committee review the decision that adoption is an appropriate permanency plan for the child if the child's worker has not been able to find an appropriate approved family for the child within four months of the initial staffing.

(c) If a child is placed for adoption and the adoption disrupts, the child's worker follows the procedures in OAR 413-120-0870. The child's worker requests that either a Local Office Permanency/Adoption Committee or a Permanency/Adoption Council Committee review the decision determining that adoption is an appropriate permanency plan for the child if the child's worker has not been able to find an appropriate approved family for the child within six months of the disruption date.

(d) If an adoptive placement disrupts and there is question as to whether adoption is currently an appropriate permanency plan for the child, the question is referred by the worker to either a Local Office Permanency/Adoption Committee or a Permanency/Adoption Council Committee within three months of the disruption.

(2) In the case of a child for whom the permanency plan is adoption, the worker must document in the permanency plan the child's specific needs and the steps the Department is taking to find an adoptive family for the child who can respond to those needs, to place the child with an adoptive family, and to finalize adoption. At a minimum, such documentation must include comment on the child-specific recruitment efforts employed by the Department such as the use of state, regional, or national adoption exchanges, including electronic exchange systems, as well as efforts to identify potential adoptive families from the neighborhood and community in which the child resides.

(3) Out-of-state adoptions. The Department will not delay or deny placement of a child for adoption when an approved family is available outside of Oregon. If the out-of-state placement is a legal risk placement, the worker must obtain approval from the legal assistance specialist as required by OAR 413-110-0010 to 413-110-0060. Once the legal risk placement is approved, the worker must notify the court and obtain approval of the plan prior to placing the child out of state. If the out-of-state adoption is supervised by a private agency, the Department will not make the placement of the child into the adoptive home until the Department has a signed contract with the placing agency. Out-of-state adoptions are further regulated by OAR 413-040-0200 to 413-040-0330.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.005
Hist.: SOSCF 11-2000, f. & cert. ef. 4-28-00; SOSCF 21-2001, f. 6-29-01, cert. ef. 7-1-01; CWP 47-2003, f. 12-31-03, cert. ef. 1-1-04; CWP 24-2015, f. & cert. ef. 10-26-15

413-110-0360
Review Process

When the Local Office Permanency/Adoption Committee or the Permanency/Adoption Council Committee has staffed a case and reached a decision with which the child's worker disagrees, the child's worker will staff the case with the worker's supervisor and district manager or designee. If the district manager or designee agrees with the child's worker, he or she will request review of the decision by the Adoption Services Unit Manager who may review the committee's decision and make the final decision.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.005
Hist.: SOSCF 11-2000, f. & cert. ef. 4-28-00; SOSCF 21-2001, f. 6-29-01, cert. ef. 7-1-01; CWP 47-2003, f. 12-31-03, cert. ef. 1-1-04; CWP 24-2015, f. & cert. ef. 10-26-15

413-130-0000
Definitions

(1) "Adoption assistance" means assistance provided on behalf of an eligible child or young adult to offset the costs associated with adopting and meeting the on-going needs of the child or young adult. Adoption assistance may be in the form of payments, medical coverage, reimbursement of non-recurring expenses, or special payments.

(2) "Adoption assistance agreement" means a written agreement, binding on the parties to the agreement, between the Department and the pre-adoptive family or adoptive family of an eligible child or young adult, setting forth the assistance the Department is to provide on behalf of the child or young adult, the responsibilities of the pre-adoptive family or adoptive family and the Department, and the manner in which the agreement and amount of assistance may be modified or terminated.

(3) "Adoption assistance agreement only" means a written agreement, binding on the parties to the agreement, between the Department and the pre-adoptive family or adoptive family of an eligible child or young adult, when the pre-adoptive family or adoptive family is not receiving an adoption assistance payment or medical coverage at the time of the agreement but may request it at a later date.

(4) "Adoption assistance base rate" means the portion of the adoption assistance payment that is negotiated with a pre-adoptive family or an adoptive family and cannot exceed the amount of the Oregon foster care base rate payment for the child's or young adult's age.

(5) "Adoption assistance payment" means a monthly payment made by the Department to the pre-adoptive family or adoptive family on behalf of an eligible child or young adult.

(6) "Adoption Assistance Review Committee" means a committee composed of local and central office Department staff with expertise in the area of adoption.

(7) "Adoptive family" means an individual or individuals who have legalized a parental relationship to the child who joined the family through a judgment of the court.

(8) "Applicable child" has the same meaning as in OAR 413-100-0335.

(9) "Assisted search" means the work carried out to locate and make confidential contact with a sought for person upon the application of an authorized requester.

(10) "Base rate payment" means a payment to the foster parent or relative caregiver for the costs of providing the child or young adult with the following:

(a) Food, including the special or unique nutritional needs of the child or young adult;

(b) Clothing, including purchase and replacement;

(c) Housing, including maintenance of household utilities, furnishings, and equipment;

(d) Daily supervision, including teaching and directing to ensure safety and well-being at a level appropriate for the age of the child or young adult;

(e) Personal incidentals, including personal care items, entertainment, reading materials, and miscellaneous items; and

(f) Transportation, including gas, oil, and vehicle maintenance and repair costs for local travel associated with providing the items listed above, and transportation to and from extracurricular, child care, recreational, and cultural activities.

(11) "Birth parent" means the woman or man who is legally presumed, under the laws of this state, to be the mother or father of genetic origin of a child.

(12) "CANS screening" means Child and Adolescent Needs and Strengths screening, a process of gathering information on the needs and strengths of a child or young adult for one or more of the following purposes:

(a) To identify case planning, service planning, and supervision needs of the child or young adult in substitute care with a certified family;

(b) To determine the level of care payment while in substitute care with a certified family; and

(c) To determine the level of care payment included in an adoption assistance agreement or guardianship assistance agreement.

(13) "Child" means a person under 18 years of age.

(14) "Department" means the Department of Human Services, Child Welfare.

(15) "Enhanced supervision" means the additional support, direction, observation, and guidance necessary to promote and ensure the safety and well-being of a child or young adult when the child or young adult qualifies for a level of care payment.

(16) "Fee" means the maximum fixed amount that the Department or Oregon licensed adoption agency may charge for conducting an assisted search for persons eligible to request such services, a birth father file review.

(17) "Identifying information" means names and addresses of birth parents, putative fathers, adult adoptee, and adult adoptee genetic siblings.

(18) "Independent adoption" means any adoption where the consent is given by other than the Department or a licensed adoption agency.

(19) "Legally free" means that, with respect to a child, the legal rights of all parents with legal standing have been judicially terminated, voluntarily relinquished, or otherwise terminated by operation of law, thus allowing for the child to be adopted.

(20) "Level of care payment" means the payment provided to an approved or certified family, a guardian, a pre-adoptive family, or an adoptive family based on the need for enhanced supervision of a child or young adult determined by applying the CANS algorithm to the results of the CANS screening.

(21) "Licensed adoption agency" means an:

(a) Approved child-caring agency of this state acting by authority of ORS 418.270 and OAR 413-215-0401 to 413-215-0481; and

(b) Agency or other organization that is licensed, or otherwise authorized, to provide adoption services pursuant to the laws of that state, country, or territory.

(22) "Non-identifying information" means health and social and genetic history of the adult adoptees, birth parents, putative fathers, and other specified persons.

(23) "Nonrecurring adoption assistance agreement" means a written agreement, binding on the parties to the agreement, between the Department and the pre-adoptive family of an eligible child for a one-time payment to reimburse the adoptive family for the reasonable and necessary expenses incurred in legally finalizing the adoption of a child who has been determined to have special needs.

(24) "Nonrecurring expenses" mean a one-time payment up to $2,000 per child, which the Department will pay to an adoptive family to assist with the reasonable and necessary expenses incurred in legally finalizing the adoption of an eligible child.

(25) "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.

(26) "Participating tribe" means a federally-recognized Indian tribe in Oregon with a Title IV-E agreement with the Department.

(27) "Pre-adoptive family" means an individual or individuals who:

(a) Has been selected to be the child's adoptive family; and

(b) Is in the process of legalizing the relationship to the child through the judgment of the court.

(28) "Putative Father" means:

(a) A man who has not yet established paternity, but who may establish paternity under ORS 109.070;

(b) A man who a birth mother alleges is the father and the "putative father," by written affidavit or surrender and release executed within three years of the relinquishment of the child by the mother, or the termination of parental rights of the birth mother, has acknowledged being the biological father of the child; or

(c) A man who is not legally presumed to be the father of genetic origin of the child, but who claims paternity on a notarized statement or is alleged to be the birth father of genetic origin of the adoptee.

(29) "Qualified alien" has the same meaning as in OAR 413-100-0210(2) and 8 USC 1641(b).

(30) "Qualified vendor attorney" means an attorney who has a price agreement with the Department to process the adoption of a child who is eligible for adoption assistance.

(31) "Requester" means a person duly registered on a voluntary adoption registry who requests an assisted search, and who has filed an application and paid the applicable fee.

(32) "Sibling" means one of two or more children or young adults who are related, or would be related but for a termination or other disruption of parental rights, in one of the following ways:

(a) By blood or adoption through a common parent;

(b) Through the marriage of the legal or biological parents of the children or young adults; or

(c) Through a legal or biological parent who is the registered domestic partner of the legal or biological parent of the children or young adults.

(33) "Special payment" means a payment for unanticipated short-term costs which are directly related to the special needs of the child or young adult or are essential to the welfare of the child or young adult, and are not covered by another resource available to the adoptive family.

(34) "Substitute care" means the out-of-home placement of a child or young adult who is in the legal or physical custody and care of the Department.

(35) "Voluntary adoption registry" means a voluntary registry operated by the Department or licensed adoption agency:

(a) Where birth parents, putative fathers, and adult adoptees may register their willingness to the release of identifying information to each other;

(b) That provides for the disclosure of identifying information to birth parents and their genetic offspring;

(c) That provides for the transmission of non-identifying health and social and genetic history of specified persons; and

(d) That provides for the disclosure of specific identifying information under certain circumstances to Indian tribes, governmental agencies, or to a person settling an estate.

(36) "Work Product" means any records, information, or other materials obtained or developed by the Department or licensed adoption agency during the course of the assisted search.

(37) "Young adult" means a person aged 18 through 20 years.

Stat. Auth.: ORS 418.005, 418.340

Stats. Implemented: ORS 418.005, 418.330, 418.335 & 418.340

Hist.: SCF 2-1995, f. & cert. ef. 8-21-95; SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95; SOSCF 8-1999, f. & cert. ef. 5-17-99; SOSCF 7-2002, f. 3-28-02, cert. ef. 4-1-02; CWP 23-2005(Temp), f. 12-30-05, cert. ef. 1-1-06; CWP 16-2006, f. 6-30-06, cert. ef. 7-1-06; CWP 16-2008, f. & cert. ef. 7-1-08; CWP 6-2009(Temp), f. & cert. ef. 7-1-09 thru 12-28-09; CWP 22-2009, f. & cert. ef. 12-29-09; CWP 16-2011(Temp), f. & cert. ef. 6-30-11 thru 12-27-11; CWP 25-2011(Temp), f. 9-30-11, & cert. ef. 10-1-11 thru 12-27-11; CWP 35-2011, f. 12-27-11, cert. ef. 12-28-11; CWP 2-2014, f. 1-31-14, cert. ef. 2-1-14; CWP 11-2015(Temp), f. & cert. ef. 5-22-15 thru 11-17-15; CWP 24-2015, f. & cert. ef. 10-26-15

413-130-0010
Purpose

(1) The purpose of OAR 413-130-0010 to 413-130-0130 is to describe the criteria for eligibility and the types of adoption assistance that may be established for:

(a) A child in the legal custody of:

(A) The Department;

(B) A participating tribe; or

(C) A licensed adoption agency in Oregon.

(b) A child relinquished by a parent directly to a pre-adoptive family residing in Oregon.

(2) These rules do not include criteria for program eligibility for adoption assistance for a child placed for adoption in Oregon by another public child welfare agency, as adoption assistance is the responsibility of the sending state.

Stat. Auth.: ORS 418.005, 418.340

Stats. Implemented: ORS 418.005, 418.330, 418.335 & 418.340

Hist.: SCF 2-1995, f. & cert. ef. 8-21-95; SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95; SOSCF 8-1999, f. & cert. ef. 5-17-99; CWP 16-2008, f. & cert. ef. 7-1-08; CWP 6-2009(Temp), f. & cert. ef. 7-1-09 thru 12-28-09; CWP 22-2009, f. & cert. ef. 12-29-09; CWP 16-2011(Temp), f. & cert. ef. 6-30-11 thru 12-27-11; CWP 35-2011, f. 12-27-11, cert. ef. 12-28-11; CWP 2-2014, f. 1-31-14, cert. ef. 2-1-14; CWP 24-2015, f. & cert. ef. 10-26-15

413-130-0015
Funding for Adoption Assistance

(1) The Department makes efforts to establish Title IV-E adoption assistance eligibility under OAR 413-100-0335 to access federal reimbursement for adoption assistance.

(2) A child determined to have special needs under OAR 413-130-0020 who is ineligible for Title IV-E funded adoption assistance is eligible for state funded adoption assistance as described in OAR 413-130-0040(4)–(6). Administration of state funded adoption assistance is dependent upon the availability of such funds.

(3) When all available state funds are obligated, the Department must continue to:

(a) Accept new applications;

(b) Accept requests to adjust an adoption assistance payment; and

(c) Establish a waiting list.

(4) As state funds become available, an adoption assistance payment may be made according to the date that the adoption assistance agreement is signed by all parties. The adoption assistance agreement may be retroac-

tive for up to twelve months only when a foster care base rate payment, level of care payment, or personal care service payment was not made on behalf of the child.

(5) When state funds are unavailable and a new adoption assistance application is received, the pre-adoptive family may sign an adoption assistance agreement only to prevent delay in finalizing the adoption, with the understanding that adoption assistance may be requested at a later date.

Stat. Auth.: ORS 418.005, 418.340
Stats. Implemented: ORS 418.005, 418.330, 418.335 & 418.340
Hist.: CWP 16-2011(Temp), f. & cert. ef. 6-30-11 thru 12-27-11; CWP 35-2011, f. 12-27-11, cert. ef. 12-28-11; CWP 2-2014, f. 1-31-14, cert. ef. 2-1-14; CWP 24-2015, f. & cert. ef. 10-26-15

413-130-0020
Special Needs Determination for Adoption Assistance Eligibility

(1) In order to be eligible for adoption assistance, funded through either federal or state funds, a child must be determined to have special needs.

(2) The Department must make the determination that the child has special needs under each of the following subsections:

(a) The child cannot or should not be returned to the home of his or her parent or parents. This decision is based on one of the following paragraphs:

(A) An order from a court of competent jurisdiction terminating parental rights.

(B) The existence of a petition for termination of parental rights.

(C) A voluntary relinquishment of parental rights for a child under the jurisdiction of the court, in the custody of the Department, or in a subsequent adoption when there was an adoption assistance agreement in place during the prior adoption.

(D) A voluntary relinquishment of parental rights and a judicial determination that remaining in the home of a specified relative as defined in OAR 413-100-0000 would be contrary to the welfare of the child. The request for the judicial determination must be filed within six months of the time the child last lived with the specified relative.

(E) For a child who can be adopted in accordance with state or tribal law without a termination of parental rights or voluntary relinquishment of parental rights, the valid reason why the child cannot or should not be returned to the home of his or her parents.

(F) In the case of an orphan, verification of the death of the parent or parents.

(b) The child has at least one of the following factors or conditions that make adoptive placement difficult to achieve:

(A) A documented medical, physical, mental, or emotional condition or other clinically diagnosed disability, or a documented history of abuse or neglect or other identified predisposing factor that places the child at significant risk for future problems that need treatment;

(B) Is a member of a sibling group that will be placed together and is difficult to place because there are three or more children, or if in a sibling group of two, at least one of the children is six years of age or older;

(C) Is a member of an ethnic, racial, or cultural minority (such as African American, Hispanic, Asian, Indian, or Pacific Islander); or

(D) Is eight years of age or older.

(c) A reasonable but unsuccessful effort to place the child with an appropriate adoptive family for adoption without adoption assistance has been made, unless such an effort is not in the best interest of the child for reasons including placement with a relative or another person with whom the child has an established significant relationship.

Stat. Auth.: ORS 418.005, 418.340
Stats. Implemented: ORS 418.005, 418.330, 418.335 & 418.340
Hist.: SCF 2-1995, f. & cert. ef. 8-21-95; SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95; SCF 6-1996, f. & cert. ef. 9-17-96; SOSCF 8-1999, f. & cert. ef. 5-17-99; SOSCF 7-2002, f. 3-28-02, cert. ef. 4-1-02; CWP 16-2008, f. & cert. ef. 7-1-08; CWP 6-2009(Temp), f. & cert. ef. 7-1-09 thru 12-28-09; CWP 22-2009, f. & cert. ef. 12-29-09; CWP 16-2011(Temp), f. & cert. ef. 6-30-11 thru 12-27-11; CWP 25-2011(Temp), f. 9-30-11, & cert. ef. 10-1-11 thru 12-27-11; CWP 35-2011, f. 12-27-11, cert. ef. 12-28-11; CWP 2-2014, f. 1-31-14, cert. ef. 2-1-14; CWP 24-2015, f. & cert. ef. 10-26-15

413-130-0040
Eligibility for an Adoption Assistance Payment

(1) In determining eligibility for an adoption assistance payment, the Department may not impose an income eligibility requirement for the pre-adoptive family or adoptive family.

(2) To be eligible for a Title IV-E funded adoption assistance payment, a child must meet all of the following requirements.

(a) Be a citizen of the United States or a qualified alien as described in OAR 413-100-0210(2), and in 8 USC 1641(b) or (c).

(b) When the child is a qualified alien and is placed with a pre-adoptive parent who is an unqualified alien, the child must meet the five year residency requirement set forth in The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193.

(c) Be determined eligible for Title IV-E adoption assistance under OAR 413-100-0335.

(3) A licensed adoption agency, participating tribe, or another individual applying to receive adoption assistance on behalf of a child determined to have special needs must make all requested efforts to assist the Department in establishing Title IV-E eligibility.

(4) Except as provided in section (5) of this rule, a child determined to be ineligible for a Title IV-E adoption assistance payment is eligible for a state-funded adoption assistance payment when the child meets all of the following criteria.

(a) Is in the legal custody of:

(A) The Department;

(B) A participating tribe; or

(C) A licensed adoption agency and the child is placed with a family residing in Oregon.

(b) Is not eligible for or receiving adoption assistance for the same child through another state.

(c) Is determined to have special needs in accordance with OAR 413-130-0020.

(d) Meets the requirements in section (6) of this rule.

(5) A child relinquished by a parent directly to a family residing in Oregon who is not eligible for a Title IV-E funded adoption assistance payment is only eligible for a state funded adoption assistance payment when:

(a) A state funded adoption assistance agreement was previously in effect on behalf of the child;

(b) The pre-adoptive family or adoptive family is not eligible for or receiving adoption assistance for the same child through another state;

(c) The child is in a subsequent adoption; and

(d) The child meets the requirements in section (6) of this rule.

(6) In addition to the eligibility requirements in section (4) or (5) of this rule, a child must also be a citizen of the United States to receive a state funded adoption assistance payment when the child is being brought into the United States for the purpose of adoption or being placed outside of the United States, or a territory or possession thereof.

(7) When an adopted child becomes legally free for re-adoption due to the voluntary relinquishment of parental rights, the termination of the rights of the legal parent or parents, or the death of the legal parent or parents:

(a) The child must be determined to have special needs under OAR 413-130-0020 at the time the child again becomes available for adoption; and

(b) The determination of funding eligibility of the adopted child for adoption assistance remains as it was the last time the child was determined eligible for adoption assistance.

Stat. Auth.: ORS 418.005, 418.340
Stats. Implemented: ORS 418.005, 418.330, 418.335 & 418.340
Hist.: SCF 2-1995, f. & cert. ef. 8-21-95; SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95; SOSCF 8-1999, f. & cert. ef. 5-17-99; SOSCF 11-1999(Temp), f. & cert. ef. 6-3-99 thru 11-30-99; SOSCF 7-2002, f. 3-28-02, cert. ef. 4-1-02; CWP 16-2008, f. & cert. ef. 7-1-08; CWP 6-2009(Temp), f. & cert. ef. 7-1-09 thru 12-28-09; CWP 22-2009, f. & cert. ef. 12-29-09; CWP 16-2011(Temp), f. & cert. ef. 6-30-11 thru 12-27-11; CWP 25-2011(Temp), f. 9-30-11, & cert. ef. 10-1-11 thru 12-27-11; CWP 35-2011, f. 12-27-11, cert. ef. 12-28-11; CWP 2-2014, f. 1-31-14, cert. ef. 2-1-14; CWP 24-2015, f. & cert. ef. 10-26-15

413-130-0070
Negotiation and Determination of the Monthly Adoption Assistance Payment

(1) When adoption assistance is not provided, a pre-adoptive family or adoptive family may enter into an adoption assistance agreement only.

(2) The monthly adoption assistance payment may not exceed the total of:

(a) The adoption assistance base rate; and

(b) When applicable, the level of care payment determined by the CANS screening conducted under OAR 413-020-0230.

(3) The monthly adoption assistance base rate:

(a) Is determined through discussion and negotiation between the Department and the pre-adoptive family or adoptive family.

(b) May not exceed the current foster care base rate payment the child or young adult would be eligible to receive in foster care under OAR 413-090-0010(1)(b).

(c) Is negotiated between the pre-adoptive family or adoptive family and the Department, taking into consideration relevant factors which include, but are not limited to:

(A) The ordinary and special needs of the child or young adult;

(B) The services and goods required to meet the needs of the child or young adult;

(C) The cost of the services and goods required to meet the needs of the child or young adult;

(D) The circumstances of the pre-adoptive family or adoptive family and their ability to provide the required services and goods for the child or young adult; and

(E) The resources available to the pre-adoptive family or adoptive family such as medical coverage, private health insurance, public education, other income sources and community resources.

(4) When, during negotiation of the adoption assistance base rate, the Adoption Assistance and Guardianship Assistance Coordinator and the pre-adoptive family or adoptive family are unable to reach agreement, the Adoption Assistance and Guardianship Assistance Coordinator or the family may request a review by the Adoption Assistance Review Committee. When a review is requested:

(a) An Adoption Assistance and Guardianship Assistance Coordinator must:

(A) Prepare documentation for the scheduled Adoption Assistance Review Committee;

(B) Notify the pre-adoptive family or adoptive family and the assigned caseworkers of the date of the committee; and

(C) Attend and participate in the Adoption Assistance Review Committee.

(b) The pre-adoptive family or adoptive family may provide written documentation to the Adoption Assistance and Guardianship Assistance Coordinator for the review and consideration by the Adoption Assistance Review Committee.

(c) The adoption worker for the pre-adoptive family or adoptive family and the caseworker for the child or young adult may participate in an Adoption Assistance Review Committee meeting and may present information and respond to questions. The workers may not participate in the deliberations of the Adoption Assistance Review Committee.

(d) The Adoption Assistance Review Committee members must:

(A) Consider written documentation provided by the pre-adoptive family or adoptive family, the adoption worker for the pre-adoptive family or adoptive family, the caseworker for the child or young adult, and the Adoption Assistance and Guardianship Assistance Coordinator.

(B) Review materials submitted to the Adoption Assistance Review Committee, deliberate, and make one or more recommendations regarding the adoption assistance base rate.

(e) At the conclusion of the Adoption Assistance Review Committee, the Adoption Assistance and Guardianship Assistance Coordinator must:

(A) Document the recommendations of the Adoption Assistance Review Committee; and

(B) Submit the documentation to the Post Adoption Services Program Manager or designee within one business day of the Adoption Assistance Review Committee meeting.

(5) The Post Adoption Services Program Manager or designee must complete each of the following actions:

(a) Attend the Adoption Assistance Review Committee and ask any clarifying questions, but not participate in the deliberation or recommendation of the Adoption Assistance Review Committee.

(b) Review and consider:

(A) The materials submitted to the Adoption Assistance Review Committee;

(B) The recommendations of the committee; and

(C) The information presented by the pre-adoptive family or adoptive family under subsection (4)(b) of this rule.

(c) Make a decision within 30 calendar days of receipt of the documentation under paragraph (4)(e)(B) of this rule; and

(d) Provide written notification to the pre-adoptive family or adoptive family and the Adoption Assistance and Guardianship Assistance Coordinator within ten business days of the decision.

(6) The monthly level of care payment:

(a) Is determined based on the results of a CANS screening conducted under OAR 413-020-0230;

(b) May not exceed the amount of the level of care payment set forth in OAR 413-090-0010(2)(g); and

(c) Is included in the adoption assistance payment when the child or young adult qualifies for a level of care payment and when requested by the pre-adoptive family or adoptive family.

(7) When a pre-adoptive family or adoptive family is not satisfied with the final adoption assistance offer from the Department, consisting of the adoption assistance base rate and, when applicable, a level of care payment, the pre-adoptive family or adoptive family has the right to a contested case hearing under OAR 413-010-0500 to 413-010-0535.

(8) An initial adoption assistance payment begins on a date determined by the Department when all of the following criteria are met:

(a) The child is legally free for adoption;

(b) Unless the child is in the custody of a pre-adoptive family eligible to apply for adoption assistance under OAR 413-130-0040(5) or the Department has approved an adoptive family to apply for adoption assistance under OAR 413-130-0130, the Department, participating tribe, or licensed adoption agency has approved the pre-adoptive family as the adoptive placement; and

(c) An adoption assistance agreement has been signed by the pre-adoptive family or adoptive family and by the Department representative.

(9) An adoption assistance payment is issued at the end of each month of eligibility.

(10) An adoption assistance payment made to a pre-adoptive family or an adoptive family by the Department is inalienable by any assignment or transfer and exempt from garnishment, levy, or execution under the laws of this state.

Stat. Auth.: ORS 418.005 & 418.340

Stats. Implemented: ORS 418.005, 418.330, 418.335 & 418.340

Hist.: SCF 2-1995, f. & cert. ef. 8-21-95; SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95; SOSCF 8-1999, f. & cert. ef. 5-17-99; SOSCF 7-2002, f. 3-28-02, cert. ef. 4-1-02; CWP 16-2008, f. & cert. ef. 7-1-08; CWP 23-2008, f. & cert. ef. 10-1-08; CWP 6-2009(Temp), f. & cert. ef. 7-1-09 thru 12-28-09; CWP 22-2009, f. & cert. ef. 12-29-09; CWP 16-2011(Temp), f. & cert. ef. 6-30-11 thru 12-27-11; CWP 25-2011(Temp), f. 9-30-11, & cert. ef. 10-1-11 thru 12-27-11; CWP 35-2011, f. 12-27-11, cert. ef. 12-28-11; CWP 2-2014, f. 1-31-14, cert. ef. 2-1-14; CWP 24-2015, f. & cert. ef. 10-26-15

413-130-0075

Renegotiation of an Adoption Assistance Payment

(1) The Department, pre-adoptive family, or adoptive family may request renegotiation of an adoption assistance agreement. When the pre-adoptive family or adoptive family has previously signed an adoption assistance agreement only and requests adoption assistance at a later date, it is considered a renegotiation.

(2) A request for renegotiation of the adoption assistance agreement made by a pre-adoptive family or adoptive family must:

(a) Be in writing in a format provided by the Department to the pre-adoptive family or adoptive family;

(b) Document changes in the circumstances of the pre-adoptive family or adoptive family, when applicable;

(c) Document the needs of the child or young adult;

(d) Provide information about the financial expenses of the pre-adoptive family or adoptive family in meeting the needs of the child or young adult; and

(e) Provide additional documentation of the child's or young adult's current behaviors when the child or young adult meets the eligibility requirements for consideration of a level of care payment under OAR 413-020-0230, and the pre-adoptive family or adoptive family is requesting a level of care payment.

(3) Renegotiation of the adoption assistance base rate will be conducted using the negotiation process described in OAR 413-130-0070(3) through (7).

(4) A new adoption assistance agreement must be signed by all parties each time the adoption assistance payment changes as a result of renegotiation.

(5) The Department may authorize a renegotiated adoption assistance payment increase or decrease for the period commencing the first day of the month in which the Department receives the documentation required to complete the requested renegotiation, or another date agreed upon by the pre-adoptive family or adoptive family and the Department.

(6) The Department may approve up to twelve months of retroactive payments unless a contested case hearing was requested and a subsequent decision necessitates a payment of more than twelve months. The decision includes any decision by the Department, including:

(a) A final order;

(b) A stipulated final order;

(c) A settlement agreement; or

(d) Any other agreement resulting in withdrawal of the contested case.

Stat. Auth.: ORS 418.005, 418.340

Stats Implemented: ORS 418.005, 418.330, 418.335 & 418.340

Hist.: SOSCF 8-1999, f. & cert. ef. 5-17-99; SOSCF 7-2002, f. 3-28-02, cert. ef. 4-1-02; CWP 16-2008, f. & cert. ef. 7-1-08; CWP 6-2009(Temp), f. & cert. ef. 7-1-09 thru 12-28-09; CWP 22-2009, f. & cert. ef. 12-29-09; CWP 16-2011(Temp), f. & cert. ef. 6-30-11 thru 12-27-11; CWP 25-2011(Temp), f. 9-30-11, & cert. ef. 10-1-11 thru 12-27-11; CWP 35-2011, f. 12-27-11, cert. ef. 12-28-11; CWP 2-2014, f. 1-31-14, cert. ef. 2-1-14; CWP 24-2015, f. & cert. ef. 10-26-15

413-130-0100
Medical Assistance

(1) A child or young adult who is the subject of an adoption assistance agreement funded by Title IV-E funds is categorically eligible for medical assistance through Title XIX and eligible for social services through Title XX.

(2) A child or young adult who is the subject of an adoption assistance agreement funded with state general funds is eligible for medical assistance under OAR 413-100-0400 to 413-100-0610 when:

(a) The child or young adult resides in Oregon; or

(b) The child or young adult resides outside of Oregon but in the United States or a territory or possession thereof and is not able to obtain medical assistance in his or her place of residence.

(3) When the adoptive child or young adult resides outside of Oregon, the Department provides the necessary documentation to the state of residence of the child or young adult through the Interstate Compact on Adoption and Medical Assistance (ICAMA) to assist the pre-adoptive family or adoptive family in obtaining medical assistance for the child or young adult.

(4) Medical assistance is not provided for a child or young adult who resides outside of the United States, a territory or possession thereof.

Stat. Auth.: ORS 418.005, 418.340
Stats. Implemented: ORS 418.005, 418.330, 418.335 & 418.340
Hist.: SCF 2-1995, f. & cert. ef. 8-21-95; SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95; SOSCF 8-1999, f. & cert. ef. 5-17-99; SOSCF 7-2002, f. 3-28-02, cert. ef. 4-1-02; CWP 16-2008, f. & cert. ef. 7-1-08; CWP 6-2009(Temp), f. & cert. ef. 7-1-09 thru 12-28-09; CWP 22-2009, f. & cert. ef. 12-29-09; CWP 16-2011(Temp), f. & cert. ef. 6-30-11 thru 12-27-11; CWP 25-2011(Temp), f. 9-30-11, & cert. ef. 10-1-11 thru 12-27-11; CWP 35-2011, f. 12-27-11, cert. ef. 12-28-11; CWP 24-2015, f. & cert. ef. 10-26-15

413-130-0110
Administration of Approved Adoption Assistance

(1) Except as provided in OAR 413-130-0130, in order for the Department to provide adoption assistance on behalf of an eligible child:

(a) An adoption assistance agreement must be signed by each individual who is a party to the agreement and a Department representative; and

(b) The adoption assistance agreement must be in effect before the judgment of adoption.

(2) An adoption assistance agreement must include each of the following:

(a) A statement indicating that an adoption assistance agreement remains in effect regardless of the state or residency of the pre-adoptive family or the adoptive family and the child.

(b) An effective date which:

(A) Must be after the completion of a signed adoption assistance application; and

(B) Except as provided in OAR 413-130-0130, must be before the date of the judgment of adoption.

(c) Information identifying the eligibility of the child or young adult to receive medical assistance and specifying the eligibility of the child or young adult for Title XIX and XX.

(d) Information that ORS 192.558 allows the Oregon Health Plan (OHP) and OHP managed care plans to exchange the following protected health information without authorization from the pre-adoptive family or adoptive family for the purpose of treatment activities related to behavioral or physical health of the child or young adult when the child or young adult is the recipient of OHP services:

(A) The name and Medicaid recipient number for the child or young adult;

(B) The hospital or medical provider for the child or young adult;

(C) The hospital or medical provider's Medicaid number;

(D) Each diagnosis for the child or young adult;

(E) Each treatment activity's date of service;

(F) Each treatment activity's procedure or revenue code;

(G) The quantity of units or services provided; and

(H) Information about medication prescription and monitoring.

(e) Specification of the amount and nature of all adoption assistance to be provided.

(f) A statement informing the pre-adoptive family or adoptive family of the right to a contested case hearing under OAR 413-010-0500 to 413-010-0535.

(3) The Department remains financially responsible for providing the services specified in the adoption assistance agreement if the needed service is not available in the new state or service area of residence, except as described in OAR 413-130-0100(4).

(4) The foster care base rate payment, level of care payment, any level of personal care payment, and medical coverage end when adoption assistance begins. Medical assistance, as determined by the child's eligibility, may continue when requested by the pre-adoptive family or adoptive family.

(5) The Department may require documentation from the pre-adoptive family or adoptive family verifying that the child:

(a) Is enrolled in an elementary or secondary school as determined by the law of the state of residence;

(b) Is home schooled in accordance with the law of the state of residence;

(c) Is enrolled in an independent study program in accordance with the law of the state of residence;

(d) Has completed secondary school; or

(e) Is incapable of attending school due to a documented medical condition, mental disability, or physical disability.

(6) A pre-adoptive family or adoptive family must immediately inform the Adoption Assistance and Guardianship Assistance Unit of a change in circumstances that may make them ineligible for adoption assistance or eligible for an adoption assistance payment in a different amount.

(7) An individual who is a party to an adoption assistance agreement may request a change of payee due to a divorce, legal separation, or other judicially recognized modification of custody.

(a) The requesting individual must provide the Department with the current address and telephone number of the current payee.

(b) The Department must notify the current payee that there has been a request to change the payee within 30 calendar days of receipt of a request for a change of payee.

(c) Unless the current payee submits a challenge to the request to change payee within 30 calendar days of the date the Department sends the notice in subsection (b) of this section, the request to change payee will be approved.

(d) If the change of payee is challenged, the Department requires legal documentation describing physical custody of the child to make a change in payee.

(e) The new payee must be one of the parties to the adoption assistance agreement.

(8) Overpayment.

(a) If the Department issues an adoption assistance payment on behalf of a child or young adult after the date the adoption assistance agreement automatically expires, the Department may seek reimbursement of the overpayment and the pre-adoptive family or the adoptive family must repay the Department.

(b) If the pre-adoptive family or adoptive family fails to comply with any provisions of the adoption assistance agreement, including failing to notify the Department of any of the events or circumstances described in section (6) of this rule, the Department may collect any adoption assistance payment or medical assistance which the Department would not have provided had the pre-adoptive family or adoptive family complied with the provisions of the adoption assistance agreement.

Stat. Auth.: ORS 418.005, 418.340
Stats. Implemented: ORS 418.005, 418.330, 418.335 & 418.340
Hist.: SCF 2-1995, f. & cert. ef. 8-21-95; SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95; SOSCF 8-1999, f. & cert. ef 5-17-99; SOSCF 11-1999(Temp), f. & cert. ef. 6-3-99 thru 11-30-99; SOSCF 22-1999, f. & cert. ef. 11-24-99; SOSCF 7-2002, f. 3-28-02, cert. ef. 4-1-02; CWP 16-2006, f. 6-30-06, cert. ef. 7-1-06; CWP 16-2008, f. & cert. ef. 7-1-08; CWP 6-2009(Temp), f. & cert. ef. 7-1-09 thru 12-28-09; CWP 22-2009, f. & cert. ef. 12-29-09; CWP 16-2011(Temp), f. & cert. ef. 6-30-11 thru 12-27-11; CWP 25-2011(Temp), f. 9-30-11, & cert. ef. 10-1-11 thru 12-27-11; CWP 35-2011, f. 12-27-11, cert. ef. 12-28-11; CWP 2-2014, f. 1-31-14, cert. ef. 2-1-14; CWP 24-2015, f. & cert. ef. 10-26-15

413-130-0125
Adjustments of Adoption Assistance

(1) The Department may request updated information from the pre-adoptive family or the adoptive family when the Department becomes aware of a change in circumstances that may make the pre-adoptive family or the adoptive family ineligible for adoption assistance or eligible for adoption assistance in a different amount.

(2) When the adoptive family divorces, legally separates, or is party to a judicially recognized modification of custody, the Department may request updated information, including financial information, to reflect the change in family circumstances.

(3) When there is an across-the-board reduction or increase in the base rate payment or level of care payment that the child or young adult would be eligible to receive if the child or young adult were in foster care, the Department may, after a case-by-case review and without concurrence of the adoptive family, adjust the adoption assistance payment to an amount

that does not exceed the new foster care payment the child or young adult would receive if currently in foster care, as follows:

(a) In the case of a reduction, only those payments that exceed the amount the child or young adult would be eligible for if currently in foster care would be reduced, and the reduction would only be to the amount that the child or young adult would be eligible to receive if currently in foster care.

(b) In the case of an increase, the Department, considering the needs of the child or young adult and the circumstances of the adoptive family, may increase the adoption assistance payment to an amount that does not exceed the new foster care payment the child or young adult would receive if currently in foster care.

(4) If, upon an adjustment under section (3) of this rule, the Department intends to adjust an adoption assistance payment without the concurrence of the adoptive family, the Department will provide the adoptive family and the child or young adult with written notice as described in OAR 413-010-0500 to 413-010-0535.

(5) The Department, with the concurrence of the pre-adoptive family or adoptive family, may adjust or suspend the adoption assistance payment to reflect a change in the pre-adoptive family or adoptive family's circumstances or expenses on behalf of the child or young adult.

(6) The Department will terminate the adoption assistance agreement upon ten calendar days written notice to the pre-adoptive family or adoptive family when it becomes known to the Department that the pre-adoptive family or adoptive family is no longer providing any support to the child or young adult or is no longer legally responsible for the support of the child or young adult, including under the following circumstances:

(a) When the parental rights of the adoptive family have been terminated or relinquished.

(b) When the child becomes an emancipated minor.

(c) When the child or young adult:

(A) Marries.

(B) Enlists in the military.

(C) Dies.

(d) When the young adult no longer meets the eligibility requirements in OAR 413-130-0055.

(7) The adoption assistance agreement automatically expires when the child reaches the age of 18 or, when an extension has been granted under OAR 413-130-0055, no later than when the young adult reaches the age of 21 as documented in the adoption assistance agreement.

Stat. Auth.: ORS 418.005, 418.340

Stats. Implemented: ORS 418.005, 418.330, 418.335 & 418.340

Hist.: CWP 16-2003, f. 1-21-03, cert. ef. 2-1-03; CWP 38-2003(Temp), f. & cert. ef. 11-19-03 thru 5-17-04; CWP 4-2004, f. & cert. ef. 4-1-04; CWP 16-2008, f. & cert. ef. 7-1-08; CWP 6-2009(Temp), f. & cert. ef. 7-1-09 thru 12-28-09; CWP 22-2009, f. & cert. ef. 12-29-09; CWP 16-2011(Temp), f. & cert. ef. 6-30-11 thru 12-27-11; CWP 25-2011(Temp), f. 9-30-11, & cert. ef. 10-1-11 thru 12-27-11; CWP 35-2011, f. 12-27-11, cert. ef. 12-28-11; CWP 2-2014, f. 1-31-14, cert. ef. 2-1-14; CWP 24-2015, f. & cert. ef. 10-26-15

413-130-0130

Post Judgment of Adoption Applications for Adoption Assistance

(1) An adoptive family asking to apply for adoption assistance after the judgment of adoption must submit a written request to the Adoption Assistance and Guardianship Assistance Unit, 500 Summer Street NE, E-71, Salem, Oregon 97301, based on one or more of the following extenuating circumstances:

(a) Relevant facts regarding the child, the biological family, or background of the child were known, but not shared with the adoptive family prior to legal finalization of the adoption;

(b) Adoption assistance was denied based on an assessment of the financial need of the adoptive family;

(c) The Department determined the child was ineligible for adoption assistance, but information becomes known that indicates a review of the determination is appropriate; or

(d) The Department failed to advise the adoptive family of a special needs child of the availability of adoption assistance.

(2) Upon receipt of the written request, the Department must determine, within 30 calendar days, whether the child meets Title IV E eligibility requirements.

(3) The Department may review and provide an adoptive family historic information regarding the child to assist in the request and determination regarding eligibility for adoption assistance:

(a) Following receipt of a request from the adoptive parents for non-identifying information from the adoption registry as provided by ORS 109.425 through 109.507;

(b) Following receipt of a court order to review and release records from the sealed adoption file; or

(c) As otherwise allowed under OAR 413-010-0065.

(4) When a child is Title IV-E eligible, a decision is made through a contested case hearing on whether the adoptive family may apply for adoption assistance after the judgment of adoption based on the extenuating circumstances in section (1) of this rule:

(a) The Adoption Assistance and Guardianship Assistance Coordinator must write a summary of the situation and submit a hearing referral and supporting documentation to the Office of Administrative Hearings within 45 calendar days of receipt of the request in section (1) of this rule.

(b) An adoptive family has the burden of proof to show that extenuating circumstances exist. The Department may provide corroborating facts to both the adoptive family and the administrative law judge.

(c) The contested case hearing is conducted under OAR 413-010-0500 to 413-010-0535.

(5) When a child does not meet Title IV E eligibility requirements, the Post Adoption Services Program Manager determines if extenuating circumstances under section (1) of this rule exist that justify accepting an adoption assistance application from the adoptive family.

(a) The Adoption Assistance and Guardianship Assistance Coordinator must prepare information for review by the Post Adoption Services Program Manager including information submitted by both the adoptive family and Department records.

(b) A written finding will be sent to the adoptive family within 60 calendar days of the receipt of the request for review.

(c) When the Post Adoption Services Program Manager finds that extenuating circumstances do not exist, the adoptive family may request a contested case hearing under OAR 413-010-0500 to 413-010-0535.

(A) The administrative law judge in the contested case hearing reviews whether the adoptive family may submit an application for adoption assistance.

(B) The approval of the adoption assistance application is a separate determination made by the Department.

(6) When the decision, through a contested case hearing or Post Adoption Services Program Manager review, is that the adoptive family is eligible to apply for adoption assistance on behalf of the child, an adoption assistance application may be signed, effective the date of the written request described in section (1) of this rule. The process for application in OAR 413-130-0050 and negotiation in OAR 413-130-0070 apply.

Stat. Auth.: ORS 418.005, 418.340

Stats. Implemented: ORS 418.005, 418.330, 418.335 & 418.340

Hist.: SCF 2-1995, f. & cert. ef. 8-21-95; SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95; SOSCF 8-1999, f. & cert. ef. 5-17-99; SOSCF 7-2002, f. 3-28-02, cert. ef. 4-1-02; CWP 16-2008, f. & cert. ef. 7-1-08; CWP 6-2009(Temp), f. & cert. ef. 7-1-09 thru 12-28-09; CWP 22-2009, f. & cert. ef. 12-29-09; CWP 16-2011(Temp), f. & cert. ef. 6-30-11 thru 12-27-11; CWP 25-2011(Temp), f. 9-30-11, & cert. ef. 10-1-11 thru 12-27-11; CWP 35-2011, f. 12-27-11, cert. ef. 12-28-11; CWP 2-2014, f. 1-31-14, cert. ef. 2-1-14; CWP 24-2015, f. & cert. ef. 10-26-15

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Department of Justice
Chapter 137

Rule Caption: Adopts Attorney General's Model Rules on Mediation Confidentiality to Implement 2015 Legislation

Adm. Order No.: DOJ 13-2015

Filed with Sec. of State: 10-27-2015

Certified to be Effective: 10-27-15

Notice Publication Date:

Rules Adopted: 137-005-0052, 137-005-0054

Rules Amended: 137-005-0050

Rules Repealed: 137-005-0050(T), 137-005-0052(T), 137-005-0054(T)

Subject: This rule making action implements 2015 legislation. Before 2015, to obtain confidentiality in mediations involving private parties and state agencies, agencies were required to go through formal rule making to adopt mediation confidentiality rules developed by the Attorney General. 2015 legislation changes the process. The Attorney General is now required to promulgate mediation confidentiality rules and agencies may adopt the rules by reference without formal rule making. This rule making action adopts Attorney General Model Mediation Confidentiality Rules. It also amends OAR 137-005-0050, an existing Attorney General Model Rule concerning the Confidentiality of Collaborative Dispute Resolution Communications, to specify the new process for agencies to

adopt mediation confidentiality rules and to clarify certain provisions concerning mediation confidentiality.

Rules Coordinator: Carol Riches—(503) 378-5987

137-005-0050

Confidentiality of Collaborative Dispute Resolution Communications

(1) For the purposes of this rule,

(a) "Agreement to mediate" means a written agreement to mediate executed by the parties establishing the terms and conditions of the mediation, which may include provisions specifying the extent to which mediation communications will be confidential.

(b) "Mediation" means a process in which a mediator assists and facilitates two or more parties to a controversy in reaching a mutually acceptable resolution of the controversy and includes all contacts between a mediator and any party or agent of a party, until such time as a resolution is agreed to by the parties or the mediation process is terminated.

(c) "Mediation agreement" means an agreement arising out of a mediation, including any term or condition of the agreement.

(d) "Mediation communication" means:

(A) All communications that are made, in the course of or in connection with a mediation, to a mediator, a mediation program or a party to, or any other person present at, the mediation proceedings; and

(B) All memoranda, work products, documents and other materials, including any draft mediation agreement, that are prepared for or submitted in the course of or in connection with a mediation or by a mediator, a mediation program or a party to, or any other person present at, mediation proceedings.

(e) "Mediator" means a third party who performs mediation. Mediator includes agents and employees of the mediator or mediation program.

(f) "Party" means a person or agency participating in a mediation who has a direct interest in the controversy that is the subject of the mediation. A person or agency is not a party to a mediation solely because the person or agency is conducting the mediation, is making the mediation available or is serving as an information resource at the mediation.

(2) If the agency is a party to a mediation or is mediating a dispute as to which the agency has regulatory authority:

(a) The agency may choose to adopt either or both the Model Rule for Confidentiality and Inadmissibility of Mediation Communications in OAR 137-050-0052 or the Model Rule for Confidentiality and Inadmissibility of Workplace Interpersonal Mediation Communications in 137-050-0054, in which case mediation communications shall be confidential to the extent provided in those rules. The agency may adopt the rules by reference without complying with the rulemaking procedures under ORS 183.335. Notice of such adoption shall be filed with the Secretary of State in the manner provided by ORS 183.355 for the filing of rules.

(b) If the agency has not adopted confidentiality rules pursuant to ORS 36.220 to 36.238, mediation communications shall not be confidential unless otherwise provided by law, and the agency shall inform the parties in the mediation of that fact in an agreement to collaborate pursuant to OAR 137-005-0030 or other document.

(3) If the agency is mediating a dispute as to which the agency is not a party and does not have regulatory authority, mediation communications are confidential, except as provided in ORS 36.220 to 36.238. The agency and the other parties to the mediation may agree in writing that all or part of the mediation communications are not confidential. Such an agreement may be made a part of an agreement to collaborate authorized by OAR 137-005-0030.

(4) If the agency and the other participants in a collaborative DR process other than a mediation wish to make confidential the communications made during the course of the collaborative DR process:

(a) The agency, the other participants and the collaborative DR provider, if any, shall sign an agreement to collaborate pursuant to OAR 137-005-0030 or any other document that expresses their intent with respect to:

(A) Disclosures by the agency and the other participants of communications made during the course of the collaborative DR process;

(B) Disclosures by the collaborative DR provider of communications made during the course of the collaborative DR process;

(C) Any restrictions on the agency's use of communications made during the course of the collaborative DR process in any subsequent administrative proceeding of the agency; and

(D) Any restrictions on the ability of the agency or the other participants to introduce communications made during the course of the collaborative DR process in any subsequent judicial or administrative proceeding relating to the issues in controversy with respect to which the communication was made.

(b) Notwithstanding any agreement under subsection (4)(a) of this rule, communications made during the course of a collaborative DR process:

(A) May be disclosed if the communication relates to child abuse and is made to a person who is required to report abuse under ORS 419B.010 to the extent the person is required to report the communication;

(B) May be disclosed if the communication relates to elder abuse and is made to a person who is required to report abuse under ORS 124.050 to 124.095 to the extent the person is required to report the communication;

(C) May be disclosed if the communication reveals past crimes or the intent to commit a crime;

(D) May be disclosed by a party to a collaborative DR process to another person if the party's communication with that person is privileged under ORS Chapter 40 or other provision of law;

(E) May be used by the agency in any subsequent proceeding to enforce, modify or set aside an agreement arising out of the collaborative DR process;

(F) May be disclosed in an action for damages or other relief between a party to a collaborative DR process and a DR provider to the extent necessary to prosecute or defend the matter; and

(G) Shall be subject to the Public Records Law, ORS 192.410 to 192.505, and the Public Meetings Law, ORS 192.610 to 192.690.

(c) If a demand for disclosure of a communication that is subject to an agreement under this section is made upon the agency, any other participant or the collaborative DR provider, the person receiving the demand for disclosure shall make reasonable efforts to notify the agency, the other participants and the collaborative DR provider.

Stat. Authority: ORS 183.341 & 183.502; OL 2015, ch 114 (SB 189)
Stats. Implemented: ORS 36.110 & 36.220 - 36.238; 2015 SB 189
Hist.: JD 3-1997, f. 9-4-97, cert. ef. 9-15-97; DOJ 10-1999, f. 12-23-99, cert. ef. 1-1-00; DOJ 7-2015(Temp), f. 5-22-15, cert. ef. 5-26-15 thru 11-21-15; DOJ 13-2015, f. & cert. ef. 10-27-15

137-005-0052

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 ORS 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 (8) of this rule.

(5) Mediations Excluded. Sections (6) (9) 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; or

(c) Mediation in which the only parties are public bodies; or

(d) Mediation in which two or more public bodies and a private entity are parties 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; or

(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), (o)–(p) and (r)–(s) of section (8) of this rule.

(7) Confidentiality and Inadmissibility of Mediation Communications. Except as provided in section (8) 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 so long as:

(a) The parties to the mediation sign an agreement to mediate specifying the extent to which mediation communications are confidential; and,

(b) If the mediator is the employee of or acting on behalf of a state agency, the mediator or an authorized representative of the agency signs the agreement.

(8) 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 document that, before its use in a mediation, was a public record as defined in ORS 192.410 remains subject to disclosure to the extent provided by ORS 192.410 to 192.505 and may be introduced into evidence in a subsequent proceeding.

(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.

(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 agency director, administrator or board 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 ORS 17.095 or state or federal law requires the terms to be confidential.

(p) In any mediation in a case that that has been filed in court or when a public body's role in a mediation is solely to make mediation available to the parties the mediator may report the disposition of the mediation to that public body or court at the conclusion of the mediation so long as the report does not disclose specific confidential mediation communications. The agency conducting the mediation or making the mediation available or the mediator may use or disclose confidential mediation communications for research, training or educational purposes, subject to the provisions of ORS 36.232.

(q) An agreement to mediate is not confidential and may be introduced into evidence in a subsequent proceeding.

(r) Any mediation communication relating to child abuse that is made to a person required to report child abuse under ORS 419B.010 is not confidential to the extent that the person is required to report the communication.

(s) Any mediation communication relating to elder abuse that is made to a person who is required to report elder abuse under ORS 124.050 to 124.095 is not confidential to the extent that the person is required to report the communication.

(9) 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. The agreement to mediate also must refer to this rule. Violation of this provision does not waive confidentiality or inadmissibility.

Stat. Auth.: ORS 36.224, OL 2015, ch 114 (SB 189)
Stats. Implemented: ORS 36.224, 36.228, 36.230, 36.232, OL 2015, ch 114 (SB 189)
Hist.: DOJ 7-2015(Temp), f. 5-22-15, cert. ef. 5-26-15 thru 11-21-15; DOJ 13-2015, f. & cert. ef. 10-27-15

137-005-0054
Confidentiality and Inadmissibility of Workplace Interpersonal Mediation Communications

(1) This rule applies to workplace interpersonal disputes, which are disputes involving the interpersonal relationships between this agency's employees, officials or employees and officials. This rule does not apply to disputes involving the negotiation of labor contracts or matters about which a tort claim notice or a lawsuit has been filed.

(2) The words and phrases used in this rule have the same meaning as given to them in ORS 36.110 and 36.234.

(3) Nothing in this rule affects any confidentiality created by other law.

(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 ORS 40.190 (OEC Rule 408), notwithstanding any provisions to the contrary in section (9) of this rule.

(5) 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) or (h)–(l) of section (7) of this rule.

(6) Confidentiality and Inadmissibility of Mediation Communications. Except as provided in section (7) of this rule, mediation communications in mediations involving workplace interpersonal disputes 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 into evidence by the parties or the mediator in any subsequent proceeding so long as:

(a) The parties to the mediation and the agency have agreed in writing to the confidentiality of the mediation; and

(b) The person agreeing to the confidentiality of the mediation on behalf of the agency:

(A) Is neither a party to the dispute nor the mediator; and

(B) Is designated by the agency to authorize confidentiality for the mediation; and

(C) Is at the same or higher level in the agency than any of the parties to the mediation or who is a person with responsibility for human resources or personnel matters in the agency, unless the agency head or member of the governing board is one of the persons involved in the interpersonal dispute, in which case the Governor or the Governor's designee.

(7) 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) 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.

(e) 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.

(f) 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.

(g) 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.

(h) 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

(i) 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.

(j) 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.

(k) Any mediation communication relating to child abuse that is made to a person required to report abuse under ORS 419B.010 is not confidential to the extent that the person is required to report the communication.

(l) Any mediation communication relating to elder abuse that is made to a person who is required to report abuse under ORS 124.050 to 124.095 is not confidential to the extent that the person is required to report the communication.

(8) The terms of any agreement arising out of the mediation of a workplace interpersonal dispute are confidential so long as the parties and the agency so agree in writing. Any term of an agreement that requires an expenditure of public funds, other than expenditures of $1,000 or less for employee training, employee counseling or purchases of equipment that remain the property of the agency, may not be made confidential.

(9) When a mediation is subject to section (6) of this rule, the agency will provide to all parties to the mediation and to the mediator a copy of this rule or an explanation of where a copy of the rule may be obtained. The mediation confidentiality agreement must also refer to this rule. Violation of this provision does not waive confidentiality or inadmissibility.

Stat. Auth.: ORS 36.224, OL 2015, ch 114 (SB 189)
Stats. Implemented: ORS 36.230(4), OL 2015, ch 114 (SB 189)
Hist.: DOJ 7-2015(Temp), f. 5-22-15, cert. ef. 5-26-15 thru 11-21-15; DOJ 13-2015, f. & cert. ef. 10-27-15

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Department of Public Safety Standards and Training
Chapter 259

Rule Caption: To adopt the NFPA 1006 Technical Rescuer Professional Qualifications, 2013 Edition.
Adm. Order No.: DPSST 17-2015
Filed with Sec. of State: 10-22-2015
Certified to be Effective: 10-22-15
Notice Publication Date: 6-1-2015
Rules Amended: 259-009-0005, 259-009-0062
Subject: This proposed rule change, which adopts the 2013 edition of the NFPA 1006, Technical Rescuer Professional Qualifications for the Oregon fire service, was previously reviewed and approved for filing with the Secretary of State as a proposed rule by the Fire Policy Committee and Board on Public Safety Standards and Training (Board). The proposed rules were filed with the Secretary of State's Office and open for public comment from June 1 to June 22, 2015.

One public comment was received regarding OAR 259-009-0005 and OAR 259-009-0062 during the open comment period.

On August 26, 2015, the Fire Policy Committee met and discussed the public comment. Some of the concerns in the public comment included that some portions of the NFPA standard were not included in the proposed rule change. Staff research determined that some sections of the NFPA standard were omitted because they didn't apply to the Oregon Fire Service. The Fire Policy Committee unanimously agreed to recommend filing the proposed language for OAR 259-009-0005 and OAR 259-009-0062 to the Board as a permanent rule. On October 22, 2015, the Board met and affirmed the Fire Policy Committee's recommendation.

Rules Coordinator: Sharon Huck—(503) 378-2432

259-009-0005
Definitions

(1) "Agency Head" means the chief officer of a fire service agency directly responsible for the administration of that unit.

(2) "Authority having jurisdiction" means the Department of Public Safety Standards and Training.

(3) "Board" means the Board on Public Safety Standards and Training.

(4) "Chief Officer" means an individual of an emergency fire agency at a higher level of responsibility than a company officer. A chief officer supervises two or more fire companies in operations or manages and supervises a particular fire service agency program such as training, communications, logistics, prevention, emergency medical services provisions and other staff related duties.

(5) "Community College" means a public institution operated by a community college district for the purpose of providing courses of study limited to not more than two years full-time attendance and designed to meet the needs of a geographical area by providing educational services, including but not limited to vocational or technical education programs or lower division collegiate programs.

(6) "Company Officer" means a fire officer who supervises a company of fire fighters assigned to an emergency response apparatus.

(7) "Content Expert" means a person who documents their experience, knowledge, training and education for the purposes of course instruction.

(8) "Content Level Course" is a course that includes an identifiable block of learning objectives or outcomes that are required for certification at one or more levels.

(9) "Department" means the Department of Public Safety Standards and Training.

(10) "Director" means the Director of the Department of Public Safety Standards and Training.

(11) "Field Training Officer" means an individual who is authorized by a fire service agency or by the Department to sign as verifying completion of tasks required by task books.

(12) "Fire and Life Safety Educator I" means a person who has demonstrated the ability to coordinate and deliver existing education programs and information.

(13) "Fire and Life Safety Educator II" means a person who has demonstrated the ability to prepare educational programs and information to meet identified needs.

(14) "Fire and Life Safety Educator III" means a person who has demonstrated the ability to create, administer, and evaluate educational programs and information.

(15) "Fire Company" means a group of fire fighters, usually three or more, who staff and provide the essential emergency duties of a particular emergency response apparatus.

(16) "Fire Fighter" is a term used to describe an individual who renders a variety of emergency response duties primarily to save lives and protect property. This applies to career and volunteer personnel.

(17) "Fire Fighter I" means a person at the first level of progression who has demonstrated the knowledge and skills to function as an integral member of a fire-fighting team under direct supervision in hazardous conditions.

(18) "Fire Fighter II" means a person at the second level of progression who has demonstrated the skills and depth of knowledge to function under general supervision.

(19) "Fire Ground Leader" means a Fire Service Professional who is qualified to lead emergency scene operations."

(20) "Fire Inspector" means an individual whose primary function is the inspection of facilities in accordance with the specific jurisdictional fire codes and standards.

(21) "Fire Service Agency" means any unit of state or local government, a special purpose district or a private firm which provides, or has authority to provide, fire protection services.

(22) "Fire Service Professional" means a paid (career) or volunteer fire fighter, an officer or a member of a public or private fire protection agency who is engaged primarily in fire investigation, fire prevention, fire safety, fire control or fire suppression or providing emergency medical services, light and heavy rescue services, search and rescue services or hazardous materials incident response. "Fire service professional" does not include forest fire protection agency personnel.

(23) "Fire Training Officer" means a fire service member assigned the responsibility for administering, providing, and managing or supervising a fire service agency training program.

(24) "First Responder" means an "NFPA Operations Level Responder."

(25) "Juvenile Firesetter Intervention Specialist I" means a person who has demonstrated the ability to conduct an intake/interview with a firesetter and his or her family using prepared forms and guidelines and who, based on program policies and procedures, determines the need for referral for counseling and/or implements educational intervention strategies to mitigate effects of fire setting behavior.

(26) "Juvenile Firesetter Intervention Specialist II" means a person who has demonstrated the ability to manage juvenile firesetting intervention program activities and the activities of Juvenile Firesetter Intervention Specialist I.

(27) "NFPA" stands for National Fire Protection Association which is a body of individuals representing a wide variety of professions, including fire protection, who develop consensus standards and codes for fire safety by design and fire protection agencies.

(28) "NFPA Aircraft Rescue and Fire-Fighting Apparatus" means a Fire Service Professional who has met the requirements of Fire Fighter II as specified in NFPA 1001, Fire Apparatus Driver/Operator as specified in NFPA 1002 Chapter 4, NFPA Airport Fire Fighter as specified in NFPA 1003 and the job performance requirements defined in NFPA 1002 Sections 9.1 and 9.2.

(29) "NFPA Airport Firefighter" means a member of a Fire Service Agency who has met job performance requirements of NFPA Standard 1003.

(30) "NFPA Apparatus Equipped with an Aerial Device" means a Fire Service Professional who has met the requirements of Fire Fighter I as specified in NFPA 1001, Fire Apparatus Driver/Operator as specified in NFPA 1002 Chapter 4 and the job performance requirements defined in NFPA 1002 Sections 6.1 and 6.2.

(31) "NFPA Apparatus Equipped with a Tiller" means a Fire Service Professional who has met the requirements of Fire Fighter I as specified in NFPA 1001, Fire Apparatus Driver/Operator as specified in NFPA 1002 Chapter 4, Apparatus Equipped with an Aerial Device as specified in NFPA 1002 Chapter 6 and the job performance requirements defined in NFPA 1002 Sections 7.2.

(32) "NFPA Apparatus Equipped with Fire Pump" means a Fire Service Professional who has met the requirements of Fire Fighter I as specified in NFPA 1001, Fire Apparatus Driver/Operator as specified in NFPA 1002 Chapter 4 and the job performance requirements defined in NFPA 1002 Sections 5.1 and 5.2.

(33) "NFPA Cargo Tank Specialty" means a person who provides technical support pertaining to cargo tank cars, provides oversight for product removal and movement of damaged cargo tanks, and acts as liaison between technicians and outside resources.

(34) "NFPA Confined Space Rescue" means a Fire Service Professional who has met the job performance requirements defined in NFPA 1006, Chapters 4, 5, and 7, sections 7.1.1 through 7.1.5 and 7.2.1 through 7.2.3.

(35) "NFPA Dive Rescue" means a Fire Service Professional who has met the job performance requirements defined in NFPA 1006, Chapters 4, 5, 11, 13, sections 13.1.1 through 13.1.8.

(36) "NFPA Fire Apparatus Driver/Operator" means a Fire Service Professional who has met the job performance requirements defined in NFPA 1002, Chapter 4 sections 4.2 and 4.3.

(37) "NFPA Fire Fighter I" means a member of a fire service agency who has met the Level I job performance requirements of NFPA standard 1001 (sometimes referred to as a journeyman fire fighter).

(38) "NFPA Fire Fighter II" means a member of a fire service agency who met the more stringent Level II job performance requirements of NFPA Standard 1001 (sometimes referred to as a senior fire fighter).

(39) "NFPA Fire Inspector I" means an individual who conducts basic fire code inspections and has met the Level I job performance requirements of NFPA Standard 1031.

(40) "NFPA Fire Inspector II" means an individual who conducts complicated fire code inspections, reviews plans for code requirements, and recommends modifications to codes and standards. This individual has met the Level II job performance requirements of NFPA standard 1031.

(41) "NFPA Fire Inspector III" means an individual at the third and most advanced level of progression who has met the job performance requirements specified in this standard for Level III. The Fire Inspector III performs all types of fire inspections, plans review duties, and resolves complex code-related issues.

(42) "NFPA Fire Instructor I" means a fire service instructor who has demonstrated the knowledge and ability to deliver instruction effectively from a prepared lesson plan, including instructional aids and evaluation instruments; adapts lesson plans to the unique requirements of the students and the authority having jurisdiction; organizes the learning environment so that learning is maximized; and meets the record-keeping requirements of the authority having jurisdiction.

(43) "NFPA Fire Instructor II" means a fire service instructor who, in addition to meeting NFPA Fire Instructor I qualifications, has demonstrated the knowledge and ability to develop individual lesson plans for specific topics, including learning objectives, instructional aids, and evaluation instruments; schedules training sessions based on an overall training plan for the authority having jurisdiction; and supervises and coordinates the activities of other instructors.

(44) "NFPA Fire Instructor III" means a fire service instructor who, in addition to meeting NFPA Fire Instructor II qualifications, has demonstrated the knowledge and ability to develop comprehensive training curricula and programs for use by single or multiple organizations; conducts organization needs analysis; and develops training goals and implementation strategies.

(45) "NFPA Fire Investigator" means an individual who conducts post fire investigations to determine the cause and the point of origin of a fire. This individual has met the job performance requirements of NFPA Standard 1033.

(46) "NFPA Fire Officer I" means a fire officer, at the supervisory level, who has met the job performance requirements specified in NFPA 1021 Standard Fire Officer Professional Qualifications (company officer rank).

(47) "NFPA Fire Officer II" means the fire officer, at the supervisory/managerial level, who has met the job performance requirements in NFPA Standard 1021 (station officer, battalion chief rank).

(48) "NFPA Fire Officer III" means a fire officer, at the managerial/administrative level, who has met the job performance requirements in NFPA Standard 1021 (district chief, assistant chief, division chief, deputy chief rank).

(49) "NFPA Fire Officer IV" means a fire officer, at the administrative level, who has met the job performance requirements in NFPA Standard 1021(fire chief).

(50) "NFPA Incident Commander" (IC) means a person who is responsible for all incident activities, including the development of strategies and tactics and the ordering and release of resources.

(51) "NFPA Intermodal Tank Specialty" means a person who provides technical support pertaining to intermodal tanks, provides oversight for product removal and movement of damaged intermodal tanks, and acts as a liaison between technicians and outside resources.

(52) "NFPA Hazardous Materials Safety Officer" means a person who works within an incident management system (IMS), specifically, the hazardous materials branch/group, to ensure that recognized hazardous materials or weapons of mass destruction (WMD) safe practices are followed at hazardous materials or WMD incidents.

(53) "NFPA Hazardous Materials Technician" means a person who responds to hazardous materials or WMD incidents using a risk-based response process where they analyze a problem involving hazardous materials or WMD, select applicable decontamination procedures, and control a release using specialized protective and control equipment.

(54) "NFPA Machinery Rescue" means a Fire Service Professional who has met the job performance requirements defined in NFPA 1006 Chapters 4, 5, and 19, sections 19.1.1 through 19.1.10 and 19.2.1 through 19.2.5.

(55) "NFPA Marine Land-Based Fire Fighter" means a member of a fire service agency who meets the job performance requirements of NFPA 1005.

(56) "NFPA Marine Tank Vessel Specialty" means a person who provides technical support pertaining to marine tank vessels, provides oversight for product removal and movement of damaged marine tank vessels, and acts as a liaison between technicians and outside resources.

(57) "NFPA Mobile Water Supply Apparatus" means a Fire Service Professional who has met the requirements of Fire Apparatus Driver/Operator as specified in NFPA 1002 Chapter 4 and the job performance requirements defined in NFPA 1002 Sections 10.1 and 10.2.

(58) "NFPA Operations Level Responder" means a person who responds to hazardous materials or WMD incidents for the purpose of implementing or supporting actions to protect nearby persons, the environment, or property from the effects of the release.

(59) "NFPA Rope Rescue" means a Fire Service Professional who has met the job performance requirements defined in NFPA 1006, Chapters 4, 5, and 6, sections 6.1.3 through 6.1.8 and 6.2.1 through 6.2.8.

(60) "NFPA Structural Collapse Rescue" means a Fire Service Professional who has met the job performance requirements defined in NFPA 1006, Chapters 4, 5, and 9, sections 9.1.1 through 9.1.13 and 9.2.1 through 9.2.16.

(61) "NFPA Surf Rescue" means a Fire Service Professional who had met the job performance requirements defined in NFPA 1006, Chapters 4, 5, and 11, section 11.1 and Chapter 15, sections 15.1.1 through 15.1.4 and 15.2.1 through 15.2.3.

(62) "NFPA Surface Water Rescue" means a Fire Service Professional who has met the job performance requirements defined in NFPA 1006, Chapters 4, 5, and 11, section 11.1.1 through 11.1.15 and 11.2.1 through 11.2.4.

(63) "NFPA Swiftwater Rescue" means a Fire Service Professional who has met the job performance requirements defined in NFPA 1006, Chapters 4, 5, 6, 11, and 12, sections, 11.1, 11.2, 12.1.1 through 12.1.4 and 12.2.1 through 12.2.2.

(64) "NFPA Tank Car Specialty" means a person who provides technical support pertaining to tank cars, provides oversight for product removal and movement of damaged tank cars, and acts as a liaison between technicians and outside resources.

(65) "NFPA Technical Rescuer" means a Fire Service Professional who is trained to perform or direct the technical rescue.

(66) "NFPA Trench Rescue" means a Fire Service Professional who has met the job performance requirements defined in NFPA 1006, Chapters 4, 5, and 8, sections 8.1.1 through 8.1.7 and 8.2.1 through 8.2.6.

(67) "NFPA Vehicle Rescue" means a Fire Service Professional who has met the job performance requirements defined in NFPA 1006, Chapters 4, 5, and 10, sections 10.1.1 through 10.1.10 and 10.2.1 through 10.2.5.

(68) "NFPA Wildland Fire Apparatus" means a Fire Service Professional who has met the requirements of Fire Apparatus Driver/Operator as specified in NFPA 1002 Chapter 4 and the job performance requirements defined in NFPA 1002 Sections 8.1 and 8.2.

(69) "NWCG Firefighter Type 2 (FFT2)" means a person who is the basic resource used in the control and extinguishment of wildland fires and works either as an individual or as a member of a crew under the supervision of a higher qualified individual.

(70) "NWCG Firefighter Type 1 (FFT1)" means a person who is a working leader of a small group (usually not more than seven members) and is responsible for keeping assigned personnel fully employed on assigned jobs. Normally this position is supervised by a Single Resource Crew Boss but may be assigned independently on occasion.

(71) "NWCG Single Resource Boss (CRWB, ENGB, FELB, FIRB, HEQB or HMGB)" means a person who is responsible for supervising and directing a fire suppression module, such as a hand crew, engines, one or more fallers, a firing team, heavy equipment or helicopters.

(72) "NWCG Task Force Leader (TFLD) / NWCG Strike Team Leader Engine (STEN)" means a person who is the ICS position responsible for supervising a task force of resources. The NWCG Strike Team Leader Engine (STEN) is the ICS position responsible for the direct supervision of a strike team of engines. Both positions report to a Division/Group Supervisor or Operations Section Chief.

(73) "NWCG Division/Group Supervisor (DIVS)" means a person who is the ICS position responsible for supervising equipment and personnel assigned to a division or group. Reports to a Branch Director or Operations Section Chief.

(74) "Public Information Officer" means a person who has demonstrated the ability to conduct media interviews and prepare news releases and media advisories.

(75) "Service Delivery" means to be able to adequately demonstrate, through job performance, the knowledge, skills, and abilities of a certification level.

(76) "Staff" means employees occupying full-time, part-time, or temporary positions with the Department.

(77) "Task Performance" means to demonstrate the ability to perform tasks of a certification level, in a controlled environment, while being evaluated.

(78) "The Act" refers to the Public Safety Standards and Training Act (ORS 181.610 to 181.705).

(79) "Topical Level Course" is a course that does not include an identifiable block of learning objectives or outcomes that are required for certification at one or more levels.

(80) "Track" means a field of study required for certification.

(81) "Waiver" means to refrain from pressing or enforcing a rule.

Stat. Auth.: ORS 181.640

Stats. Implemented: ORS 181.640

Hist.: BPSST 22-2002, f. & cert. ef. 11-18-02; DPSST 8-2004, f. & cert. ef. 4-23-04; DPSST 2-2006, f. & cert. ef. 1-24-06; DPSST 9-2006, f. & cert. ef. 7-7-06; DPSST 2-2007, f. & cert. ef. 1-12-07; DPSST 10-2008, f. & cert. ef. 7-15-08; DPSST 7-2009, f. & cert. ef. 7-13-09; DPSST 12-2009, f. & cert. ef. 10-15-09; DPSST 16-2009(Temp), f. & cert. ef. 12-15-09 thru 6-11-10; DPSST 5-2010, f. 6-11-10, cert. ef. 6-14-10; DPSST 11-2010, f. & cert. ef. 11-12-10; DPSST 3-2011, f. 3-28-11, cert. ef. 5-1-11; DPSST 12-2011, f. & cert. ef. 8-1-11; DPSST 21-2012, f. & cert. ef. 10-1-12; DPSST 8-2013, f. & cert. ef. 3-26-13; DPSST 22-2013, f. & cert. ef. 10-3-13; DPSST 6-2014, f. & cert. ef. 2-6-14; DPSST 9-2014, f. & cert. ef. 4-3-14; DPSST 36-2014, f. & cert. ef. 12-31-14; DPSST 17-2015, f. & cert. ef. 10-22-15

259-009-0062

Fire Service Personnel Certification

(1) A fire service professional affiliated with an Oregon fire service agency may be certified by:

(a) Satisfactorily completing the requirements specified in section (2) of this rule;

(b) Through participation in a fire service agency training program accredited by the Department;

(c) Through a course certified by the Department; or

(d) By evaluation of experience as specified in OAR 259-009-0063.

(e) The Department may certify a fire service professional who has satisfactorily completed the requirements for certification as prescribed in section (2) of this rule, including the Task Performance Evaluations (TPE) if applicable.

(2) The following standards for fire service personnel are adopted by reference:

(a) The provisions of the NFPA Standard 1001, 2013 Edition, entitled "Fire Fighter Professional Qualifications";

(A) Delete section 1.3.1.

NOTE: This references NFPA 1500.

(B) Delete section 2.2.

NOTE: This references NFPA 1500 and 1582.

(C) For certification as Fire Fighter II, the applicant must be certified at NFPA 1001 Fire Fighter I as defined by the Department and meet the job performance requirements defined in Sections 6.1 through 6.5.5 of this Standard.

(D) All applicants for certification must complete a task performance evaluation or a Department-approved task book for NFPA Fire Fighter I and NFPA Fire Fighter II. The evaluation or task book must be approved by the Agency Head or Training Officer before an applicant can qualify for certification.

(b) The provisions of the NFPA Standard 1002, 2009 Edition, entitled "Standard for Fire Apparatus Driver/Operator Professional Qualifications," are adopted subject to the following definitions and modifications:

(A) 5.1 General. The job performance requirements defined in Sections 5.1 and 5.2 must be met prior to certification as a Fire Service Agency Driver/Operator-Pumper.

(B) 6.1 General. The requirements of NFPA 1001 Fire Fighter I and NFPA 1002 Fire Apparatus Driver/Operator, as specified by the Department and the job performance requirements defined in Sections 6.1 and 6.2, must be met prior to certification as a Fire Service Agency Driver/Operator-Aerial.

(C) 7.1 General. The requirements of NFPA 1001 Fire Fighter I and NFPA 1002 Fire Apparatus Driver/Operator, as specified by the Department and the job performance requirements defined in Sections 7.1 and 7.2 must be met prior to certification as a Fire Service Agency Driver/Operator-Tiller.

(D) 8.1 General. The requirements of NFPA 1001 Fire Fighter I and NFPA 1002 Fire Apparatus Driver/Operator, as specified by the Department and the job performance requirements defined in Sections 8.1 and 8.2, must be met prior to certification as a Fire Service Agency Driver/Operator-Wildland Fire Apparatus.

(E) 9.1 General. The requirements of NFPA 1001 Fire Fighter II and NFPA 1002 Fire Apparatus Driver/Operator, as specified by the Department and the job performance requirements defined in Sections 9.1 and 9.2, must be met prior to certification as a Fire Service Agency Driver/Operator-Aircraft Rescue and Fire Fighting Apparatus (ARFF).

(F) 10.1 General. The requirements of NFPA 1002 Fire Apparatus Driver/Operator, as specified by the Department and the job performance requirements defined in Sections 10.1 and 10.2, must be met prior to certification as a Fire Service Agency Driver/Operator-Mobile Water Supply Apparatus.

(G) Delete "the requirements of NFPA 1500, Standard on Fire Department Occupational Safety and Health Program".

(H) All applicants for certification must complete a task performance evaluation or a Department-approved task book for: NFPA Fire Apparatus Driver/Operator, NFPA Apparatus Equipped with Fire Pump, NFPA Apparatus Equipped with an Aerial Device, NFPA Apparatus Equipped with a Tiller, NFPA Wildland Fire Apparatus, NFPA Aircraft Rescue and Firefighting Apparatus or NFPA Mobile Water Supply Apparatus. The task books must be approved by the Agency Head or Training Officer before an applicant can qualify for certification.

(c) The provisions of the NFPA Standards 1003, 2010 Edition, entitled "Standard for Airport Fire Fighter Professional Qualifications".

(A) 6.1 General. Prior to certification as a Fire Service Agency NFPA 1003 Airport Fire Fighter, the requirements of NFPA 1001 Fire Fighter II, as specified by the Department and the job performance requirements defined in sections 5.1 through 5.4, must be met.

(B) All applicants for certification must complete a Department-approved task book for Airport Fire Fighter. The task book must be approved by the Agency Head or Training Officer before an applicant can qualify for certification.

(d) The provisions of NFPA Standard 1005, 2007 Edition, entitled "Marine Fire Fighting for Land Based Fire Fighters Professional Qualifications," are adopted subject to the following definitions and modifications:

(A) Delete section 2.2.

NOTE: This references NFPA 1500.

(B) Delete sections of 2.4.

NOTE: This references NFPA 1000, NFPA 1081, NFPA 1405, NFPA 1670 and NFPA 1710.

(C) 5.1 General. Prior to certification as a Fire Service Agency NFPA 1005 Marine Land-Based Fire Fighter, the requirements of NFPA 1001 Fire Fighter II, as specified by the Department.

(D) All applicants for certification must complete a Department approved task book for Marine Fire Fighting for Land Based Fire Fighters. The task book must be approved by the Agency Head or Training Officer before an applicant can qualify for certification.

(E) Transition Phase:

(i) An application for certification in Marine Fire Fighting for Land Based Fire Fighters must be submitted to the Department no later than June 30, 2009 to receive consideration for certification without having to complete a task book.

(ii) All applications received on or after July 1, 2009 will need to show completion of the approved task book.

(e) The provisions of the NFPA Standard No. 1031, Edition of (2009), entitled "Professional Qualifications for Fire Inspector and Plan Examiner" are adopted.

(A) All applicants for certification as an NFPA Fire Inspector I must:

(i) Successfully complete a Department-approved task book; and

(ii) Furnish proof that they have passed an exam demonstrating proficiency in the model fire code adopted by the State of Oregon or an equivalent.

(B) All applicants for certification as an NFPA Fire Inspector II must:

(i) Hold a certification as a NFPA Fire Inspector I; and

(ii) Successfully complete a Department-approved task book.

(C) All applicants for certification as an NFPA Fire Inspector III must:

(i) Hold a certification as a NFPA Fire Inspector II; and

(ii) Successfully complete a Department-approved task book.

(D) Task books must be monitored by a Field Training Officer approved by the Department. The Field Training Officer must be certified at or above the level being monitored and have at least five years inspection experience. The Department may approve other Field Training Officers

with equivalent training, education and experience as determined by designated Department staff.

(f) The provisions of the NFPA Standard No. 1033, Edition of (2009), entitled "Professional Qualifications for Fire Investigator" are adopted subject to the following definitions and requirements:

(A) An individual must successfully complete a Department-approved task book before the Department will administer a written examination for the Fire Investigator certification level. Exception: Anyone holding a valid IAAI Fire Investigator Certification, National Association of Fire Investigators (NAFI) certification, or Certified Fire Explosion Investigators (CFEI) certification is exempt from taking the Department's Fire Investigator written exam.

(B) A Department approved Field Training Officer must monitor the completion of a task book. The Field Training Officer must be certified at or above the level being monitored and have at least five (5) years fire investigation experience. Exception: The Department may approve Field Training Officers with equivalent training, education and experience.

(g) The provisions of the NFPA Standard No. 1035, Edition of 2010, entitled "Professional Qualifications for Public Fire and Life Safety Educator" are adopted subject to the following definitions and modifications:

(A) A task book will be completed prior to certification as a NFPA Public Fire and Life Safety Educator I, II or III. The Task Book must be approved by the Agency Head or Training Officer before an applicant can qualify for certification.

(B) A task book will be completed prior to certification as a NFPA Public Information Officer. The task took must be approved by the Agency Head or Training Officer before an applicant can qualify for certification.

(C) A task book will be completed prior to certification as a NFPA Juvenile Firesetter Intervention Specialist I and II. The task book must be approved by the Agency Head or Training Officer before an applicant can qualify for certification.

(h) The provisions of the NFPA Standard No. 1041, Edition of 2012, entitled "Standard for Fire Service Instructor Professional Qualifications," are adopted subject to the successful completion of an approved task book for NFPA Fire Instructor I, II and III.

(i) The provisions of the NFPA Standard 1021, 2009 Edition, entitled "Standards for Fire Officer Professional Qualifications," are adopted subject to the following definitions and modifications:

(A) 4.1 General. For certification as NFPA Fire Officer I, the candidate must be certified at NFPA 1001 Fire Fighter II, and NFPA 1041 Fire Instructor I, as defined by the Department, and meet the job performance requirements defined in Sections 4.1 through 4.7 of this Standard.

(i) Amend section 4.1.2 General Prerequisite Skills to include college courses or Department- approved equivalent courses in the following areas of study: Communications, Math, Physics, Chemistry, or Fire Behavior and Combustion. Refer to the suggested course guide for detailed course, curriculum and training information.

(ii) All applicants for certification must complete a task performance evaluation or a Department-approved task book for NFPA Fire Officer I. The evaluation or task book must be approved by the Agency Head or Training Officer before an applicant can qualify for certification.

(B) 5.1 General. For certification as NFPA Fire Officer II, the candidate must be certified as NFPA Fire Officer I, as defined by the Department, and meet the job performance requirements defined in Section 5.1 through 5.7 of the Standard.

(i) Amend section 5.1.2 General Prerequisite Skills to include college courses or Department- approved equivalent courses Psychology or Sociology.

(ii) Amend section 5.3 Community and Government Relations to include State and Local Government or Department-approved equivalent courses.

(iii) All applicants for certification must complete a task performance evaluation or a Department-approved task book for NFPA Fire Officer II. The evaluation or task book must be approved off by the Agency Head or Training Officer, before an applicant can qualify for certification.

(C) 6.1 General. For certification as NFPA Fire Officer III, the candidate must be certified as a NFPA Fire Officer II, NFPA, NFPA 1041 Fire Instructor II, as defined by the Department, and meet the job performance requirements defined in Sections 6.1 through 6.7 of the Standard.

(i) All applicants for certification must complete a Department-approved task book for NFPA Fire Officer III.

(ii) The task book must be approved by the Agency Head or Training Officer before an applicant can qualify for certification.

(D) 7.1 General. For certification as NFPA Fire Officer IV the candidate must be certified as NFPA Fire Officer III, as defined by the Department, and meet the job performance requirements in Sections 7.1 through 7.7 of the Standard.

(i) All applicants for certification must complete a Department-approved task book for NFPA Fire Officer IV.

(ii) The task book must be approved by the Agency Head or Training Officer, before an applicant can qualify for certification.

(j) Hazardous Materials Responder (DPSST-P-12 1/96).

(k) Fire Ground Leader.

(A) This is a standard that is Oregon-specific.

(B) An applicant applying for Fire Ground Leader must first be certified as an NFPA Fire Fighter II.

(C) An applicant applying for Fire Ground Leader must document training in all of the following areas:

(i) Building Construction: Non-Combustible and Combustible;

(ii) Emergency Service Delivery;

(iii) Fire Behavior;

(iv) Fire Ground Safety; and

(v) Water Supply Operations.

(D) All applicants for certification must complete a task performance evaluation or a Department-approved task book for Fire Ground Leader. The evaluation or task book must be approved by the Agency Head or Training Officer before an applicant can qualify for certification.

(l) NWCG Firefighter Type 2 (FFT2).

(A) This is a NWCG standard.

(B) An individual applying for NWCG Firefighter (FFT2) must document training in all of the following areas at the time of application:

(i) S-130 Firefighter Training;

(ii) S-190 Wildland Fire Behavior;

(iii) L-180 Human Factors on the Fireline;

(iv) I-100 Introduction to ICS.

(v) NIMS, Introduction IS700; and

(vi) I-100 Introduction to ICS or IS100.

(m) NWCG Firefighter Type 1 (FFT1).

(A) This is a NWCG standard.

(B) An individual applying for NWCG Firefighter Type 1 (FFT1) must be certified as a NWCG Firefighter Type 2 (FFT2) prior to applying for NWCG Firefighter Type 1 (FFT1) and must document training in all of the following areas at the time of application:

(i) S-131 Firefighter Type I;

(ii) S-133 Look Up, Look Down, Look Around;

(iii) Annual Fireline Safety Refresher (RT-130); and

(iv) Completion of the NWCG Firefighter Type 1 (FFT1)/Incident Commander Type 5 (ICT5) Task Book.

(n) NWCG Single Resource, Engine Boss (ENGB).

(A) This is an NWCG standard.

(B) An individual applying for NWCG Single Resource, Engine Boss must be certified as a NWCG Firefighter Type 1 (FFT1) prior to applying for NWCG Single Resource, Engine Boss and must document training in all of the following areas at the time of application:

(i) I-200 Basic Incident Command;

(ii) S-230 or Crew Boss (Single Resource);

(iii) S-290 Intermediate Wildland Fire Behavior;

(iv) NIMS I-200 or IS200;

(v) Annual Fireline Safety Refresher (RT-130); and

(vi) Completion of the task book for NWCG Single Resource Engine Boss

(o) NWCG Single Resource, Crew Boss (CRWB.)

(A) This is a NWCG standard.

(B) An individual applying for NWCG Single Resource Crew Boss must be certified as a NWCG Firefighter Type 1 (FFT1) prior to applying for NWCG Single Resource Crew Boss and must document training in all of the following areas at the time of application:

(i) S-230 Crew Boss (Single Resource);

(ii) S-290 Intermediate Wildland Fire Behavior;

(iii) NIMS I-200 or IS200;

(iv)Annual Fireline Safety Refresher (RT-130); and

(v) Completion of the task book for NWCG Single Resource Crew Boss.

(p) NWCG Single Resource, Heavy Equipment Boss (HEBQ).

(A) This is a NWCG standard.

(B) An individual applying for NWCG Single Resource, Heavy Equipment Boss must be certified as a NWCG Firefighter Type 1 (FFT1) prior to applying for NWCG Single Resource, Heavy Equipment Boss and

must document training in all of the following areas at the time of application:

(i) I -200 Basic Incident Command or IS200;

(ii) S-230 Crew Boss (Single Resource);

(iii) S-290 Intermediate Wildland Fire Behavior;

(iv) Annual Fireline Safety Refresher (RT-130); and

(v) Completion of the task book for NWCG Single Resource, Heavy Equipment Boss.

(q) NWCG Single Resource, Felling Boss (FELB).

(A) This is a NWCG standard.

(B) An individual applying for NWCG Single Resource, Felling Boss must be certified as a NWCG Firefighter Type 1 (FFT1) prior to applying for NWCG Single Resource, Felling Boss and must document training in all of the following areas at the time of application:

(i) I -200 Basic Incident Command or IS200;

(ii) S-230 Crew Boss (Single Resource);

(iii) S-290 Intermediate Wildland Fire Behavior;

(iv) Annual Fireline Safety Refresher (RT-130); and

(v) Completion of the task book for NWCG Single Resource, Felling Boss.

(r) NWCG Single Resource, Firing Boss (FIRB)

(A) This is a NWCG standard.

(B) An individual applying for NWCG Single Resource, Firing Boss must be certified as NWCG Firefighter Type 1 (FFT1) prior to applying for NWCG Single Resource, Firing Boss and must document training in all of the following areas at the time of application:

(i) I -200 Basic Incident Command or IS200;

(ii) S-230 Crew Boss (Single Resource);

(iii) S-290 Intermediate Wildland Fire Behavior;

(iv) Annual Fireline Safety Refresher (RT-130); and

(v) Completion of the task book for NWCG Single Resource, Firing Boss

(s) NWCG Strike Team Leader Engine (STEN.)

(A) This is a NWCG standard.

(B) An individual applying for NWCG Strike Team Leader Engine (STEN) must be certified as NWCG Single Resource, Engine Boss prior to applying for NWCG Strike Team Leader Engine and must document training in all of the following areas at the time of application:

(i) S-215 Fire Operations in the Wildland Urban Interface WUI;

(ii) S-330 Task Force Strike Team Leader;

(iii) I-300 Incident Command Systems for Expanding Incidents;

(iv) NRF: Introduction IS800B;

(v) Annual Fireline Safety Refresher (RT-130); and

(vi) Completion of the task book for NWCG Strike Team Leader Engine.

(t) NWCG Task Force Leader (TFLD).

(A) This is a NWCG standard.

(B) An individual applying for NWCG Task Force Leader (TFLD) must complete "Required Experience" as defined in PMS 310-1 and must document training in all of the following areas at the time of application:

(i) S-215 Fire Operation in the Wildland Urban Interface (WUI);

(ii) S-330 Task Force/Strike Team Leader;

(iii) I-300 Incident Command Systems for Expanding Incidents;

(iv) NRF: Introduction IS800B;

(v) Annual Fireline Safety Refresher (RT-130); and

(vi) Completion of the task book for NWCG Task Force Leader.

(u) NWCG Division/Group Supervisor (DIVS).

(A) This is a NWCG standard.

(B) An individual applying for NWCG Division/Group Supervisor must complete "Required Experience" as defined in PMS 310-1 and must document training in all of the following areas at the time of application:

(i) S-390 Introduction to Wildland Fire Behavior Calculations;

(ii) S-339 Division/Group Supervisor;

(iii) Annual Fireline Safety Refresher (RT-130); and

(iv) Completion of the task book for NWCG Division/Group Supervisor.

(v) Maritime Fire Service Operator Standards Professional Qualifications (October, 1999) and completion of an approved task book. Historical Recognition:

(A) The application must be submitted with the fire chief or designee's signature attesting to the skill level and training of the applicant.

(B) The application must be submitted to the Department no later than October 1, 2004, to receive certification for Maritime Fire Service Operator without having to complete the task book.

(C) All applications received after October 1, 2004, will need to show completion of the approved task book.

(w) Certification guide for Wildland Fire Investigator (August, 2005).

(x) The provisions of the 2013 Edition of NFPA 1006 entitled, "Standards for Technical Rescuer Professional Qualifications" are adopted subject to the following modifications:

(A) Historical Recognition:

(i) Applicants who currently hold active Department NFPA Rope Rescue I and II certifications will be recognized as a NFPA Rope Rescue Technician.

(ii) An individual who holds an active NFPA Rope Rescue I certification and has been working toward an NFPA Rope Rescue II certification may complete certification based on NFPA 1006 until January 1, 2016. No new NFPA Rope Rescue II certifications will issued after January 1, 2016.

(iii) Applicants who currently hold active Department NFPA Surface Water I and II certifications will be recognized as a NFPA Surface Water Rescue Technician.

(iv) An individual who holds an active NFPA Surface Water I certification and has been working toward an NFPA Surface Water II certification may complete certification based on NFPA 1006 until January 1, 2016. No new NFPA Surface Water II certifications will be issued after January 1, 2016.

(v) Applicants who currently hold an active Department NFPA Vehicle and Machinery Rescue certification will be recognized as NFPA Vehicle Rescue and NFPA Machinery Rescue.

(vi) An individual who has fulfilled training competencies in NFPA Vehicle and Machinery Rescue may complete certification based on NFPA 1006 until January 1, 2016. No new NFPA Vehicle and Machinery Rescue certifications will be issued after January 1, 2016.

(B) Instructors:

(i) Curriculum must be certified by the Department to meet NFPA 1006 standards.

(ii) An instructor delivering training under a fire service agency's accreditation agreement must be a certified technician in that specialty rescue area.

(C) Task Books:

(i) A task book must be completed for each of the eleven specialty rescue areas applied for.

(ii) Only a certified technician in that specialty rescue area can approve the task book.

(iii) The requirements in Chapters 4 and 5 only need to be met once for all eleven specialty rescue areas.

(y) Urban Search and Rescue.

(A) This is a standard that is Oregon-specific.

(B) The following eleven (11) specialty Urban Search and Rescue (USAR) certifications are adopted:

(i) Task Force Leader;

(ii) Safety Officer;

(iii) Logistics Manager;

(iv) Rescue Team Manager;

(v) Rescue Squad Officer;

(vi) Rescue Technician;

(vii) Medical Technician;

(viii) Rigging Technician;

(ix) Search Team Manager;

(x) Search Squad Officer; and

(xi) Search Technician.

(C) An applicant applying for any USAR certification(s) must complete the appropriate application attesting to completion of the required training.

(z) The provisions of the NFPA Standard 472, 2008 Edition, entitled "Standard for Hazardous Materials and Weapons of Mass Destruction" are adopted subject to the following definitions and modifications:

(A) NFPA Hazardous Materials Technician: All applicants for certification must first certify as an NFPA Operations Level Responder and complete a Department-approved task book. The task book must be approved by the Agency Head or Training Officer before an applicant can qualify for certification.

(B) NFPA Hazardous Materials Safety Officer: All applicants for certification must first certify as a NFPA Hazardous Materials Technician and complete a Department-approved task book. The task book must be approved by the Agency Head or Training Officer before an applicant can qualify for certification. This certification level includes, but is not limited to, the following course work:

(i) Analyzing the Incident;

(ii) Planning the Response;

(iii) Implementing the Planned Response;

(iv) Evaluating the Progress.

(C) Incident Commander: The level of certification formerly known as "On-Scene Incident Commander" is now known as "NFPA Hazardous Materials Incident Commander." The Incident Commander correlates directly with NFPA 472. All applicants for certification must first certify as an NFPA Operations Level Responder.

(D) Operations Level Responder: The level of certification formerly known as "First Responder" is now known as "NFPA Operations Level Responder." The NFPA Operations Level Responder correlates directly with NFPA 472. Successful completion of skills sheets or task performance evaluations (TPE) must be met prior to certification as an NFPA Operations Level Responder.

(aa) Specialty Levels of Certification. All applicants for specialty levels of certification must first certify as a NFPA Hazardous Materials Technician.

(A) The following four (4) specialty certifications are adopted:

(i) NFPA Cargo Tank Specialty;

(ii) NFPA Intermodal Tank Specialty;

(iii) NFPA Marine Tank Vessel Specialty;

(iv) NFPA Tank Car Specialty;

(B) Successful completion of task performance evaluations (TPE) must be met prior to obtaining a specialty level of certification.

(3) Task performance evaluations, where prescribed, will be required prior to certification. Such examinations will be conducted in the following manner:

(a) Task performance competency will be evaluated by three people nominated by the employing fire service agency's Chief Officer for approval by the Department or its designated representative.

(b) The employing fire service agency's equipment and operational procedures must be used in accomplishing the task performance to be tested.

(c) Specific minimum testing procedures, as provided by the Department, will be used for administration of the evaluation.

(d) The training officer for an accredited fire service agency training program must notify the Department or its designated representative prior to performing a task performance evaluation.

(e) At the request of the fire chief, a representative of the Department will be designated to monitor the task performance evaluation for personnel from a fire service agency whose training program is not accredited.

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

Stat. Auth.: ORS 181.640

Stats. Implemented: ORS 181.640

Hist.: BPSST 22-2002, f. & cert. ef. 11-18-02; DPSST 11-2003 f. & cert. ef. 7-24-03; DPSST 13-2003(Temp), f. & cert. ef. 10-27-03 thru 3-31-04; DPSST 3-2004(Temp), f. & cert. ef. 4-9-04 thru 10-1-04; DPSST 8-2004, f. & cert. ef. 4-23-04; DPSST 2-2006, f. & cert. ef. 1-24-06; DPSST 9-2006 f. & cert. ef. 7-7-06; DPSST 14-2006, f. & cert. ef. 10-13-06; DPSST 16-2006, f. & cert. ef. 11-20-06; DPSST 2-2007, f. & cert. ef. 1-12-07; DPSST 10-2008, f. & cert. ef. 7-15-08; DPSST 7-2009, f. & cert. ef. 7-13-09; DPSST 12-2009, f. & cert. ef. 10-15-09; DPSST 16-2009(Temp), f. & cert. ef. 12-15-09 thru 6-11-10; DPSST 5-2010, f. 6-11-10, cert. ef. 6-14-10; DPSST 11-2010, f. & cert. ef. 11-12-10; DPSST 11-2010, f. & cert. ef. 11-12-10; DPSST 3-2011, f. 3-28-11, cert. ef. 5-1-11; DPSST 7-2012, f. & cert. ef. 3-28-12; DPSST 21-2012, f. & cert. ef. 10-1-12; DPSST 8-2013, f. & cert. ef. 3-26-13; DPSST 16-2013, f. & cert. ef. 6-25-13; DPSST 22-2013, f. & cert. ef. 10-3-13; DPSST 6-2014, f. & cert. ef. 2-6-14; DPSST 9-2014, f. & cert. ef. 4-3-14; DPSST 36-2014, f. & cert. ef. 12-31-14; DPSST 17-2015, f. & cert. ef. 10-22-15

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Department of State Lands
Chapter 141

Rule Caption: Amend existing special use rules to include geothermal resources installations.

Adm. Order No.: DSL 3-2015

Filed with Sec. of State: 11-9-2015

Certified to be Effective: 12-1-15

Notice Publication Date: 11-1-2015

Rules Amended: 141-125-0100, 141-125-0110, 141-125-0120, 141-125-0140, 141-125-0160

Rules Repealed: 141-075-0010, 141-075-0015, 141-075-0020, 141-075-0030, 141-075-0040, 141-075-0045, 141-075-0050, 141-075-0055, 141-075-0060, 141-075-0080, 141-075-0110, 141-075-0130, 141-075-0140, 141-075-0145, 141-075-0150, 141-075-0155, 141-075-0160, 141-075-0165, 141-075-0170, 141-075-0175, 141-075-0180, 141-075-0190, 141-075-0195, 141-075-0200, 141-075-0205, 141-075-0210, 141-075-0215, 141-075-0220, 141-075-0225, 141-075-0230, 141-075-0235, 141-075-0240, 141-075-0245, 141-075-0250, 141-075-0255, 141-075-0260, 141-075-0265, 141-075-0270, 141-075-0275, 141-075-0280, 141-075-0285, 141-075-0290, 141-075-0300, 141-075-0305, 141-075-0310, 141-075-0315, 141-075-0320, 141-075-0325, 141-075-0330, 141-075-0335, 141-075-0340, 141-075-0345, 141-075-0400, 141-075-0405, 141-075-0460, 141-075-0465, 141-075-0470, 141-075-0475, 141-075-0480, 141-075-0520, 141-075-0525, 141-075-0530, 141-075-0535, 141-075-0540, 141-075-0545, 141-075-0550, 141-075-0555, 141-075-0560, 141-075-0565, 141-075-0570, 141-075-0575

Subject: With the recent renewed interest in Oregon's geothermal resources, several companies wanting to explore for and develop geothermal resources on state-owned land have contacted the Department.

In reviewing the geothermal rules, both the Department and applicants have found them to be difficult to understand and unduly complicated. Additionally, many of the terms and conditions provided in the rules are inconsistent with those currently used by the Department in other leasing programs.

On June 8, 2010, the State Land Board authorized the Department to initiate rulemaking to amend the administrative rules governing the exploration for and development of geothermal resources. These rules have not been amended since their adoption by the Land Board on October 11, 1974.

During the initial phase of rulemaking, staff made the recommendation to incorporate geothermal resources into the Department's Special Use Rules (Division 125) rather than updating the existing geothermal rules. These rules already govern the exploration for and development of other types of renewable energy, including wind turbines and wind farms, solar energy installations and biomass generating facilities. The administrative procedures and policies are current in Division 125 (these rules were last amended in 2008). As stated above, the geothermal rules were last revised in 1974, and will require a major re-write in order to be consistent with the Department's current administrative policies and procedures. It is expected that the Department will save money and staff time by incorporating geothermal resources into Division 125.

Upon completion of the rulemaking effort, the Department will repeal the administrative rules governing the exploration for and development of geothermal resources (OAR 141-075-0010 through 141-075-0575). The content of these rules will be added to the special use rules to include the exploration for and development of geothermal resources (OAR 141-125).

Rules Coordinator: Sabrina L. Owings—(503) 986-5200

141-125-0100
Purpose And Applicability

(1) These rules:

(a) Apply to the management of state-owned Trust and Non-Trust Land for special uses.

(b) Establish a process for authorizing such uses through the granting of leases, licenses and, short-term access authorizations (hereafter collectively referred to as a special use authorization).

(c) Do not apply to the granting of proprietary authorizations for uses specifically governed by other Department administrative rules.

(2) A special use is one not governed by other Department administrative rules. Special uses include, but are not limited to, using state-owned land (including historically filled land) for:

(a) Agriculture;

(b) Communications facilities;

(c) Industrial, business, commercial and residential purposes;

(d) Native seed harvesting;

(e) Scientific experiments and demonstration projects;

(f) Conventions, sporting and other events;

(g) Recreational cabins;

(h) Commercial outfitting and guiding services;

(i) Motion picture filming and set construction;

(j) Renewable energy projects including, but not limited to wind turbines and wind farms, solar energy installations, geothermal resources installations and biomass generating facilities, and their related transmission lines within the authorized area;

(k) Removal of semiprecious stones, petrified wood and fossils for commercial purposes;

(l) Parking lots;

(m) Materials and equipment storage;

(n) Warehouses;

(o) Marine service and repair facilities on state-owned upland;

(p) Resorts and recreational facilities;

(q) Golf courses;

(r) Upland quarries;

(s) Geological investigations;

(t) Liquefied natural gas receiving plants;

(u) Grazing on land other than that designated as rangeland;

(v) Removal of juniper and other trees, plants or biomass for commercial use; and

(w) Removal of sunken logs, woody debris and abandoned pilings for their commercial value.

(3) The Director may determine other uses and developments similar to those specified in OAR 141-125-0100(2) that are also subject to a special use authorization and these rules.

Stat. Auth.: ORS 273
Stats. Implemented: OR Const. Art. VIII, Sec. 2 & 5
Hist.: DSL 1-2002, f. 2-7-02, cert. ef. 3-1-02; DSL 3-2008, f. & cert. ef. 10-15-08; DSL 3-2015, f. 11-9-15, cert. ef. 12-1-15

141-125-0110
Policies

(1) Pursuant to Article VIII, Section 5(2) of the Oregon Constitution, the State Land Board, through the Department, has a constitutional responsibility to manage all land (Trust and Non-Trust) under its jurisdiction "with the object of obtaining the greatest benefit for the people of this state, consistent with the conservation of this resource under sound techniques of land management."

(2) All Trust Land will be managed in accordance with the need to maximize long-term financial benefit to the Common School Fund.

(3) The Department will follow the guiding principles and resource-specific management prescriptions contained in the Asset Management Plan, and consider the comments received from federal, state, and local governments and interested persons when determining whether to authorize or condition a special use authorization on state-owned land.

(4) The use of state-owned land for the placement of communications facilities is recognized by the Department as a conditionally allowable use of that land, subject to and consistent with the requirements and provisions of the Telecommunications Act of 1996 and other applicable federal, state, and local laws.

(5) Each individual use of, or development placed on state-owned land will constitute a separate discrete activity subject to payment of compensation as required by these or other applicable Department rules, or as determined by the Director.

(6) Uses of, and developments placed in, on or over state-owned land pursuant to a special use authorization will conform with local (including comprehensive land use planning and zoning ordinance requirements), state, and federal laws.

(7) The Department will not grant a special use authorization if it determines that the proposed use or development would unreasonably impact uses or developments proposed or already in place within the requested area. Such a determination will be made by the Department after consulting with holders of leases, licenses, permits and easements granted by the Department in the requested area, and other interested persons.

(8) All uses subject to these rules must be authorized by a special use authorization issued by the Department. Authorization to occupy state-owned land cannot be obtained by adverse possession regardless of the length of time the use or development has been in existence.

(9) The Department may:

(a) Conduct field inspections to determine if uses of, and developments in, on or over state-owned land are authorized by, or conform with the terms and conditions of a special use authorization and, if not,

(b) Pursue whatever remedies are available under law to ensure that the unauthorized uses subject to a special use authorization are either brought into compliance with the requirements of these rules or removed.

(10) The Department will honor the terms and conditions of any existing valid lease or license for a special use granted by the Department including any that entitle the lessee or licensee to renewal if the holder of the authorization has complied with all terms and conditions of the authorization and applies to the Department for a renewal as prescribed in these rules.

(11) Holders of a license to conduct a demonstration project for a land-based (that is, not on state-owned submerged and submersible land) wind farm geothermal resource installation or solar energy installation will be given the first right to apply for a lease for the area authorized under the license.

(12) The Department may, at its discretion, authorize a demonstration project for a land based renewable energy project as part of a lease with the commercial electrical energy generating installation.

(13) The Department may, at its discretion, deny a special use authorization if the applicant's financial status or past business practices, or both, indicate that the applicant may not:

(a) Be able to fully meet the terms and conditions of a special use authorization offered by the Department; or

(b) Use the land applied for in a way that meets the provisions of OAR 141-125-0110.

(14) Notwithstanding the provisions of ORS 274.885, the Department will not allow or authorize the removal of kelp or other seaweed for commercial purposes.

(15) Notwithstanding the provisions of these rules, the Department may:

(a) Initiate projects involving special uses of, or developments in, on or over the land it manages by itself or in conjunction with other persons;

(b) Request proposals for special uses of, or developments on land it manages and select and award a lease through a competitive bid process to develop the use(s) or development(s) based on the policies provided in OAR 141-125-0110; and

(c) Negotiate and accept compensation in the form of services in lieu of monetary payments provided for in these rules.

Stat. Auth.: ORS 273
Stats. Implemented: OR Const. Art. VIII, Sec. 2 & 5
Hist.: DSL 1-2002, f. 2-7-02, cert. ef. 3-1-02; DSL 3-2008, f. & cert. ef. 10-15-08; DSL 3-2015, f. 11-9-15, cert. ef. 12-1-15

141-125-0120
Definitions

(1) "Agriculture" means the cultivation of land to grow crops or the raising of livestock.

(2) "Applicant" is any person applying for a special use authorization.

(3) "Appraised Value" means an estimate of the current fair market value of property derived by disinterested persons of suitable qualifications, for example, a licensed independent appraiser.

(4) "Asset Management Plan" 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.

(5) "Authorized" is the area of state-owned land defined in the special use authorization for which a use is authorized.

(6) "Biomass" refers to renewable organic matter such as agricultural crops and residue, wood and wood waste, animal and human waste, aquatic plants and organic components of municipal and industrial wastes.

(7) "Biomass Generating Facility" includes, but is not limited to the furnaces, boilers, combustors, digesters, gasifers, turbine systems and other related equipment used to produce electricity, steam, heat, or biofuel from biomass.

(8)"By-Products" means all commercially valuable products other than heat energy obtained in conjunction with the development of Geothermal Resources excluding oil, hydrocarbon gas, and other hydrocarbon substances.

(9) "Commercial" means a use that results in or is associated with any monetary consideration or gain.

(10) "Commercial Electrical Energy Generating Installation"

(a) Is any electrical energy generating facility:

(A) Operated as a commercial venture (as contrasted to being operated as a demonstration project);

(B) Connected to the regional power grid and used to meet local or regional demand for electricity; or

(C) Used to meet all or part of the electricity demand by a person who may otherwise have to purchase the electricity produced by the facility from another source.

(b) Does not include any solar, wind or hydroelectric devices operated by a person who uses them to generate electricity for their home and who sells excess self-generated electricity back to a utility under a net metering agreement.

(11) "Communications Facility" consists of the towers, antennas, dishes, buildings and associated equipment used to transmit or receive radio, microwave, wireless communications, and other electronic signals.

The roads, pipes, conduits, and fiber optic, electrical, and other cables that cross state-owned land to serve a communications facility, however, are governed by the administrative rules for granting easements on state-owned land.

(12) "Comparative compensatory payment" is the amount of money paid to the owners of parcels that are similar to the state-owned land requested by an applicant for a use that is the same as, or similar to that requested by an applicant. When the applicant's requested use is in, on or over Trust Land, the comparative compensatory payment is the maximum amount of money private landowners receive for the same or similar uses in, on or over parcels that they own that are similar to the Trust Land requested by the applicant.

(13) "Compensation" or "Compensatory Payment" is the amount of money paid for a special use authorization to the Department for the use of Department-managed land.

(14) "Construction Period" as applied to wind, geothermal resources and solar energy projects is the time during which construction of the commercial electrical energy generating installation is underway.

(15) "Cropshare" is a method of determining the compensation to be paid by a lessee for the use of state-owned land for agricultural purposes in which the owner of the land receives a pre-agreed percentage of the value of the crop at the time it is harvested or sold.

(16) "Demonstration Project" is a limited duration activity of less than three years designed primarily to investigate or test the economic and technological viability of a concept or use of state-owned land under a license granted by the Department.

(17) "Department" means the Department of State Lands.

(18) "Development" is any structure (for example, a communications or cellular tower, shed or barn, fence, irrigation system, wind turbine, solar mirror or recreational cabin) authorized by the Department on an area of state-owned land managed by the Department.

(19) "Director" means the Director of the Department of State Lands or designee.

(20) "Geothermal Resources" means the natural heat of the earth, the energy, in whatever form, below the surface of the earth present in, resulting from, or created by or which may be extracted from, the natural heat, and all minerals in solution or other products obtained from naturally heated fluids, brines, associated gases, and steam, in whatever form, found below the surface of the earth, exclusive of helium or of oil, hydrocarbon gas, or other hydrocarbon substances, but including specifically:

(a) All products of geothermal processes, embracing indigenous steam, hot water, and hot brines;

(b) Steam and other gases, hot water and hot brines resulting from water, gas, or other fluids artificially introduced into geothermal formations;

(c) Heat or other associated energy found in geothermal formations; and

(d) Any by-product derived from them.

(21) "Historically Filled Lands" means those lands protruding above the line of ordinary high water, whether or not connected with the adjoining or opposite upland or riparian land on the same side of the body of water, which have been created prior to May 28, 1963 upon state-owned submerged and submersible land by artificial fill or deposit, and not including bridges, wharves and similar structures constructed upon state-owned submerged and submersible land by other than artificial fill or deposit.

(22) "Industrial, Business and Commercial Purpose" are uses of state-owned land not governed by other Department administrative rules. Such uses include, but are not limited to office buildings, manufacturing facilities, retail stores, outfitting and guide facilities and restaurants.

(23) "Lease" is a written authorization issued by the Department to a person to use a specific area of state-owned land for a special use under specific terms and conditions. The term of a lease is for one to 30 years.

(24) "Lessee" refers to any person having a special uses lease granted by the Department authorizing a special use on state-owned land managed by the Department.

(25) "License" is a written authorization issued by the Department to a person allowing the non-exclusive, short-term use of a specific area of state-owned land for a specific use under specific terms and conditions. A special use license has a maximum term of less than three years.

(26) "Licensee" refers to any person having a special use license granted by the Department authorizing a special use on state-owned land managed by the Department.

(27) "Materials and Equipment Storage" means the storage of logs, hay, containers, automobiles, coal, machinery or other items or materials on state-owned land (exclusive of rock, sand, gravel and silt derived from state-owned submerged and submersible land which are governed by other administrative rules).

(28) "Non-Trust Land" is land owned or 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 and tidally influenced waterways.

(29) "Operation Period" as applied to wind, solar, geothermal resources and biomass energy projects begins when the delivery of electricity from the commercial electrical generating installation begins.

(30) "Outfitting and Guiding Services" include, but are not limited to commercial businesses involved in leading, protecting, instructing, training, packing, guiding, transporting, supervising, interpreting, or otherwise assisting any person in the conduct of outdoor recreational activities. The rental of equipment alone for use in outdoor recreational activities does not constitute commercial outfitting and guiding services.

(31) "Person" includes individuals, corporation, 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.

(32) "Preference Right" means a riparian property owner's statutory privilege, as found in ORS 274.040(1), to obtain a lease without advertisement or competitive bid for the state-owned submerged and submersible land that fronts and abuts the riparian owner's property. The Department will not recognize a claim of lease preference right from a non-riparian owner. A person claiming the right of occupancy to submerged and submersible land under a conveyance recorded before January 1, 1981, has a preference right to the requested area.

(33) "Preference Right Holder" means the person holding the preference right to lease as defined in these rules and ORS 274.040(1).

(34) "Rangeland" is state land designated and managed by the Department for rangeland purposes.

(35) "Rangeland Purpose" is the use of rangeland for livestock grazing or conservation use.

(36) "Recreational Cabin" is a dwelling used only periodically or seasonally and is not the principal residence of the owner(s).

(37) "Semiprecious Stones" are gemstones having a commercial value that is less than precious stones such as diamonds, rubies, emeralds and sapphires. Semiprecious stones include, but are not limited to amethyst, garnet, jade, sunstone, topaz, tourmaline and zircon.

(38) "Short Term Access Authorization" is a non-renewable written authorization issued by the Department for a specific length of time determined by the Director that allows a person to enter a specific parcel of state-owned land for a particular purpose as described in OAR 141-125-0205.

(39) "Solar Energy Installation" includes, but is not limited to the photovoltaic panels, mirrors, power towers, heat engines, generators, transformers, inverters, parabolic troughs and other equipment required to produce electricity from solar energy.

(40) "Special Use" is a use of state-owned land not specifically governed by other Department administrative rules. Special uses are listed in OAR 141-125-0100(2) and (3).

(41) "Special Use Authorization" is a lease, license or short-term access authorization issued by the Department to a person to use a specific area of state-owned land for a special use under specific terms and conditions.

(42) "State Owned Land" is land owned or managed by the Department or its agents and includes Trust and Non-Trust Land.

(43) "Submerged Land" means land lying below the line of ordinary low water of all title navigable and tidally influenced water within the boundaries of the State of Oregon.

(44) "Submersible Land" means land lying above the line of ordinary low water and below the line of ordinary high water of all title navigable and tidally influenced water within the boundaries of the State of Oregon.

(45) "Sunken Log, Woody Debris and Abandoned Piling Salvage" means the retrieval of sunken logs, woody debris and abandoned pilings lying on, or partially or wholly embedded in state-owned land underlying Oregon's rivers and lakes that are removed for their commercial value.

(46) "Territorial Sea" has the same meaning as provided in ORS 196.405(6). It includes the waters and seabed extending three geographical miles seaward from the line of mean low water to the extent of state jurisdiction.

(47) "Trust Land" is land granted to the state upon its admission into the Union, or obtained by the state as the 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.

(48) "Upland Quarry" is a site on state-owned land from which rock, boulders, sand, gravel, silt or soil is removed for use for commercial and non-commercial purposes.

(49) "Wind Farm" is a facility consisting of wind turbines interconnected by an electrical collection system.

(50) "Wind Turbine" is a machine that converts the force of the wind into electrical energy. A wind turbine usually consists of one or more moving blades connected to an electrical generator that is mounted on a tower.

Stat. Auth.: ORS 273
Stats. Implemented: OR Const. Art. VIII, Sec. 2 & 5
Hist.: DSL 1-2002, f. 2-7-02, cert. ef. 3-1-02; DSL 3-2008, f. & cert. ef. 10-15-08; DSL 3-2015, f. 11-9-15, cert. ef. 12-1-15

141-125-0140
Lease or License Application Review and Approval Process

(1) Upon receipt of an application for a lease or license, the Department will determine:

(a) If the application is complete;

(b) If the subject area is available for the requested use;

(c) What method will be used to determine the amount of compensation payable to the Department pursuant to OAR 141-125-0150 and 0160;

(d) If a lease or license under these rules is the required form of authorization, and

(e) If additional information is required concerning the:

(A) Proposed use of the state land; and

(B) Applicant's financial status, or past business or management practices, or both.

(2) The Department will then advise the applicant of its determination concerning each of the five factors in OAR 141-125-0140(1). Applications determined by the Department to be incomplete, or for an area in which the use would be incompatible will be returned to the applicant with a written explanation of the reason(s) for rejection.

(3) If an application rejected for incompleteness is resubmitted within 90 calendar days from the date the Department returned it to the applicant (as determined by the date of postmark) with all deficiencies noted by the Department corrected, no additional application fee will be assessed.

(4) If more than one application for a specific area is received by the Department for the same or conflicting uses subject to authorization by a lease, the Department may:

(a) Determine which proposed use best fulfills the policies specified in OAR 141-125-0110, and accept and proceed with that application and deny the others; or

(b) If neither use is determined by the Department to be demonstrably better, make the subject area available to the public by auction.

(5) Upon acceptance by the Department, the application will be circulated to various local, state and federal agencies and other interested persons including tribal governments, adjacent property holders, affected lessees and permitees, and easement holders for review and comment. As a part of this review, the Department will specifically request comments concerning:

(a) The presence of state or federal listed threatened and endangered species (including candidate species), and archaeological and historic resources within the requested area that may be disturbed by the proposed use;

(b) Conformance of the proposed use with local, state, and federal laws and rules;

(c) Conformance of the proposed use with the local comprehensive land use plan and zoning ordinances;

(d) Conformance with the policies described in OAR 141-125-0110 of these rules; and

(e) Potential conflicts of the proposed use with existing or proposed uses of the requested area.

(6) If the application is for a communications facility, the Department will request comments from the Federal Communications Commission, Public Utility Commission of Oregon, and any other persons owning or leasing communications facilities who advise the Department that they want to receive such applications.

(7) The Department may post a notice of an application and opportunity to comment at a local government building, public library, or other appropriate locations in order to ensure that minority and low-income communities are included and aware of a proposed use. The Department shall make paper copies of an application available to any person upon request.

(8) After receipt of comments concerning the proposed use, the Department will advise the applicant in writing:

(a) If changes in the use or the requested lease or license area are necessary to respond to the comments received;

(b) If additional information is required from the applicant, including but not limited to a survey of:

(A) State or federal listed threatened and endangered species (including candidate species) within the requested area; and/or

(B) Archaeological and historic resources within the requested area.

(c) If the area requested for the lease or license will be authorized for use by the applicant through a lease or license, and

(d) Whether the subject area will be made available to the public through competitive bidding pursuant to OAR 141-125-0150. Only requests for leases may be subject to competitive bidding.

(9) If the Department decides to issue a lease to the applicant without competitive bidding, or a license, the Department will notify the applicant in writing of:

(a) The amount of compensation pursuant to OAR 141-125-0160 that the applicant must remit to the Department to obtain the authorization;

(b) Any insurance and surety bond required by the Department pursuant to the requirements of OAR 141-125-0180; and

(c) A draft copy of the lease or license.

(10) The Department will not grant a lease or license to an applicant until:

(a) It has received all fees and compensation specified in these rules, and evidence of any required insurance and surety bond; and

(b) The requirements of OAR 141-125-0170(4) of these rules have been met;

(11) In addition to the provisions of OAR 141-125-0140(9), a special use authorization issued by the Department will not be valid until the holder has received all other authorizations required by the Department (such as a Removal-Fill Permit under ORS 196.800 to 196.990) and other applicable local, state, and federal governing bodies to use the state-owned land in the manner requested.

(12) The Director may refer any applications for a lease or license to the Land Board for review and approval.

(13) If an application is received and accepted by the Department for a lease on state-owned submerged and submersible land, the Department will, pursuant to the requirements of ORS 274.040, offer a preference right to lease to the eligible party as defined in OAR 141-125-0120(32) and (33), hereafter referred to as the preference right holder. The Department will take the following steps to offer this preference right:

(a) If the proposed lease area consists of a single parcel, or two or more contiguous parcels owned by the same person, the Department will extend the boundaries of the single parcel or combined group of single-ownership parcels perpendicular to the thread of the stream creating a single lease parcel that fronts and abuts the upland ownership.

(b) If the proposed lease area consists of parcels having different owners, the Department will subdivide the requested lease area into smaller parcels by extending lines perpendicular to the thread of the stream from the boundaries of, or within the boundaries of the adjacent riparian tax lot so that there is a separate lease parcel for each parcel of property that fronts and abuts the lease area.

(c) In accordance with the proposed use(s), the Department will calculate in a manner consistent with OAR 141-125-0160 a minimum annual compensatory payment for each lease parcel.

(d) The Department will notify each preference right holder in writing that a lease application has been approved by the Department and provide 30 calendar days from the date that the letter is postmarked for the preference right holder to exercise the preference right to take the lease at the established minimum annual compensatory payment.

(e) If the preference right holder has accepted the offer of a preference right to lease and has executed the lease form and all other documents and remitted the required minimum annual lease rental payment within the required 30 calendar day period, the Department will execute the lease.

(f) If the preference right holder does not exercise the preference right to take a lease applied for by another person, the Department will prepare and publish an advertisement for bids pursuant to ORS 274.040 and hold a public auction pursuant to OAR 141-125-0150. The highest qualified bidder will be awarded the lease. The minimum bid amount will be set by the Department.

Stat. Auth.: ORS 273
Stats. Implemented: OR Const. Art. VIII, Sec. 2 & 5
Hist.: DSL 1-2002, f. 2-7-02, cert. ef. 3-1-02; DSL 3-2008, f. & cert. ef. 10-15-08; DSL 3-2015, f. 11-9-15, cert. ef. 12-1-15

141-125-0160
Compensation

(1) To establish the amount of annual compensation or minimum bid at auction, the Department will:

(a) Adhere to the policies contained in OAR 141-125-0110(1) and (2) of these rules, and

(b) Whenever practicable, base the amount on comparative compensatory payments for publicly or privately-owned parcels located as close as possible to the state-owned land requested by an applicant.

(2) In the event that reliable data concerning comparative compensatory payments are not available, the Department will select another method of determining the amount of compensatory payment or minimum bid at auction such as a percent of the appraised value of the requested area, percent of crop or product value, or percent of product produced.

(3) For the uses indicated in OAR 141-125-0160(4) through 141-125-0160(11), the Department will determine the amount of annual compensatory payment owed by the holder of a special use lease or license using the method(s) indicated.

(4) Agricultural Uses: As an alternative to basing the amount of compensation due for an agricultural use on comparative compensatory payments, the Department may, at its discretion, use a cropshare approach. If this methodology is used, the state's share will be no less than 25 percent of the value received by the holder of a special use lease or license in payment for each crop harvested from the authorized area.

(5) Communications Facilities: The holder of a special use lease or license for a communications facility must remit to the Department on a basis provided in the authorization both:

(a) The full amount of the base annual compensation determined by the Department to be the comparative compensatory payment for similar communications facilities; and

(b) A payment equal to 25 percent of the rental received by the lessee during the previous 12 month period from sublessees and sublicensees using the subject facility authorized by the lease or license. If the holder of a lease or license for a communications facility allows other persons to use the facility (for example, to place or attach antennas, microwave dishes, or other signal broadcasting or receiving equipment on the site or to a tower), the holder of the authorization must record and report data concerning the number sublessees and sublicensees, and the amount of compensation received from them to the Department on a basis and at an interval set by the Department and included as a provision of the license or lease.

(6) Upland Quarry

(a) The holder of a special use lease or license for an upland quarry must remit to the Department:

(A) Eight percent of the gross revenue received by the lessee or licensee from the sale of the rock, boulders, sand, gravel, silt or soil removed by the lessee or licensee, or

(B) The compensation rate in effect at the time of removal as provided in OAR 141-014 (Rules for Authorizing Leases and Licenses for the Removal or Use of Rock, Sand, Gravel and Silt Derived from State-Owned Submerged and Submersible Land) for "shorecast dredge spoils" if the lessee or licensee uses the rock, boulders, sand, gravel, silt or soil.

(b) Data concerning the quantity of rock, boulders, sand, gravel, silt or soil removed and sold, and the revenue received from any sales will be recorded and reported by the lessee or licensee to the Department on a basis and at an interval set by the Department and included as a provision of the license or lease.

(c) In addition to the compensation required under OAR 141-125-0160(6)(a), the holder of a special use license or lease for an upland quarry is required to pay the compensation due for any easements (for example, roads leading into the quarry and power lines crossing state land) or other forms of authorization required by Department rules.

(7) Semiprecious Stones, Petrified Wood and Fossils

Any person removing semiprecious stones, petrified wood or fossils for commercial purposes must remit to the Department within 30 calendar days of the removal of any semiprecious stones, petrified wood and fossils:

(a) Compensatory payment in the amount of 10 percent of the market value of the semiprecious stones, petrified wood and fossils; and

(b) Photocopies of the evidence used by the lessee or licensee to determine the market value of the semiprecious stones, petrified wood and fossils removed. This evidence must accompany the payment of compensation owed. Documentation suitable to the Department includes, but is not limited to a sales receipt (if the material is sold to another party); an appraisal by a gemologist or mineral dealer; or advertisements for the sale of similar material in lapidary magazines or trade journals.

(8) Retrieval of Sunken Logs, Woody Debris and Abandoned Pilings

(a) The holder of a special use license or lease to retrieve sunken logs, woody debris and abandoned pilings from state-owned submerged and submersible land for their commercial value must remit to the Department 10 percent of the gross revenue received by the lessee or licensee from the sale of any logs or lumber products produced from the logs.

(b) Data concerning the quantity of lumber recovered or sold and revenue received from any sales must be recorded and reported by the lessee or licensee to the Department on a basis to be set by the Department and included as a provision of the license or lease.

(c) In addition to the compensation required under OAR 141-125-0160(8)(a), the holder an special use lease or license to retrieve sunken logs, woody debris and abandoned pilings must also pay the compensation due for any easements (for example, storage of logs on state-owned land) or other forms of authorization required by the Department.

(9) Wind Turbines/Wind Farms

(a) The holder of a special use lease or license must remit to the Department:

(A) During the demonstration project period the greatest of:

(i) $500;

(ii) $5.00 per acre of land within the authorized area; or

(iii) The comparative compensatory payment received by other landowners for similar demonstration projects.

(B) During the construction period a one-time installation fee equal to $3,000 times the number of megawatts of nameplate rated capacity for each wind turbine to be installed as a part of that phase of the development.

(C) During the operation period:

(i) 2.5 percent of the gross revenue received by the lessee for, or the value of the electricity generated by each turbine during from the start of the operation through year 10;

(ii) 3.5 percent of the gross revenue received by the lessee for, or the value of the electricity generated by each turbine from year 11 through year 15;

(iii) 4.0 percent of the gross revenue received by the lessee for, or the value of the electricity generated by each turbine from year 16 until the termination of the operation of that turbine.

(D) During the decommissioning period: An amount to be determined by the Director based on the compensation which could reasonably be expected to be received by the Department for the use of the land encumbered by the wind power project.

(b) Notwithstanding the provisions of OAR 141-125-0160(9)(a), the director reserves the right to establish another rate of compensation to be charged by the Department during the construction and operation periods based on factors unique to an operation (for example, distance of the operation from major transmission lines and variability of the wind) and comparative compensatory payments.

(c) The lessee or licensee will record and report the amount of electricity generated by each wind turbine and wind farm under lease as well as the gross revenue resulting from that generation on a basis to be determined by the Department and included as a provision of the lease. Gross revenue is defined as all revenues earned through the sale of the electricity by the lessee to purchasers.

(d) In the event the lessee or licensee consumes all, or a portion of the electricity generated by the wind turbine and wind farm, the Department will establish a value for that electricity based on what the lessee or licensee would have to pay a utility for the equivalent amount of electricity delivered to the lessee's or licensee's point of demand as well as information provided by the lessee.

(e) In addition to the compensation required under OAR 141-125-0160(9)(a) and (b), the holder of a lease or license for a wind turbine and wind farm is required to pay to the Department the compensation due for any easements (for example, transmission lines crossing state land) or other forms of authorization required by the Department.

(10) Solar Energy Installation

(a) The holder of a special use lease or license for a solar energy installation must remit to the Department:

(A) During the demonstration project period the greatest of:

(i) $500;

(ii) $5.00 per acre of land within the authorized area; or

(iii) The comparative compensatory payment received by other landowners for similar demonstration projects.

(B) During the construction, operation and decommissioning periods, an amount to be determined by the Director based on comparative compensatory payments.

(b) Data concerning the amount of generation and its value will be recorded and reported by the lessee to the Department on a basis to be determined by the Department and included as a provision of the license or lease.

(c) In addition to the compensation required under OAR 141-125-0160(10)(a) and (b), the holder of a special use lease or license for solar energy installation is required to pay the compensation due for any easements (for example, transmission lines crossing state land) or other forms of authorization required by the Department.

(11) Geothermal Energy Installation:

(a) The holder of a special use lease or license for a geothermal energy installation must remit to the Department:

(A) During the demonstration project period the greatest of:

(i) $500 per year;

(ii) $5.00 per acre of land within the authorized area per year; or

(iii) The comparative compensatory payment received by other landowners for similar demonstration projects per year.

(B) During the construction, operation and decommissioning periods, an amount to be determined by the Director based on comparative compensatory payments. The Director shall take into consideration current industry standards for annual comparative compensatory payments by reviewing the current Bureau of Land Management Code of Federal Regulations, current comparative compensatory payments received by other states, and comparative compensatory payments received by private landowners under free market conditions.

(b) Data concerning the amount of generation and its value will be recorded and reported by the lessee to the Department on a basis to be determined by the Department and included as a provision of the license or lease.

(c) Upon the sale, exchange or other disposition for value of by-products produced in conjunction with the production of Geothermal Resources under a license or lease, the holder shall pay royalties as follows:

(A) Demineralized water — A royalty on the sale of demineralized water shall be reported and paid to the Department monthly. The royalty payment shall be the greatest of:

(i) One percent of the gross sale price of demineralized water sold, exchanged, or otherwise disposed of for value in any calendar month; or

(ii) The comparative royalty rate received by other landowners for demineralized water regionally.

(B) Heavy metals, nonhydrocarbon gases, and miscellaneous precipitates — A royalty on the sale of heavy metals, nonhydrocarbon gases, and miscellaneous precipitates shall be reported and paid to the Department monthly. The royalty payment shall be the greatest of:

(i) Five percent of the gross sale price of all heavy metals, miscellaneous precipitates, and nonhydrocarbon gases sold, exchanged, or otherwise disposed of for value in any calendar month; or

(ii) The comparative royalty rate received by other landowners for all heavy metals, miscellaneous precipitates, and nonhydrocarbon gases sold, exchanged, or otherwise disposed of regionally.

(d) In addition to the compensation required under OAR 141-125-0160(11)(a), (b) and (c), the holder of a special use lease or license for a geothermal energy installation is required to pay the compensation due for any easements (for example, transmission lines crossing state land) or other forms of authorization required by the Department.

(12) Biomass Generating Facility

(a) The holder of a special use lease or license for a commercial electrical energy generating installation using biomass must remit to the Department:

(A) During the demonstration project period the greatest of:

(i) $500;

(ii) $5.00 per acre of land within the authorized area; or

(iii) The comparative compensatory payment received by other landowners for similar demonstration projects.

(B) During the construction, operation and decommissioning periods, an amount to be determined by the Director based on comparative compensatory payments.

(b) Data concerning the amount of generation and its value will be recorded and reported by the lessee to the Department on a basis to be determined by the Department and included as a provision of the license or lease.

(c) In addition to the compensation required under OAR 141-125-0160(12)(a), the holder of a special use lease for biomass generating facility is required to pay the compensation due for any easements (for example, transmission lines crossing state land) or other forms of authorization required by the Department.

(d) If the biomass used to fuel a generating facility is obtained from state-owned land, the Director will determine the amount of compensation owed by the lessee for the use of this material.

(13) Regardless of the type of use that is subject to a special use authorization, the amount of annual compensation received by the Department will not be less than:

(a) $500 per year for al leases except those for communications facilities;

(b) $750 per year for special use leases for communications facilities;

(c) $100 per year for licenses; or

(d) The minimum bid when the lease is awarded through public auction.

(14) Communications facilities located on Non-Trust Land outside of the designated limits of a city may be exempt from the mandatory compensation payments specified in OAR 141-125-0160(5) pursuant to the provisions of ORS 758.010(1). However, the owners of such facilities must apply for and obtain a lease or license from the Department.

Stat. Auth.: ORS 273

Stats. Implemented: OR Const. Art. VIII, Sec. 2 & 5

Hist.: DSL 1-2002, f. 2-7-02, cert. ef. 3-1-02; DSL 3-2008, f. & cert. ef. 10-15-08; DSL 3-2015, f. 11-9-15, cert. ef. 12-1-15

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Higher Education Coordinating Commission
Chapter 715

Rule Caption: Allotment of Clinical Legal Education, Signature Research Center, Dispute Resolution Center, and ETIC sustaining funds.

Adm. Order No.: HECC 14-2015

Filed with Sec. of State: 11-13-2015

Certified to be Effective: 11-13-15

Notice Publication Date: 10-1-2015

Rules Adopted: 715-013-0060, 715-013-0062, 715-013-0064, 715-013-0066

Rules Repealed: 715-013-0060(T), 715-013-0062(T), 715-013-0064(T), 715-013-0066(T)

Subject: 715-013-0060

This rule allows for allocation of Clinical Legal Education funds to eligible institutions. Eligible institutions are defined to include ABA-Approved Law Schools at Oregon-based accredited Institutions of Higher Education with a Clinical Legal Program that serves victims of domestic violence. It continues the status quo that had been in place under previous OUS policy.

715-013-0062

This rule allows for allotment of ETIC Sustaining Funds during the 2015-17 biennium, which includes support for historical capacity developed at institutions and allocations based on the employment outcomes of Oregon students who graduate in engineering and technology related fields. It represents an agreed-upon split of funds between all seven public universities and OHSU.

715-013-0064

This rule allows for allotment of Signature Research Center Funds to Oregon State University, Portland State University, and the University of Oregon during the 2015-17 biennium. This rule extends the current funding split between the three institutions that had been in place under previous OUS policy.

715-013-0066

This rule allows for allotment of Dispute Resolution Center Funds to Portland State University and the University of Oregon during the 2015-17 biennium. It continues the existing split between the two institutions that had been in place under previous OUS policy.

Rules Coordinator: Kelly Dickinson—(503) 947-2379

715-013-0060
Clinical Legal Education Funds

(1) Definitions

(a) "ABA-Approved Law School" is a law school approved by the American Bar Association (ABA) to confer Juris Doctor (JD) Degrees.

(b) "Accredited Institution of Higher Education" is an institution of higher education that is accredited by an accrediting institution authorized by the US Department of Education.

(c) "Civil Legal Services" are services provided to individuals for non-criminal civil matters and operated in concert with regulations adopted by the Oregon State Bar pursuant to ORS 9.572.

(d) "Clinical Legal Education Program" is the program authorized by ORS 21.007 and provided by an ABA-Approved Law School at and

Accredited Institution of Higher Education granting law students an opportunity to practice law in a particular area during their legal education. Clinical Legal Education Program funds are designated by the legislature on a biennial basis.

(e) "Eligible Accredited Institution of Higher Education" is an Accredited Institution of Higher Education for which the HECC has certified its compliance with Section 5 of this OAR to receive Civil Legal Education Program funds.

(f) The "Higher Education Coordinating Commission" or "HECC" is the body established by ORS 351.715 and appointed by the Governor.

(g) "Oregon State Bar" is a public corporation established by ORS 9.010 to license and discipline lawyers, regulate the practice of law, and provide a variety of services to bar members and the public.

(2) This rule allocates Civil Legal Education Program funds to Eligible Accredited Institutions of Higher Education.

(3) Allocations in the first year of any biennium shall be 49% of the total appropriated to the Domestic Violence Clinical Legal Education Account. The remainder shall be allocated in the second year of the biennium.

(4) Civil Legal Education Program funds are distributed in order to provide civil legal services to victims of stalking, domestic violence and assault.

(5) In order to be eligible for funding under this program, institutions must meet the following conditions;

(a) Be an accredited institution of higher education and have an ABA-approved law school.

(b) Certify that the institution has a clinical legal education program that includes Civil Legal Services.

(c) Certify that the Clinical Legal Education Program represents clients of domestic violence, stalking or sexual assault.

(d) Certify that the Clinical Legal Education Program operates in concert with at least one nonprofit service provider that provides advocacy services such as counseling, safety-planning and/or shelter to victims of domestic violence, stalking or sexual assault and that this provider performs victims counseling services and provides student training.

(6) Once an institution certifies to the HECC their compliance with Section 5 they need not apply every year but must recertify their eligibility on an annual basis.

(7) All institutions certified as eligible and seeking funds shall submit an annual report including the following:

(a) Number of clients that are victims of domestic violence, stalking or sexual assault.

(b) Nature of legal issues involved.

(c) Outcomes of the legal issues.

(d) Categorization of victim service between, sexual assault, stalking and domestic violence.

(e) Relationship of the client to the offender.

(f) Whether advocacy services were provided.

(8) The HECC shall award funds to institutions on a proportional basis in relation to the number of victims served.

(a) Proportions shall be calculated on an annual basis.

(b) If only one institution is eligible to receive funds in a given fiscal year, it shall receive all available funds in a given fiscal year.

(9) The HECC will give deference to any legislative designation of specific resources or policy decisions when making determinations on allocation of funds.

Statutory Authority: ORS 351.735(5),
Statutes Implemented: ORS 351.735(3)(iii)(f), 21.007
Hist.: HECC 11-2015(Temp), f. & cert. ef. 9-8-15 thru 3-5-16; HECC 14-2015, f. & cert. ef. 11-13-15

715-013-0062
Engineering Technology Sustaining Funds

(1) Definitions

(a) "Engineering and Technology Industry Council" or "ETIC" was the body established by ORS 351.663 and abolished by Section 5, Chapter 682 Oregon Laws 2015, for the purposes of improving engineering education in the state of Oregon.

(b) The "Higher Education Coordinating Commission" or "HECC" is the body established by ORS 351.715 and appointed by the Governor.

(c) "Historical Funding" is funding based upon a university's historical allocation of ETIC Sustaining Funds in fiscal year 2015 as approved by the Oregon Education Investment Board (OEIB).

(d) "Oregon Education Investment Board (OEIB)" was the body established by section 1, chapter 519, Oregon Laws 2011 and appointed by the Governor.

(e) "Oregon Health and Science University (OHSU)" is an independent public corporation established by ORS 353.020.

(f) "Oregon Students, Oregon Jobs Model" is defined as the model that had been developed by ETIC and submitted to the HECC to award funds based on placement of Oregon resident graduates in Oregon jobs.

(g) A "Public University" is any institution as defined in ORS 352.002, including; Eastern Oregon University (EOU), Oregon Institute of Technology (OIT), Oregon State University (OSU), Portland State University (PSU), Southern Oregon University (SOU), University of Oregon (UO) and Western Oregon University (WOU).

(h) "Sustaining Funds" are funds designated by the Legislature as legacy ETIC Sustaining Funds.

(2) This rule allocates Sustaining Funds to Public Universities and OHSU for the 2015-17 biennium.

(3) Allocations in the first year of any biennium shall be 49% of total appropriated for the biennium. The remainder shall be allocated in the second year of the biennium.

(4) Sustaining Funds are to be spent in support of engineering and technology related programs in support of Oregon industry.

(5) Allocations shall be made by the HECC to Public Universities and OHSU for the fiscal year beginning on July 1, 2015 as follows;

(a) 80% of available funds shall be allocated on the basis of Historical Funding. Of these funds, the allocations shall be as follows;

(A) Eastern Oregon University shall receive $144,601.

(B) Oregon Health Sciences University shall receive no historical funding.

(C) Oregon Institute of Technology shall receive $444,592.

(D) Oregon State University shall $6,179,323.

(E) Portland State University shall receive $2,410,166.

(F) Southern Oregon University shall receive $168,447.

(G) The University of Oregon shall receive no historical funding.

(H) Western Oregon University shall receive $237,770.

(b) 20% of available funds shall be allocated in the proportions indicated by the Oregon Students, Oregon Jobs Model. Of these funds, the allocations shall be as follows;

(A) Eastern Oregon University shall receive $10,814.

(B) Oregon Health Sciences University shall receive no funds.

(C) Oregon Institute of Technology shall receive $513,415.

(D) Oregon State University shall receive $862,072.

(E) Portland State University shall receive $771,841.

(F) Southern Oregon University shall receive $67,688.

(G) The University of Oregon shall receive $107,892.

(H) Western Oregon University shall receive $62,503.

(6) Allocations shall be made by the HECC to public universities and OHSU for the fiscal year beginning July 1, 2016 as follows;

(a) Funding to each public university shall continue in amounts equal to those in section 5.

(b) The additional funds available shall be allocated to institutions which have not reached funding indicated in the Oregon Student, Oregon Jobs Model. Of these funds, the allocations shall be as follows:

(A) Eastern Oregon University shall receive no funds.

(B) Oregon Health Sciences University shall receive no funds.

(C) Oregon Institute of Technology shall receive $287,431.

(D) Oregon State University shall receive no funds.

(E) Portland State University shall receive $105,785.

(F) Southern Oregon University shall receive $17,318.

(G) The University of Oregon shall receive $77,906.

(H) Western Oregon University shall receive $586.

(7) The continued allocation of Historical Funding is contingent upon institutions maintaining performance consistent with past efforts.

(8) The HECC will give deference to any legislative designation of specific resources or policy decisions when making determinations on allocation of funds.

Stat. Auth.: ORS 351.735(5)
Stats. Implemented: ORS 351.735(3)(iiI)(f), 2015 OL Ch 682
Hist.: HECC 8-2015(Temp), f. & cert. ef. 9-8-15 thru 3-5-16; HECC 14-2015, f. & cert. ef. 11-13-15

715-013-0064
Signature Research Center Funds

(1) Definitions

(a) The "Higher Education Coordinating Commission" or "HECC" is the body established by ORS 351.715 and appointed by the Governor.

(b) "Oregon Growth Business' is defined in ORS 284.701(3) as an individual, group of individuals or private sector business entity, including but not limited to a partnership, limited liability company, corporation,

firm, association or other business entity, that engages in business that furthers innovation-based economic development, that has the capacity, upon obtaining appropriate capital, to generate significant high-skill, high-wage employment in Oregon and that conducts business in Oregon or an emerging growth business consisting of an individual or group of individuals or a new or small company, including but not limited to any new or small partnership, limited liability company, corporation, firm, association or other business entity, that has the capacity, upon obtaining appropriate capital, to generate significant high-skill, high-wage employment.

(c) "Public Entity" is defined in ORS 284.701(4) as any agency of the federal or state government, county, city, town, public corporation or political subdivision in this state.

(d) A "Public University" is any institution as defined in ORS 352.002, including; Eastern Oregon University (EOU), Oregon Institute of Technology (OIT), Oregon State University (OSU), Portland State University (PSU), Southern Oregon University (SOU), University of Oregon (UO) and Western Oregon University (WOU).

(e) "Research Institution" is defined in ORS 284.701(5) to include Community Colleges, Public Universities, Oregon Health and Science University, Oregon-based generally accredited non-for-profit private institutions of higher education, federal research laboratories conducting research in Oregon, private not-profit research institutions located in Oregon, institutions for higher education as defined in ORS 289.005 or private institutions of higher education located in Oregon.

(f) "Signature Research Centers" are those authorized under ORS 284.740 to maximize collaborative ventures between Research Institutions, Public Entities and Oregon Growth Industries. Signature Research Center funds are designated by the Legislature.

(2) This rule allocates Signature Research Center funds to Public Universities.

(3) Allocations in the first year of any biennium shall be 49% of the total appropriated. The remainder shall be allocated in the second year of the biennium.

(4) Signature Research Center funds are to be spent on expenses related to collaborative ventures among Research Institutions, Public Entities and Oregon Growth Businesses that seek to capitalize on opportunities to obtain private and federal funding for the research and development of innovation-based economic development.

(5) The University of Oregon and Oregon State University shall each receive 47.5% of all appropriated funds each biennium and Portland State University shall receive 5% of all appropriated funds.

(6) The HECC will give deference to any legislative designation of specific resources or policy decisions when making determinations on allocation of funds.

Stat. Auth.: ORS 351.735(5),
Stats. Implemented: ORS 351.735(3)(iii)(f), 284.720, 284.701
Hist.: HECC 10-2015(Temp), f. & cert. ef. 9-8-15 thru 3-5-16; HECC 14-2015, f. & cert. ef. 11-13-15

715-013-0066
Dispute Resolution Center Funds

(1) Definitions

(a) "Dispute Resolution Account" is an account established in the state treasury by ORS 36.145 to appropriate funds for the purposes outlined in ORS 36.135, 36.175 and 36.179 to the University of Oregon and Portland State University.

(b) "Dispute Resolution Programs" are programs authorized by ORS 36.100, 36.135, 36.155 and 36.179 for the purposes indicated in 36.105. Dispute Resolution Program funds are designated by the legislature.

(c) "Dispute Resolution Services in Counties" are established under standards adopted by the Board of Trustees of the University of Oregon pursuant to ORS 36.155.

(d) The "Higher Education Coordinating Commission" or "HECC" is the body established by ORS 351.715 and appointed by the Governor.

(e) "Mediation and Alternative Means of Dispute Resolution" is the program authorized by ORS 36.179 providing mediation and other alternative dispute resolution services to public bodies at the Mark O Hatfield School of Government at Portland State University.

(f) A "Public University" is any institution as defined in ORS 352.002, including; Eastern Oregon University (EOU), Oregon Institute of Technology (OIT), Oregon State University (OSU), Portland State University (PSU), Southern Oregon University (SOU), University of Oregon (UO) and Western Oregon University (WOU).

(2) This rule allocates Dispute Resolution Program funds to Public Universities.

(3) Allocations in the first year of any biennium shall be 49% of the total appropriated to Dispute Resolution Programs. The remainder shall be allocated in the second year of the biennium.

(4) Dispute Resolution Program funds for the University of Oregon are to be spent in compliance with standards adopted pursuant to ORS 36.155 and in compliance with state policy pursuant to 36.100 and 36.105.

(5) Dispute Resolution Program funds for Portland State University are to operate the program authorized in ORS 36.179 and in compliance with state policy pursuant to ORS 36.100 and 36.105.

(6) The University of Oregon shall receive 65% of Dispute Resolution Program funds each biennium and Portland State University shall receive 35% of Dispute Resolution Program funds.

(7) The HECC will give deference to any legislative designation of specific resources or policy decisions when making determinations on allocation of funds.

Stat. Auth.: ORS 351.735(5), 36.100, 36.135, 36.145, 36.155, 36.179
Stats. Implemented: ORS 351.735(3)(iii)(f), 36.105, 36.145
Hist.: HECC 9-2015(Temp), f. & cert. ef. 9-8-15 thru 3-5-16; HECC 14-2015, f. & cert. ef. 11-13-15

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Higher Education Coordinating Commission, Office of Community Colleges and Workforce Development Chapter 589

Rule Caption: Non-substantive office, title name changes reflecting recent legislation; general administrative and housekeeping updates.
Adm. Order No.: DCCWD 5-2015
Filed with Sec. of State: 10-30-2015
Certified to be Effective: 10-30-15
Notice Publication Date: 7-1-2014
Rules Amended: 589-001-0000, 589-001-0100, 589-001-0200, 589-001-0300, 589-002-0100, 589-002-0110, 589-002-0120, 589-002-0130, 589-002-0200, 589-002-0300, 589-002-0500, 589-002-0600, 589-002-0700, 589-002-0800, 589-002-0900, 589-003-0100, 589-004-0100, 589-004-0150, 589-004-0200, 589-004-0250, 589-004-0300, 589-004-0350, 589-004-0400, 589-004-0450, 589-004-0500, 589-004-0550, 589-004-0600, 589-004-0650, 589-004-0700, 589-004-0750, 589-005-0100, 589-005-0200, 589-005-0300, 589-005-0400, 589-005-0500, 589-006-0050, 589-006-0100, 589-006-0150, 589-006-0200, 589-006-0300, 589-006-0350, 589-006-0400, 589-007-0100, 589-007-0110, 589-007-0120, 589-007-0130, 589-007-0140, 589-007-0150, 589-007-0160, 589-007-0170, 589-007-0180, 589-007-0200, 589-007-0300, 589-007-0400, 589-007-0500, 589-007-0600, 589-007-0700, 589-007-0800, 589-008-0100, 589-008-0200, 589-009-0100, 589-010-0100, 589-020-0110, 589-020-0210, 589-020-0225, 589-020-0270, 589-020-0300, 589-020-0310, 589-020-0320, 589-020-0330, 589-020-0340, 589-020-0350
Subject: Legislative action changes the name of Department of Community Colleges and Workforce Development to Office of Community Colleges and Workforce Development; changes the name of the Commissioner for Community College Services to Director of the Office of Community Colleges and Workforce Development; transfers rulemaking authority and recipient of appropriations from Department of Community Colleges and Workforce Development to Higher Education Coordinating Commission; directs the Office of Community Colleges and Workforce Development to function under the direction and control of the Higher Education Coordinating Commission.
Rules Coordinator: Kelly Dickinson—(503) 947-2379

589-001-0000
Notice of Proposed Rule

(1) Before permanently adopting, amending, or repealing any permanent rule, the Higher Education Coordinating Commission shall give notice of the proposed adoption, amendment, or repeal:

(a) In the Secretary of State's Bulletin referred to in ORS 183.360 at least 21 days prior to the effective date of the rule;

(b) By mailing or e-mailing, at least 28 days before the effective date of the rule, a copy of the notice to persons on the Commission's mailing and e-mailing lists established pursuant to ORS 183.335(8);

(c) By mailing or e-mailing a copy of the notice to the legislators specified in ORS 183.335(15) at least 49 days before the effective date of the rule; and

(d) By mailing or e-mailing a copy of the notice to persons, organizations, and publications identified by the Commission and established educational, student, and parent organizations that have submitted mailing or e-mailing addresses to the Commission.

(2) Persons who wish to receive written or e-mailed copies of notices of proposed rulemaking from the Commission may write or e-mail the Commission and request that they be placed on the Commission's mailing or e-mailing lists.

(3) The Commission may update the mailing and e-mailing lists described in this rule annually by requesting persons to confirm that they wish to remain on the lists. If a person does not respond to a request for confirmation within 28 days of the date the Commission sends the request, the Commission will remove the person from the Commission's mailing and e-mailing lists. Any person removed from the mailing or e-mailing lists will be returned to the mailing or e-mailing list upon request, provided that the person provides a mailing address or e-mailing address to which notice may be sent.

Stat. Auth.: ORS 183.335, 183.341 (4) & 351.735
Stats. Implemented: ORS 183.335
Hist.: EB 12-1991, f. & cert. ef. 7-19-91; DCCWD 1-2001, f. & cert. ef. 3-21-01, Renumbered from 581-041-0000; DCCWD 1-2003, f. & cert. ef. 1-9-03; DCCWD 5-2003, f. & cert. ef. 10-20-03; DCCWD 5-2015, f. & cert. ef. 10-30-15

589-001-0100
Model Rules of Procedure

Pursuant to the provisions of ORS 183.341, the Higher Education Coordinating Commission adopts the Attorney General's Model and Uniform Rules of Procedure under the Administrative Procedures Act in effect on January 1, 2012.

Stat. Auth.: ORS 326.051
Stats. Implemented: ORS 183.341
Hist.: EB 12-1991, f. & cert. ef. 7-19-91; DCCWD 1-2001, f. & cert. ef. 3-21-01, Renumbered from 581-041-0006; DCCWD 5-2015, f. & cert. ef. 10-30-15

589-001-0200
Establishing Fees for Public Records

The Higher Education Coordinating Commission, through the Office of Community Colleges and Workforce Development, may charge a fee based upon actual cost of supplying, reproducing, handling, shipping or otherwise processing public records on request.

Stat. Auth.: ORS 326.051
Stats. Implemented: ORS 192.440
Hist.: 1EB 130, f. 5-5-72, ef. 10-15-72; 1EB 258, f. 1-31-77, ef. 2-1-77; 1EB 6-1984(Temp), f. & ef. 3-7-84; 1EB 10-1984, f. & ef. 4-13-84; EB 12-1991, f. & cert. ef. 7-19-91; Renumbered from 581-046-0005; ODE 1-2001, f. 1-25-01, cert. ef. 1-26-01; DCCWD 1-2001, f. & cert. ef. 3-21-01, Renumbered from 581-041-0011; DCCWD 5-2015, f. & cert. ef. 10-30-15

589-001-0300
Definitions for OAR Chapter 589, Divisions 1 through 10

For the purposes of OAR chapter 589, divisions 001 through 020, the following definitions apply:

(1) "Executive Director" means the Executive Director appointed under ORS 351.735 by the Commission.

(2) "Director" means the Director of the Office of Community Colleges and Workforce Development appointed under ORS 351.762;

(3) "Board" means the board of education of a community college district;

(4) Commission means the Higher Education Coordinating Commission established under ORS 351.715.

(5) "Office" means the Office of Community Colleges and Workforce Development;

(6) Community College" means a public institution operated by a community college district for the purposes of providing courses of study limited to not more than two years' full-time attendance and designed to meet the needs of a geographical area by providing educational services, including but not limited to professional technical education programs or lower division collegiate programs.

(7) "Community College District" or "District" means a district formed under ORS Chapter 341 to operate one or more community colleges or to secure educational services available at a community college.

(8) "Full-Time Equivalent (FTE) Student", for the purpose of receiving state reimbursement, means a student who carries 510 clock hours over three terms of instruction.

(9) "Reimbursable Full-Time Equivalent (RFTE) Student" means a student defined by section (7) of this rule whose earned hours qualify the district for cost reimbursement by the State of Oregon in accordance with OAR 589-002-0100, et seq.

(10) "Term Hour" means a 50-minute period of course work a week per student for approximately one-third of a school year.

Stat. Auth.: ORS 326.051
Stats. Implemented: ORS 326.051
Hist.: EB 12-1991, f. & cert. ef. 7-19-91; EB 8-1995, f. & cert. ef. 3-6-95; DCCWD 1-2001, f. & cert. ef. 3-21-01, Renumbered from 581-041-0020; DCCWD 5-2015, f. & cert. ef. 10-30-15

589-002-0100
Community College Support Fund Distribution

Purpose Statement:

(1) 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, career technical education, remedial education, local response to workforce training, and other educational services necessary at the local and state level.

(2) The Commission through the authority vested in it by ORS 351.735, 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, chosen by the Commission, has been structured to support access, stability and quality, and to do so with equity for Oregon students. Principles which support these policies include:

(a) Access is supported by having the funding follow the student to the college which they are attending.

(b) Quality is supported when adequate funding per student is available.

(c) Growth management is a tool to prevent erosion of the level of funding per student.

(d) Equity is supported by the equalization of public resources distributed per student.

(e) Stability is supported by buffering fluctuations in student enrollment through growth management and by using a three-year weighted average of students by college to distribute state funds.

[ED. NOTE: Tables referenced are available from the agency.]
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; DCCWD 1-2011, f. & cert. ef. 4-20-11; DCCWD 1-2012(Temp), f. & cert. ef. 7-17-12 thru 1-10-13; DCCWD 3-2012, f. & cert. ef. 12-26-12; DCCWD 3-2013, f. & cert. ef. 6-11-13; DCCWD 5-2015, f. & cert. ef. 10-30-15

589-002-0110
Definitions

The following definitions apply to OAR 589-002-0100 through 589-002-0130.

(1) "Total Public Resources (TPR)" is what 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. TPR does not include tuition and fees paid by students.

(2) "Base Payment" is an allocation made from the Community College Support Fund which provides funding for basic community college district operations that are essential and do not vary in direct proportion to the districts' Full-Time Equivalent (FTE) student enrollment. The base allocation increases stability and predictability of funding for individual colleges.

(3) "Equalization" means equal public resource support per funded FTE, regardless of community college district, and exclusive of the base. Equalization is measured by dividing Total Public Resources, exclusive of the base, by funded FTE.

(4) "Property tax revenues" means 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 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.

(5) "Community College Support Fund (CCSF)" is funding received through the state's General Fund appropriation and distributed to the community college districts for funding educational programs.

(6) "Full-Time Equivalent (FTE) student" for the purpose of receiving state reimbursement, means a student who carries 510 clock hours over three terms of instruction for all terms including a fall 12-week term. All colleges with an 11-week fall term will have their fall term clock hours increased to the equivalent 12-week hours for the purpose of calculating reimbursable FTE.

(7) "Total Reimbursable FTE" means full-time equivalent students that are eligible for state reimbursement. These students must receive instruction from community college districts through either a contracted out-of district (COD) agreement described in OAR 589-002-0600, an agreement to provide services to state penitentiary or correctional institution inmates described in OAR 589-002-0700, or are CCSF reimbursable FTE, described in Section 8 of this rule and in OAR 589-002-0110 Sections (2) through (5).

(8) "CCSF Reimbursable FTE" means full-time equivalent students that are eligible, as described in OAR 589-002-0110 Sections (2) through (5) of this rule, for state funding through the CCSF Funding Distribution Formula, before the application of the Annual Growth Factor (AGF).

(9) "Contracted Out-of-District (COD) Reimbursable FTE" means full-time equivalent students that are not residents in the community college district that they are attending and for which the community college district has a contract to provide educational services with an entity in the geographic area from which the student resides. COD reimbursable FTE must meet all other requirements of a CCSF reimbursable FTE. The community college district must have a contract in place with the Department of Community Colleges and Workforce Development in order to receive reimbursement.

(10) "Fundable FTE" is the number of full-time equivalent students that are at or below each community college district's FTE Cap. Fundable FTE is the lesser of either the CCSF reimbursable FTE or the FTE cap. This number is used in the three-year weighted average calculation that determines a community college district's funded FTE as described in Section 11 of this rule.

(11) "Funded FTE" is the community college district's number of full-time equivalent students used in the formula to distribute the CCSF funding for each community college district. This number is buffered to prevent significant changes in a community college district's funding due to variability in student enrollment. It is calculated using a three-year weighted average of fundable FTE with the first year prior to current fundable FTE weighted at 40%, second year prior to current fundable FTE weighted at 30%, and third year prior to current fundable FTE weighted at 30%.

(12) "Total Funded FTE" is the sum of all community college districts' funded FTE for a fiscal year.

(13) "FTE Cap" is the maximum number of CCSF reimbursable FTE per community college district, which may be included in the funding formula calculation. The FTE cap is determined by applying the annual growth factor and may be adjusted by the preliminary FTE cap as described in Section 14.

(14) "Preliminary FTE Cap" is a tool that allows a community college district to recover fundable FTE within one year, if the district's CCSF reimbursable FTE is less than the FTE cap. There are two preliminary FTE caps. The first is based on the FTE cap from one year prior and the second is based on the prior year's fundable FTE. The annual growth factor (as defined in Section 19 below) is applied to each. The current year's FTE cap is the greater of these two numbers.

(15) "Growth Management" means the application of the Growth Management Component in combination with each community college district's FTE cap.

(16) "Biennial Growth Management Component" is the percent change, from one biennium to the next, of the total number of FTE for all community college districts that could be included in the funding formula without reducing resources available per FTE. The biennial growth management component is determined by the amount of total public resources available for the current biennium compared to the prior biennium and the estimated increased cost of FTE.

(17) "Higher Education Coordinating Commission's Biennial Quality Growth Factor" is a policy lever that allows the number of FTE that will be counted for funding purposes to be above or below the Biennial Growth Management Component.

(18) "Total Biennial Growth Management Component" is the sum of the Biennial Growth Management Component and the Higher Education Coordinating Commission's Biennial Quality Growth Factor.

(19) "Annual Growth Factor (AGF)" is one-half of the Biennial Growth Management Component.

Stat. Auth.: ORS 326.051, 341.015, 341.022, 341.317, 341.440, 341.525, 341.528, 341.626 & 341.665

Stats. Implemented: ORS 341.626

Hist.: DCCWD 1-2012(Temp), f. & cert. ef. 7-17-12 thru 1-10-13; DCCWD 3-2012, f. & cert. ef. 12-26-12; DCCWD 3-2013, f. & cert. ef. 6-11-13; DCCWD 3-2015(Temp), f. & cert. ef. 10-12-15 thru 4-8-16; DCCWD 5-2015, f. & cert. ef. 10-30-15

589-002-0120

Community College Support Fund Distribution Methodology

(1) 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 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 Office'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.

(2) Community college districts shall be required to submit enrollment reports in the format specified by the Director, 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 Director.

(a) All payments, made before actual Full-Time Equivalent student enrollment data are available, shall be based on the Office's best estimate of quarterly entitlement using student enrollment data from previous years.

(b) Payments shall be recalculated each year as Full-Time Equivalent student enrollment data become available and any adjustments will be made in the fiscal year.

(3) Reimbursement from the Community College Support Fund shall be made for career technical, lower-division collegiate, developmental education and other courses approved by the Commission 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.

(4) Residents of the State of Oregon and the states of Idaho, Washington, Nevada, and California shall be counted as part of each community college district's CCSF reimbursable FTE, but only for those students who take part in coursework offered within Oregon's boundaries.

(5) State funding for community college district operations is appropriated by the legislature on a biennial basis to the Community College Support Fund. The amount of state funds available for each biennium and for distribution through the funding formula shall be calculated based on the following:

(a) Funds to support services provided to inmates of state penitentiary and correctional institutions by community college districts shall be subtracted from the amount allocated to the Community College Support Fund before the formula is calculated. The amount available for services provided to inmates 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. The distribution method of CCSF funding for individual state penitentiary and correction institution programs provided by community college districts will be determined in consultation between the Commission and the Department of Corrections.

(b) Funds to support contracted out-of-district (COD) programs described in OAR 589-002-0600 shall be subtracted from the amount allo-

cated to the Community College Support Fund before the formula is calculated.

(A) A community college district providing contracted out-of-district services will receive an allocation equal to the college's number of reimbursable COD FTE multiplied by the statewide average of non-base community college support funds per total funded FTE. The average funds per total funded FTE is based on the same year COD services are provided.

(B) The allocation is distributed after the reimbursable COD FTE has been reported to CCWD for the full academic year. An adjustment to the allocation may be made if the final audited FTE is significantly different than the COD FTE from which the allocation was made.

(C) Beginning July 1, 2014, to be eligible for a COD allocation, each participating community college district must:

(i) Provide the Office with a copy of the agreement between the community college district and the local participating entity by October 1st of each service year.

(ii) Enter into a contract with the Office by January 1st of the service year for a COD allocation payment.

(iii) Follow all requirements found in OAR 589-002-0600.

(D) Section (5)(b)(A) and (B) of this rule applies to COD contracts that were in effect starting with the 2012–13 fiscal year.

(c) 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 change to the current biennium's total Community College Support Fund appropriation.

(d) Funds remaining in the Community College Support Fund shall be distributed through the formula as described in Section 6.

(e) 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.

(6) 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 Reimbursable FTE and 1,100 FTE. The base payment for each community college district will be adjusted according to the size of the district. Community college 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 distribute the Community College Support Fund based on each community college district's FTE.

(A) The equalized amount per FTE is determined by dividing Total Public Resources — excluding base payments, contracted out-of-district payments, and any other payments directed by the Commission or the legislature — by funded FTE. The department shall make the calculation based on submission of FTE reports by community college districts and in accordance with established FTE principles.

(B) To determine the number of funded FTE for each community college district, a three-year weighted average of fundable FTE for each community college district will be used with the first year prior to current fundable FTE weighted at 40%, second year prior to current fundable FTE weighted at 30%, and third year prior to current fundable FTE weighted at 30%.

(c) Beginning with the 2011-13 biennium, a Biennial Growth Management Component is added to the calculation of each community college district's funded FTE. The purpose of the Biennial Growth Management Component is to manage the level of total public resource available per FTE within the total public resources available.

(A) The methodology for calculating the base year and subsequent biennial growth management component is displayed in Table 1 "Community College Support Fund Growth Management Calculation Tables" and is available through the following hyperlink. [Table not included. See ED. NOTE.]

(B) The calculations that will implement the Growth Management Component in the CCSF Distribution Formula Model are available in Table 2. Formula Calculation of Fundable FTE by Community College District." [Table not included. See ED. NOTE.]

(C) The Commission has authority, on a biennial basis to, set the "quality growth factor" that may increase or decrease the number of FTE that will be counted for funding purposes above or below the Biennial Growth Management Component. The SBE will consider the following principles as guidelines for setting the "quality growth factor":

(i) Balance the desire to support growth beyond that which is funded through the funding formula distribution model with the desire to enhance quality by increasing the level of funding provided on a per-student FTE basis.

(ii) The Total Public Resources (TPR) per FTE should not erode by more than 5% on an annual basis.

(iii) Where current TPR per FTE is determined to be insufficient to support the "quality of education" desired, a growth factor could be established that would increase the TPR per FTE.

(iv) If revenue is significantly reduced during a biennium, the Commission may reduce the "quality growth factor."

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

Stat. Auth.: ORS 326.051, 341.015, 341.022, 341.317, 341.440, 341.525, 341.528, 341.626 & 341.665

Stats. Implemented: ORS 341.626

Hist.: DCCWD 1-2012(Temp), f. & cert. ef. 7-17-12 thru 1-10-13; DCCWD 3-2012, f. & cert. ef. 12-26-12; DCCWD 3-2013, f. & cert. ef. 6-11-13; DCCWD 6-2013(Temp), f. & cert. ef. 12-16-13 thru 6-13-14; DCCWD 3-2014, f. & cert. ef. 3-20-14; DCCWD 2-2015, f. & cert. ef. 6-15-15; DCCWD 5-2015, f. & cert. ef. 10-30-15

589-002-0130

Commission Strategic Fund

The Commission may establish a strategic fund.

(1) 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.

(2) The Director will use a committee of stakeholders and department staff to determine overall priorities for funding that considers the Commission's work plan and initiatives.

(3) 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 6 of 589-002-0110 for the current biennium or future biennia.

(4) Any unused monies remaining in the current biennium's strategic fund will be allocated through the formula described in Section 6 of 589-002-0110 at the end of the biennium.

(5) The Director will review, rank and approve proposals to incentivize statewide activities. After each proposal is approved, the Director will provide the Commission 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:

(a) Purpose of the proposal.

(b) How the activity supports the initiatives and work plans of the Office and the Commission.

(c) How the activity relates to the Commission's Key Performance Measures or other program-specific measures.

(d) If the funding one time (for this biennium) or will additional funding be needed in the future.

(e) If future funding is needed, how resources will be obtained and how the activity will be sustainable?

(f) The activity's impact on the state three years from now and five years from now.

(g) Anticipated changes.

(h) How progress will be measured.

(f) The Office will bring all requests for assistance in meeting new requirements or expectations stemming from legislative change to the Commission for discussion and consideration.

(g) The Office will assess the requests for assistance in meeting new requirements or expectations of the legislature based on the following parameters:

(A) Purpose of the proposal.

(B) How funds will be used to sustain or increase enrollment (not supplanting existing funds).

(C) If the funding is one time (for this biennium) or if additional funding will be needed in the future.

(D) If future funding is needed, how those resources will be obtained and how the activity is sustainable.

(E) The impact on the community college three years from now and five years from now.

(F) How progress will be measured.

(h) The Office will provide a recommendation and reasoning to the Commission on whether the request merits funding.

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.: DCCWD 1-2012(Temp), f. & cert. ef. 7-17-12 thru 1-10-13; DCCWD 3-2012, f. & cert. ef. 12-26-12; DCCWD 3-2013, f. & cert. ef. 6-11-13; DCCWD 3-2015(Temp), f. & cert. ef. 10-12-15 thru 4-8-16; DCCWD 5-2015, f. & cert. ef. 10-30-15

589-002-0200

State Reimbursement and Student Residency

For the purposes of OAR 589-002-0100, Distribution of Community College Support Fund:

(1) "Permanent Residence" is defined as a person's home, to which one intends to return after any absence and in which one's dependents reside for an unlimited period of time. A permanent residence shall be verified by specific documentation. Such documentation may include, but is not limited to, copies of the Oregon Department of Revenue income tax statements; deeds, bills of sale or other papers indicating ownership by the student or a member of his or her family of the dwelling in which he or she resides; appropriate Department of Defense forms indicating that the student took residence in Oregon within one year of being released from active duty in the armed forces; possession of a driver's license issued by the State of Oregon; and evidence indicating that a parent or guardian of a dependent student qualifies as an Oregon resident under this rule.

(2) "Oregon Resident" is defined as a person who currently maintains a permanent residence in the state and whose permanent residence has been maintained in Oregon for no less that ninety continuous days immediately preceding the person's first instructional day of the term (quarter) for which residency is in question.

(3) Pursuant to ORS 341.492, and notwithstanding subsection (2) of this section, students who are residents of Idaho, Washington, California and Nevada and students admitted pursuant to ORS 351.647 shall be considered as residents of Oregon for the purpose of reimbursement.

(4) District policies regarding student residency for state reimbursement purposes may be subject to the periodic review and approval of the Commission. In the event that approval is not granted, the Commission may withhold reimbursement.

Stat. Auth: ORS 326.051 & 341.626

Stats. Implemented: ORS 341.290(7), 341.505, 341.529 & 341.626

Hist.: 1EB 9-1979, f. & ef. 6-11-79; EB 12-1991, f. & cert. ef. 7-19-91; Renumbered from 581-043-0260; DCCWD 1-2001, f. & cert. ef. 3-21-01, Renumbered from 581-041-0205; DCCWD 1-2003, f. & cert. ef. 1-9-03; DCCWD 5-2003, f. & cert. ef. 10-20-03; DCCWD 5-2015, f. & cert. ef. 10-30-15

589-002-0300

Advanced Payment to Newly Created Community College District or Service District

A newly created community college district, or community college service district, shall be assigned by the Commission a base allocation level for its initial year of operation, based on the projected budget requirements as set in the feasibility study approved by the Commission. Payments to the new district for its initial year shall be based on the assigned base allocation. From operating funds available to the new district, the Director may advance reasonable sums for organizational expenses. Such an advance may be made only after the new district has formally adopted a budget. An advance will not serve to increase eligibility for state operating funds; it is a partial payment of the sum due the new district from its assigned base allocation in its initial year of operation.

Stat. Auth.: ORS 326.051 & 341.626

Stats. Implemented: ORS 341.626

Hist.: EB 14-1987(Temp), f. & ef. 7-30-87; EB 5-1988, f. & cert. ef. 1-14-88; EB 23-1989(Temp), f. & cert. ef. 6-12-89; EB 33-1989, f. & cert. ef. 11-28-89; EB 12-1991, f. & cert. ef. 7-19-91; Renumbered from 581-043-0266; DCCWD 1-2001, f. & cert. ef. 3-21-01, Renumbered from 581-041-0210; DCCWD 1-2003, f. & cert. ef. 1-9-03; DCCWD 5-2003, f. & cert. ef. 10-20-03; DCCWD 5-2015, f. & cert. ef. 10-30-15

589-002-0500

Contracts with Agencies, Organizations, and Industries for Which State Reimbursement is Requested

(1) For the purposes of this rule, the following definitions apply:

(a) "Contract" is defined as an agreement between a community college and an agency, organization, individual, or industry to provide educational services, unless these services are prohibited by the Director or state statute;

(b) "General fund revenue account" is defined as that account which includes all revenues related to the college's basic educational objectives. All revenues not included in some other specific fund accounts are included in the general fund revenue account. All revenues associated with the generation of reimbursable full-time equivalent students are included in the general fund revenue account;

(c) "Special revenue account" is defined as a fund used to account for the proceeds of specific revenue sources (other than special assessments, expendable trusts, or for major capital projects) that are legally restricted to expenditure for specific purposes, including revenues from specific projects, grants, contracted out-of-district programs, restricted federal projects, and other contracts for designated purposes;

(d) General education purposes" is defined as those purposes directly associated with the college's basic educational objectives.

(2) When community colleges provide educational services through contracts with agencies, organizations, or industries for their clients and employees, the colleges are entitled to compensation for reimbursable costs as defined by the Office and these rules. The community colleges are responsible for maintaining records that justify their requests for reimbursement from the Office.

(3) Full-time equivalent (FTE) attributable to contracts which are accounted for in a college's general fund revenue account can be added to a college's reimbursable full-time equivalent (RFTE) base and are subject to the reimbursement formula in OAR 589-002-0100. Any funds received under the contract from the contracting agency, business, or industry are to be placed into the college's general fund revenue account, or into the college's special revenue account with the Director's approval and must be used for general education purposes.

Stat. Auth.: ORS 326.051 & 341.626

Stats. Implemented: ORS 341.626

Hist.: 1EB 11-1981, f. 5-6-81, ef. 5-7-81; EB 12-1991, f. & cert. ef. 7-19-91; Renumbered from 581-043-0255; DCCWD 1-2001, f. & cert. ef. 3-21-01, Renumbered from 581-041-0220; DCCWD 1-2003, f. & cert. ef. 1-9-03; DCCWD 5-2003, f. & cert. ef. 10-20-03; DCCWD 5-2015, f. & cert. ef. 10-30-15

589-002-0600

Access by Unserved Areas to Community College Services; and Procedures for Contracted Out-of-District Areas

(1) For the purposes of this rule:

(a) "Nondistrict area" is defined as any geographic area of the state not within a community college district or community college service district;

(b) "Nondistrict student tuition" means tuition paid by residents of the nondistrict area;

(c) "Other nondistrict resources" means gifts, contributions, or grants from individuals, groups, organizations, businesses or industries. It may include financial support from school districts, education service districts, municipalities, counties or another public agency or private organization.

(2) Nothing in this rule is intended to refer to programs provided through contracts between community colleges and state correctional facilities. Those contracts are addressed in OAR 589-002-0700.

(3) Nothing in this rule is intended to refer to programs provided specifically for apprentices, including apprenticeship services as authorized in ORS 660.157(3). Those programs are addressed in division 7, chapter 589, of the Oregon Administrative Rules.

(4) The Office shall determine that sufficient interest exists in a nondistrict area for the formation of a local advisory committee to analyze and advocate community college services when it receives a petition signed by a minimum of 100 persons, or by five percent of the electors registered in each county or part of a county within the designated service area, whichever is less. The Office may ask the county clerk to verify valid petition signatures:

(a) The Office shall furnish the petition form and provide advice to the chief petitioner;

(b) In the event that more than one person seeks chief petitioner status, the Office shall select the party that, in its judgment, can best represent the diverse interests within the nondistrict area.

(5) Upon receipt of the petition, the Office and the chief petitioner shall jointly apply to the county governing body for the appointment of a

local advisory committee. The application shall include the names of at least ten nominees agreed to by the Office and the chief petitioner along with brief statements as to the reasons they seek appointment.

(6) Upon application, the governing body of the county shall appoint a local advisory committee and shall insure that the committee is broadly representative of the nondistrict area.

(7) The advisory committee shall:

(a) Examine the educational needs of the residents;

(b) Identify financial and human resources necessary to meet the educational needs;

(c) Identify entities willing to contract with the community college provider;

(d) Promote the community college services desired;

(e) Periodically advise and consult with the designated staff of the contracting community college and the Office regarding services requested and provided; and

(f) Submit biennial evaluation reports to the county governing board, the Office, and the contracting community college. The Office may, at its discretion, require more frequent evaluation reports.

(8) Community college districts and community college service districts may submit proposals to the Office, to become service providers to a nondistrict area:

(a) The proposal shall address information sent by the Office to the colleges describing the boundaries of the nondistrict, the population base, and the services requested;

(b) The college district shall define the elements of its proposed contract including orientation, inservice, materials, recommended tuition and fees, registration and reporting procedures, transcription, advising, timelines, supervision, and budget;

(c) The Office shall select that college that, in its judgment, can best deliver the services requested:

(A) The Office shall make its judgment after considering geographic factors, prior service history, and local advisory committee preference;

(B) The community college district or community college service district selected to be the contractor shall enter into an agreement with the contracting entity;

(C) The agreement is subject to the approval of the Commission or its designee.

(9) The contract between the community college and the local contracting entity must include an annual budget setting forth both revenue and expenditures for services provided to the nondistrict area. The budget shall be based on the following conditions:

(a) The budget must be wholly supported by state funds, nondistrict student tuition, and other nondistrict resources;

(b) While the budget may contain some in-kind contribution from the nondistrict area, a cash contribution, exclusive of tuition, is required.

(10) State reimbursement of costs incurred in providing services subject to the contract will be made based on the formula described in OAR 589-002-0100. Contracts shall not imply any requirement on the part of the state for reimbursement beyond the amounts appropriated for such purposes or beyond the biennial period covered by any such appropriation.

(11) Nondistrict areas operating under contract to a community college district will be eligible for federal Adult Basic Education funds based on the distribution method described in the State Plan for Adult Education and adopted by the Commission.

(12) The cost of education (tuition and fees) to residents of the nondistrict shall be sufficiently low to enable students of low and middle income to attend.

(13) The local nondistrict financial effort shall be in cash:

(a) The contracting entities may exercise the option of increasing local effort in order to reduce tuition costs to students;

(b) The minimum cash contribution that will be required in the budget shall be determined in the following manner:

(A) For the initial contract year, not less than ten percent of the budgeted expenditures must be supported by a cash contribution;

(B) For the second contract year not less than 15 percent of the budgeted expenditures must be supported by a cash contribution;

(C) For the third contract year, and all subsequent years, not less than 20 percent of the budgeted expenditures must be supported by a cash contribution.

(c) Upon request from the college providing the contracted services, the Director may recommend to the Commission a waiver or renegotiation of all or a portion of the matching requirement;

(d) A nondistrict area that contracts for not more than 12 FTE annually shall be subject to a separate cash contribution standard:

(A) Such areas may enter into contracts that provide for no cash contribution for the first three years of service;

(B) For the fourth, and all subsequent years, the cash contribution shall be ten percent of the budgeted expenditures.

(e) Cash may be from any source except that which is prohibited by rule or regulation.

(14) Contracts are subject to the review and approval of the Office:

(a) Contracts may be for one or two years and are renewable. Two-year contracts are subject to annual budget review and possible adjustment by the Office. The Office can choose to entertain bids from other potential contractors in the course of this review;

(b) Contracts will be submitted to the Office by July 1 of the contract year. The Department will determine that the contracting entity has met the cash requirement, that state-approved courses are offered, and that the district providing services provides adequate supervision of the contract;

(c) The Office will evaluate contracted out-of-district services biennially and submit a report to the Commission by May of even-numbered years. The evaluation will include number of individuals served, types of instructional services offered, extent to which the interest and needs of each area have been met, financial effort of each area, and projected service in the next biennium.

(15) The community college districts are responsible for developing the form of the contractual agreements and the method for recording them.

Stat. Auth.: ORS 326.051 & 341.024

Stats. Implemented: ORS 341.019, 341.021, 341.022 & 341.024

Hist.: 1EB 178, f. 10-18-74, ef. 11-11-74; 1EB 205, f. 8-20-75, ef. 9-11-75; 1EB 15-1985, f. 7-3-85, ef. 7-5-85; 1EB 178, f. 10-18-74, ef. 11-11-74; EB 21-1987(Temp), f. & ef. 10-7-87; EB 16-1988, f. & cert. ef. 3-15-88; EB 17-1988, f. & cert. ef. 3-15-88; EB 13-1991, f. & cert. ef. 7-19-91; Renumbered from 581-043-0240 & 581-043-0250; EB 14-1992, f. & cert. ef. 5-13-92; DCCWD 1-2001, f. & cert. ef. 3-21-01, Renumbered from 581-042-0400; DCCWD 1-2003, f. & cert. ef. 1-9-03; DCCWD 5-2003, f. & cert. ef. 10-20-03; DCCWD 5-2015, f. & cert. ef. 10-30-15

589-002-0700

Community College Services for Inmates of State Penitentiary and Correctional Institutions

(1) Community colleges and the Office may contract with the Department of Corrections for instructional services to inmates of any Department-operated correctional facilities.

(2) Any contract between the Office and the Department of Corrections (State Contract) may include agreements relating to all statewide staff training and development, program transferability between correctional institutions, curriculum planning, instructional support, evaluation and assessment, instruction of the persons with disabilities, employee relations, and the range of administrative allowances.

(3) Contracts between a provider community college and an individual correctional institution (Local Contracts) shall include agreements relating to specific administrative allowances, financial aid administration, program mix, staffing and budget:

(a) Each Local Contract shall indicate as its primary objective a functional literacy program; and as its secondary objective professional and technical education that provides entry-level, marketable skills;

(b) State reimbursement of costs incurred in providing services subject to the Local Contracts will be made based on the formula described in OAR 589-002-0100. Contracts shall not imply any requirement on the part of the state for reimbursement beyond the amounts appropriated for such purposes or beyond the biennial period covered by any such appropriation;

(c) Local Contracts will be eligible for federal Adult Basic Education funds based on the distribution method described in the State Plan for Adult Education and adopted by the Commission.

(4) All local contracts are subject to prior approval by the Office and must be submitted prior to August 1 of each year, unless the contract is for a biennial period in which the contract must be submitted prior to August 1 of the biennial year.

(5) The Office will advise the Department of Corrections and colleges annually of adjustments in the allocation of funds appropriated for services in correctional institutions.

(6) The Commission shall review services to correctional institutions at least once biennially. To facilitate this review and approval, the Office shall evaluate the contracts with the Department of Corrections biennially and submit a report to the Commission by May 1 of even-numbered years. The evaluation shall include the number of individuals served, types of instructional services offered, extent to which the interest and needs of inmates have been met, financial effort, and projected service in the next biennium.

Stat. Auth.: ORS 326.051 & 341.626

Stats. Implemented: ORS 341.317

Hist.: EB 27-1987, f. & ef. 11-17-87; EB 13-1991, f. & cert. ef. 7-19-91; Renumbered from 581-043-0251; DCCWD 1-2001, f. & cert. ef. 3-21-01, Renumbered from 581-042-0500;

DCCWD 1-2003, f. & cert. ef. 1-9-03; DCCWD 5-2003, f. & cert. ef. 10-20-03; DCCWD 5-2015, f. & cert. ef. 10-30-15

589-002-0800
Audit Procedures, Adjustments and Appeals

(1) Notwithstanding the required financial audit required under the Single Audit Act of 1984, P.L. 98-502, the Office and the Commission have a statutory duty to manage public funds in a prudent manner. This duty includes the responsibility to take reasonable action to correct errors and to prevent the unauthorized use of public funds through the use of periodic audits.

(2) The Office may perform periodic on-site financial, performance and/or statistical audits of community colleges, community college service districts, other grantees, and contractors. The audits shall be conducted to determine compliance with applicable statutes and administrative rules, instructions, and grant and contract terms.

(3) Requests for audits may come from the Commission, the Office, community colleges, contractors, or private citizens. Requests from anyone outside the Office must be recommended by the Commissioner, and approved by the Commission.

(4) The audit is to be performed by a person or persons with adequate technical training and proficiency as an auditor.

(5) The Auditor shall prepare a draft report of the audit and forward it to the audited agency with a letter of explanation. The letter will explain alternatives available to the agency in responding to the draft report. The audited agency's responses shall be forwarded within 60 days to the Auditor for evaluation in preparing the final audit report unless an alternative timeline is mutually agreed upon.

(6) After considering the responses, if any, from the agency on the draft audit report, the Auditor will prepare a final audit report. The Director shall forward by letter the final audit report to the audited agency.

(7) Any exceptions involving overclaims (overpayments) or underclaims (underpayments) may be processed as follows unless the Director agrees to an alternative method of adjustment:

(a) Overclaims: The agency will have the option of remitting the excess claim or reducing accordingly the subsequent year's entitlement;

(b) Underclaims: The subsequent year's claim may be adjusted by the amount underclaimed.

(8) The Auditor shall forward audit reports involving overpayment or underpayment to the Commissioner and to the audited agency.

(9) If the audited agency disputes the Office's determination of an audit exception, the audited agency may appeal to the Commission in the manner provided for a contested case under ORS 183.413 to 183.470. During an appeal, no action will be taken by the Office to effect reimbursement until a decision on the audit under appeal has been reached.

Stat. Auth.: ORS 326.051, 341.015 & 341.626
Stats. Implemented: ORS 291.200, 341.015 & 341.626
Hist.: EB 12-1991, f. & cert. ef. 7-19-91; DCCWD 1-2001, f. & cert. ef. 3-21-01, Renumbered from 581-041-0240; DCCWD 1-2003, f. & cert. ef. 1-9-03; DCCWD 5-2003, f. & cert. ef. 10-20-03; DCCWD 5-2015, f. & cert. ef. 10-30-15

589-002-0900
Reporting Requirements

(1) Colleges are required to submit, on or before January 30 of each year, reports of the revenues and expenditures, classified according to the format supplied by the Office.

(2) Colleges are required to submit enrollment reports for fourth week estimates by Friday of the fifth week of each term, and a term-end enrollment report by 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 college(s) not reporting may be delayed at the discretion of the Director.

(3) Colleges are required to submit to the Office one copy of their final audits no later than January 2 of each year following the year for which the audits are conducted.

(4) Rules governing the classification of revenue and expenditure accounts for community colleges are contained in the Community College Accounting Manual published by the Office (latest edition). Budget documents and audit reports will conform to these rules. The Commission adopts this publication to fulfill its responsibilities by reference as set forth in ORS 294.393.

[Publications: Publications referenced are available from the agency.]
Stat. Auth.: ORS 294.352, 341.015 & 341.626
Stats. Implemented: ORS 294.352, 294.356, 341.626 & 341.709
Hist.: 1EB 5-1982, f. & ef. 2-10-82; EB 10-1987, f. & ef. 5-12-87; EB 14-1987(Temp), f. & ef. 7-30-87; EB 5-1988, f. & cert. ef. 1-14-88; EB 23-1989(Temp), f. & cert. ef. 6-12-89; EB 33-1989, f. & cert. ef. 11-28-89; EB 12-1991, f. & cert. ef. 7-19-91; Renumbered from 581-043-0265 & 581-043-0266; DCCWD 1-2001, f. & cert. ef. 3-21-01, Renumbered from 581-041-0250; DCCWD 5-2015, f. & cert. ef. 10-30-15

589-003-0100
Community College Capital Construction and Acquisition

(1) For the purposes of this rule, the following definitions apply:

(a) "Capital construction and acquisition" is defined as new construction, the purchase of existing buildings, remodeling, maintenance, equipment and Americans with Disabilities Act (ADA) projects;

(b) "New construction" is defined as the building of a new facility within the community college district or some significant addition to an existing facility;

(c) "Remodeling" is defined as the renovation, restoration, or repair of an existing college district facility, the result of which places the facility in a position to provide increased access for persons who are disabled, to accommodate new uses, or house expanded activities;

(d) "Maintenance" is defined as the renovation, restoration, repair, or replacement of any college district facilities system, or component part of such a system. Maintenance is distinguished from remodeling by the fact that it does not add to the value of the property or prolong the life of the property, but merely keeps the property in an operating condition over the useful life for which the property was acquired. Facilities systems include, but are not limited to, water systems, sewer and drainage systems, HVAC systems, light systems, road systems, electrical systems, carpets, floors, roofs, walkways, and parking lots;

(e) "Equipment" is defined as tangible personal property of a nonconsumable nature, with a useful life of more than one year and a cost exceeding a dollar amount to be specified by the Office;

(f) ADA projects is defined as new construction, remodeling, maintenance or equipment needed to meet the requirements of the American with Disabilities Act as defined in Public Law 101-336;

(g) "Eligible Projects" is defined as any construction, remodeling, maintenance, ADA project, or equipment request not prohibited by state statute or administrative rule. ORS 341.933(1) prohibits the use of state funds for the construction of student or faculty housing, facilities for spectators at athletic events, recreational facilities, student health facilities, and noninstructional portions of student centers; and

(h) "Instructional Purpose" is defined as those activities that directly support classroom, shop, or laboratory teaching, basic skills teaching, customized training, tutoring, student testing and assessment, student advising or counseling, and library services.

(2) Colleges shall prepare five-year capital plans documenting their new construction, remodeling, maintenance, equipment and ADA project needs, and the projected costs of meeting these needs. These plans shall be updated every two years. After consulting with college officials, the Director or the Director's designee shall prescribe forms and timelines for this planning process.

(3) The Commission shall rely upon the submitted capital plans for the development of capital construction requests made to the Department of Administrative Services and Legislature. The Commission shall approve all capital construction requests prior to submission to the Department of Administrative Services or Legislature.

(4) Unless directed otherwise by the Department of Administrative Services or the Legislature, the Commission's new construction requests, remodeling requests, maintenance and equipment requests, and ADA projects that are new construction or remodeling projects as a package of prioritized eligible projects. Colleges shall have a right of appeal to the Commission before the new priorities are finally established.

(5) In its final budget request for new construction, remodeling, maintenance, equipment, and ADA projects, provided that the district has submitted an appropriate capital plan. Further, the Commission shall list these projects in priority order and assign higher relative rank to those projects that:

(a) Clearly serve an instructional purpose (first priority);

(b) Clearly meet an important demonstrated service need of the college (second priority);

(c) Clearly meet a facilities need that cannot be adequately addressed through alternative, interim, or existing facilities (third priority);

(d) Clearly serve to complete a comprehensive community college facility (fourth priority);

(e) Clearly meet an important and articulated objective of the college (fifth priority); and

(f) Clearly reflect evidence of local planning and needs assessment (sixth priority).

(6) Pursuant to ORS 341.937, and notwithstanding section (5) of this rule, the Commission shall include amounts for capital improvements in its budget request for each biennium that will be applied to the substantial reduction and eventual elimination of barriers to access by disabled per-

sons. These capital improvements may include, but are not limited to, ADA projects. The Commission shall identify the projects as separate items on the list of capital construction projects that it submits to the Executive Branch or Legislature. The inclusion of the budget requests for these projects shall be made after consultation with the community colleges and their representatives of the disabled community at the colleges. The Commission may also include these projects on the prioritized list of projects referenced in section (5) of this rule.

(7) New construction, remodeling, and ADA projects that include new construction, maintenance, or remodeling shall be subject to the following special considerations:

(a) The cost of necessary initial equipment for a new or remodeled facility shall be an allowable expense within a new construction, remodeling or ADA project request;

(b) The acquisition of an existing facility shall be deemed a capital construction project within the meaning of this rule;

(c) The costs of acquiring land shall not be an allowable expense within a capital construction request in those cases where the capital construction project involves the acquisition of an existing facility. In those cases, the attendant land must represent the smallest practical parcel of land that will serve the acquired facility;

(d) Property subject to a leasehold interest by the college shall be eligible for remodeling funds provided the leasehold extends for at least five years beyond the date of any stated funded improvements;

(e) The value of district employee labor may be included as part of the district match requirement set out in section (9) of this rule provided:

(A) Accurate records are maintained to document the value of the contributed labor;

(B) Prevailing wage, licensing, and other applicable laws are observed;

(C) The contributed labor directly, and exclusively, serves the subject project for the claimed period; and

(D) The contributed labor involves work that is traditionally associated with the building trades.

(f) New construction projects must affect facilities within the boundaries of the requesting district. Remodeling projects in areas served under an existing contracted-out-of-district agreement shall be eligible projects provided such projects otherwise qualify under this rule.

(8) In addition to requests for new construction, remodeling and ADA project funds, the Commission may make requests to the Department of Administrative Services and the Legislature for equipment purchases. The Commission shall rely upon the submitted five-year capital plans for the development of such requests. The Commission shall consult with college officials prior to developing any proposed distribution methods for equipment funds. The Commission shall not request state funds for equipment purchases that would support programs associated with those ineligible facilities listed in ORS 341.933(1).

(9) Commission requests for state funds for capital construction projects shall not be less than 65 percent of the total cost for each project or purchase, unless a lesser percentage is established by the Director after consulting with the requesting college. The remaining amount of the total cost must come from tuition, local property tax revenues, bond issues, gifts, grants, or other sources. A community college district must provide an accounting of all funds expended for any project or purchase subject to this rule. The Director shall prescribe an appropriate accounting method.

(10) The board of a community college district applying for state funds appropriated for new construction, remodeling, maintenance, or ADA new construction or remodeling project purposes shall submit plans of the proposed project to the Director prior to receiving any appropriation for such project. These plans shall include pertinent construction or remodeling documents and cost estimates. Upon approval of the project plans by the Director, and any legislatively designated body, the district may proceed to obtain bids and award construction or remodeling contracts.

(11) Notwithstanding section (12) of this rule, the Director may waive the requirement that such plans be submitted if in the Director's judgment the cost of developing such plans represents an unreasonable overextension of the college's resources. In such cases, the college will submit reasonable estimates.

(12) Upon award of the new construction, remodeling or ADA project funding, the Director shall set aside those state funds appropriated for the project. The Office shall distribute project funds to the district in periodic payments related to the progress of construction or remodeling as determined by the Director. The amount paid to the district may not exceed:

(a) The state share of the capital construction and acquisition costs; or

(b) The amount appropriated for capital construction and acquisition costs, whichever is less.

(13) If, prior to completion of the capital construction and acquisition project, it is found necessary or desirable to substantially modify the contract or specifications covering construction or remodeling, the district must submit such modifications to the Director for approval.

(14) The community college district shall submit such records and reports during the construction or remodeling period and after completion thereof as the Director may require.

(15) The board of a community college district applying for state funds appropriated for equipment purchases shall prepare detailed descriptions of the purchases or projects. These descriptions shall be submitted to the Director along with pertinent specifications and cost estimates. Upon approval of the descriptions by the Director, and any legislatively designated body, the district may proceed to obtain bids and award contracts.

(16) Upon award of the grant to the college, the Director shall set aside those state funds appropriated for the equipment purchases. The Office shall distribute the equipment funds to the district on a schedule to be determined by the Director after consulting with the affected district. The amount paid to the district may not exceed:

(a) The state share of the equipment costs; or

(b) The amount appropriated for the equipment costs, whichever is less.

(17) If, at any time, it is found necessary or desirable to modify substantially a planned equipment purchase, the district must submit such modifications to the Director for approval.

(18) The community college district shall submit such records and reports during and after the equipment purchase as the Director may require.

(19) Title to any real and/or personal property items acquired under this rule is vested with the individual college receiving state funding at the time the college acquires the real and personal property.

Stat. Auth.: ORS 294.356, 326.051 & 341.933
Stats. Implemented: ORS 341.933 & 341.937
Hist.: 1 EB 25-1986, f. & ef. 7-17-86; EB 13-1987(Temp), f. & ef. 7-30-87; EB 4-1988, f. & cert. ef. 1-14-88; EB 21-1989, f. & cert. ef. 5-17-89; EB 12-1991, f. & cert. ef. 7-19-91; Renumbered from 581-041-0040; DCCWD 1-2001, f. & cert. ef. 3-21-01, Renumbered from 581-041-0230; DCCWD 1-2003, f. & cert. ef. 1-9-03; DCCWD 5-2003, f. & cert. ef. 10-20-03; DCCWD 5-2015, f. & cert. ef. 10-30-15

589-004-0100
Definitions

As used in OAR 589-004-0100 through 589-004-0750, the following definitions apply:

(1) "Directory Information" means information contained in an education record of a student which would not generally be considered harmful or an invasion of privacy if disclosed. Directory information may include, but is not limited to, the student's name, address, telephone number, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous educational institution attended. Each college shall determine what information is designated "directory information."

(2) "Disclosure" means to permit access to or the release, transfer, or other communication of education records, or the personally identifiable information contained in those records, including social security number, to any party, by any means, including oral, written, or electronic means.

(3) "Education Records":

(a) The term means those records that are directly related to a student and maintained by a community college or by a party acting for the community college;

(b) The term does not include:

(A) Records of instructional, supervisory and administrative personnel and educational personnel ancillary to those persons that are kept in the sole possession of the maker of the record, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record;

(B) Records of a law enforcement unit of a community college;

(C) Records relating to an individual who is employed by a community college, that are made and maintained in the normal course of business, that relate exclusively to the individual in that individual's capacity as an employee and that are not available for use for any other purposes. Records relating to an individual in attendance at the college who is employed as a result of his or her status as a student are education records and are not excepted under this subsection;

(D) Faculty records, relating to personal matters of faculty members such as conduct, personal and academic evaluations, and disciplinary actions;

(E) Records on a student who is attending a community college that are:

(i) Made or maintained by a physician, psychiatrist, psychologist or other recognized professional or other recognized professional or paraprofessional acting in his or her professional capacity or assisting in a paraprofessional capacity;

(ii) Made, maintained, or used only in connection with treatment of the student; and

(iii) Disclosed only to individuals providing the treatment. For the purpose of this definition, "treatment" does not include remedial educational activities or activities that are part of the program of instruction at the college.

(F) Records that only contain information relating to activities in which an individual engaged after he or she is no longer a student at that community college;

(G) Medical or nursing records which are made or maintained separately and solely by a licensed health care professional and which are not used for education purposes or planning.

(4) "Oregon Community College Unified Reporting System (OCCURS)" describes an informal consortium of community colleges, the Office of Community Colleges and Workforce Development and the Oregon Community College Association, acting together to provide standard data and reporting formats necessary to improve community college programs, evaluate program effectiveness, and report to various governing bodies and agencies. OCCURS staff and committees acting in support of OCCURS are agents of the consortium members for the purposes of OAR 589-004-0150 through 589-004-0750.

(5) "Party" means an individual, agency, institution, or organization.

(6) "Personally Identifiable Information" includes, but is not limited to:

(a) The student's name;

(b) The name of the student's parent, children, spouse or other family members;

(c) The address of the student or the student's family;

(d) The telephone number of the student or the student's family;

(e) A photograph of the student;

(f) A personal identifier, such as the student's social security number or student number;

(g) A list of personal characteristics that would make the student's identity easily traceable; or

(h) Other information that would make the student's identity easily traceable.

(7) "Record" means any information recorded in any way, including but not limited to handwritten, printed, taped, filmed, microfilmed, microfiched, electronically and/or digitally recorded.

(8) "Student" means any individual who is or has been in attendance at an Oregon community college and regarding whom the college maintains education records.

Stat. Auth.: ORS 326.051, 341.015 & 341.290(17)
Stats. Implemented: ORS 341.290
Hist.: EB 7-1994, f. & cert. ef. 4-29-94; DCCWD 1-2001, f. & cert. ef. 3-21-01, Renumbered from 581-041-0410; DCCWD 5-2015, f. & cert. ef. 10-30-15

589-004-0150
Applicability of Student Record Rules

OAR 589-004-0150 through 589-004-0750 apply to records of students enrolled in Oregon community colleges, including students who have not reached 18 years of age.

Stat. Auth.: ORS 326.015, 341.105 & 341.290(17)
Stats. Implemented: ORS 341.290
Hist.: EB 7-1994, f. & cert. ef. 4-29-94; DCCWD 1-2001, f. & cert. ef. 3-21-01, Renumbered from 581-041-0400; DCCWD 5-2015, f. & cert. ef. 10-30-15

589-004-0200
Student Record Policies to be Adopted by a Community College Board of Education

(1) Each community college shall adopt a policy regarding how the college meets the requirements of OAR 589-004-0150 through 589-004-0750. The policy shall include:

(a) How the agency or institution informs students of their rights, in accordance with these rules;

(b) How a student may inspect and review education records under OAR 589-004-0250, including at least:

(A) The procedure the student must follow to inspect and review the records;

(B) With an understanding that it may not deny access to education records, a description of the circumstances in which the agency or institution believes it has a legitimate cause to deny a request for a copy of those records;

(C) A schedule of fees, if any, to be charged for copies; and

(D) A list of the types and locations of education records maintained by the agency or institution, and the titles and addresses of the officials responsible for the records.

(c) How a college notifies students about information requirements, including the use of social security numbers, in relation to the extension of credit in the form of student loans and deferred tuition payments in accordance with OAR 589-004-0400(6);

(d) A statement that personally identifiable information will not be released from an education record without the prior consent of the student, except under one or more of the conditions described in OAR 589-004-0500;

(e) A statement indicating whether the community college has a policy of disclosing personally identifiable information under OAR 589-004-0500, and if so, a specification of the criteria for determining which parties are education officials and what the college considers to be a legitimate educational interest;

(f) A statement that a record of disclosures will be maintained as required by OAR 589-004-0750, and that a student may inspect and review that record;

(g) A specification of the types of personally identifiable information the college has designated as directory information;

(h) A statement that the college permits a student to request correction of the student's educational records and to amend that record under OAR 589-004-0250, and to obtain a hearing under OAR 589-004-0350;

(i) A statement regarding the college's policy on maintaining permanent records on students. Permanent records may, but need not, include the:

(A) Name of college;

(B) Full name of student;

(C) Student birth date;

(D) Date of entry into the college;

(E) Name of school or college previously attended;

(F) Subjects taken;

(G) Assessment of student work in those subjects;

(H) Credits earned;

(I) Date of withdrawal from college;

(J) Social security number, subject to subsection (1)(i) of this rule and OAR 589-004-0400; and

(K) Such additional information as the college may prescribe;

(j) A statement that the college will request the social security number of a student and will include the social security number on the permanent student record only if the student agrees to the request, under conditions described in OAR 589-004-0400;

(k) A statement that the college provides for the retention of permanent records in a manner secure from accidental destruction or intentional tampering;

(l) A statement that the college maintains records of disclosure of student information in accordance with OAR 589-004-0750; and

(m) A statement that upon receipt of a request for the transfer of education records from another school or institution of postsecondary education where the student intends to enroll, the college shall:

(A) Make a reasonable effort to notify the student at the student's last known address, unless the disclosure was either initiated by the student or the college has a policy that includes a notice as prescribed under subsection (a) of this section that the college will forward education records without prior notice to another school or institution of postsecondary education where the student intends to enroll; and

(B) Give the student, upon request, a copy of the records as provided under OAR 589-004-0250 and the opportunity to request a hearing as provided under OAR 589-004-0350.

(2) Each community college shall adopt a policy regarding the disclosure of directory information.

(3) A college may disclose directory information if it has given public notice to students in attendance at the college of:

(a) The types of personally identifiable information that the college has designated as directory information;

(b) A student's right to refuse to let the college designate any or all of those types of information about the student as directory information; and

(c) The period of time within which a student has to notify the college in writing that he or she does not want any or all of those types of information about the student designated as directory information.

(4) A college may disclose directory information about former students without meeting the conditions in section (3) of this rule.

(5) The policy shall be adopted by the college's Board of Education, and a copy shall be available on request to students.

Stat. Auth.: ORS 326.051, 341.015 & 341.290(17)
Stats. Implemented: ORS 341.290
Hist.: EB 7-1994, f. & cert. ef. 4-29-94; DCCWD 1-2001, f. & cert. ef. 3-21-01, Renumbered from 581-041-0420; DCCWD 5-2015, f. & cert. ef. 10-30-15

589-004-0250
Rights of Inspection, Review, and Amendment

(1) Except as limited under section (7) of this rule, each college shall permit a student to inspect and review the education records of that student.

(2) The college shall comply with a request for access to records within a reasonable period of time, but in no case more than 45 days after it has received the request.

(3) The college shall respond to reasonable requests for explanations and interpretations of the records.

(4) If a student so requests, the college shall give the student a copy of the student's education records pursuant to ORS 192.440, except that no copy of test protocols, test questions and answers, and other documents described in ORS 192.501(4) shall be provided unless required by federal law.

(5) The college shall not destroy any education records if there is an outstanding request to inspect and review the records under this section.

(6) While a college is not required to give a student access to treatment records under the definition of "education records" in OAR 589-004-0100(3)(b)(E), the student may, at his or her expense, have those records reviewed by a physician or other appropriate professional of the student's choice.

(7) If the education records of a student contain information on more than one student, the student may inspect, review or be informed of only the specific information about that student.

(8) A college does not have to permit a student to inspect and review the following records:

(a) Financial records of the student's parents;

(b) Confidential letters and statements of recommendation if the student has waived his or her right to inspect the letters and statements under the procedure in 34 CFR, Section 99.12(b)(3).

(9) If a student believes the education records relating to the student contain information that is inaccurate, misleading, or in violation of the student's rights of privacy or other rights, he or she may ask the college to amend the record.

(10) The college shall decide whether to amend the record as requested within a reasonable time after the college receives the request.

(11) If the college decides not to amend the record as requested, it shall inform the student of its decision and of his or her right to a hearing under OAR 589-004-0350.

[Publications: Publications referenced are available from the agency.]
Stat. Auth.: ORS 326.051, 341.015 & 341.290(17)
Stats. Implemented: ORS 192.440, 192.501(4) & 341.290
Hist.: EB 7-1994, f. & cert. ef. 4-29-94; DCCWD 1-2001, f. & cert. ef. 3-21-01, Renumbered from 581-041-0430; DCCWD 5-2015, f. & cert. ef. 10-30-15

589-004-0300
Fees for Copies of Education Records

(1) Educational records are public records under ORS 192.410 through 192.505 for purposes of charging fees.

(2) Unless the imposition of a fee effectively prevents a student from exercising the right to inspect and review the student's education records, a college may charge a fee for a copy of an educational record that is made for the student subject to section (3) of this rule.

(3) Notwithstanding ORS 192.440(3), a college may not charge the student a fee to search for or to retrieve the education records of the student. Such fees may be charged to persons who are not students, including persons seeking education records pursuant to a subpoena.

Stat. Auth.: ORS 326.051, 341.015 & 341.290(17)
Stats. Implemented: ORS 192.440 & 341.290
Hist.: EB 7-1994, f. & cert. ef. 4-29-94; DCCWD 1-2001, f. & cert. ef. 3-21-01, Renumbered from 581-041-0440; DCCWD 5-2015, f. & cert. ef. 10-30-15

589-004-0350
Right to a Hearing to Challenge Content and Conduct of a Hearing

(1) A college shall give a student, on request, an opportunity for a hearing to challenge the content of the student's education records on the grounds that the information contained in the education records is inaccurate, misleading, or in violation of the privacy or other rights of the student.

(2) If, as a result of the hearing, the college decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, it shall:

(a) Amend the record accordingly; and

(b) Inform the student of the amendment in writing.

(3) If, as a result of the hearing, the college decides that the information in the education record is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, it shall inform the student of the right to place a statement in the hearing record commenting on the contested information in the record or stating why he or she disagrees with the decision of the college, or both.

(4) If a college places a statement in the record of the hearing under section (3) of this rule, the college shall:

(a) Maintain the statement with the contested part of the record for as long as the record is maintained; and

(b) Disclose the statement whenever it discloses the portion of the record to which the statement relates;

(c) Electronic student records shall be flagged to indicate a contested case hearing record exists.

(5) The hearing required by section (1) of this rule must meet at a minimum the following requirements:

(a) The college shall hold the hearing within a reasonable time after it has received the request for the hearing from the student;

(b) The college shall give the student notice of the date, time, and place reasonably in advance of the hearing;

(c) The hearing may be conducted by any individual, including an official of the college, who does not have a direct interest in the outcome of the hearing;

(d) The college shall give the student a full and fair opportunity to present evidence relevant to the issues raised under this rule. The student may, at his or her own expense, be assisted or represented by one or more individuals of his or her own choice, including an attorney;

(e) The college shall make its decision in writing within a reasonable period of time after the hearing;

(f) The decision must be based solely on the evidence presented at the hearing, and must include a summary of the evidence and the reasons for the decision.

Stat. Auth.: ORS 326.051, 341.015 & 341.290(17)
Stats. Implemented: ORS 341.290
Hist.: EB 7-1994, f. & cert. ef. 4-29-94; DCCWD 1-2001, f. & cert. ef. 3-21-01, Renumbered from 581-041-0450; DCCWD 5-2015, f. & cert. ef. 10-30-15

589-004-0400
Student Release of Social Security Numbers

(1) Community colleges are required to request that students release their social security numbers for the purposes of record-keeping and research. The request made to the student shall notify the student that:

(a) Release of the social security number is voluntary;

(b) Request for release is made under the authority of ORS 341.290(17); and

(c) Specific uses will be made of the social security number. Those specific uses must be described in the notification.

(2) The request to a student to release his or her social security number shall conform to forms and/or procedures developed and published by the Commission. Any alteration by a college in the wording or procedure must be approved by the Director or designee under the authority of the Commission. The Commission may revise the wording only with a minimum of 90 days' notice to the colleges and only with the input of the colleges.

(3) If a college determines that it needs to use the social security number for a purpose other than those described on the disclosure form, the college may add that use its disclosure form. The additional wording must be approved by the Director or designee before it is added to the disclosure statement.

(4) Under no circumstances may a college require a student to release his or her social security number unless the release is specifically mandated by federal law (as in federal financial aid law and payroll requirements).

(5) A college may not deny any student any right, benefit or privilege provided by law because of the student's refusal to disclose his or her social security account number. However, this provision does not apply with respect to any disclosure that is mandated by federal law.

(6) If a student refuses to release his or her social security number, the college may assign an alternative student identification number. Such a number is personally identifiable information as defined in OAR 589-004-

0100(6) and is governed by disclosure requirements set forth in OAR 589-004-0450.

(7) A college that extends credit in the form of student loans or deferred tuition payments may request that the student voluntarily provide his or her social security number through a disclosure form separate from the form described in section (2) of this rule. Any such form shall be approved by the Director or designee prior to implementation.

Stat. Auth.: ORS 326.051, 341.015 & 341.290(17)
Stats. Implemented: ORS 341.290 & Family Educational Rights and Privacy Act of 1974
Hist.: EB 7-1994, f. & cert. ef. 4-29-94; DCCWD 1-2001, f. & cert. ef. 3-21-01, Renumbered from 581-041-0460; DCCWD 5-2015, f. & cert. ef. 10-30-15

589-004-0450
Prior Consent to Disclose Information

(1) The student shall provide written consent before a college discloses personally identifiable information from the student's education records, except as provided in OAR 589-004-0500, and in accordance with the college's policy adopted under OAR 589-004-0200(1)(d).

(2) The consent must:

(a) Specify the records that may be disclosed;

(b) State the purpose of the disclosure; and

(c) Identify the party or class of parties to whom the disclosure may be made.

(3) When a disclosure is made under section (1) of this rule, if the student so requests, the college shall provide him or her with a copy of the records disclosed. "Records disclosed" may consist of a list of data elements included in OCCURS records.

(4) A record of consent shall be maintained for as long as the individual's records are maintained.

Stat. Auth.: ORS 326.051, 341.015 & 341.290(17)
Stats. Implemented: ORS 341.290
Hist.: EB 7-1994, f. & cert. ef. 4-29-94; DCCWD 1-2001, f. & cert. ef. 3-21-01, Renumbered from 581-041-0470; DCCWD 5-2015, f. & cert. ef. 10-30-15

589-004-0500
Exceptions to Prior Consent Requirement

A college may disclose personally identifiable information from an education record of a student without the consent required by OAR 589-004-0450 if the disclosure meets one or more of the following conditions:

(1) The disclosure is to other school officials, including teachers, athletic directors, coaches and counselors within the college who have legitimate educational interests in the records.

(2) The disclosure is, subject to the requirements of OAR 589-004-0200(1)(m), to officials of another school, school system or institution of postsecondary education where the student seeks or intends to enroll.

(3)(a) The disclosure is for the purposes of an audit or evaluation of federal or state supported education programs, or for the enforcement of or compliance with federal or state legal requirements which relate to those programs, and is to authorized representatives of:

(A) The Comptroller General of the United States;

(B) The Secretary of the United States Department of Education; or

(C) State or local educational authorities.

(b) Information that is collected under subsection (a) of this section must:

(A) Be protected in a manner that does not permit personal identification of individuals by anyone except the officials referred to in subsection (a) of this section; and

(B) Be destroyed when no longer needed for the purposes listed in subsection (a) of this section.

(c) Subsection (b) of this section does not apply if:

(A) The student has given written consent for the disclosure under OAR 589-004-0450; or

(B) The collection of personally identifiable information is specifically authorized by federal law.

(4) The disclosure is in connection with financial aid for which the student has applied or which the student has received, if the information is necessary for such purposes as to:

(a) Determine eligibility for the aid;

(b) Determine the amount of the aid;

(c) Determine the conditions for the aid; or

(d) Enforce the terms and conditions of the aid;

(e) As used in this section, "financial aid" means a payment of funds provided to an individual (or a payment in kind of tangible or intangible property to the individual) that is conditioned on the individual's attendance at an education agency or institution;

(f) If the student refuses to consent to disclosure of personally identifiable information and/or his/her social security number, but releases the social security number as a condition of receiving financial aid, the college shall mask the social security number to ensure it is used only for purposes allowed under federal financial aid law.

(5)(a) The disclosure is to organizations conducting studies for, or on behalf of, educational agencies or institutions to:

(A) Develop, validate, or administer predictive tests;

(B) Administer student aid programs; or

(C) Improve instruction.

(b) The agency or institution may disclose information under this section only if:

(A) The study is conducted in a manner that does not permit personal identification of parents and students by individuals other than representatives of the organization; and

(B) The information is destroyed when no longer needed for the purposes for which the study was conducted.

(c) For the purposes of this section, the term "organization" includes, but is not limited to, federal, state, and local agencies, and independent organizations.

(6) The disclosure is to accrediting organizations to carry out their accrediting functions.

(7) The disclosure is to parents of a dependent student as defined in Section 152 of the Internal Revenue Code.

(8) The disclosure is to comply with a judicial order or lawfully issued subpoena. The educational agency or institution may disclose information under this section only if the agency or institution makes a reasonable effort to notify the student of the order or subpoena in advance of compliance.

(9) The disclosure is to law enforcement, child protective services, and health care professionals, and other appropriate parties in connection with a health and safety emergency if knowledge of the information is necessary to protect the health and safety of the student or other individuals.

(10) The disclosure is information the educational agency or institution has designated as "directory information", under the conditions described in OAR 589-004-0100(1) and 589-004-0200(2) through (5).

[Publications: Publications referenced are available from the agency.]
Stat. Auth.: ORS 326.051, 341.015 & 341.290(17)
Stats. Implemented: ORS 341.290
Hist.: EB 7-1994, f. & cert. ef. 4-29-94; DCCWD 1-2001, f. & cert. ef. 3-21-01, Renumbered from 581-041-0480; DCCWD 5-2015, f. & cert. ef. 10-30-15

589-004-0550
Penalties for Misuse

Any officer or employee of OCCURS or of the Office of Community Colleges and Workforce Development or of any other state agency who has access to personally identifiable student records maintained and/or provided by a community college who, without proper authority, shall disclose such information may be disqualified from holding any appointment or employment with the State of Oregon, in accordance with ORS 657.665(6).

Stat. Auth.: ORS 351.735, ORS 341.015 & ORS 341.290(17)
Stats. Implemented: ORS 341.290 & ORS 657.665
Hist.: EB 7-1994, f. & cert. ef. 4-29-94; DCCWD 1-2001, f. & cert. ef. 3-21-01, Renumbered from 581-041-0490; DCCWD 5-2015, f. & cert. ef. 10-30-15

589-004-0600
Redisclosing Information

(1) Any party who receives student records containing personally identifiable information from a community college or colleges may disclose that information to a third party only if the student has been notified of the redisclosure and its purpose in the original disclosure notice and has consented, unless redisclosure falls under the exceptions described in OAR 589-004-0500.

(2) Social security numbers disclosed to the Performance Reporting Information System must be encoded either by the originating college or by OCCURS, as required in ORS 657.734 .

(3) Community colleges, OCCURS, or other parties may share and publish aggregate data which do not identify any individual student, without meeting the consent requirements of section (1) of this rule.

Stat. Auth.: ORS 326.051, 341.015 & 341.290(17)
Stats. Implemented: ORS 329.965, 341.290, 20 U.S.C. Sec. 1232g (b)(5) & 34 CFR Sec. 99.32(a)
Hist.: EB 7-1994, f. & cert. ef. 4-29-94; DCCWD 1-2001, f. & cert. ef. 3-21-01, Renumbered from 581-041-0500; DCCWD 5-2015, f. & cert. ef. 10-30-15

589-004-0650
Filing a Federal Complaint

(1) A person may file a written complaint with the Family Policy Compliance Office, United States Department of Education, regarding an alleged violation under the Family Educational Rights and Privacy Act. The Office's address is: Family Policy and Compliance Office, U.S. Department of Education, Washington, D.C. 20202-4605.

(2) A timely complaint under section (1) of this rule is defined as an allegation of a violation of the Family Educational Rights and Privacy Act that is submitted to the Family Policy Compliance Office within 180 days of the date of the alleged violation or of the date that the complainant knew or reasonably should have known of the alleged violation.

(3) The Family Policy Compliance Office extends the time limit in section (2) of this rule if the complainant shows that he or she was prevented by circumstances beyond the complainant's control from submitting the matter within the time limit, or for other reasons considered sufficient by the Family Policy Compliance Office.

Stat. Auth.: ORS 326.051, 341.015 & 341.290(17)
Stats. Implemented: ORS 341.290 & 34 CFR Sec. 99 et seq.
Hist.: EB 7-1994, f. & cert. ef. 4-29-94; DCCWD 1-2001, f. & cert. ef. 3-21-01, Renumbered from 581-041-0510; DCCWD 5-2015, f. & cert. ef. 10-30-15

589-004-0700
Civil Action

Any person claiming to be aggrieved by the reckless disclosure of personally identifiable information from a student's education records, as prohibited by OAR 589-004-0150 through 589-004-0550, may file a civil action in circuit court pursuant to ORS 30.864.

Stat. Auth.: ORS 30.864, 351.735 & ORS 341.015
Stats. Implemented: ORS 30.864 & ORS 341.290
Hist.: EB 7-1994, f. & cert. ef. 4-29-94; DCCWD 1-2001, f. & cert. ef. 3-21-01, Renumbered from 581-041-0520; DCCWD 5-2015, f. & cert. ef. 10-30-15

589-004-0750
Recordkeeping Requirements

(1) A college shall maintain a record of each request for access to and each disclosure of personally identifiable information from the education records of each student:

(a) The college shall maintain the record with the education records of the student as long as the records are maintained;

(b) For each request or disclosure the record must include:

(A) The parties who have requested or received personally identifiable information from the education records; and

(B) The legitimate interests the parties had in requesting or obtaining the information;

(c) Colleges that maintain electronic records may flag those records to refer to disclosure information which applies to all students;

(d) For purpose of ongoing submission of records to OCCURS, a single record or electronic flag referring to OCCURS policy on data elements collected and transmitted shall constitute appropriate recordkeeping.

(2) If a college discloses personally identifiable information from an education record with the understanding authorized under section (1) of this rule, the record of disclosure required under this section must include:

(a) The names of the additional parties to which the receiving party may disclose the information on behalf of the college; and

(b) The legitimate interests under OAR 589-004-0500 which each of the additional parties has in requesting or obtaining the information.

(3) A college is not required to keep records of disclosures when the disclosure is to:

(a) The student who is the subject of the record;

(b) A college official with a legitimate educational reason under OAR 589-004-0500(1);

(c) A party with written consent from the student; or

(d) A party seeking directory information.

Stat. Auth.: ORS 326.051, 341.015 & 341.290(17)
Stats. Implemented: ORS 341.290, 20 U.S.C. Sec 1232g(b)(5) & 34 CFR Sec. 9932(a)
Hist.: EB 7-1994, f. & cert. ef. 4-29-94; DCCWD 1-2001, f. & cert. ef. 3-21-01, Renumbered from 581-041-0530; DCCWD 5-2015, f. & cert. ef. 10-30-15

589-005-0100
Formation of a Community College District

(1) The petition submitted to the Commission pursuant to ORS 341.025 for approval of the formation of a community college district shall include the following:

(a) Total population within the proposed community college district;

(b) True cash and assessed valuation of the proposed community college district and property tax rates in effect in the proposed college district;

(c) High school enrollment within the proposed community college district;

(d) Maps showing the location of high schools within the proposed community college district;

(e) Employment trends in the proposed community college district.

(f) The minimum number of required signatures of 500, or 10 percent, of the electors registered in each county or parts of counties within the designated territory, whichever is the lesser. The number of required signatures for each county or parts of counties shall be proportionate to the qualified voters of the entire proposed community college district.

(g) The boundaries of the territory to be included in the proposed community college district which may include all or part of the territory lying within the boundaries of a school district and may be located in more than one county;

(h) The method of nomination and election of the board of education of the proposed community college district from among the methods described in ORS 341.327.

(2) In addition to the criteria set forth under ORS 341.045, and in keeping with its responsibilities outlined under ORS 341.055 and 341.065, the Commission shall determine whether the formation of a community college district is warranted.

(3) In considering whether residents of an area will materially benefit from inclusion in a community college district, as described in ORS 341.055, the Commission shall consider:

(a) The number of potential students living within 50 miles of the location of the proposed community college district's main campus;

(b) Other indications that a community of interest exists that connects the area to the proposed community college district.

Stat. Auth.: ORS 326.051 & 341.025
Stats. Implemented: ORS 341.025 - 341.185
Hist.: 1 EB 131, f. 5-19-72, ef. 6-1-72; EB 13-1991, f. & cert. ef. 7-19-91; Renumbered from 581-041-0005, 581-41-010 & 581-041-0015; DCCWD 1-2001, f. & cert. ef. 3-21-01, Renumbered from 581-042-0150; DCCWD 1-2003, f. & cert. ef. 1-9-03; DCCWD 5-2003, f. & cert. ef. 10-20-03; DCCWD 5-2015, f. & cert. ef. 10-30-15

589-005-0200
Formation and Definition of a Community College Service District

(1) For the purposes of this rule, "community college service district" is defined as a district that is governed by the laws applicable to community college districts but which:

(a) May not incur bonded indebtedness for any purpose; and

(b) Must undergo an annual review by its board to determine which district services can most effectively and economically be delivered directly and which services can best be delivered through contracting arrangements.

(2) A petition for the formation of a community college service district shall contain the same information required for formation of a community college district set forth in OAR 589-005-0100.

(3) A petition affecting a territory that, in the judgment of the Director, will not generate an annual enrollment in excess of 1,000 full-time equivalent students after three years of operation shall be considered to be a petition for the formation of a community college service district.

(4) In addition to the criteria set forth under ORS 341.045, and in keeping with its responsibilities outlined under ORS 341.055 and 341.065, the Commission shall use the following criteria in determining whether the formation of a community college service district is warranted:

(a) The community college-type education services needed for the petitioning area can best be served by a community college service district which contracts for instructional services;

(b) A community college service district can more effectively provide the needed educational services than other existing districts.

Stat. Auth.: ORS 326.051 & 341.025
Stats. Implemented: ORS 341.039
Hist.: 1EB 178, f. 10-18-74, ef. 11-11-74; EB 22-1989(Temp), f. & cert. ef. 6-12-89; EB 13-1991, f. & cert. ef. 7-19-91; Renumbered from 581-043-0220 & 581-043-0230; DCCWD 1-2001, f. & cert. ef. 3-21-01, Renumbered from 581-042-0200; DCCWD 1-2003, f. & cert. ef. 1-9-03; DCCWD 5-2003, f. & cert. ef. 10-20-03; DCCWD 5-2015, f. & cert. ef. 10-30-15

589-005-0300
Boundary Changes

(1) The Commission shall constitute the boundary board for community college districts. The Commission on its own motion or on petition from a petitioning territory may propose changes in the boundaries of the community college district. The Commission must find that the proposed change will have no substantially adverse effect upon the ability of the affected districts to provide and continue their program and is not made solely for tax advantages to property owners in the district or area affected by the proposed change.

(2) Petitions for community college boundary changes shall contain the following information:

(a) A statement describing and map of the boundary change requested;

(b) A full and complete description of the area proposed to be included within or excluded from the community college district. The area description may be by counties, cities, school districts, metes and bounds, or by any combination of these methods;

(c) A statement whether or not an area proposed to be included is within the boundaries of another community college district;

(d) A maximum of three persons as chief petitioners setting forth their names and mailing addresses;

(e) Verification on the face of each sheet of the petition by the affidavit of the person who circulated the sheet, stating that every person who signed the sheet did so in his or her presence and that he or she believes that each signer stated his or her correct residence address and is a registered elector.;

(f) The minimum number of signatures required under section (6) of this rule.

(3) The Commission may, at its discretion, reject the petitions if any of the conditions in subsections (2)(a) through (e) of this rule are not met.

(4) The Commission may, at its discretion, request the county clerk to verify all or a sampling of the names appearing on the petition. The Commission shall pay to the county clerk any appropriate charges for such verification. The Commission may at its discretion reject the petitions if a sufficient sampling of the names is not verifiable by the county clerk because the names on the petitions cannot be read or if a sampling indicates that sufficient signers are not registered electors.

(5) Petitions for community college boundary changes shall be substantially in the form provided by the Commission.

(6) The minimum number of signatures required on a petition to change the boundary of a community college district shall be at least 10 percent of the qualified electors of the area seeking to be changed, or at least 500 signatures of qualified electors of the area seeking to be changed, whichever is less.

(7) Where all or part of two or more counties is in the area to be changed, the number of signatures from each of such counties shall be proportionate to the relative populations of the counties or parts thereof within the area proposed to be changed.

(8) Petitions must be delivered to the Office in the original. Faxed copies shall not be accepted.

(9) Following submission of a petition and its acceptance by the Commission, the Commission shall hold a public hearing in accordance with ORS Chapter 183, the Administrative Procedures Act, and issue an order as described in ORS 341.565.; ; DCCWD 5-2015, f. & cert. ef. 10-30-15

[ED. NOTE: Exhibits referenced are available from the agency.]
Stat. Auth.: ORS 326.051
Stats. Implemented: ORS 341.565
Hist.: 1 EB 131, f. 5-19-72, ef. 6-1-72; 1 EB 139, f. 10-5-72, ef. 10-15-72; 1 EB 140, f. 10-5-72, ef. 10-15-72; EB 13-1991, f. & cert. ef. 7-19-91; Renumbered from 581-041-0025 & 581-041-0030; EB 30-1995, f. & cert. ef. 12-21-95; DCCWD 1-2001, f. & cert. ef. 3-21-01, Renumbered from 581-042-0300; DCCWD 1-2003, f. & cert. ef. 1-9-03; DCCWD 5-2003, f. & cert. ef. 10-20-03; DCCWD 5-2015, f. & cert. ef. 10-30-15

589-005-0400
Remonstrance Petitions

(1) A petition submitted in remonstrance to the annexation of territory to a community college district pursuant to ORS 341.569 shall be submitted no later than 20 days from the date and hour of adjournment of the last public hearing held on the question of annexation pursuant to ORS 341.565(3).

(2) Remonstrance petitions shall meet the following requirements:

(a) A maximum of three persons as chief petitioners shall provide their names and mailing addresses on the face of the petition;

(b) Each petition shall be verified on the face of each sheet by the affidavit of the person who circulated the sheet, stating that every person who signed the sheet did so in his or her presence and that he or she believes that each signer stated his or her correct residence address and is a registered elector.

(3) The Commission may, at its discretion, reject the petitions if any of the conditions in subsections (2)(a) and (b) of this rule are not met.

(4) The Commission may, at its discretion, request the county clerk to verify all or a sampling of the names appearing on the petition. The Commission shall pay to the county clerk any appropriate charges for such verification. The Commission may at its discretion reject the petitions if a sufficient sampling of the names is not verifiable by the county clerk because the names on the petitions cannot be read or if a sampling indicates that sufficient signers are not registered electors.

(5) Petitions in remonstrance to a community college boundary changes shall be substantially in the form provided by the Commission.

(6) The minimum number of signatures required on a petition in remonstrance to a change in the boundary of a community college district shall be at least five percent of the qualified electors of the area seeking to be changed, or at least 500 signatures of qualified electors of the area seeking to be changed, whichever is less.

(7) Where all or part of two or more counties is in the area to be changed, the number of signatures from each of such counties shall be proportionate to the relative populations of the counties or parts thereof within the area proposed to be changed.

(8) Petitions must be delivered to the Office in the original by the deadline described in section (1) of this rule. Faxed copies shall not be accepted.

[ED. NOTE: Exhibits referenced are available from the agency.]
Stat. Auth.: ORS 326.051
Stats. Implemented: ORS 341.569
Hist.: EB 31-1995, f. & cert. ef. 12-21-95; EB 9-1996, f. & cert. ef. 5-24-96; DCCWD 1-2001, f. & cert. ef. 3-21-01, Renumbered from 581-042-0310; DCCWD 1-2003, f. & cert. ef. 1-9-03; DCCWD 5-2003, f. & cert. ef. 10-20-03; DCCWD 5-2015, f. & cert. ef. 10-30-15

589-005-0500
Elections on the Question of Annexation

(1) Pursuant to ORS 341.569, the Commission shall submit the question of a proposed boundary change to a vote only if:

(a) The Commission enters the order to revise the boundaries of a community college district;

(b) A remonstrance signed by at least five percent or at least 500, whichever is less, of the electors either in an area to be included in the district or excluded from the district by the proposed boundary change or in the community college district is filed with the state board within 20 days after the date on which the hearing pursuant to ORS 341.565 is adjourned finally; and

(c) The area to be included in the district is not surrounded by the territory of a single community college district.

(2) If an election on the question of annexation is required, the Commission, as designated boundary board, shall file the ballot title with the appropriate elections official.

(3) The ballot title is to be filed with the elections official in the county in which the host community college resides. That county official shall certify the election in the appropriate county or counties, whether or not an election is required in the host districts county.

(4) The Commission, as designated boundary board, is responsible for filing the documentation described in ORS 308.225 with the county assessor and with the Department of Revenue and for meeting the necessary timelines.

(5) Unless otherwise directed by statute, the annexing community college district is responsible for the costs of any election on the question of annexation.

Stat. Auth.: ORS 326.051
Stats. Implemented: ORS 341.569
Hist.: EB 32-1995, f. & cert. ef. 12-21-95; DCCWD 1-2001, f. & cert. ef. 3-21-01, Renumbered from 581-042-0320; DCCWD 1-2003, f. & cert. ef. 1-9-03; DCCWD 5-2003, f. & cert. ef. 10-20-03; DCCWD 5-2015, f. & cert. ef. 10-30-15

589-006-0050
Definitions

For the purposes of division 6 of chapter 589, the following definitions apply:

(1) "Academic standard of achievement" means demonstrated achievement, proficiency, or measured learning acknowledged as meeting a predetermined academic standard, which is normally noted through a record transcripted and maintained by the college.

(2) "Associate degree" means a state-approved lower division undergraduate award issued by a community college that indicates satisfactory completion of a course of study approved by the community college board.

(3) "Associate of Applied Science (AAS)" means a state-approved associate degree that is intended to prepare graduates for direct entry into the workforce. AAS degrees may also help to prepare students for career advancement, occupational licensure, or further study at the baccalaureate level.

(4) "Associate of Applied Science degree option" means a transcripted specialization within a state-approved associate degree that is intended to prepare graduates for direct entry into the workforce.

(5) "Associate of Arts Oregon Transfer (AAOT) degree" means a state-approved associate degree that is intended to prepare students to transfer into upper division courses for a baccalaureate degree.

(6) "Associate of General Studies" means a state-approved associate degree that is intended to meet the individual student needs using a variety of collegiate-level courses to meet degree requirements.

(7) "Associate of Science" means a state-approved associate degree that is intended to prepare students to transfer into an upper division baccalaureate degree program in areas such as Business, Science, Mathematics and Engineering. The Associate of Science degree is often designed to meet the requirements of a specific receiving institution.

(8) "Business and Industry Based program" means an Associate of Applied Science degree or certificate of completion designed for employers to meet specific occupational and educational needs of their current employees.

(9) "Career Pathways Certificate of Completion" means a form of certificate awarded by a community college for meeting specific technical skill proficiency requirements that meet an employment need. Career Pathways Certificates pertain to a grouping of 12 to 44 credits that are wholly contained in an approved Associate of Applied Science (AAS) degree/option or an Independent Certificate of Completion (with a minimum size of 45 credits), have a defined job entry point, represent collegiate-level work, and meet Commission standards and criteria.

(10) "Career Technical Education courses" means the collegiate-level occupational preparatory or occupational supplementary courses that are designed to prepare persons for entrance into and employment stability and advancement in specific occupations or clusters of closely related occupations. Career Technical Education courses include both occupational preparatory and occupational supplementary courses.

(11) "Career Technical Education program" means collegiate-level coursework that is designed to prepare persons for entrance into and employment stability and advancement in specific occupations or clusters of closely related occupations. Career Technical Education programs result in the achievement of a state-approved certificate of completion, associate of applied science degree or associate of applied science degree option.

(12) "Certificate of Completion" means a form of recognition awarded by a community college for meeting minimum occupational course, curriculum or proficiency requirements. Certificates of completion must be state-approved, have a defined job entry point, represent collegiate-level work, and meet Commission standards and criteria.

(13) "Clock or contact hours" means one clock (or contact) hour that is 60 minutes long. No more than 10 minutes of each hour can be used for a regularly-scheduled break or passing period.

(14) "Collegiate-level work" means course and program content that provides skills and information beyond that which is normally gained before or during the secondary level. It is characterized by analysis, synthesis and application in which students demonstrate an integration of skills and critical thinking. It is a term that denotes more than college or university transfer courses. It also includes Career Technical Education and other courses that exceed basic skills, workplace readiness and fundamental basic skills. Courses must be collegiate-level if used to fulfill a requirement in an associate degree, option or certificate of completion program.

(15) "Complementary courses in general education" means as courses that are designed to serve as supportive parts of Career Technical Education. They are designed to aid students in attaining a higher degree of self-development and to assist the student to make a maximum contribution as a citizen in a democratic society.

(16) "Continuing education units (CEUs)" means a form of recognition given for completion of a unit of training for selected occupational supplementary courses. CEUs are based on time attended and not on the assessment of learning.

(17) "Credit" means an indication or certification by a school that a student has completed a unit of study, demonstrated achievement or proficiency, or manifested measured learning outside of school, so as to have satisfied a portion of the requirements for a degree or for any other academic recognition offered by the school.

(18) "Credit course" means courses offered by the college as part of a lower division transfer degree or approved Career Technical Education program.

(19) "Degree" means any academic or honorary title, rank or status that may be used for any purpose whatsoever, which is designated by a symbol or series of letters or words such as, but not limited to, associate, bachelor, master, or doctor, and forms or abbreviations thereof that signifies, purports, or may generally be taken to signify:

(a) Completion of a course of instruction at the college or university level; or

(b) Demonstration of achievement or proficiency comparable to such completion; or

(c) Recognition for nonacademic learning, public service or any other reason of distinction comparable to such completion.

(20) "Deleted program" means the permanent elimination of a program previously approved by community college boards and the Commission.

(21) "Detrimental duplication" means a situation that occurs when recruitment of students for a new program or location will tend to redirect prospects from a fixed pool concomitant with the application of publicly funded educational cost subsidies, thereby significantly reducing enrollment in existing similar programs for which student financial aid is available but the number of prospective enrollees is limited by non-financial factors such as interest, qualifications needed for admission, internship openings for students, and job openings for graduates.

(22) "Direct control" means the community college maintains direct and sole responsibility for the academic quality of all aspects of all programs and courses through management and supervision by faculty and institutional administrators.

(23) "Educational programs" means state-approved certificates of completion and associate degree programs.

(24) "General education" means the introduction to the content and methodology of the major areas of knowledge including the humanities and fine arts, the natural sciences, mathematics, and the social sciences and helps students develop the mental skills that will make them more effective learners and citizens in a democratic society.

(25) "Commission" means the Higher Education Coordinating Commission established by ORS 351.715.

(26) "Hobby course" means any directed activity engaged in by individuals as an avocation resulting in a collection of objects or in the production of works.

(27) "Intersegmental" means across segments of education. See "Segment of education."

(28) "Laboratory or lab" means an instructional setting in which students work independently with the instructor available and in the instructional area for assistance and supervision.

(29) "Lecture" means an instructional setting in which the instructor delivers information.

(30) "Lecture or laboratory (lecture or lab)" means an instructional setting in which the instructor gives short presentations and supervises student application of content. Instructional methods are integrated, and lecture and lab are dependent upon each other for the student's educational success.

(31) "Local community college program approval" means the approval by the local community college board of education or its designee indicating that a program has met or exceeded local community college program standards and processes prior to being submitted to the Commission or its designee for review.

(32) "Lower Division Collegiate (LDC)" means collegiate-level work in areas of instruction that parallel the offerings of the first two years of Oregon's four-year institutions, and are generally accepted for transfer by Oregon's public higher education institutions.

(33) "New location of an approved program" means a facility where students collectively may receive instruction in the program face-to-face or through telecommunications in a community not previously so served, including a non-Oregon location within 50 miles of where a comparable program is located in Oregon.

(34) "New program" means any program not previously approved by the Commission, the Office of Degree Authorization or by their predecessor review authorities, regardless of whether it comprises new instructional components or the reassembled components of existing programs.

(35) "Non-credit course" means a course that does not offer college credit for completion and generally cannot be used as part of a credit based degree or certificate program. No assessment of learning generally takes place.

(36) "Occupational preparatory program" means a state-approved Career Technical Education program which is designed to prepare persons for employment in a specified occupation or cluster of closely related occupations.

(37) "Occupational supplementary program" means a state-approved program designed for individuals who have already entered an occupation and seek to improve their occupational skills and knowledge in order to achieve employment stability or advancement.

(38) "Office" means the Office of Community Colleges and Workforce Development;

(39) "Other education courses" means general self-improvement courses intended primarily for adults and independent of Career Technical Education or lower division curricula. These courses are not intended for programs that may lead toward a baccalaureate degree. These courses may be used as prerequisite and elective courses in Career Technical Education degree and certificate programs. Other education courses include areas of instruction not otherwise included in the Career Technical Education and lower division collegiate categories. Other education course areas include but are not limited to adult basic education (ABE), general educational development (GED), adult high school completion (AHS), English as a sec-

ond language (ESL), and self-improvement courses not fitting into previously listed categories.

(40) "Program" means any organized teaching and learning activity in which successful completion qualifies a student for a degree, a certificate of substantial academic or vocational learning short of a degree, a certificate of preparation related to new or modified occupational licensure, or another academic or vocational certificate that represents a shorter period of activity but has value as a public credential.

(41) "Program amendment" means a change in a state-approved program submitted to the Commission or its designee by a college to receive approval to revise the program. Revisions include minor changes in curriculum content, courses, program outcomes and titles.

(42) "Program approval" means the process by which the local community college board and the Commission acknowledge that a program has met the applicable program standards and requirements of the local board and Commission or its designees. Program approval also includes the authorization of the program by the Office of Degree Authorization.

(43) "Publicly funded" means controlled by an agency of government or by a public corporation as occurs in Oregon community colleges, institutions of higher education, and the Oregon Health & Science University, regardless of specific sources and applications of funds, or controlled by a private entity but subsidized with appropriated public funds received directly for program operation rather than indirectly in the form of student financial aid.

(44) "Recognition award" means an award given to a student by a community college for completion of a state-approved course or courses or for attendance and participation in workshops or seminars. Recognition awards may not be called "certificates of completion" or "certificates" and may not be included on the official student transcript.

(45) "Recreational course" means any directed activity in which individuals participate with the purpose of engaging in physical activity, except those activities which focus on physical fitness or which directly relate to the initial skill development of physical activities in which individuals could reasonably be expected to participate during most of their adult lives.

(46) "Related instruction" means programs of study for which applied or specialized associate degrees are granted, or programs of an academic year or more in length for which certificates are granted. They must contain a recognizable body of instruction in program-related areas of communication, computation and human relations. Additional topics which should be covered as appropriate include safety, industrial safety, and environmental awareness. Related instruction areas are either embedded within the program curriculum or taught in blocks of specialized instruction.

(47) "Segment of education" means any one of the following:

(a) Oregon community colleges, community college districts, or service districts, together with every other postsecondary program or location ultimately sponsored by the Commission;

(b) Oregon state-owned institutions of higher education and related organizational units, together with every other postsecondary program or location ultimately sponsored by the Commission;

(c) The Oregon Health & Science University, any hereafter created public corporations for higher education, and any organizational units of such public corporations, together with every postsecondary program or location under their ultimate sponsorship;

(d) Private Oregon degree-granting institutions and organizations and all non-Oregon entities offering residential instruction in Oregon for credit toward full degrees approved by the Office of Degree Authorization, together with every postsecondary program or location they sponsor; and

(e) Private nondegree career schools offering instruction in Oregon and licensed under ORS 345, together with every postsecondary program or location they sponsor.

(48) "Stand-alone occupational preparatory courses" means courses designed for individuals seeking to build knowledge and skills for initial employment in an area not included in one or more of a community college's existing approved Associate of Applied Science degree or certificate of completion programs. Also see Occupational Preparatory Program.

(49) "Statewide or regional consortium program" means an associate of applied science or certificate of completion program which is developed, applied for and continuously monitored by a partnership of colleges to address a specific program need through a cohesive and transferable curriculum among participating colleges.

(50) "State-approved program" means a community college certificate of completion or associate degree program that has met and continues to meet the standards and criteria of the Commission and has received authorization by the Office of Degree Authorization.

(51) "Suspended program" means the temporary removal of a state-approved program from the overall curriculum of a community college by the local community college board of education or their designee.

Stat. Auth.: ORS 326.051
Stats. Implemented: 341.425, 341.465
Hist.: DCCWD 1-2003, f. & cert. ef. 1-9-03; DCCWD 5-2003, f. & cert. ef. 10-20-03; DCCWD 1-2007(Temp), f. & cert. ef. 6-15-07 thru 12-11-07; DCCWD 3-2007, f. & cert. ef. 9-6-07; DCCWD 2-2014(Temp), f. & cert. ef. 3-14-14 thru 9-10-14; DCCWD 5-2014, f. & cert. ef. 7-22-14; DCCWD 4-2015, f. & cert. ef. 10-13-15; DCCWD 5-2015, f. & cert. ef. 10-30-15

589-006-0100
General Community College Program Approval Requirements

(1) The Commission has responsibility for approval of community college educational programs and locations.

(2) The Commission shall provide community college district boards of education with the standards, criteria and procedures the Commission will utilize to approve certificate of completion and associate degree programs and new locations for previously approved programs. Such standards shall be included in the Certificate of Completion and Associate Degree Approval Procedures identified by the department.

(3) The Commission shall ensure that new community college educational programs have been authorized by the Office of Degree Authorization prior to providing the local community college with final approval of new community college programs and locations.

(4) Requests for approval of new associate degree, associate degree option and certificate of completion programs must be submitted by the community college board of education to the Commission prior to commencement of the program.

(5) Associate degree programs offered by community colleges may include Associate of Arts Oregon Transfer degree, Associate of Science, Associate of Applied Science and Associate of General Studies. Each associate degree program shall conform to the specific degree requirements as identified in the Certificate of Completion and Associate Degree Approval Procedures identified by the Office.

(6) Certificate of completion programs offered by community colleges shall include less than one-year, one-year, greater than one-year, and two-year certificates of completion. Each certificate of completion shall conform to the specific certificate of completion requirements as identified in the Certificate of Completion and Associate Degree Approval Procedures identified by the Office.

(7) To meet the approval standards of the Commission, associate degree and associate degree option programs must:

(a) Include at least 90 total credits; and

(b) Be no more than 108 credits; and

(c) Have a recognizable core of general education or related instruction courses; and

(d) Have an established standard of academic achievement; and

(e) Meet or exceed the local community college board of education program approval standards; and

(f) Meet or exceed the Higher Education Coordinating Commission program approval standards and criteria.

(8) Meet the approval standards by the Higher Education Coordinating Commission, certificate of completion programs must include:

(a) Include at least 12 credits; and

(b) Be no more than 108 credits; and

(c) Have a recognizable core of general education or related instruction courses for programs one-year or more in length; and

(d) Have an established standard of academic achievement; and

(e) Demonstrate occupational content leading to employment; and

(f) Meet or exceed the local community college board of education program approval standards; and

(g) Meet or exceed the Commission program approval standards and criteria.

(9) Certificate of completion and associate of applied science degree programs shall include a designation of the particular occupation, career or career area as a component of the award title.

(10) Options to constitute a variation in the state-approved degree are allowable only for associate of applied science degree programs. Associate of applied science degree options may be added to new or existing associate of applied science degree programs following the procedures in the Certificate of Completion and Associate Degree Approval Procedures identified by the department.

[Publications: Publications referenced are available from the agency.]
Stat. Auth.: ORS 326.051
Stats. Implemented: ORS 341.425 & 341.465

Hist.: 1EB 132, f. 5-19-72, ef. 6-1-72; 1EB 166, f. 2-20-74, ef. 3-11-74; 1EB 263, f. & ef. 7-5-77; 1EB 9-1983, f. & ef. 10-13-83; EB 14-1991, f. & cert. ef. 7-19-91; Renumbered from 581-042-0005, 581-042-0010 & 581-042-0015; DCCWD 1-2001, f. & cert. ef. 3-21-01, Renumbered from 581-043-0000; DCCWD 1-2003, f. & cert. ef. 1-9-03; DCCWD 5-2003, f. & cert. ef. 10-20-03; DCCWD 2-2014(Temp), f. & cert. ef. 3-14-14 thru 9-10-14; DCCWD 5-2014, f. & cert. ef. 7-22-14; DCCWD 1-2015, f. & cert. ef. 5-18-15; DCCWD 5-2015, f. & cert. ef. 10-30-15

589-006-0150
Local Community College Responsibilities for Program Approval

(1) Community college boards will have local processes in place to ensure that local and state program approval standards and criteria are implemented and maintained.

(2) Community college boards are responsible for approving their college's certificate of completion, associate degree and associate degree option requirements. These requirements must be included in the institution catalog.

(3) The community college board of education has the responsibility to assure that state-approval standards are achieved for all programs offered by the local community college.

(4) Community colleges must follow the program approval process as outlined in the Oregon Community Colleges Handbook & Planning Guide.

(5) Community colleges shall use the term "Certificate" or "Certificate of Completion" in college catalogs and college promotional documents and on transcripts only as an indication of an award by the college that has met the local and state program approval standards and criteria and have been approved by the Commission and authorized by the Office of Degree Authorization.

(6) Community college boards of education will submit programs using the Certificate of Completion and Associate Degree Approval Procedures identified by the Office.

(7) The board of education of a community college district is responsible for obtaining and maintaining the course approval requirements set by the Commission.

(8) Community colleges may provide recognition awards to students for the completion of a state-approved course or courses. Recognition awards may not be called "certificates of completion" or "certificates" and may not be included on the official student transcript. Recognition awards may not be provided for coursework meeting the definition of "program" without state approval.

(9) Upon approval by the Commission, the Commission authorizes the community college board, established under ORS 341.005 to 341.950, to issue certificates of completion and associate degrees as an indication of satisfactory completion of state approved programs offered by the community college.

(10) The type of associate degree, associate degree option or certificate of completion to be awarded for completion of a program shall be clearly stated in the community college's catalog or supplement thereto.

(11) Only educational programs that have received program approval from the community college board, the Commission and the Office of Degree Authorization shall be included in a community college catalog or other materials.

(12) Prerequisites for associate degree, associate degree option, and certificate of completion programs and courses within the programs shall be clearly stated in the community college's catalog or supplement thereto.

Stat. Auth.: ORS 341.290
Stats. Implemented: ORS 341.465
Hist.: DCCWD 1-2003, f. & cert. ef. 1-9-03; DCCWD 5-2003, f. & cert. ef. 10-20-03; DCCWD 2-2014(Temp), f. & cert. ef. 3-14-14 thru 9-10-14; DCCWD 5-2014, f. & cert. ef. 7-22-14; DCCWD 5-2015, f. & cert. ef. 10-30-15

589-006-0200
Approval of Lower Division Collegiate Programs and Courses

(1) The Commission delegates to the Office the authority to approve lower division collegiate courses.

(2) A community college that is accredited by the Northwest Commission on Colleges and Universities shall follow the department's lower division collegiate course approval procedure to request new courses.

(3) A community college that is not accredited by the Northwest Commission on Colleges and Universities shall apply for approval through their contracting college.

Stat. Auth.: ORS 351.735
Stats. Implemented: ORS 351.735
Hist.: 1EB 132, f. 5-19-72, ef. 6-1-72; 1EB 166, f. 2-20-74, ef. 3-11-74; 1EB 172, f. 6-17-74, ef. 9-1-74; EB 14-1991, f. & cert. ef. 7-19-91; Renumbered from 581-042-0020, 581-042-0025, 581-042-0030 & 581-042-0035; DCCWD 1-2001, f. & cert. ef. 3-21-01, Renumbered from 581-043-0275; DCCWD 1-2003, f. & cert. ef. 1-9-03; DCCWD 5-2003, f. & cert. ef. 10-20-03; DCCWD 2-2014(Temp), f. & cert. ef. 3-14-14 thru 9-10-14; DCCWD 5-2014, f. & cert. ef. 7-22-14; DCCWD 5-2015, f. & cert. ef. 10-30-15

589-006-0300
Approval of Career Technical Education Courses, Certificate of Completion and Associate of Applied Science Degree Programs

(1) The Commission delegates to the Office the authority to approve Career Technical Education courses.

(2) Career Technical Education courses consist of either occupational preparatory courses or occupational supplementary courses.

(3) The Office will use the Career Technical Education Course Approval Procedure and Certificate of Completion and Associate Degree Approval Procedure to approve Career Technical Education courses and programs.

(4) Career Technical Education courses are approved by the Commission or its designee, either as a component of the curriculum for a state- approved certificate of completion, associate of applied science degree, or associate of applied science degree option program, or through an individual course approval process as identified in the Career Technical Education Course Approval Procedure.

(5) Commission standards for approval of occupational preparatory courses are included in the Career Technical Education Course Approval Procedure and include but are not be limited to:

(a) Courses are delivered under the direct control of the college and are either:

(A) Approved as part of a community college certificate of completion, associate of applied science degree program, or associate of applied science degree option; or

(B) Approved as a stand-alone occupational preparatory course.

(b) Courses are collegiate-level and provide education and training directed to the development of abilities, skills, understanding, and attitudes needed to enter into an occupation.

(c) Courses are designed for occupational employment and are not necessarily directed toward completion of baccalaureate degree requirements.

(d) Courses are developed and operated with the advice and counsel of employers, employees and other persons knowledgeable about the requirements of the occupations involved.

(e) Courses will not adversely impact or detrimentally duplicate similar intersegmental courses offered locally.

(6) Commission standards for approval of occupational supplementary courses are included in the Career Technical Education Course Approval Procedure and include but are not be limited to:

(a) Courses are delivered under the direct control of the college and may or may not be components of a community college certificate of completion or associate of applied science degree program.

(b) Courses are not necessarily directed toward the completion of requirements for a baccalaureate degree.

(c) Courses are collegiate- level and provide education and training designed to develop or enhance abilities, skills, understandings and attitudes needed to improve occupational skills in order to achieve employment stability or advancement.

(d) Courses are developed and operated with the advice and counsel of employers, employees and other persons knowledgeable of the requirements of the occupation involved.

(e) Courses will not adversely impact or detrimentally duplicate similar intersegmental courses offered locally.

(7) Occupational preparatory courses may not be offered by the local community college prior to the approval of the Commission or its designee.

(8) Occupational supplementary courses may be offered by the local community college prior to final approval by the department as identified in the Career Technical Education Course Approval Procedure under conditions that include the following:

(a) The local community college has a local course approval process in place and assures that the occupational supplementary standards have been met.

(b) The community college is willing to take the risk that the course may not be approved and may be non-reimbursable.

(9) Career Technical Education courses will be numbered using course numbering conventions as approved by the department.

(10) Career Technical Education programs will be approved by the Commission based on meeting the general community college program requirements for certificates of completion, associate of applied science degrees or associate of applied science options as identified in 589-006-0100.

(11) Commission standards and criteria for approval of Career Technical Education are included in the Certificate of Completion and

Associate Degree Approval Procedures and include but are not be limited to:

(a) The program is developed and will be implemented, operated and evaluated as a joint venture with business, industry and labor; and

(b) The college demonstrates capacity to offer the program and will provide the necessary resources and services to assure that students can attain the skills and knowledge necessary to fulfill the stated objectives of the program, and

(c) The curriculum for the program demonstrates a cohesive instructional system that will lead to the attainment of the academic and Career Technical Education exit proficiencies needed for success in the occupational field; and

(d) The instructional design for the program provides the appropriate access, flexibility and evaluation components to provide appropriate instruction for students within the program; and

(e) The program provides access to all students and provides the necessary additional and supplemental services for special populations and protected classes; and

(f) Program need is based on local, regional, state, and national statistics and forecasts documenting that an employment demand for family wage occupations is not or cannot be met through existing programs; and

(g) The program provides direct connections to appropriate certificates of advanced mastery as well as other programs in the college, other institutions of postsecondary education, and future training opportunities; and

(h) The program has continuous improvement systems in place that provide for program input through evaluation based on instructor, employer and student satisfaction follow-up data.

(12) Career Technical Education programs will include the sequence of courses for the program including general education and related instruction, Career Technical Education required, elective and specialization courses. Program approval materials will also include course numbers, credit/non-credit and clock/contact hours for the course.

(13) Provisions will be made within the Certificate of Completion and Associate Degree Approval Procedures to allow for the development, approval, implementation and evaluation of certificate of completion, associate of applied science degree and associate of applied science degree options for statewide or regional consortium of community colleges. Statewide and regional consortia certificates and degrees will address a specific program need through a cohesive and transferable curriculum among and between participating colleges.

(14) Provisions will be made within the Certificate of Completion and Associate Degree Approval Procedures to allow for the development, approval, implementation, and evaluation of Business and Industry-based programs that are designed for employers to meet specific occupational and educational needs of their current employees.

(15) New Career Technical Education programs will be submitted for approval following the processes outlined in the Oregon Community Colleges Handbook and Planning Guide.

[Publications: Publications referenced are available from the agency.]
Stat. Auth.: ORS 351.735
Stats. Implemented: ORS 351.735
Hist.: 1EB 132, f. 5-19-72, ef. 6-1-72; 1EB 166, f. 2-20-74, ef. 3-11-74; EB 14-1991, f. & cert. ef. 7-19-91; Renumbered from 581-042-0040, 581-042-0045, 581-042-0050, 581-042-0055 & 581-042-0060; DCCWD 1-2001, f. & cert. ef. 3-21-01, Renumbered from 581-043-0290; DCCWD 1-2003, f. & cert. ef. 1-9-03; DCCWD 5-2003, f. & cert. ef. 10-20-03; DCCWD 2-2014(Temp), f. & cert. ef. 3-14-14 thru 9-10-14; DCCWD 5-2014, f. & cert. ef. 7-22-14; DCCWD 4-2015, f. & cert. ef. 10-13-15; DCCWD 5-2015, f. & cert. ef. 10-30-15

589-006-0350
Maintaining Approval of Certificate of Completion and Associate of Applied Science Degree Programs

(1) The approval of community college Career Technical Education programs by the Commission will continue to be in effect until the program is amended, suspended or deleted from the college's program offerings. The Commission or its designee may disqualify an approved Career Technical Education program if it no longer meets Commission program approval standards and criteria.

(2) Once a program has been approved by the Commission, course additions, deletions, or changes within these programs must be approved by the Commission or its designee prior to implementation of the revised program.

(3) Associate of Applied Science degree, Associate of Applied Science degree options and Certificate of Completion programs offered by community colleges shall be considered to be active as long as the Annual Program Review Procedure has been followed for the program and the college has not provided notification to the Office of program suspension or program deletion.

(4) Community colleges may request that a program be suspended for a period of three years. The program suspension period will begin on the date the college notifies the Office of its intent to suspend a program. The Office will notify colleges prior to the deletion of suspended programs. After three years suspended programs will require re-approval utilizing the Certificate of Completion and Associate Degree Approval Procedure identified by the department.

[Publications: Publications referenced are available from the agency.]
Stat. Auth.: ORS 351.735
Stats. Implemented: ORS 351.735
Hist.: 1EB 132, f. 5-19-72, ef. 6-1-72; 1EB 166, f. 2-20-74, ef. 3-11-74; EB 14-1991, f. & cert. ef. 7-19-91; Renumbered from 581-042-0065, 581-042-0070, 581-042-0075 & 581-042-0085; DCCWD 1-2001, f. & cert. ef. 3-21-01, Renumbered from 581-043-0300; DCCWD 1-2003, f. & cert. ef. 1-9-03; DCCWD 5-2003, f. & cert. ef. 10-20-03; DCCWD 2-2014(Temp), f. & cert. ef. 3-14-14 thru 9-10-14; DCCWD 5-2014, f. & cert. ef. 7-22-14; DCCWD 5-2015, f. & cert. ef. 10-30-15

589-006-0400
Approval of Other Education Courses

(1) The Commission delegates authority to the Office to approve other education courses. Such approval authorizes the community college to receive state funding to support those courses.

(2) The Office uses the following standards for approval of other education courses:

(a) The course is primarily intended for adults;

(b) The course may be developmental in nature and offered for:

(A) Adults with less than an eighth grade education through adult basic education classes;

(B) Adults with less than a high school diploma through adult high school completion programs;

(C) Persons who lack sufficient background in subject-matter areas to make satisfactory progress in the lower-division collegiate or professional technical programs of the institution; or

(D) Persons who lack English language skills needed to make satisfactory progress in the lower-division collegiate or professional technical programs of the institution or to enter the workforce.

(c) The course must include at least six contact hours of instruction focused on a single topic.

(3) Approval of other education courses must follow the Office's other reimbursable course approval procedure.

(4) State reimbursement shall not be available for hobby or recreation courses. However, such courses may be provided on a self-sustaining basis.

[Publications: Publications referenced are available from the agency.]
Stat. Auth.: ORS 351.735
Stats. Implemented: 351.735
Hist.: 1EB 132, f. 5-19-72, ef. 6-1-72; 1EB 166, f. 2-20-74, ef. 3-11-74; EB 14-1991, f. & cert. ef. 7-19-91; Renumbered from 581-042-0065, 581-042-0070, 581-042-0075 & 581-042-0085; DCCWD 1-2001, f. & cert. ef. 3-21-01, Renumbered from 581-043-0300; DCCWD 1-2003, f. & cert. ef. 1-9-03; DCCWD 5-2003, f. & cert. ef. 10-20-03; DCCWD 2-2014(Temp), f. & cert. ef. 3-14-14 thru 9-10-14; DCCWD 5-2014, f. & cert. ef. 7-22-14; DCCWD 5-2015, f. & cert. ef. 10-30-15

589-007-0100
Apprenticeship Definitions

For purposes of this rule:

(1) "Academic credit" means the indication or certification by a community college that a student has completed a unit of study or demonstrated achievement or proficiency, so as to have satisfied a portion of the requirements for a degree or other academic recognition offered by the community college.

(2) "Academic credit course" means collegiate-level courses offered by the college as part of a lower-division transfer degree or approved professional technical program. Also known as "credit course."

(3) "Adverse intersegmental impact" or "adverse impact" means the detriment of duplication which would fall on a school or its students in a segment other than that of the school proposing the new program or location, except that a publicly funded program or location proposed by a private school or other organization has adverse intersegmental impact if it is detrimental to a school in any of the five segments: 1) public universities listed in ORS 352.002, 2) Oregon Health and Sciences University, 3) private Oregon degree granting institutions, 4) private nondegree career schools and 5) community colleges.

(4) "Apprenticeable occupation" means a skilled trade that:

(a) Is customarily learned in a practical way through a structured, systematic program of on-the-job supervised training;

(b) Is clearly identified and commonly recognized throughout an industry;

(c) Involves manual, mechanical or technical skills and knowledge which require a minimum of 2,000 hours of on-the-job supervised training; and

(d) Requires related instruction to supplement the on-the-job training.

(5) "Apprenticeship credit" means the indication or certification by a local joint committee that an apprentice has demonstrated achievement or proficiency so as to satisfy a portion of the apprenticeship requirements as identified by the State Apprenticeship and Training Council.

(6) "Apprenticeship degree" means a state-approved Associate of Applied Science degree program that is approved for registered apprentices and journey persons and meets the standards and criteria for Associate of Applied Science degrees.

(7) "Apprenticeship program" means the total system of apprenticeship as operated by a particular local joint committee, including the committee's registered standards and all other terms and conditions for the qualification, recruitment, selection, employment and training of apprentices in that apprenticeable occupation.

(8) "Apprenticeship standards" means a written agreement submitted by a local joint committee and approved by the State Apprenticeship and Training Council, that sets forth a plan containing all terms and conditions for the qualification, employment and training of apprentices or trainees as set forth in ORS 660.126 and 660.137.

(9) "Associate of Applied Science (AAS)" means a state-approved associate degree that is intended to prepare graduates for direct entry into the workforce. AAS degrees may also help to prepare students for career advancement, occupational licensure, or further study at the baccalaureate level.

(10) "Associate degree" means a state-approved lower division undergraduate award issued by a community college that indicates satisfactory completion of a course of study approved by the community college board.

(11) "Associate of General Studies" means a state-approved associate degree that is intended to meet the individual student needs using a variety of collegiate level courses to meet degree requirements.

(12) "Bureau of Labor and Industries (BOLI)" means the Oregon state agency responsible for apprenticeship and training in Oregon.

(13) "Certificate of completion" means a form of recognition awarded by a community college for meeting minimum occupational course or curriculum requirements. Certificates of completion must be state-approved, have a defined job entry point, represent college-level work, and meet Commission criteria. Commonly referred to as less than one-year, one-year and two-year certificates of completion.

(14) "Clock/contact hours" means one clock (or contact) hour that is 60 minutes long. No more than 10 minutes of each hour can be used for a regularly scheduled break or passing period.

(15) "Collegiate level work" means course and program content that provides skills and information beyond what is normally gained before or during the secondary level. It is characterized by analysis, synthesis, and application in which students demonstrate an integration of skills and critical thinking. It is a term that denotes more than college/university transfer courses. It also includes professional technical education and other courses that exceed basic skills, workplace readiness, and fundamental basic skills. Courses must be collegiate level if used to fulfill a requirement in an associate degree, Associate of Applied Science degree option or certificate of completion program.

(16) "Commission" means the Higher Education Coordinating Commission established under ORS 351.715.

(17) "Cooperative work experience (CWE)" means the placement of students by the college in a structured work-based learning experience that is directly related to their classroom studies and under the control of the college. The college instructor or supervisor visits the field work site regularly. Supervision toward achievement of college identified and approved student learning outcomes and measurable learning objectives is also provided by the employer or other individual contracted to provide field experience. Each student should have theoretical knowledge and/or practical experience in a relevant major field of study prior to being placed in a cooperative work experience.

(18) "Core apprenticeship services" means those services offered by Oregon community colleges to apprentices and local joint committees when college tuition is paid and state reimbursable fulltime equivalency (FTE) is generated through the apprenticeship related training.

(19) "Course challenge examination" means the award of academic credit by a community college when a student demonstrates through comprehensive examination of one or more related training classes that they have achieved the competencies and proficiencies of a course at or above the standard of academic achievement for the course. Local policies govern whether this is an acceptable alternative for students and the nature of the examination (oral, written, demonstration, etc.) Credit can only be granted for courses that are part of that college's approved curriculum.

(20) "Council" means the State Apprenticeship and Training Council as defined in ORS 660.010.

(21) "Course of study for apprentices and trainees" means the instructional objectives and outline of course content for related training and manipulative instruction as developed from a trade analysis for the trade, craft or industrial occupation as established in accordance with ORS 660.157.

(22) "Credit for prior certification" means the awarding of credit by a community college toward an associate degree or certificate of completion to acknowledge achievement of a publicly certified credential such as a journey persons card.

(23) "Credit for prior experiential learning" means the awarding of academic credit by a community college for prior learning acquired from work or life experience, mass media and independent reading and study.

(24) "Office" means the Office of Community Colleges and Workforce Development.

(25) "Detrimental duplication" means a situation that occurs when recruitment of students for a new program or location will tend to redirect prospects from a fixed pool concomitant with the application of publicly funded educational cost subsidies, thereby significantly reducing enrollment in existing similar programs for which student financial aid is available but the number of prospective enrollees is limited by nonfinancial factors such as interest, qualifications needed for admission, internship openings for students, and job openings for graduates

(26) "Direct control" means the community college maintains direct and sole responsibility for the academic quality of all aspects of all programs and courses through the management and supervision by faculty and institutional administrators.

(27) "Director" means the Director of the Office of Community Colleges and Workforce Development appointed under ORS 351.762.

(28) "Employer" means any person employing the services of a registered apprentice, regardless of whether such person is a party to an apprenticeship agreement with that apprentice.

(29) "Fulltime equivalency (FTE)" means a student or a combination of several students who carries or carry among them, within a single academic year, a minimum number of clock hours of instruction, in any program, to be specified by rule by the Commission.

(30) "General education" means the introduction to the content and methodology of the major areas of knowledge including the humanities and fine arts, the natural sciences, mathematics, and the social sciences and help students to develop the mental skills that will make them more effective learners.

(31) "Laboratory (lab)" means an instructional setting in which students work independently with the instructor available and in the instructional area for assistance and supervision.

(32) "Lecture" means an instructional setting in which the instructor delivers information with limited student discussion.

(33) "Lecture/laboratory (Lecture/lab)" means an instructional setting in which the instructor gives short presentations and supervises student application of content. Instructional methods are integrated; lecture and lab are dependent upon each other for the student's educational success.

(34) "Local joint committee" means local joint apprenticeship committees, local joint training committees and trade committees.

(35) "Minimum guideline standards" means industry/trade benchmarks developed and proposed by the appropriate state joint committee and approved by the Council representing the fundamental requirements necessary for entry into, and completion of specific Council approved occupational/trade programs.

(36) "Non-credit course" means a course that does not offer college academic credit for completion. Non-credit courses are not required to use an established standard of academic achievement and therefore generally are not used as part of a credit-based degree or certificate of completion program.

(37) "Occupational preparatory course" means collegiate level courses designed to prepare persons for employment in a specified occupation or cluster of closely related occupations.

(38) "Occupational supplementary course" means collegiate level courses designed for individuals who have already entered an occupation but seek to improve their occupational skills and knowledge in order to achieve employment stability or advancement.

(39) "On-the-job training (OJT)" means training provided to an employee under the direct auspices of the employer or their representative.

(40) "Professional technical courses" are defined as the occupational preparatory or occupational supplementary collegiate level courses that are designed to prepare persons for entrance into and employment stability and advancement in specific occupations or clusters of closely related occupations.

(41) "Professional technical program" means collegiate level coursework that is designed to prepare persons for entrance into and employment stability and advancement in specific occupations or clusters of closely related occupations. Successful completion of professional technical programs results in the achievement of a state-approved certificate of completion, Associate of Applied Science degree or Associate of Applied Science degree option.

(42) "Registered apprentice" means a worker at least 16 years of age, except where a higher minimum age is otherwise required by law, who is employed to learn an apprenticeable occupation under standards of apprenticeship approved by the State Apprenticeship and Training Council or by the federal Office of Apprenticeship Training and Employer Labor Services. Also known as "apprentice."

(43) "Related instruction" means programs of study for which applied or specialized associate degrees are granted or programs of an academic year or more in length for which certificates of completion are granted, must contain a recognizable body of instruction in program-related areas of 1) communication, 2) computation, and 3) human relations. Additional topics that should be covered as appropriate include safety, industrial safety, and environmental awareness.

(44) "Related training attendance records" means the documentation required by the local joint committee to verify that a registered apprentice was present during the times required for an apprenticeship program.

(45) "Related training or apprenticeship related training" means an organized and systematic form of classroom/lab instruction designed to provide knowledge of the theory and technical aspects of an apprenticeable trade.

(46) "Standard of academic achievement" means demonstrated achievement, proficiency, or measured learning acknowledged as meeting a predetermined academic standard. Normally noted through a record transcripted and maintained by the college.

(47) "State Apprenticeship and Training Council" means the state apprenticeship and training entity as identified in ORS 660.010. Also known as "Council."

(48) "State-approved program" means a community college certificate of completion or associate degree program that has met and continues to meet the standards and criteria of and have been approved by the Commission.

(49) "Statewide program" means an Associate of Applied Science and/or certificate of completion program which is developed, applied for and continuously monitored by a partnership of colleges to address a specific program need through a cohesive and transferable curriculum among and between participating colleges.

(50) "Supplemental apprenticeship services" means those services that may be available at some community colleges on a fee for service basis to support the local joint committee. These services and others need to be included as part of an agreement between the community college and the local joint committees specifying the service to be performed, fees for services, length of service to be provided, etc.

(51) "Transcripted" means coursework entered into the official and formal records of a college including the level and achievement of a student.

Stat. Auth.: ORS 351.735

Stats. Implemented: ORS 351.735, 341.665, 660.157, 660.160, 660.167 & 660.190

Hist.: 1EB 151, f. 7-20-73, ef. 8-1-73; 1EB 166, f. 2-20-74, ef. 3-11-74; 1EB 197, f. 5-23-75, ef. 6-25-75; EB 14-1991, f. & cert. ef. 7-19-91; Renumbered from 581-042-0090, 581-042-0095, 581-042-0100, 581-042-0105, 581-042-0110, 581-042-0115, 581-042-0120, 581-042-0125, 581-042-0130, 581-042-0135, 581-042-0140 & 581-042-0145; DCCWD 1-2001, f. & cert. ef. 3-21-01, Renumbered from 581-043-0400; DCCWD 2-2003, f. & cert. ef. 3-10-03; DCCWD 5-2003, f. & cert. ef. 10-20-03; DCCWD 5-2015, f. & cert. ef. 10-30-15

589-007-0110

Apprenticeship Related Training Courses, Work-Based Learning and Academic Credit

(1) Community colleges will cooperate with the State Apprenticeship and Training Council, the Office, and the local joint committees in providing the necessary related training courses to meet the objectives of courses of study as identified in ORS 660.157(1) for registered apprentices and trainees. The coordination of related training offered in these courses with job instruction, and the carrying out of the other details will be the responsibility of the community college. (ORS 660.160)

(2) For each occupation and industry, the State Apprenticeship and Training Council shall review and approve courses of study for apprentices, based on current occupational analyses, that meet the training needs of each local joint committee and that shall be available to all registered apprentices.

(3) Local joint committees, in cooperation with the community college, shall have the responsibility for determining the training needs of the apprentices indentured by the committees subject to the training objectives adopted for the particular occupation or industry.

(4) Community college apprenticeship related training will be based on the course of study for apprentices and trainees approved by the State Apprenticeship and Training Council.

(5) Community colleges will collaborate with the local joint committee to develop and implement apprenticeship related training courses to satisfy the related training requirements of apprentices within the limits of the available resources and facilities of the community college.

(6) Community colleges will collaborate with local joint committees to identify the apprentice training requirements that can be met by existing community college courses.

(7) Community colleges identified on the Annual List of Community College Related Training Providers will provide apprenticeship related training courses to registered apprentices when regional accreditation and Commission standards and requirements have been met. These standards and requirements include direct control by the community college relating to the approval of the curriculum and instruction, evaluation of the curricula, hiring or direct approval of instructors, evaluation of instructors and approval of the instructional setting.

(8) Community colleges will have sole responsibility for determining and providing academic credit for apprenticeship related training offered by the community college.

(9) The local joint committees will have responsibility for granting apprenticeship credit for training and education received in community college apprenticeship related training and other course work.

(10) Apprenticeship related training courses offered by community colleges will meet the same instructional standards and procedures as for other occupational supplementary and/or occupational preparatory courses offered by the community college.

(11) Apprenticeship related training courses offered by community colleges will follow the same contact hour to academic credit ratio as other academic credit courses offered by the community college. The ratio will include a consistent differentiation for instructional delivery provided through lecture, laboratory and lecture/laboratory as defined by state and local community college guidelines.

(12) Contact hours of apprenticeship related training offered by community colleges will be consistent with the hours of related training as approved by the State Apprenticeship and Training Council for the specific apprenticeship.

(13) Apprenticeship related training offered by the community colleges for apprentices may be offered as credit or non-credit courses at the discretion of the community college.

(14) Community colleges will transcript the credit for all apprenticeship related training courses completed by apprentices for academic credit. Non-credit apprenticeship related training course transcription is at the discretion of the college.

(15) Effective July 1, 2003, and thereafter, apprenticeship on-the-job (OJT) training paid in whole or in part by any person or entity employing the services of a registered apprentice shall not be considered by the community college or the Office as cooperative work experience or related training for the registered apprentice.

(16) Effective July 1, 2003, and thereafter, state FTE reimbursement will not be provided for on-the-job training for registered apprentices that are paid in whole or in part by any person or entity employing the services of a registered apprentice.

(17) Skill and knowledge gained by registered apprentices and journey persons through on-the-job training may be considered as nonreimbursable credit for prior learning and/or credit for prior certification, according to the policies and procedures of a community college.

(18) Effective July 1, 2003, and thereafter, cooperative work experience (CWE) and similar work-based learning courses may continue to be included in certificate of completion and/or associate degree programs for registered apprentices and journey persons, however credits transcripted by the college shall be only for credit for prior learning or credit for prior certification.

Stat. Auth.: ORS 351.735 & 341.290

Stats. Implemented: ORS, 341.665, 660.157, 660.160, 660.167 & 660.190
Hist.: DCCWD 2-2003, f. & cert. ef. 3-10-03; DCCWD 5-2003, f. & cert. ef. 10-20-03; DCCWD 5-2015, f. & cert. ef. 10-30-15

589-007-0120
Apprenticeship Related Training Instruction

(1) Community colleges will enroll apprentices in apprenticeship related training courses utilizing the college registration procedures used for other students and student groups.

(2) Apprentices enrolled for community college apprenticeship related training courses will be community college students and will have access to the same college services and facilities as other similarly enrolled students.

(3) Community colleges will assure that apprenticeship related training courses are provided with classroom and laboratory space. Within the campus allocation and procurement procedures, community colleges will collaborate with the local joint committee to assure space for related training courses.

(4) Community college tuition and applicable fees for apprenticeship related training courses will be set by the local community college in the same manner as tuition is set for other college offerings.

(5) Community colleges will obtain necessary authorization from registered apprentices to provide class lists, grades, and progress and related training attendance records to the local joint committee on request.

(6) To assist the local joint committee, community colleges will maintain and provide class lists, academic progress records, and related training attendance records for all registered apprentices enrolled in apprenticeship related training courses, when appropriate authorization has been obtained from the registered apprentice.

(7) Registered apprentices that are enrolled in credit course work toward the achievement of community college certificate of completion or associate degree programs may be eligible for financial aid if they meet the college's financial aid guidelines.

(8) The awarding of community college academic credit for apprenticeship related training toward associate degrees and certificates of completion will be determined by the local community college based on the local, the Office, and Commission policies and procedures. Local policies and procedures will assure that an established standard of academic achievement has been met for all apprenticeship related training courses accepted toward college awards.

(9) Community colleges will utilize the Professional Technical Course Approval Procedures as identified by the Department for the approval of apprenticeship related training courses.

(10) Apprenticeship related training courses may be offered by the community college prior to final approval as identified by the Office in the Professional Technical Course Approval Procedures.

Stat. Auth.: ORS 351.735 & 341.290
Stats. Implemented: ORS 351.735, 341.665, 660.157, 660.160, 660.167 & 660.190
Hist.: DCCWD 2-2003, f. & cert. ef. 3-10-03; DCCWD 5-2003, f. & cert. ef. 10-20-03; DCCWD 5-2015, f. & cert. ef. 10-30-15

589-007-0130
Apprenticeship Instructors

(1) The community college conducting the apprenticeship related training courses will have direct control of the selection, supervision, and evaluation of the apprenticeship related training instructors.

(2) Community colleges may contract with local joint committees to provide educational services including instruction to registered apprentices as identified in OAR 589-007-0180.

(3) Community college apprenticeship related training instructors will be able to demonstrate the occupational competency necessary for the courses to be taught and will have the necessary knowledge and skills required of a practicing journey person.

(4) Community college apprenticeship related training instructors will meet the same education, experience and other requirements in effect for other similar faculty, adjunct faculty or instructors as identified in local college policies, procedures and bargaining agreements.

(5) Community colleges will ensure that apprenticeship related training courses are taught by instructors that have the teaching competencies and qualifications expected of other college instructors and as required by the occupations and industries.

(6) Apprenticeship related training instructors' performance will be evaluated for quality, attendance and effectiveness according to the college's personnel policies or collective bargaining agreement, whichever applies to the community college. The community college may seek input for the evaluation of instructors from the local joint committee responsible for the administration of the training program.

(7) The community college will collaborate with the local joint committee in determining the instructor occupational competency needed for the instruction of an apprenticeship related training course.

(8) Community colleges will consult with the local joint committee for assistance in identifying qualified instructors for apprenticeship related training courses.

(9) Community college apprenticeship related training instructors will be provided with the same opportunities for pre-service and in-service training as other community college instructors and faculty as identified in local college policies, procedures and bargaining agreements.

(10) The community college will collaborate with the local joint committee to identify the needed competencies for apprenticeship related training instructors and to develop and implement appropriate community college pre-service and in-service training and experiences.

Stat. Auth.: ORS 326.051
Stats. Implemented: ORS 341.425, 341.665, 660.157, 660.160, 660.167 & 660.190
Hist.: DCCWD 2-2003, f. & cert. ef. 3-10-03; DCCWD 5-2003, f. & cert. ef. 10-20-03; DCCWD 5-2015, f. & cert. ef. 10-30-15

589-007-0140
Certificates of Completion and Associate Degrees for Apprentices and Journey Persons

(1) Community college associate degree and certificate of completion programs offered for registered apprentices and journey persons will follow the same local and Commission standards, criteria and requirements as other certificate of completion and associate degree programs. Programs will follow the Certificate of Completion and Associate Degree Approval Procedures identified by the Office.

(2) Community college associate degree and certificate of completion programs developed for registered apprentices and journey persons will follow the general education, related instruction and other college requirements for certificate of completion and associate degree programs as identified by each community college.

(3) Community colleges will provide opportunities for apprentices and journey persons to achieve an associate degree using knowledge and skills from current and prior education and experience. The associate degree opportunity may include, but not be limited to, an Associate of Applied Science degree in an apprenticeable trade, or an Associate of Applied Science degree in an area such as Industrial Technology, or an Associate of General Studies.

(4) Community colleges with Associate of Applied Science degree (AAS) programs for registered apprentices and journey persons (apprenticeable trade AAS degree programs or in an area such Industrial Technology degree programs) will align with BOLI minimum guideline standards by apprenticeable trade within two years of the establishment of the minimum guidelines standards for the apprenticeable trade. New and existing AAS degree programs for registered apprentices and journey persons will follow the Minimum Guideline Standards Certificate of Completion and Associate of Applied Science Degree Procedures identified by the Office in consultation with stakeholders.

Stat. Auth.: ORS 351.735 & 341.290
Stats. Implemented: ORS 351.735, 341.665, 660.157, 660.160, 660.167 & 660.190
Hist.: DCCWD 2-2003, f. & cert. ef. 3-10-03; DCCWD 5-2003, f. & cert. ef. 10-20-03; DCCWD 5-2015, f. & cert. ef. 10-30-15

589-007-0150
Granting Academic Credit for Certificates of Completion and Associate Degrees for Apprentices and Journey Persons

(1) Registered apprentices and journey persons will be provided with the same opportunities for being awarded academic credit for prior learning or prior certification toward certificates of completion and associate degrees as is available for other community college students. These opportunities will include but may not be limited to: Credit for Prior Experiential Learning, Course Challenge Examination and Credit for Prior Certification.

(2) Community colleges will follow the regional accreditation standards allowing no more than 25 percent of certificate of completion and associate degree programs to be met through credit for prior experiential learning.

(3) Community colleges will utilize the same standards of achievement (proficiencies, grades, etc.) for granting academic credit for related training and previous experience for associate degrees and certificates of completion for apprentices and journey persons as for other community college students.

(4) Apprenticeship related training courses completed for academic credit and transcripted at one Oregon community college will be evaluated toward meeting the requirements for college certificates of completion and associate degrees at another Oregon community college.

(5) Journey persons with proof of Oregon journey person status or some other form of recognized state, regional or national standards certification may be awarded academic credit toward an associate degree based on local community college procedures.

(6) Evaluation procedures to establish apprenticeship credit for community college work toward apprenticeship requirements will follow policies adopted by the State Apprenticeship and Training Council in cooperation with the Office. Apprenticeship credit is acknowledged and accepted by the local joint committee. The community college does not grant apprenticeship credit toward BOLI apprenticeship program requirements.

Stat. Auth.: ORS 351.735
Stats. Implemented: ORS 351.735, 341.665, 660.157, 660.160, 660.167 & 660.190
Hist.: DCCWD 2-2003, f. & cert. ef. 3-10-03; DCCWD 5-2003, f. & cert. ef. 10-20-03; DCCWD 5-2015, f. & cert. ef. 10-30-15

589-007-0160
Menu of Core Apprenticeship Services and Supplemental Apprenticeship Services

(1) Core apprenticeship services will include the services provided by Oregon community colleges to registered apprentices and local joint committees when the registered apprentice is enrolled for one or more related training courses at the community college and the related training courses meet the community college's content, minimum class size, and other requirements for such courses.

(2) The menu of core apprenticeship services will include the core apprenticeship services and the definition of each service as have been identified by the community colleges in collaboration with the Office. Core apprenticeship services will include:

(a) Registration services for registered apprentices;

(b) Academic credit for apprenticeship related training instruction under the direct control of the college utilizing the same academic credit and instructional guidelines used for other similar college courses;

(c) Opportunities for registered apprentices to complete requirements to achieve an associate degree;

(d) Registered apprentices with access to the same college services and facilities (financial aid eligibility, counseling, advising, library access, etc.) as other similarly enrolled students;

(e) Inservice and professional development opportunities for apprenticeship related training instructors that are consistent with opportunities provided for other similarly hired college instructors;

(f) Classroom and laboratory facilities for apprenticeship relating training courses either at the college facility or at another facility as agreed upon by the college and the local joint committee; and

(g) When appropriate authorization has been provided by the registered apprentice, apprenticeship related training class lists and related training attendance records for registered apprentices will be provided to local joint committees.

(3) Community colleges identified on the Annual List of Community College Related Training Providers may also provide a listing of supplemental apprenticeship services available to local joint committees from their individual community college. Supplemental apprenticeship services include services that may be available at an individual community college on a fee for service basis to support the local joint committee in its effort to provide effective services to registered apprentices.

(4) Supplemental apprenticeship services to be provided by a community college to a local joint committee will be provided through a contract between the parties. Such contracts will include but not be limited to the identification of supplemental apprenticeship and other services to be provided, fees for services provided and length of services to be provided.

(5) Supplemental apprenticeship services that may be provided by a community college on a fee for services basis through a contract between the community college and the local joint committee may include but are not limited to:

(a) Administrative support to the local joint committee;

(b) Posting meetings;

(c) Maintenance of equal opportunity records;

(d) Maintenance of records required by state and federal apprenticeship regulations;

(e) Computer technical support;

(f) Taking and distributing minutes for or on behalf of the local joint committee;

(g) Marketing/promotion;

(h) Grant proposal preparation and administration of grants;

(i) Assessing transferability of related training coursework;

(j) Completion of applicant rating forms; and

(k) End of the term recommendations.

Stat. Auth.: ORS 341.290
Stats. Implemented: ORS 351.735, 341.665, 660.157, 660.160, 660.167 & 660.190
Hist.: DCCWD 2-2003, f. & cert. ef. 3-10-03; DCCWD 5-2003, f. & cert. ef. 10-20-03; DCCWD 5-2015, f. & cert. ef. 10-30-15

589-007-0170
Community College Apprenticeship Related Training Providers and Notification

(1) Community colleges, within the limits of the available resources and facilities of the community college, will provide core apprenticeship services for the registered apprentices. Community colleges may contract with other community colleges to assist in providing core apprenticeship services to registered apprentices.

(2) By March 1, 2003, and by February 1 of each year thereafter, each community college will submit to the Office their intention to offer apprenticeship related training and core apprenticeship services to registered apprentices for the following school year beginning July 1.

(3) By April 1, 2003, and by March 1 of each year thereafter, the Office will publish the Annual List of Community College Related Training Providers identifying the community colleges that have indicated their interest in offering apprenticeship related training courses and core apprenticeship services for the following school year. The Office will provide the Annual List and menu of core apprenticeship services to the Bureau of Labor and Industries, Apprenticeship and Training Division, the local joint committees and the community colleges.

(4) Local joint committees will utilize the Annual List of Community College Related Training Providers to enter into contractual agreements with one or more community colleges within the local joint committee boundaries to provide apprenticeship related training and core apprenticeship services to registered apprentices indentured to the local joint committee.

(5) If a community college and the local joint committee are unable to obtain agreement regarding apprenticeship related training and core apprenticeship services to be provided, the community college or local joint committee may contact the Office for a referral to the Oregon Public Policy Dispute Resolution Program for dispute resolution services. Dispute resolution services provided shall include fair and equitable membership as approved jointly by the community college(s) and the local joint committee.

(6) If no contractual agreement can be reached between a local joint committee and one or more community college(s) within the geographic jurisdiction of the local joint committee, the local joint committee may contract with any community college on the Annual List of Community College Related Training Providers willing to provide apprenticeship related training and core apprenticeship services.

(7) If the local joint committee determines that they wish to contract with another community college, the local joint committees will provide notice within 90 calendar days of the completion of the existing agreement to the contracting community college of its intention to contract with another community college.

(8) Contracts between community colleges and local joint committees will not imply any requirement on the part of the state for reimbursement.

Stat. Auth.: ORS 341.290
Stats. Implemented: ORS, 341.665, 660.157, 660.160, 660.167 & 660.190
Hist.: DCCWD 2-2003, f. & cert. ef. 3-10-03; DCCWD 5-2003, f. & cert. ef. 10-20-03; DCCWD 5-2015, f. & cert. ef. 10-30-15

589-007-0180
Contracts for Educational Services Between Community Colleges and Local Joint Committees

(1) Local joint committees, as private organizations, may contract with a community college to provide services of an educational nature that are subject to the approval of the Commission as identified in ORS 341.315.

(2) A community college may enter into contracts with local joint committees to obtain educational services for students enrolled in the community college as identified in ORS 341.440.

(3) Educational services provided under contract between the community college and the local joint committee must meet or exceed the accreditation requirements for Contractual Relationships with Organizations Not Regionally Accredited of the Commission on Colleges

and Universities of the Northwest Association of Schools and of Colleges and Universities or their successor to ensure full accreditation for the community college.

(4) The applicable requirements for contracted education services include but are not limited to:

(a) The primary purpose of offering the course is educational.

(b) Any course offered must be consistent with the institution's educational mission and goals.

(c) Courses to be offered and the value and level of their credit must be determined in accordance with established institutional and Commission policies and procedures.

(d) Courses offered must remain under the sole and direct control of the community college, which exercises ultimate and continuing responsibility for the performance of these functions as it relates to:

(A) Recruitment and advertising;

(B) Advising and counseling students;

(C) Appointment and validation of credentials of faculty and instructors teaching the course;

(D) Admission of students to courses and/or to the community college;

(E) Instruction in the courses;

(F) Evaluation of student progress;

(G) Record keeping;

(I) Tuition and/or fees charged, receipt and disbursement of funds, and refund policy;

(J) Nature and location of courses;

(K) Library and information resources;

(L) Additional data including course outlines, syllabi, copies of exams, records of students and evidence of equivalencies with established programs.

(5) Educational services provided by the local joint committee under contract with the community college must meet the standards for educational services provided by the college as identified in ORS 341.440.

(6) Community colleges may not enter into a contract where the community college is required to share any portion of FTE reimbursement provided by the state.

(7) Contracts between the community college and the local joint committee will be based upon reasonable costs associated with the educational services provided under the contract.

(8) As set forth in ORS 341.440, the contract for educational services between the community college and the local joint committee will not exceed the costs that would otherwise be incurred by the college to provide students with the same or similar services.

(9) Contracts for educational services between the community college and the local joint committee may include those core apprenticeship services as identified in OAR 589-007-0160. Services provided must remain under the direct and sole control of the community college and meet the standards of regular community college courses, programs and services and are services that are best provided through the contractual arrangement. The educational services that may be provided by the local joint committee are limited to:

(a) Facilities for apprenticeship related training courses;

(b) Assistance in recommending instructional staff that meet the college requirements for college faculty and instructors;

(c) Related training instructors to serve as instructors for college related training courses that meet the college requirements for college faculty and instructors;

(d) Equipment, services and supplies to be utilized for apprenticeship related training courses; and

(e) Assistance in the development of curriculum and assessments for related training courses.

(10) Contracts for educational services between the community college and the local joint committee will be consistent with OAR 589-002-0500 and will clearly establish the requirements and responsibilities of the community college and the local joint committee following regional accreditation and other requirements. Contracts will be executed by designated officers of the community college and the local joint committee and will include the following elements:

(a) Identification of the work to be performed, period of the agreement, and conditions under which renewal or renegotiation of the contract would take place;

(b) Identification of the community college as having ultimate responsibility for the performance of necessary control functions for the educational offerings and offering academic credit;

(c) Establishment of the responsibilities of the community college and the local joint committee regarding:

(A) Indirect costs

(B) Approval of salaries

(C) Equipment

(D) Subcontracts and travel

(E) Property ownership and accountability

(F) Inventions and patents

(G) Publications and copyrights

(H) Accounting records and audits

(I) Security

(J) Termination costs

(K) Tuition refund

(L) Student records

(M) Faculty facilities

(N) Safety regulations

(O) Insurance coverage

(d) Demonstration that the regional accreditation requirements have been met regarding:

(A) Enrollment agreements

(B) Tuition policies including rates, refunds and cancellations and collection practices

(C) Student recruitment including advertising and promotional literature and field agents.

Stat. Auth.: ORS 341.315

Stats. Implemented: ORS, 341.315, 341.440

Hist.: DCCWD 2-2003, f. & cert. ef. 3-10-03; DCCWD 5-2003, f. & cert. ef. 10-20-03; DCCWD 5-2015, f. & cert. ef. 10-30-15

589-007-0200

Two Plus Two and Dual Credit Programs

(1) For purposes of this rule, the following definitions apply:

(a) "Two Plus Two" means planned career and professional technical programs articulated between high schools and community colleges.

(b) "Dual Credit" means awarding secondary and postsecondary credit for a course offered in a high school during regular school hours, as determined by local school board and community college board policy.

(2) Before developing programs with high schools, each college shall file with the Office a policy for governing Two Plus Two and Dual Credit programs. Policies must include the following:

(a) Institutional standards for instructor qualifications (standards for teachers of lower division collegiate courses must include a master's degree in a subject area closely related to that in which the instructor will be teaching; however, in subject areas in which individuals have demonstrated their competencies and served in professional fields, and in cases in which documentation to support the individual's proficiency and high level of competency can be assembled, the master's degree requirement may be waived by the college president or substituted according to the community college's personnel policy);

(b) Methods for selecting student participants, including limiting classes to seniors and qualified juniors, and in exceptional cases other qualified students. Qualifications must be defined;

(c) Assurances that classes will be transcripted by the community college;

(d) Assurances that materials and subject matter are community college level.

(3) On or before October 1 of each year, community colleges shall submit an annual evaluation of the previous school year's Two Plus Two and Dual Credit programs, including but not limited to descriptions of:

(a) Programs and courses offered;

(b) Student outcomes;

(c) Instructors' qualifications; and

(d) Program costs.

(4) Participating school districts and post-secondary institutions shall develop written agreements based on the policies described in this rule regarding Two Plus Two and Dual Credit programs, which include:

(a) Criteria regarding approval of courses, selection and approval of instructors, admissions, procedures, counseling, monitoring, and evaluation; and

(b) The provision that all agreements and policies shall be available to all staff members involved in the programs and to parents and students.

(5) Participating school districts and postsecondary institutions shall, in consultation with appropriate staff members, determine that course content and instructional quality are consistent with that offered by the community colleges.

(6) The Director shall require an accounting of FTE consistent with these rules.

Stat. Auth.: ORS 351.735
Stats. Implemented: ORS , 351.735, 341.450, 341.484 & 341.535
Hist.: 1EB 10-1981, f. 5-6-81, ef. 5-7-81; EB 14-1991, f. & cert. ef. 7-19-91; Renumbered from 581-042-0088; DCCWD 1-2001, f. & cert. ef. 3-21-01, Renumbered from 581-043-0510; DCCWD 1-2003, f. & cert. ef. 1-9-03; DCCWD 5-2003, f. & cert. ef. 10-20-03; DCCWD 4-2013, f. & cert. ef. 6-25-13; DCCWD 5-2015, f. & cert. ef. 10-30-15

589-007-0300
Veterans Programs

Each community college requesting approval for the training of veterans and other eligible persons will contact the State Approving Agency (SAA) for veterans' administration.

Stat. Auth.: ORS 341.506
Stats. Implemented: ORS 341.506
Hist.: 1EB 223, f. 3-22-76, ef. 4-1-76; EB 14-1991, f. & cert. ef. 7-19-91; Renumbered from 581-046-0001; DCCWD 1-2001, f. & cert. ef. 3-21-01, Renumbered from 581-043-0530; DCCWD 1-2003, f. & cert. ef. 1-9-03; DCCWD 5-2003, f. & cert. ef. 10-20-03; DCCWD 5-2015, f. & cert. ef. 10-30-15

589-007-0400
General Educational Development Program and Certificates of High School Equivalency

(1) The General Educational Development (GED) 2014 test series are a measure of high school equivalency and include the following areas:

(a) Reasoning through language arts;

(b) Social studies;

(c) Science;

(d) Mathematical reasoning.

(2) All GED test applicants except those confined to Oregon correctional or health institutions must take the GED test at an official GED testing center or an approved military testing center..

(3) Oregon residency is not required to take the GED tests in Oregon. The applicant must have valid state or government issued photo identification.

(4) Local GED examiners shall be approved by the facility authorized by Pearson Vue to provide testing services and official GED testing centers will be approved by GED Testing Service (GEDTS) in consultation with the GED administrator when the following have been documented:

(a) Need for a new testing site in a specific region or location;

(b) Willingness of center personnel to meet all testing center requirements described in the GED Examiner's Manual published by GEDTS of the America Council on Education.

(5) The annual contract between local testing centers, the Office and the GEDTS shall provide assurances that all state and national requirements shall be met. Failure to meet requirements may result in center closure.

(6) Requirements for a Certificate of Equivalency include:

(a) That, except as provided below, the applicant must be 18 years of age to take the GED tests:

(A) An applicant who is at least 16 years of age, but not yet 18 years of age, may take the GED tests under the following circumstances:

(i) The local school district must certify to authorized Oregon GED lead staff that the applicant is exempt from compulsory school attendance for reasons cited in ORS 339.030(5), 339.250(6) and OAR 581-021-0070, 581-021-0071, and 581-021-0076, and has secured the permission of his or her parent or legal guardian; or

(ii) The Education Service District must certify to authorized Oregon GED lead staff that the applicant is exempt from compulsory school attendance for reasons cited in ORS 339.030(3); or

(iii) The parent or legal guardian must certify to authorized Oregon GED lead staff that the applicant is exempt from compulsory school attendance for reasons cited in ORS 339.030(1). The parent or legal guardian shall specifically indicate that the applicant has permission to take the GED tests; or

(iv) The applicant is enrolled in an approved Option Program for In School Youth as cited in OAR 581-022-1350.

(B) Because ORS 109.510 and 109.520 state that persons are deemed to reach majority upon marriage and because GEDTS policy states that persons must be 16 years of age to take the GED Tests (Examiner's Manual), an applicant that is married is eligible to take the GED tests at the age of 16 without an exemption from compulsory attendance.

(b) The Director may, under special and extraordinary circumstances, waive certification requirements in subparagraph (6)(A)(i), (ii) or (iii) of this rule.

(7) The GED lead staff shall ensure that the applicant is advised of:

(a) Locally available practice testing and preparation opportunities;

(b) Policies, including limitations on retesting procedures;

(c) The special GED scores that are required by apprenticeship and some postsecondary educational programs.

(8) To obtain the Certificate of Equivalency, an applicant must achieve a minimum standard score set by GEDTS and the Commission.

(9) Previous high school enrollment is not required for an applicant to be eligible to receive a Certificate of Equivalency.

(10) Certificate application:

(a) The individual who passes the tests may request for a first free copy of their GED certificate and transcript through a third party vender the State of Oregon is using at the time. A fee will be charged to the GED candidate for additional copies of the GED transcript and certificate.

(b) Test scores are accepted as official only when reported directly by official GED agencies, the United States Armed Forces Institute, directors of Veterans Administration hospitals, and in special cases by the GEDTS;

(11) Testing centers shall comply with the requirements of the testing program by refusing to administer tests to those who have not reached the age of 18 unless permitted by this rule.

(12) By authorization of the Commission on Educational Credit and Credentials, the Office oversees GED tests to individuals confined to state correctional and health institutions.

(13) Upon the recommendation of the Commission on Educational Credit and Credentials of the American Council on Education, the following provisions apply to GED testing of members of the Job Corps stationed in Oregon:

(a) Civilian-restricted forms of the GED test can be administered to Job Corps trainees who have been determined to be eligible by the educational director of the Job Corps Training Center;

(b) Testing will be conducted at official GED agencies, and the usual testing fee will be charged;

(c) Persons taking the test must be at least 18 years of age unless the applicant meets requirements in subparagraph (6) (A)(i), (ii), (iii), or (iv) of this rule.

[Publications: Publications referenced are available from the agency.]
Stat. Auth.: ORS 351.768
Stats. Implemented: ORS 351.768
Hist.: 1EB 49, f. 4-19-60, ef. 5-10-60; 1EB 130, f. 5-5-72, ef. 10-15-72; 1EB 137, f. 8-18-72, ef. 10-1-72; 1EB 194, f. 4-18-75, ef. 7-1-75; 1EB 240, f. & ef. 8-27-76; 1EB 5-1984, f. & ef. 3-7-84; EB 6-1988, f. & cert. ef. 1-14-88; EB 14-1991, f. & cert. ef. 7-19-91; Renumbered from 581-046-0010; EB 15-1992, f. & cert. ef. 5-13-92; EB 4-1993, f. & cert. ef. 1-13-93; EB 30-1993(Temp), f. & cert. ef. 9-30-93; EB 36-1993, f. & cert. ef. 12-14-93; DCCWD 1-2001, f. & cert. ef. 3-21-01, Renumbered from 581-043-0600; DCCWD 1-2006, f. 4-17-06, cert. ef. 4-18-06; DCCWD 1-2014(Temp), f. & cert. ef. 3-14-14 thru 9-10-14; DCCWD 5-2014, f. & cert. ef. 7-22-14; DCCWD 5-2015, f. & cert. ef. 10-30-15

589-007-0500
State GED Fees

(1) The Commission authorizes the Office to charge a fee of $38 per test at the time testing begins (this includes the $8.00 state administration fee).

(2) Persons seeking a GED equivalency certificate shall be issued that certification upon verification that the state fee has been paid and the requirements of OAR 589-007-0400 have been met.

(3) State fees will be collected by GEDTS at the time a GED candidate registers online for the GED tests and will be distributed to the department on a monthly basis.

(4) A GED high school equivalency certificate will be issued upon successful completion of the four subtests.

(5) Effective January 2, 2014, the state discount retaken test fee of $10 will be implemented for up to two retaken tests per failed content area provided the retaken tests occur within 12 calendar months.

Stat. Auth.: ORS 351.768
Stats. Implemented: ORS 192.440 & 351.768
Hist.: 1EB 130, f. 5-5-72, ef. 10-15-72; 1EB 258, f. 1-31-77, ef. 2-1-77; 1EB 6-1984(Temp), f. & ef. 3-7-84; 1EB 10-1984, f. & ef. 4-13-84; EB 12-1991, f. & cert. ef. 7-19-91; Renumbered from 581-046-0005; ODE 1-2001, f. 1-25-01, cert. ef. 1-26-01; DCCWD 1-2001, f. & cert. ef. 3-21-01, Renumbered from 581-041-0011; DCCWD 1-2009, f. & cert. ef. 7-6-09; DCCWD 1-2013(Temp), f. & cert. ef. 5-31-13 thru 11-27-13; DCCWD 5-2013, f. & cert. ef. 9-20-13; DCCWD 1-2014(Temp), f. & cert. ef. 3-14-14 thru 9-10-14; DCCWD 5-2014, f. & cert. ef. 7-22-14; DCCWD 5-2015, f. & cert. ef. 10-30-15

589-007-0600
Adult High School Diploma Program

The purpose of the Adult High School Diploma program is to provide an opportunity for persons with an exemption from compulsory attendance to earn an Oregon diploma.

(1) Definitions. As used in this rule:

(a) "Adult High School Diploma" or "AHSD" means a diploma that fulfills all state requirements as provided in OAR 581-022-1130 and the community college program requirements as defined in the approved program plan, and is issued by a community college with an approved program

plan on file at the Office of Community College and Workforce Development.

(b) "Adult high school diploma credit" means credit earned by the student prior to enrolling in or earned outside of the AHSD program for academic coursework, as well as credit awarded by the community college for proficiency and life experience, but does not include credit awarded for challenge tests.

(c) "Adult high school diploma academic credit" means credit earned by the student at the community college for academic coursework, from either secondary level or community college courses.

(2) The Commission shall oversee the AHSD as provided in ORS 351.768 and ORS 339.505(1) and approve AHSD programs of the community colleges. The Commission delegates administrative responsibilities to the Director to review and make a recommendation to the Commission regarding program approval.

(3) The Office shall administer the statewide AHSD program and establish policies and procedures for the approval and monitoring of AHSD programs.

(4) Community colleges are authorized to award the AHSD subject to Commission approval of the community college AHSD plan, consistent with these rules, and consistent with administrative policies and procedures of the Office.

(5) To be eligible to receive an AHSD, a student shall:

(a) Have an exemption from compulsory attendance as provided in OAR 581-021-0076 and ORS 339.030(2), or otherwise not be required to attend as provided in ORS 339.010;

(b) Fulfill all state requirements as provided in OAR 581-022-1130 or other rules establishing minimum requirements for an Oregon diploma;

(c) Earn at least one adult high school diploma academic credit from a community college with an approved program; and

(d) Fulfill all program requirements as described in the approved community college AHSD program plan.

(6) A community college shall adopt policies and procedures for the approval of the AHSD program plan. These policies and procedures shall provide that:

(a) Before the community college may award an AHSD, the college shall have an approved program plan on file at the Office. The plan shall be approved by the local community college board of education prior to being filed for review with the Office and recommendation for approval by the Director. The community college shall submit the plan to the Office on a date and in a format described in guidance documents provided by the Office.

(b) The filing process shall be complete when the Commission has approved the plan and the community college has received a letter of authorization from the Office.

(c) The plan must include but is not limited to:

(A) The statement of assurances described in guidance documents provided by the Office; and

(B) A description of the following:

(i) Program mission and goals;

(ii) Admission requirements;

(iii) Student orientation and advising;

(iv) Maintenance of student records;

(v) Services for students with disabilities;

(vi) Student assessment and completion criteria;

(vii) Course offerings;

(viii) Personalized learning;

(ix) Awarding adult high school diploma credit;

(x) Minimum credit requirement;

(xi) Other community college or program requirements; and

(xii) Recognition of student achievement.

(7) Once a plan is approved by the Commission, monitoring and evaluation of the approved plan is by the Office through the Director, pursuant to standards and rules of the Commission. Monitoring and evaluation shall include annual reporting by the community college with such information as the Office may require.

(8) A community college shall adopt policies and procedures for the annual update of the AHSD program plan. These policies and procedures shall provide that:

(a) The program shall submit annually the signed statement of assurances as required by the Office.

(b) The program shall submit annually a plan update and statistical reports as required by the Office.

(c) The program shall participate in ongoing program monitoring and evaluation as required by the Office.

(9) All community colleges are presumed to maintain an approved AHSD program unless the college has been found to be deficient by the Director, pursuant to the AHSD plan requirements.

(10) If any deficiency is not corrected before the beginning of the program year following the date of the finding of deficiency and if an extension has not been granted under section (11), the Director may recommend to the Commission that AHSD program approval be rescinded until any such deficiency is corrected unless the recommendation would create an undue hardship, as determined pursuant to rules of the Commission.

(11) The Director must submit notification to a community college regarding a deficiency that will require the community college to submit a corrective action plan and a staff member of the Office staff shall contact the community college and offer technical assistance.

(a) Within 90 days of the finding of deficiency, a community college shall submit a corrective action plan acceptable to the Commissioner for meeting AHSD plan requirements.

(b) When an acceptable plan for meeting AHSD plan requirements has been submitted, the Director may allow an extension of time before recommending program approval be rescinded, not to exceed 12 months, if the Director determines that any such deficiency cannot be corrected or removed before the beginning of the next program year.

(12) Pursuant to rules adopted by the Commission, the Director may extend the time specified for submitting a corrective action plan if the Director determines that a human-created disaster or a natural disaster affects the ability of the community college to comply with the date requirement.

(13) The Commission may suspend, revoke, or refuse to renew its approval of an AHSD program if:

(a) The community college fails to maintain the requirements in OAR 581-022-1130;

(b) The community college fails to maintain the requirements in OAR 589-007-0600; or

(c) The community college refuses to implement corrective actions before the beginning of the next program year or by the end of the granted extension period.

(14) A community college may request to terminate its AHSD program by submitting a letter of termination from the community college board.

(15) Program suspension or termination begins on the date that:

(a) The Commission suspends, revokes, or refuses to renew its approval of an AHSD program; or

(b) The college designates as the final operating date in its letter of termination.

(16) Suspended or terminated programs requesting re-approval are required to utilize the AHSD Program Approval Procedure identified by the Office.

Stat. Auth.: ORS 339.030
Stats. Implemented: ORS 339.505
Hist.: 1EB 132, f. 5-19-72, ef. 6-1-72; 1EB 166, f. 2-20-74, ef. 3-11-74; 1EB 263, f. & ef. 7-5-77; 1EB 9-1983, f. & ef. 10-13-83; EB 14-1991, f. & cert. ef. 7-19-91; Renumbered from 581-042-0005(5)(a) - (d); ODE 2-2001, f. 1-25-01, cert. ef. 1-26-01; DCCWD 1-2001, f. & cert. ef. 3-21-01, Renumbered from 581-043-0650; DCCWD 2-2013, f. & cert. ef. 5-31-13; DCCWD 5-2015, f. & cert. ef. 10-30-15

589-007-0700
National Career Readiness Certificate (NCRC) Program

(1) The purpose of the National Career Readiness Certification (NCRC) program is to prepare Oregonians for the workplace and for college as a part of implementing an integrated workforce delivery system that focuses on developing the skills and talents of Oregonians. The NCRC in Oregon provides individuals with documented, transportable, skills-based certificates.

(2) The Office shall administer the statewide program for the National Career Readiness Certificate called for in ORS 660.343 , and establish a policy and procedures for:

(a) Initial skills review assessments to identify participant's skill levels;

(b) Targeted instruction and remedial skill-building for participants;

(c) Foundational skills assessments for participants;

(d) Training of staff to administer assessments based on established guidelines;

(e) Delivery site criteria and validation of these criteria;

(f) Quality assurance processes;

(g) Development of systems to collect, track and maintain data;

(h) Participant's eligibility criteria. Eligible program participants:

(A) Must be a citizen or national of the United States, lawfully admitted permanent resident alien, refugee, asylee, or parolee, or other immigrant authorized by the Attorney General to work in the United States;

(B) Must be a resident of Oregon or an employee of businesses located in Oregon;

(C) Must comply with NCRC assessment-taking procedures and requirements as outlined in American College Testing (ACT) test coordinator manual and directions for administration.

(D) Must meet any additional eligibility requirements as dictated by the funding source(s) used to administer, implement, or support the NCRC program.

(3) Services provided by the NCRC program shall include, but are not limited to:

(a) An assessment process that includes an initial skills review and a foundational skills assessment of examinees in reading for information, applied mathematics, and locating information at a minimum;

(b) Targeted and accelerated instruction and remedial skills training to increase foundational skills for participants as determined by the assessment process;

(c) Issuance of a National Career Readiness Certificate to any eligible individual who earns a minimum score of a 3 on each of the NCRC assessments for reading for information, applied mathematics, and locating information:

(A) Certificates issued to examinees on successful completion of the assessments must describe the skills demonstrated by the examinee as evidence of the individual's readiness for employment;

(B) Each of the NCRC assessments shall be scored on a scale of three and above. The level of credential examinees receive is based on the following:

(i) A bronze-level certificate requires a minimum score of three or above on each of the assessments.

(ii) A silver-level certificate requires a minimum score of four or above on each of the assessments.

(iii) A gold-level certificate requires a minimum score of five or above on each of the assessments.

(iv) A platinum-level certificate requires a minimum score of six or above on each of the assessments.

(4) The results of NCRC assessments must be used, at a minimum, to determine a participant's career readiness as determined by general skills requirements and job profiles, and to determine additional instructional needs for the participant in reading, locating information, and applied mathematics, or other assessments needed or required.

(5) Participants may opt out of the NCRC database by informing the Agency in writing, by mail, and with examinee's signature that he or she wants to opt out of the database.

(6) The Office shall conduct periodic studies of the assessments used in Oregon to document Essential Skill for high school graduation to compare their effectiveness in preparing graduates for successful transition to post-secondary education and the workplace.

Stat. Auth.: ORS 660.343
Stats. Implemented: 660.343
Hist.: DCCWD 2-2009(Temp), f. & cert. ef. 7-15-09 thru 1-8-10; DCCWD 6-2009, f. & cert. ef. 12-14-09; DCCWD 3-2011, f. & cert. ef; 12-9-11; DCCWD 2-2012(Temp), f. & cert. ef. 8-6-12 thru 1-31-13; DCCWD 4-2012, f. & cert. ef. 12-26-12; DCCWD 5-2015, f. & cert. ef. 10-30-15

589-007-0800
Oregon On-the-Job Training (OJT) Program

(1) The purpose of the Oregon On-the-Job Training (OJT) Program is to support the Governor's Workforce agenda by providing OJT and the National Career Readiness Certificate (NCRC) as solutions relating to employee hiring, training, and retention .

(2) The Office determines the statewide implementation and operation of the OJT Program in Oregon.

(3) The OJT Program in Oregon shall involve at a minimum:

(a) Cost-effective solutions to the issues of employee hiring, training, and retention;

(b) Utilization of public and private resources;

(c) Certification of career readiness skills for participants as defined by the National Career Readiness Certificate;

(d) Employer provided, job-specific training for Oregonians newly hired under this program;

(e) A process to identify appropriate companies and job seekers to participate in the programs;

(f) A process by which monies may be appropriated and allocated to the local workforce investment boards to support projects identified by local workforce investment areas;

(g) Employer reimbursement schedules will follow local policies.

(4) Tracking and reporting to the Office the outcomes of the Oregon On-the-Job Training Program in the local workforce investment area shall include, but are not limited to:

(a) The number of employers participating in the program;

(b) The number of employees completing training;

(c) The number of employees retained after completing training;

(d) Types of jobs filled by occupational codes;

(e) Characteristics of the unemployed being placed into OJTs;

(f) The number of participants that earn National Career Readiness Certificates;

(g) Signed NCRC letters of commitment from OJT employers to "prefer" job candidates that have an NCRC.

Stat. Auth.: 660.300 - 660.364 & 660.343
Stats. Implemented: 660.303, 660.309 & 660.343
Hist.: DCCWD 2-2011(Temp), f. & cert. ef. 7-29-11 thru 1-25-12; DCCWD 4-2011, f. & cert. ef. 12-9-11; DCCWD 5-2015, f. & cert. ef. 10-30-15

589-008-0100
Guidelines for Formation of Community College Personnel Policies

(1) Each community college board of education shall establish a personnel policy statement, including a policy on instructor selection and development that must include, but need not be limited to, the following:

(a) Definitions of the main terms used in the policy;

(b) Institutional standards for instructor qualifications (standards for teachers of lower division collegiate courses must include a master's degree in a subject area closely related to that in which the instructor will be teaching; however in subject areas in which individuals have demonstrated their competencies and served in professional fields and in cases in which documentation to support the individual's proficiency and high level of competency can be assembled, the master's degree requirement may be waived by the college president or substituted according to the community college's personnel policy);

(c) Position descriptions;

(d) Procedures for instructor approval, including period of instructor approval;

(e) Procedures for providing individual, written notice of reasonable assurance of continued employment to all employees who are to perform services in the same or a similar capacity during a subsequent academic year or term or in the period immediately following a recess period. Such notice shall be given by May 30 of each year for employees employed as of that date and as of the date of hire for employees employed subsequent to May 30. Pursuant to ORS 341.547, faculty members on annual or indefinite tenure, classified staff members on regular status and management service employees are considered to have been given notice for the purposes of this section;

(f) A statement regarding academic freedom and responsibility;

(g) Procedures for staff development for full-time and part-time instructors;

(h) Procedures for staff evaluation;

(i) Grievance and appeals procedures;

(j) Affirmative action and nondiscrimination practices;

(k) College organization; and

(l) Methods of policy development and review.

(2) Personnel policies adopted by community college boards shall be filed with the Director within one year following establishment of the community college district. Thereafter, each college shall file annually, between December 1 and January 1, either any policy revisions made or a statement that policies currently on file are being continued. In the event the governing board of the community college fails to enact the personnel policies as required by subsection (1) of this rule, the Director may withhold the next scheduled Community College Support Fund payment until such personnel policies are enacted and submitted to the Office.

(3) Each community college board shall develop a policy outlining the procedure for faculty selection. The policy shall include procedures by which the college will maintain records documenting the faculty member's credentials, professional development activities and other information supporting the faculty member's instructional assignment. In no case shall the standards for faculty selection fall below those set forth in the most recent Accreditation Handbook published by the Commission on Colleges and Universities of the Northwest Association of Schools and Colleges.

(4) Each community college board shall develop policies for professional development for full and part-time instructors consistent with the standards as required by the most recent Accreditation Handbook published by the Commission on Colleges and Universities of the Northwest Association of Schools and Colleges.

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

Stat. Auth.: ORS ORS 341.015 & 341.290
Stats. Implemented: ORS 341.015 & 341.547
Hist.: 1EB 131, f. 5-19-72, ef. 6-1-72; 1EB 135, f. 7-11-72, ef. 8-1-72; 1EB 153, f. 7-20-73, ef. 8-1-73; 1EB 167, f. 2-20-74, ef. 3-11-74; EB 14-1991, f. & cert. ef. 7-19-91; Renumbered from 581-043-0005, 581-043-0010, 581-043-0015, 581-043-0020, 581-043-0025, 581-043-0030, 581-043-0035, 581-043-0100, 581-043-0105 & 581-043-0110; DCCWD 1-2001, f. & cert. ef. 3-21-01, Renumbered from 581-043-0700; DCCWD 1-2003, f. & cert. ef. 1-9-03; DCCWD 5-2003, f. & cert. ef. 10-20-03; DCCWD 4-2014(Temp), f. 4-23-14, cert. ef. 4-24-14 thru 10-21-14; DCCWD 5-2014, f. & cert. ef. 7-22-14; DCCWD 5-2015, f. & cert. ef. 10-30-15

589-008-0200
Use of Community College Instructors in High Schools

(1) A school district may contract with a community college accredited by the Northwest Association of Schools and Colleges or a community college contracting for delivery of instructional and curriculum services with an accredited community college for instruction at a high school site by a faculty member who does not hold a current Teacher Standards and Practices Commission license if the following conditions are met:

(a) The faculty member is employed by a community college accredited by the Northwest Association of Schools and Colleges or the faculty member is employed by a community college under contract with an accredited community college for delivery of instructional and curriculum services.

(b) The faculty member's teaching qualifications are verified by formal preparation and/or work experience, including:

(A) Evidence of academic and/or professional technical training sufficient to demonstrate competency in the subject-matter area;

(B) Successful postsecondary teaching experience in the discipline and/or program area; or

(C) Resume of work experience sufficient to demonstrate competency in the discipline and/or program.

(c) The faculty member meets current board-adopted personnel policies of both the school district and community college.

(d) The faculty member presents evidence of good moral character, mental and physical health, and such other evidence as the school district board may deem necessary to establish the applicant's fitness to serve as a teacher;

(e) The person has not been convicted of any crime listed in ORS 342.143;

(f) The school district does not have appropriately licensed personnel available for the specific teaching assignment without misassignment and was not able to identify and attain such staff after conducting a reasonably diligent search; and

(g) The assignment includes no more than two high school units of credit or equivalent per year.

(2) A school district shall not contract for unlicensed staff under ORS 342.173(1) during school closures, strikes and summer sessions.

(3) Governing boards of the school district and community college shall annually review each contract to ensure that the requisites of this rule have been met:

(a) Contracts approved by both boards shall be forwarded to the Commission for annual review and approval. Such contracts may be submitted to the Commission for approval after a teacher has been assigned to teach. However, the Commission reserves the right to find any contract in violation of current statutes or administrative rules notwithstanding the teacher's starting date;

(b) The Commission shall report to the Teacher Standards and Practices Commission violations of these rules that could result in forfeiture of State School Funds as stated in ORS 342.173 and OARs 584-050-0060, 584-050-0065 and 584-050-0067.

Stat. Auth.: ORS 351.735,341.015 & ORS 342.173
Stats. Implemented: ORS 341.535 & ORS 342.173
Hist.: EB 25-1987(Temp), f. & ef. 10-20-87; EB 28-1988, f. & cert. ef. 6-9-88; EB 14-1991, f. & cert. ef. 7-19-91; Renumbered from 581-043-0256; DCCWD 1-2001, f. & cert. ef. 3-21-01, Renumbered from 581-043-0750; DCCWD 1-2003, f. & cert. ef. 1-9-03; DCCWD 5-2003, f. & cert. ef. 10-20-03; DCCWD 5-2015, f. & cert. ef. 10-30-15

589-009-0100
Immunizations Requirements for Certain Community College Students

(1) Pursuant to ORS 433.283(2) and Health Division OAR 333-050-0140, the following definitions are set forth:

(a) "Clinical Experiences" means a student is required to complete practical work experience with patients in a public or private health facility.

(b) "Practicum Experiences in Education and Child Care Programs" means a student is required to complete practical work experience in a public or private child care or education setting.

(c) "Membership on an Intercollegiate Sports Team" means a college-sponsored team that engages in competition with other intercollegiate teams.

(2) Community college students born on or after January 1, 1957, must have two doses of measles vaccine prior to any participation in clinical experiences in allied health programs; or practicum experiences in education and child care programs; or membership on intercollegiate sports teams.

(3) Each community college shall develop procedures to implement and maintain this requirement.

(4) Each community college shall include a medical exemption and religious exemption.

(5) Acceptable records to document proof of two doses of measles vaccines are contained in OAR 333-050-0140.

(6) The Oregon Health Division may conduct validation surveys to insure compliance with the vaccination requirements.

Stat. Auth.: ORS 433.283
Stats. Implemented: ORS 433.283
Hist.: EB 25-1992(Temp), f. & cert. ef. 7-27-92; EB 32-1992, f. & cert. ef. 10-14-92; DCCWD 1-2001, f. & cert. ef. 3-21-01, Renumbered from 581-043-0800; DCCWD 1-2003, f. & cert. ef. 1-9-03; DCCWD 5-2003, f. & cert. ef. 10-20-03; DCCWD 5-2015, f. & cert. ef. 10-30-15

589-010-0100
Nondiscrimination in Education Programs

(1) For the purposes of this rule:

(a) "Discrimination" or "discriminate" is defined as any act that unreasonably differentiates treatment, intended or unintended, or any act that is fair in form but discriminatory in operation, either of which is based on race, color, national origin, religion, sex, age, disability, veterans' status, sexual orientation, or marital status.

(b) "Community College" is defined as any program or service operated by a community college or community college district.

(c) "Director" means the Director of the Office of Community Colleges and Workforce Development, or a person designated to act in his or her capacity.

(d) "Office" means the Office of Community Colleges and Workforce Development.

(2) No person in Oregon shall be subjected to discrimination in any Community College activity.

(3) Subject to exemptions granted by state or federal law, no person in Oregon shall be subject to discrimination in any terms or conditions of employment at any Community College. Every Community College shall develop and implement a nondiscrimination plan. Such plan shall be submitted to the Office at the time personnel policies are filed under OAR 589-008-0100.

(4) In providing education programs, services, or activities to students, a Community College shall not discriminate by:

(a) Treating one student differently from another in determining whether such person satisfies any requirement or condition for the provision of such aid, benefit, or service;

(b) Providing different aid, benefits, or services; or providing such aids, benefits, or services in a different manner;

(c) Denying any student such aid, benefit, or service;

(d) Subjecting any student to separate or different rules or behaviors, sanctions, or other treatment;

(e) Aiding or perpetuating discrimination by joining or remaining a member of any agency or organization which discriminates in providing any aid, benefit, or service to students or employees;

(f) Otherwise limiting any student in the enjoyment of a right, privilege, advantage, or opportunity.

(5) A Community College shall not discriminate when providing any course or otherwise carrying out any of its educational programs or activities, or requiring or refusing participation therein by any of its students:

(a) This section does not prohibit grouping of students in any educational program or activity by ability as assessed by objective standards of individual performance.

(b) This section does not prohibit separating students by sex within physical education courses or activities, or during participation in sports in which the purpose or major activity involves bodily contact.

(6) Community Colleges shall not discriminate in offering housing facilities to students, except that:

(a) Separate housing may be provided for men and women; and

(b) Available housing of comparable quality may be divided between men and women on the basis of the number of applications for housing of each sex.

(7) Community Colleges shall not discriminate in providing financial assistance to applicants or students. However, Community Colleges are free to determine the total amount or types of assistance that will be granted and may place reasonable limitations on eligibility for assistance coming from any particular source. Community Colleges may not assist any person, organization or group in the administration of financial aid on a prohibited basis. Community Colleges shall comply with the implementing regulations of Title IX of the Education Amendments of 1972, with respect to administration of sex-restricted scholarships. Community Colleges that award athletic scholarships must ensure that reasonable opportunities exist for members of each sex to participate on athletic teams.

(8) A Community College that actively assists any agency, organization, or person in making employment available to any of its students shall not assist prospective employers known by the Community College to discriminate in their recruitment, hiring, or employment practices.

(9) A Community College or any of its agents, including student groups, may not discriminate in offering to students a medical, hospital, or accident policy, plan, benefit, or service. However, Community Colleges may offer a benefit or service even though it is not used by the same proportion of students of one group as of another. When full coverage health services are provided, basic gynecological care shall be provided.

(10) The Director may issue written interpretations concerning rules for nondiscrimination upon the written request of parties to a complaint at the Community College level.

(11) Community Colleges shall adopt written procedures for the prompt resolution of complaints of discrimination. A grievant may, after exhausting grievance procedures at the Community College level, or 90 days if no final decision has been made by the Community College, appeal in writing to the Director. On receiving a written appeal the Commissioner shall send a copy of the complaint to the President of the Community College to which the complaint applies. The Commissioner shall request the Community College to provide within ten days:

(a) A copy of the Community College's grievance procedures for hearing complaints of discrimination;

(b) A copy of all documents concerning the complaint and the Community College's record of the grievance proceeding;

(c) A copy of the Community College's written decision;

(d) The Community College's position concerning any issues raised by the appeal; and

(e) Any other information the Community College considers relevant.

(12) After receiving the Community College's response, if the Director determines that the person filing the appeal has not exhausted all Community College grievance procedures or that 90 days have not elapsed since the Community College received the complaint, the Director shall notify the complaining party and the Community College that the Director will take no action at this time. If the Director determines that the person filing the complaint has exhausted Community College grievance procedures or that the Community College has not issued a final decision and more than 90 days have elapsed since the Community College's receipt of the complaint, the Director shall make a determination as provided under section (15) of this rule.

(13) The Director shall review the hearing record to determine the following:

(a) Whether the Community College followed its grievance procedures appropriately;

(b) Whether the Community College's findings are supported by facts and information in the record;

(c) Whether the Community College engaged in any action that constitutes discrimination.

(14) The Director shall consult the Department of Justice for advice if the appeal raises legal issues.

(15) Following review of the record, the Director shall:

(a) Issue an order of dismissal of the appeal upon a finding that the Community College properly followed its procedures and that no substantial evidence exists to support the charge of discrimination;

(b) Recommend mediation if both parties are willing to participate in mediation;

(c) Remand the complaint to the Community College for prompt resolution if the Director finds that the Community College has not followed its grievance procedures appropriately or that there are remaining factual issues that could be best resolved by the Community College;

(d) Issue an order with findings that the Community College has engaged in discrimination; or

(e) If the review indicates problems with the Community College's grievance procedure or its application of that procedure, require the Community College to submit a corrective action plan that addresses the deficiencies identified by the Commissioner within 30 days of the issuance of the Director's order.

(16) The Director shall enter an order in writing within 30 days of the filing of the appeal unless both parties agree to extend the time or the Director finds there is good cause for an extension of time. Should the Director find that an extension of time is warranted, notice of the allowed extension of time shall be delivered to all the parties within 30 days after the appeal was filed.

(17) If the Director finds that the Community College has engaged in discrimination, the Director shall require the Community College to submit a corrective action plan within 30 days of the issuance of the Director's order. The corrective action plan should be designed to assure that the Community College corrects any discrimination that has occurred and that the Community College has taken reasonable steps to assure that the discrimination will not reoccur.

(18) If a Community College fails to submit a corrective action plan or fails to carry out the terms of its corrective action plan, the Director shall consider the following sanctions:

(a) Withholding of state funding or

(b) Other remedies within the Director's discretion.

(19) The Director shall review the corrective action plan to ensure that it meets the requirements of the Director's order, and under appropriate circumstances, the Director may request additional information, conduct an on-site inspection, or take other appropriate action to ensure that the Community College has fully complied with the Director's order and the corrective action plan.

(20) The Director shall keep the Commission informed of any pending discrimination appeals and shall report to the Commission any final orders issued by the Director at the next regular meeting following issuance of the Director's order.

Stat. Auth.: ORS 659.850

Stats. Implemented: ORS 659.850, 659.855 & 659.860

Hist.: 1EB 260, f. 3-3-77, ef. 3-5-77; EB 14-1991, f. & cert. ef. 7-19-91; Renumbered from 581-043-0115, 581-043-0116, 581-043-0118 & 581-043-0119; EB 24-1995, f. & cert. ef. 9-18-95; DCCWD 1-2001, f. & cert. ef. 3-21-01, Renumbered from 581-043-0900; DCCWD 5-2002, f. & cert. ef. 11-13-02; DCCWD 5-2003, f. & cert. ef. 10-20-03; DCCWD 5-2015, f. & cert. ef. 10-30-15

589-020-0110

Workforce Investment Act Methods of Administration

(1) The Office of Community Colleges and Workforce Development will comply with the equal opportunity and nondiscrimination provisions of Section 188 of the federal Workforce Investment Act of 1998 (P.L. 105-220) and 29 CFR part 37 with respect to all programs and activities conducted as part of the Oregon One-Stop delivery system. This includes staff and employment practices of the staff responsible for implementing and administering the Act's programs and activities.

(2) Definitions: As used in OAR 589-020-0100, unless the context requires otherwise:

(a) "One-Stop delivery site" means a Workforce Investment Act center designated by a local board, and other certified centers recognized in the Memoranda of Understanding;

(b) "Workforce Investment Act" means the federal Act as codified in Public Law 105-220.

(3) In conducting both programs and activities that are part of the Oregon One-Stop delivery system, the Office will follow the Methods of Administration promulgated by the Governor in accordance with 29 CFR § 37.4. In particular, the Office shall:

(a) Appoint an agency Equal Opportunity Officer to carry out the duties specified in the Methods of Administration and ensure that, if employed less than full-time as the agency Equal Opportunity Officer, any other duties, responsibilities or activities do not create a conflict of interest or the appearance of a conflict of interest with the duties of the agency Equal Opportunity Officer;

(b) Collect data on participants as required by 29 CFR § 37.37 to 37.41 and the Methods of Administration and provide aggregate data to the state Equal Opportunity Officer and the Department of Labor, as required;

(c) Permit the designated state Equal Opportunity Officer to monitor the Office's compliance with the Workforce Investment Act, 29 CFR part 37, and the Methods of Administration by providing the state Equal Opportunity Officer access to:

(A) One-Stop delivery sites, including affiliate sites, from which the Office operates its programs and activities;

(B) Equal Opportunity Notices created by the Office and provided to participants; and

(C) Any contracts, grants, interagency agreements, or other arrangements between the Office and other providers pertaining to programs and activities provided in the One-Stop system; and

(D) Data required to be collected pursuant to paragraph (b).

(d) Develop procedures and adopt administrative rules, as necessary, to comply with and monitor compliance with the Workforce Investment Act, 29 CFR part 37, and the Methods of Administration by:

(A) The Office and its employees;

(B) Recipients of financial assistance from the agency under Title I of the Workforce Investment Act and their employees; and

(C) Entities operating programs or activities, or providing services, conducted as part of the Oregon One-Stop delivery system on behalf of the Office, and employees thereof, including training providers; and

(e) Ensure that the agency's Equal Opportunity Officer and other appropriate staff attend scheduled periodic training about the Methods of Administration and associated duties; and

(f) Comply with any corrective actions imposed by the Governor for violations of the nondiscrimination and equal opportunity provisions of the Workforce Investment Act, 29 CFR part 37, and the Methods of Administration and cooperate with any investigative activities or monitoring requirements of the state Equal Opportunity Officer.

(4) Notwithstanding periodic monitoring by the state Equal Opportunity Officer, the Office is responsible for all violations of the nondiscrimination and equal opportunity provisions of the Workforce Investment Act, 29 CFR part 37, and the Methods of Administration committed by:

(a) The Office and its employees;

(b) Recipients of financial assistance from the Office under Title I of the Workforce Investment Act and their employees; and

(c) Entities operating programs or activities, or providing services, conducted as part of the Oregon One-Stop delivery system on behalf of the Office, and employees thereof, including training providers.

Stat. Auth.: ORS 351.755
Stats. Implemented: 660.330
Hist.: DCCWD 4-2002, f. & cert. ef. 9-23-02; DCCWD 6-2003, f. & cert. ef. 10-20-03; DCCWD 5-2015, f. & cert. ef. 10-30-15

589-020-0210
Distribution of WIA Title IB State Incentive Grants for Local Performance Measures

(1) Purpose: This rule establishes the requirements and methodology that the Office of Community Colleges and Workforce Development will utilize for distribution of state incentive grants and performance improvement plans pursuant to the federal Workforce Investment Act (WIA), PL 105-220, its amendments and regulations thereto.

(2) Definitions:

(a) Continuous Performance Improvement Plan: Funds made available to Local Workforce Investment Areas (LWIAs) that achieve a cumulative program area score less than 100% and at least 80% of the negotiated performance level on each performance indicator within a program area. See agency Policy 589-20.2 for application process.

(b) Cumulative Program Area Score: The aggregate amount by which a Local LWIA exceeds or falls below the negotiated performance levels in a particular program area.

(c) Exemplary Performance: Having achieved a cumulative program area score greater than 100% and at least 80% of the negotiated performance level on each performance indicator within a program area.

(d) Failure to Meet: Actual performance for any of the performance indicators that falls below the negotiated level of performance. Technical assistance is required to be provided under WIA Section 134(a)(2)(B)(iv) to Local Workforce Investment Areas (LWIAs) that fail to meet local performance measures.

(e) Grantee: Recipient of grant funds from the Department of Labor. Refers to the Office of Community Colleges and Workforce Development (the Office).

(f) Incentive Awards: Funds awarded to LWIAs that meet Exemplary Performance.

(g) Incentive Grants: A portion of the Statewide Employment and Training Activities funds under WIA Title IB Section 134(a)(2)(B)(iii) and (vi) that is required to be used to award exemplary performance by local areas on the local performance measures and to provide technical assistance for LWIAs that fail to meet local performance measures.

(h) Local Performance Measure: A performance measure established under Section 136(c) of WIA. Local performance measures consist of the core performance indicators established under Section 136(b)(2)(A) of WIA and fall into four program areas - adult, dislocated worker, youth, and customer satisfaction.

(i) Local Workforce Investment Area(s): The area(s) in the state designated by the Governor under Section 116 of WIA to which WIA Title IB funds are allocated to carry out WIA Title IB programs.

(j) Mandatory Performance Improvement Plan: LWIAs that achieve a cumulative program area score of less than 100% and less than 80% of the negotiated performance level on a performance indicator within a program area must prepare and seek funding for a plan to address failure to meet performance. See agency Policy 589-20.2 for application process.

(k) Negotiated Performance Level: The numeric performance targets agreed to by the State and the LWIA for each of the core performance indicators.

(l) Performance Measures: The performance indicators required by the Workforce Investment Act of 1998.

(m) Program Area: Four program areas used in the evaluation of performance for incentive purposes; adults, dislocated workers, youth, and customer satisfaction.

(n) Program Year (PY): The period July 1 through June 30 of each year.

(3) Available WIA funds shall be reserved for incentive awards and awarded in accordance with the following criteria:

(a) To be eligible for an incentive award for a program area, the LWIA must achieve a cumulative average score greater than 100% for the performance measures in a given program area (adult, dislocated worker, youth, or customer satisfaction); and

(b) The LWIA must achieve at least 80% of the negotiated performance level on each performance measure within a given program area.

(c) Incentive funds shall be awarded annually after the end of each Program Year (PY), when data to compute actual performance becomes available.

(4) Funds available to each LWIA, which may be earned in accordance with (3)(a) and (b) shall be determined:

(a) By calculating the percent each of the adult, youth and dislocated worker program's PY allocation is of the total PY allocation;

(b) By multiplying the total funds available for incentive awards by the percentages identified in (5)(1) of this OAR to arrive at the available funds for each program (adult, dislocated worker, and youth); and finally

(c) By multiplying the amounts identified in (5)(b) of this OAR for each program by the PY allocation percentages of each LWIA for the respective program; these products are then added to arrive at the total funds that each LWIA might earn.

(5) Funds available to be earned for each program area (adult, dislocated worker, youth and customer satisfaction) shall be calculated in the following manner:

(a) Each program area bears equal weight (25% for each of the four program areas).

(b) The total funds that each LWIA might earn ((4)(c) of this OAR) are multiplied by 25% to arrive at the amount that might be earned for each program area (adult, dislocated worker, youth, and customer satisfaction).

(6) Incentive awards will be made from funds available for that purpose out of current year funding, e.g., PY'04 incentive funds are used to reward PY'03 performance.

(7) Awarded incentive funds may be used for any activities allowed under WIA Title IB.

(8) Definitions used for performance measures shall conform to those provided by the Department of Labor in Training and Employment Guidance Letter (TEGL) 17-05.

(9) Incentive awards shall only be applied to performance in Title IB programs.

(10) Funds for Continuous Performance Improvement Plans and Mandatory Performance Improvement Plans will be made available for LWIAs whose cumulative program area scores fall below 100% of the negotiated level.

(a) LWIAs whose cumulative program area score falls below 100% of the negotiated performance level may seek funding for Continuous Performance Improvement Plans.

(b) LWIAs whose cumulative program area score falls below 80% of the negotiated performance level must develop and seek funding for Mandatory Performance Improvement Plans.

(c) Funds may be used for any allowable WIA Title IB activities in support of a Continuous Performance Improvement Plan or Mandatory Performance Improvement Plan to correct identified deficiencies that led to failure to meet agreed upon levels of performance.

(d) Continuous Performance Improvement Plan and Mandatory Performance Improvement Plan awards will not exceed the amount the LWIA would have earned had performance been met.

(e) LWIAs seeking funds to support Continuous Performance Improvement Plan or Mandatory Performance Improvement Plan must submit the plan in writing to the Office . The plan shall be submitted timely, identify the problem/issue to be remedied, and provide a budget supporting the work to be accomplished.

(11) Funds remaining after distribution of all incentive awards, and Continuous Improvement Plan and Mandatory Performance Improvement Plan awards will revert to the Office's 15% Statewide Activities Fund for allowable uses at the discretion of the Director of the Office.

Stat. Auth.: ORS 351.755 & 660.318
Stats. Implemented: 660.318
Hist.: DCCWD 4-2002, f. & cert. ef. 9-23-02; DCCWD 6-2003, f. & cert. ef. 10-20-03; DCCWD 3-2006(Temp), f. & cert. ef. 6-15-06 thru 11-30-06; DCCWD 7-2006, f. 11-14-06, cert. ef. 11-15-06; DCCWD 5-2015, f. & cert. ef. 10-30-15

589-020-0225
Employer Workforce Training Fund

(1) Purpose: The Employer Workforce Training Account (EWTA) was established by Executive Order #03-16 to support the retention and growth of living wage jobs, a skilled workforce, and competitive businesses in Oregon. To administer the EWTA, the Office of Community Colleges and Workforce Development (Office) established the Employer Workforce Training Fund (EWTF). This workforce development strategy must ensure that public and private sector investments are leveraged for the greatest impact and that training programs are responsive to the needs of business, industry, and the workers.

(2) Definitions:

(a) Employer Workforce Training Account (EWTA): Established by Executive Order to support the Governor's economic recovery plan to ensure that a skilled workforce available to keep Oregon's industries productive and competitive.

(b) Employer Workforce Training Fund (EWTF): Includes Workforce Response Team (WRT) funds, EWTF Statewide Opportunity funds (SO) and the EWTF Governor's Strategic Training Fund (GSTF).

(3) General Provisions: Employer Workforce Training Fund (EWTF).

(a) The EWTF has three outcome goals:

(A) Create and retain living wage jobs in Oregon;

(B) Build a highly skilled workforce, especially in high-wage, high-demand industries;

(C) Enhance the global competitiveness of Oregon businesses based on the skill of their workforce.

(b) The EWTF includes Oregon's Workforce Investment Act (WIA) allocation, identified as reserve funds, under section 128(a) and 133(a) of the WIA.

(c) The OWIB Strategic Plan gives direction to the EWTF which is most advantageous economically to the state and workforce regions. The direction for EWTF funds may be updated at the direction of the OWIB and the Governor or his designee through the OWIB Strategic Plan.

(d) All employers and partner agencies participating in regional or statewide EWTF projects must meet the requirements of the Office Methods of Administration (MOA).

(e) OWIB must notify the Office annually, prior to July 1, of the funding allocation for EWTF. A minimum of 65% of the funds shall be allocated regionally for WRT purposes. The remainder will be allocated at OWIB's discretion for SO and GSTF.

(f) The Office shall allocate and distribute EWTF in accordance with the OWIB allocation. All funds must be expended on a cost reimbursement basis.

(g) EWTF projects must comply with all applicable federal, state and local laws, rules, regulations, executive orders, ordinances or orders applicable to this funding.

(h) All participants in any EWTF award decision must comply with conflict of interest requirements at 29 CFR 667.200(a)(4)(i) by neither casting a vote on, nor participating in any decision-making capacity.

(i) All EWTF projects are subject to the Office Monitoring.

(4) EWTF Workforce Response Team (WRT) Funds

(a) The EWTF WRT funds shall be used to support the training of workers at outlined in the Office policy 589-20.4.

(b) The Office shall distribute the WRT funds to the Local Workforce Investments Boards for regional distribution through the local plan.

(5) EWTF Statewide Opportunity (SO) Funds:

(a) The SO funds are awarded for the purpose of solving challenges or engaging in opportunities in Oregon with regard to its workforce development needs. SO funds will be focused in opportunity areas identified by the OWIB and the Governor or his designee.

(b) OWIB will:

(A) Seek, identify, and/or select proposals based on strategic plan priorities;

(B) Establish eligibility criteria and application process for SO grants;

(C) Set performance measures and reporting for SO projects;

(D) Approve SO projects;

(E) Adopt policies as needed for SO funds.

(c) The Office will administer the EWTF SO funds.

(6) EWTF Governor's Strategic Training Fund (GSTF):

(a) The GSTF supports the retention and growth of living wage jobs, a skilled workforce, and competitive businesses in Oregon. GSTF is a flexible, responsive, and time-sensitive resource for training Oregon's private sector workforce. The emphasis is to upgrade the skills of the workforce in order to increase productivity, keep Oregon businesses viable and competitive, and offer new skills and opportunities to Oregon's workers. The Governor or his designee, the Oregon Economic and Community Development Department (OECDD), the Office and OED will set the broad criteria for GSTF. Funding decisions shall be made by the Governor and/or his designee. Upon the Governor's approval, an approved application will be sent to the Office to award funds.

(b) OWIB will coordinate with the Governor and/or his designee to:

(A) Establish eligibility criteria and application process for GSTF projects;

(B) Set performance measures and reporting for GSTF projects;

(C) Coordinate approval of GSTF projects decisions with the Governor and/or his designee;

(D) Adopt policies as needed for GSTF.

(c) The Office will administer the EWTF GSTF.

Stat. Auth.: ORS 351.755 & 660.318
Stats. Implemented: 660.318 & 660.340
Hist.: DCCWD 2-2004, f. & cert. ef. 11-30-04; DCCWD 4-2006(Temp), f. & cert. ef. 6-15-06 thru 11-30-06; DCCWD 5-2006, f. & cert. ef. 9-15-06; DCCWD 1-2008(Temp), f. & cert. ef. 9-18-08 thru 3-17-09; DCCWD 2-2008, f. & cert. ef. 12-29-08; DCCWD 5-2015, f. & cert. ef. 10-30-15

589-020-0270
Performance Measures Improvement

(1) Purpose: The purpose of this rule is to establish the requirements and procedures that take effect if a Local Area fails to meet the local performance measures negotiated with the Office pursuant to the federal Workforce Investment Act (WIA), PL 105-220, its amendments and regulations thereto.

(2) Definitions: As used in OAR 589-020-0270, unless the context requires otherwise:

(a) Failure to Meet: Actual performance for any of the 17 core performance indicators that falls below 80% of the negotiated level of performance. Technical assistance is required to be provided under WIA Section 134(a)(2)(B)(iv) to Local Workforce Investment Areas (LWAs) that fail to meet local performance measures.

(b) Negotiated Levels of Performance: The numeric performance target agreed to by the Office and the LWA for each of the 17 core performance indicators.

(c) Performance Measures: the 17 performance indicators required by the Workforce Investment Act of 1998, section 136; Final Rules, 20 CFR part 666, published at 65 federal Register 49419 (August 11, 2000).

(d) Program Area: A cluster of measures used in the evaluation of performance for incentive or improvement purposes. There are four program areas: Adults, Dislocated Workers, Youth (both older and younger youth), and customer satisfaction (even though it is not technically a "program").

(e) Unawarded Incentive Grant Funds: Those funds remaining after all incentive awards have been made.

(3) The LWA must achieve at least 80% of the negotiated performance level on each performance measure within a given program area to qualify as having met performance.

(4) Technical assistance shall be provided by the Office or upon request by the Office, the U.S. Department of Labor, Employment and Training Administration, if an LWA fails to meet negotiated levels of performance relating to a program area for any program year.

(a) Technical assistance may include assistance in the development of a performance improvement plan, or the development of a modified local plan.

(b) The following criteria must be considered in providing technical assistance:

(A) The action taken must be remedial in nature rather than punitive; and

(B) Action taken must be appropriate to remedy the problem causing the poor performance.

(5) When the Office determines the local area has failed to meet any negotiated performance, the Office notifies the local area. Upon such notification, the procedures described below shall be followed:

(a) The local area analyzes the problem relative to the failed indicator(s);

(b) The local area develops and submits a program improvement plan to the Office within 30 calendar days of notification from the Office designed to address performance not achieved. The plan shall include proposed actions and costs. The local area may request the assistance of the Office in developing the program improvement plan.

(c) Within 30 calendar days following receipt of the plan, the Office reviews and may approve the program improvement plan based on the following criteria:

(A) The plan adequately addresses the indicator(s) not achieved; and

(B) The costs of the planned action are reasonable.

(d) If the program improvement plan is not approved, the Office notifies the local area of the decision and provides assistance to address the issues resulting in the plan disapproval.

(6) Upon approval of the program improvement plan by the Office, Unawarded Incentive Grant funds shall be made available in accordance with OAR 589-020-0270 for technical assistance/program improvement to those local areas whose performance for any of the 17 core performance indicators falls below 80% of the negotiated performance level.

(7) If failure to meet performance as defined in (2)(a), (3) and (4) of this OAR continues for a second consecutive year, the Office shall take corrective action which may include development of a reorganization plan through which the Office may:

(a) Require the appointment and certification of a new local board (consistent with the criteria established under WIA Section 117(b);

(b) Prohibit the use of eligible providers and one-stop partners identified as achieving a poor level of performance; or

(c) Take such other actions as the Office determines are appropriate to improve the performance of the local area including those identified in (4) through (6) of this OAR. Other actions may include the selection of an alternative entity to administer the program(s) for the local area. The alternative entity may be a newly formed workforce investment board or any agency jointly selected by the Office and the chief elected official(s) of the LWA.

(8) A local area that is subject to a reorganization plan under (7) of this OAR may, not later than 30 days after receiving notice of the reorganization plan, appeal to the Office to rescind or revise such plan. In such case, the Office shall make a final decision not later than 30 days after the receipt of the appeal.

(a) The decision of the Office shall become effective at the time the Office issues the decision pursuant to (8) of this OAR. Such decision shall remain effective unless the Secretary of the U.S. Department of Labor rescinds or revises such plan pursuant to (8)(b) of this OAR.

(b) The local area may, not later than 30 days after receiving a decision from the Office pursuant to (8) of this OAR, appeal such decision to the Secretary of the U.S. Department of Labor. In such case, the Secretary shall make a final decision not later than 30 days after the receipt of the appeal.

[Publications: Publications referenced are available from the agency.]
Stat. Auth.: ORS 351.755
Stats. Implemented: ORS 351.755
Hist.: DCCWD 6-2002, f. & cert. ef. 12-4-02 thru 6-2-03; DCCWD 4-2003, f. & cert. ef. 5-14-03; DCCWD 5-2015, f. & cert. ef. 10-30-15

589-020-0300
Procedure for Resolving a Non-Criminal Allegation of a Violation of the Act, Regulations, Grant or Other Agreement Under the Workforce Investment Act filed Directly Against the Department of Community Colleges and Workforce Development

(1) If there is a complaint against the Office and the complainant is a Local Workforce Area subrecipient, another grant recipient, or other entity receiving WIA funds directly from the Office, the initial complaint must be filed at the State level with the Office. Complainants are entitled to an opportunity for informal resolution of the complaint and a contested case hearing.

(2) Both the informal resolution process and the contested case hearing must be completed within 60 days of receipt of a complaint.

(3) These procedures shall be used for the resolution of complaints arising from actions, such as audit disallowance or the imposition of sanctions, taken by the governor with respect to audit findings, investigations, or monitoring reports.

Stat. Auth.: ORS 351.755 & 660.318
Stats. Implemented: ORS 660.318
Hist.: EWP 3-2000, f. & cert. ef. 12-22-00; EWP 3-2007(Temp), f. & cert. ef. 12-13-07 thru 6-6-08; EWP 1-2008, f. & cert. ef. 4-14-08; Renumbered from151-020-0045, DCCWD 4-2009, f. & cert. ef. 8-31-09; DCCWD 5-2015, f. & cert. ef. 10-30-15

589-020-0310
Confidentiality – Definitions

(1) "Exiter" means a participant who has a date of case closure, completion or known exit from WIA-funded or non-WIA funded partner services within the quarter (hard exit); or a participant who does not receive any WIA-funded or non-WIA funded partner service for 90 days and is not scheduled for future services except follow-up services (soft exit).

(2) "Participant" means a person applying for or receiving training in programs conducted under Title IB of the Act.

(3) "Participant behavioral records" are records which include, but are not limited to, psychometric testing, personality evaluations, written transcripts of incidents relating to participant behavior, grades, conduct, personal and academic evaluations, counseling, alcohol or substance abuse evaluation and/or treatment, disciplinary actions, if any, and other personal evaluations.

(4) "Participant records" include all participant records, participant behavioral records and documents which contain personally identifiable information maintained by the recipient and its subrecipients.

(5) "Personally identifiable" means that the participant records include:

(a) The name of the participant, the participant's parents;

(b) Other family members;

(c) The address of the participant;

(d) A personal identifier, such as the participant's Social Security number or phone number;

(e) A list of personal or physical characteristics which would make the participant's identity easily traceable; or

(f) Other information which would make the participant's identity easily traceable.

(6) "Program staff" means Recipient and Subrecipient staff.

(7) "Recipient" means the Governor and the Office.

(8) "Release" means to make participant records available to individuals, agencies or businesses for inspection in original or duplicate form.

(9) "Surrogate" means an individual who acts in the place of a parent or guardian in safeguarding a participant's rights when the parent or guardian is unknown (the parent cannot be identified or ascertained by diligent inquiry), unavailable (after reasonable effort, the whereabouts of the parents cannot be ascertained) or the participant is a ward of the State. "Surrogate" may also apply to disabled adults who have a designated legal guardian or advocate.

Stat. Auth.: ORS 351.755 & 660.318
Stats. Implemented: ORS 660.312
Hist.: EWP 1-2000(Temp), f. 6-30-00, cert. ef. 7-1-00 thru 12-27-00; Renumbered from 151-020-0060, DCCWD 4-2009, f. & cert. ef. 8-31-09; DCCWD 5-2015, f. & cert. ef. 10-30-15

589-020-0320
Authority to Request Social Security Numbers

(1) The purpose of this rule is to establish legal authority, policy and procedures for obtaining and using Social Security numbers from participants to comply with record-keeping and performance measurement requirements for services provided under Title IB of the federal Workforce Investment Act of 1998 (P.L. 105-220)(WIA).

(2) It is the policy of Office of Community Colleges and Workforce Development (Office) and providers of WIA Title IB services to request participants registering for or participating in services provided in relation to WIA Title IB services or activities to voluntarily provide and authorize the use of their Social Security numbers. Participants are requested to release their Social Security numbers for purposes of record keeping related to referral and service delivery, and for performance measurement, research, planning and program evaluation. The request shall notify the participant that:

(a) Release of the Social Security number is voluntary;

(b) Request for release is made under authority of this rule; ORS 660.339; and WIA sections 136, 185 and 188, 29 USC 2871, 2935 and 2938; and

(c) The specific uses that will be made of the Social Security number. Those specific uses must be described in the notification.

(3) Procedures: The request to a participant to release his or her Social Security number shall conform to forms and/or procedures developed by the Office. Any alteration in the wording or procedure must be approved by the Office. When an individual registers or applies for WIA Title IB services, the individual will be provided with a notice about the request to

obtain and use the Social Security number. Individuals will be requested to voluntarily agree to the use of Social Security numbers for the uses described in that notice.

(a) Refusal to voluntarily disclose or permit the use of his/her Social Security number by the individual will not be used as a basis to deny the individual any right, benefit or privilege provided solely under Title IB of the Workforce Investment Act.

(b) Any specific program that requests or requires disclosure of a Social Security number in relation to or as a condition of eligibility to participate in that specific program (such as unemployment compensation, Temporary Assistance for Needy Families, food stamps or Oregon Health Plan) will separately advise applicants about those specific eligibility requirements. If an individual refuses to voluntarily consent to disclosure of his or her Social Security number for WIA Title IB purposes, but releases the Social Security number as a mandatory condition for participating in a specific program, the mandatory program will mask the Social Security number or take any other appropriate action to ensure it is used only for purposes allowed under the mandatory disclosure requirement.

(c) A completed form that authorizes the use of Social Security numbers and related records for WIA Title IB purposes will remain valid unless or until revoked, and the Office and providers in the WIA Title IB service delivery system may utilize the Social Security numbers for authorized purposes.

(d) If an individual refuses to authorize the use or disclosure of his or her Social Security number, the Office or WIA IB provider may assign an alternative individual identification number. Such number is personally identifiable information and is governed by disclosure requirements under the Public Records Law, ORS 192.410 to 192.505.

(e) Participants receiving services funded by WIA Title IB who enter work-based programs such as on-the-job training or work experience activities will be required to disclose their Social Security numbers for employment or payroll purposes. All other provisions of this rule will apply to the use of the Social Security number.

(f) Social Security numbers will not be disclosed to the general public.

Stat. Auth.: ORS 351.755 & 660.339
Stats. Implemented: ORS 660.339
Hist.: EWP 2-2000, f. 7-7-00, cert. ef. 7-7-00 thru 12-27-00; EWP 3-2000, f. & cert. ef. 12-22-00; Renumbered from 151-020-0065, DCCWD 4-2009, f. & cert. ef. 8-31-09; DCCWD 5-2015, f. & cert. ef. 10-30-15

589-020-0330
Confidentiality

(1) This Oregon Administrative Rule (OAR) provides information to the recipient and subrecipients when making decisions concerning the disclosure of information from applicant and participant records. The purpose of the OAR is:

(a) To protect applicants and participants from unreasonable invasions into their privacy;

(b) To give applicants and participants access to their records; and

(c) To inform applicants and participants about the reasonable uses of their records for purposes of administering the WIA.

(2) As used in 589-020-0330 the following definitions apply:

(a) "Applicant" means a person applying or registering for services in programs conducted under Title IB of the Act.

(b) "Participant" means a person applying for or receiving services in programs conducted under Title IB of the Act.

(c) "Personally identifiable" means that the applicant or participant records include:

(A) The name of the applicant or participant, their parents; or

(B) Other family members;

(C) The address of the applicant or participant;

(D) A personal identifier, such as the applicant's or participant's Social Security number or phone number;

(E) A list of personal or physical characteristics which would make the applicant's or participant's identity easily traceable, or

(F) Other information which would make the applicant's or participant's identity easily traceable.

(d) "Surrogate" means an individual who acts in the place of a parent or guardian in safeguarding an applicant's or participant's rights when the parent or guardian is unknown (the parent cannot be identified or ascertained by diligent inquiry), unavailable (after reasonable effort, the whereabouts of the parents cannot be ascertained) or the applicant or participant is a ward of the State. "Surrogate" may also apply to disabled adults who have a designated legal guardian or advocate.

(3) No applicant or participant records shall be released without the express consent of the applicant or participant, their parent or legal guardian or surrogate, except as noted in this rule.

(a) An applicant or participant may provide written consent for the examination or release of his/her records;

(b) An applicant or participant who is under the age of 18 and is not legally emancipated shall not authorize the release of any records pertaining to him/herself without the written consent of their parent, legal guardian or surrogate unless otherwise provided for herein;

(c) Custodial and non-custodial parents share equal access to applicant or participant records unless a court order is presented to the contrary.

(4) Records of applicants or participants, who are at least 18 years of age, shall not be released to anyone, including their parent, legal guardian or surrogate, without the written consent of the applicant or participant unless otherwise provided pursuant to applicable state or federal law.

(5) To the extent otherwise authorized by applicable state or federal law, release of applicant or participant records is authorized for purposes of:

(a) As required to meet emergency medical or other unusual circumstances, but only if the release of such information is necessary to protect the health and safety of the applicant or participant or other individuals;

(b) Among subrecipient staff, and subrecipients and their contractors when necessary for the provision of effective and efficient services or as necessary with other one-stop programs for which the clients may be eligible and only with a properly executed release of information form;

(c) Pursuant to a court order or lawfully issued subpoena;

(d) To authorized federal, state or local staff, or designee, to determine compliance with nondiscrimination and equal employment opportunity requirements under 29 CFR Part 37;

(e) To public agencies when the applicant or participant has applied to the agency for assistance or service or is receiving such assistance or service only with a properly executed release of information form;

(f) To private auditing firms employed by the subrecipient to carry out monitoring of its programs for internal purposes only with a properly executed release of information form;

(g) To organizations who provide test scoring and/or data analysis provided that the organization has established written policies to preserve the confidentiality of the records, will not send reports containing applicant or participant personally identifiable information to anyone other than the organization requesting the service; and applicant or participant record information will not be disclosed when disclosure would constitute a clearly unwarranted invasion of personal privacy only with a properly executed release of information form;

(h) To organizations, including state and federal workforce development, educational agencies and community colleges and their local boards, conducting studies for or on behalf of employment and training agencies, educational agencies, the State of Oregon Workforce Investment Board for purposes which may include developing, validating, or administering predictive tests, program enhancement or in order to develop statistical and demographic data to facilitate the creation of strategies to improve the education, training and quality of Oregon's workforce provided that:

(A) The information shall be used only for the purposes for which it is made available; and

(B) Personally identifiable information contained in the applicant or participant records has been transformed or otherwise encoded by a staff member from the agency releasing the records to a form usable by the organization conducting the study or, if applicable, to those standards required by the Shared Information System, in order to safeguard the identity of the applicant or participant.

(6) The subrecipients shall establish policies for protecting the confidentiality of applicant or participant records and procedures for releasing or examining such records which will include all of the following:

(a) Hours during which record release or examination may occur;

(b) That a written request for such release or examination must be made;

(c) That the request specifically identify the applicant or participant record to be examined;

(d) That the requestor provide his or her name and address;

(e) The person to whom such requests should be directed (normally the custodian of records);

(f) That the fee schedule for record production not exceed the actual cost of production, including staff time, in locating, reviewing and copying the records; and

(g) A record of each release, for which an applicant or participant, parent, legal guardian or surrogate's written consent is required, shall be maintained. Such record shall include the name of the party seeking access, the

date access was granted, and the purpose for which the party requested or was authorized to use the records. The records of disclosure should be kept with, but not released or examined as a part of, the applicant's or participant's records. If participant behavioral records are released, the record of disclosure shall include the name of the individual who explained the behavioral portion of the records.

Stat. Auth.: ORS 351.755 &; 660.339
Stats. Implemented: ORS 660.339
Hist.: EWP 3-2000, f. & cert. ef. 12-22-00; Renumbered from 151-020-0075, DCCWD 4-2009, f. & cert. ef. 8-31-09; DCCWD 5-2015, f. & cert. ef. 10-30-15

589-020-0340
Eligible Training Provider — Definitions

(1) "Adult Education" Services or instruction below the postsecondary level for individuals who:

(a) Have attained 16 years of age;

(b) Are enrolled or required to be enrolled in secondary school under State law; and

(A) Lack sufficient mastery of basic educational skills to enable the individuals to function effectively in society;

(B) Do not have a secondary school diploma or its recognized equivalent, and have not achieved an equivalent level of education; or

(C) Are unable to speak, read, or write the English language.

(2) In order for Adult Education and literacy activities to be considered a training activity, it must be in combination with any of the following:

(a) Occupational training,

(b) On-the-Job training,

(c) Programs that combine workplace training with related training,

(d) Occupational skills training programs,

(e) Skill upgrading and training,

(f) Entrepreneurial training, and

(g) Job readiness training.

(3) "Apprenticeship Training" One to six year programs that are structured, paid on-the-job training directly supervised by journey persons in a trade. Programs include related technical instruction of at least 144 hours per year. Apprenticeship programs are based on agreements between employers and apprentices and are approved and registered with the registration agency (state or federal).

(4) "Contracted Training" is designated to prepare specifically identified individuals for entrance into the workforce in a particular occupation or group of occupations. Training is generally offered through a contract between an agency, business, or other entity and a training provider. Performance outcomes are a key component of the agreement and are the responsibility of the sponsoring organization.

(5) "Customized Training" Training that is:

(a) Designed to meet the special requirements of an employer (including a group of employers);

(b) Conducted with a commitment by the employer to employ an individual on successful completion of the training; and

(c) For which the employer pays for not less than 50% of the cost of the training.

(6) "Entrepreneurial Training" Training that provides an individual with the knowledge and skills to start and grow a business.

(7) "Occupational Skills Training" Programs designed to prepare persons with the skill and knowledge to enter employment in a specific occupation or group of occupations. Programs vary in length depending on the current knowledge of the participant and the skills necessary for employment in the particular field.

(8) "On-the Job Training" Training by an employer that is provided to a paid participant while engaged in productive work in a job:

(a) Provides knowledge or skills essential to the full and adequate performance of the job;

(b) Provides reimbursement to the employer of up to 50% of the wage rate of the participant, for the extraordinary costs of providing the training and additional supervision related to the training; and

(c) Is limited in duration as appropriate to the occupation for which the participant is being trained, taking into account the content of the training, the prior work experience of the participant, and the service strategy of the participant, as appropriate.

(9) "State List of Eligible Training Providers and Programs" The sanctioned state list of training programs that are certified for use by WIA Participants, WorkSource Oregon Centers and others to provide training services under the Workforce Investment Act under Title IIB for Adult and Dislocated Workers.

(10) "Workplace Training and Related Instruction" A program of study that combines occupational skills training, related instruction and work-experience to provide persons with the skills, knowledge and abilities to enter employment in a specific occupation or group of occupations.

Stat. Auth.: ORS 351.755 &660.318
Stats. Implemented: ORS 660.318
Hist.: EWP 1-2000(Temp), f. 6-30-00, cert. ef. 7-1-00 thru 12-27-00; EWP 3-2000, f. & cert. ef. 12-22-00; Renumbered from 151-020-0100, DCCWD 4-2009, f. & cert. ef. 8-31-09; DCCWD 5-2015, f. & cert. ef. 10-30-15

589-020-0350
Eligible Training Provider Process

(1) The workforce investment system established under WIA emphasizes informed customer choice, system performance, and continuous improvement. The eligible provider process is part of the strategy for achieving these goals. This rule sets forth the procedures that Local Boards, in partnership with the State, shall follow to identify providers whose performance qualifies them to receive WIA funds to provide training services to adults and dislocated workers.

(2) A provider is initially eligible to receive WIA Title IB funds to provide training services to eligible adult and dislocated worker participants through an individual training account if they are placed on the statewide list of eligible providers pursuant to this section.

(3) Training services to be provided under the Act using training providers on the Statewide List of Eligible Training Providers shall include the following:

(a) Apprenticeship;

(b) Entrepreneurial Training;

(c) Occupational Training Programs (Occupational Skills Training);

(d) Occupational Course(s) of Study;

(e) Workplace Training Programs;

(f) Adult Education, if in combination with any one of a-e, above; and

(g) Local Boards, if they meet the conditions of WIA section 117(f)(1).

(4) On-the-job training and customized training providers need not be on the Statewide List of Eligible Training Providers and Programs to receive Title IB funds.

(5) Community-based organizations and other private organizations serving participant groups that face multiple barriers to employment need not be on the Statewide List of Eligible Training Providers and Programs to receive Title IB funds.

(6) Training providers may submit an application to any of the Local or Regional Workforce Investment Boards in the State to be approved for inclusion on the Statewide List of Eligible Training Providers and Programs.

(7) To be eligible to be a training provider on the Statewide List of Eligible Training Provider and Programs, the provider shall meet:

(a) All applicable state and federal licensure requirements.

(b) The requirements of 20 CFR 663 subpart E, WIA section 122, and any local criteria adopted by Local Boards.

(8) The Office is responsible for:

(a) Establishing the procedure for use by the local boards to determine initial and subsequent eligibility of a provider who seeks to receive WIA funds to deliver a program of training services.

(A) The procedure shall specify that institutions and organizations that are Higher Education Act Title IV or National Apprenticeship Act eligible shall be considered automatically eligible to be on the Statewide List of Eligible Training Providers and Programs through June 30, 2001 once they have submitted a complete and accurate application with information on the school, institution or organization and on the program or course of study for which they seek ETP certification.

(B) For those institutions and organizations not listed in subsection (7)(a)(A), the procedure shall require them to submit additional information relating to performance criteria including:

(i) Organizational Capacity,

(ii) Training Services Capacity,

(iii) Focus on Employment and Training Needs,

(iv) Facilities, Equipment and Safety,

(v) Employment Opportunities,

(vi) Student Evaluation and Monitoring,

(vii) Special Population Services,

(viii) Demonstrated Performance,

(b) Developing and maintaining the State List of Eligible Providers and Programs, which is comprised of approved providers, submitted by Local Boards;

(c) Having on file a signed statement from each Eligible Training Provider that the provider assures the accuracy and truthfulness of applica-

tions prior to certification and inclusion on the State List of Eligible Training Providers and Programs.

(d) Verifying the accuracy of the information submitted by the provider as required by the Act, in consultation with the Local Board;

(e) Removing providers who do not meet the requirements of this section or who do not meet program performance levels;

(f) Taking appropriate enforcement actions, against providers in the case of the intentional provision of inaccurate information, as described in WIA section 122(f)(1), and in the case of a substantial violation of the requirements of WIA, as described in WIA section 122(f)(2);

(g) Disseminating the State list, accompanied by cost information relating to each provider, to One-Stop operators throughout the State; and

(h) Adopting a grievance procedure for training providers whose application was removed from the statewide list.

(9) The Local Board shall:

(a) Develop an application or use the state approved application seeking the information required by the state pursuant to this section as well as any additional application components and criteria identified by the local board;

(b) Accept applications from those interested in becoming an eligible training provider;

(c) Develop a process for reviewing and approving all completed applications;

(d) Forward all approved applications to the Office;

(e) Adopt a grievance procedure for training providers whose application is not approved; and

(f) Make the complete Statewide List of Eligible Training Providers and Programs available to participants and customers through the WorkSource Oregon Centers.

(10) The Office shall administer the criteria and application procedures and provide guidance to Local Boards to be used in administering the eligible training provider process at the local level.

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

Stat. Auth.: ORS 351.755 & 660.318

Stats. Implemented: ORS 660.318

Hist.: EWP 1-2000(Temp), f. 6-30-00, cert. ef. 7-1-00 thru 12-27-00; EWP 3-2000, f. & cert. ef. 12-22-00; Renumbered from 151-020-0110, DCCWD 4-2009, f. & cert. ef. 8-31-09; DCCWD 5-2015, f. & cert. ef. 10-30-15

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Landscape Contractors Board
Chapter 808

Rule Caption: Update Landscape Contractors Board bond language to reflect new laws (SB580).
Adm. Order No.: LCB 7-2015(Temp)
Filed with Sec. of State: 10-16-2015
Certified to be Effective: 10-17-15 thru 12-31-15
Notice Publication Date:
Rules Amended: 808-003-0610
Subject: Update Landscape Contractors Board bond language to reflect new laws (SB580).
Rules Coordinator: Kim Gladwill-Rowley—(503) 967-6291, ext. 223

808-003-0610
Bonds, Generally

(1) A properly executed Landscape Contractors Board bond must:

(a) Be in the form adopted by the Landscape Contractors Board as the Landscape Contractors Board Surety Bond.

(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.

(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.

(3) If a claim is filed against a licensee for work done during the work period of a contract entered while the security required under ORS 671.690 is in effect, the security must be held until final disposition of the complaint.

Stat. Auth.: ORS 670.310 & 671.670

Stats. Implemented: ORS 671.690

Hist.: LCB 7-2009, f. & cert. ef. 10-28-09; LCB 11-2009(Temp), f. & cert. ef. 12-1-09 thru 5-30-10; LCB 4-2010, f. & cert. ef. 6-2-10; LCB 7-2015(Temp), f. 10-16-15, cert. ef. 10-17-15 thru 12-31-15

Rule Caption: Increases fees to be in alignment with the 2015–17 Budget
Adm. Order No.: LCB 8-2015
Filed with Sec. of State: 10-21-2015
Certified to be Effective: 11-1-15
Notice Publication Date: 9-1-2015
Rules Amended: 808-003-0130
Subject: Increases fees to be in alignment with the 2015–17 Budget
Rules Coordinator: Kim Gladwill-Rowley—(503) 967-6291, ext. 223

808-003-0130
Fees

(1) Initial license

(a) Initial landscape contracting business license, $275 effective November 1, 2015.

(b) Initial landscape construction professional license, $100 effective November 1, 2015.

(c) Initial landscape construction professional license, $95 for licenses issued on or before October 31, 2015.

(d) Initial landscape contracting business license, $260 for licenses issued on or before October 31, 2015.

(2) Renewal of active license

(a) Renewal of active landscape contracting business licenses with an expiration date of November 30, 2015 or later, $275.

(b) Renewal of active landscape construction professional licenses with an expiration date of November 30, 2015 or later, $100.

(c) Renewal of active landscape contracting business licenses with an expiration date on or before October 31, 2015, $260.

(d) Renewal of active landscape construction professional licenses with an expiration date on or before October 31, 2015, $95.

(3) Renewal of inactive license

(a) Renewal of inactive landscape contracting business, $275 effective November 30, 2015.

(b) Renewal of inactive landscape construction professional, $100 effective November 30, 2015.

(c) Renewal of inactive landscape contracting business licenses with an expiration date of October 31, 2015, $260.

(d) Renewal of inactive landscape construction professional licenses with an expiration date of October 31, 2015, $95.

(4) Late penalty fee:

(a) Landscape contracting business, $35.

(b) Landscape construction professional, $35.

(5) Landscape Construction Professional License Application fee: $100.

(6) Landscape Contracting Business License Application fee: $150.

(7) Probationary Landscape Construction Professional License Application: $75

(8) Owner or Managing Employee Application fee: $60.

(9) Request from license holder for a replacement license card: $20

(10) Reinstatement of suspended license: $50. The reinstatement date will be the date the agency updates the record.

(11) To convert a license from an inactive status to an active status or from an active status to an inactive status at a time other than at renewal: $50. The status change date will be the date the agency updates the record.

(12) If a landscape construction professional license expires, the amount to be paid for reinstatement to active or inactive status 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 agency updates the record.

(13) If a Landscape contracting business license expires, the amount to be paid for reinstatement to active or inactive status 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 agency updates the record.

(14) 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.

(15) 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; Administrative correction 5-19-10; LCB 4-2010, f. & cert. ef. 6-2-10; LCB 5-2010(Temp), f. & cert. ef. 7-20-10 thru 1-16-11; LCB 6-2010, f. 8-12-10, cert. ef. 8-13-10; LCB 2-2011, f. & cert. ef. 1-27-11; LCB 16-2011, f. 12-29-11, cert. ef. 1-1-12; LCB 8-2015, f. 10-21-15, cert. ef. 11-1-15

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Oregon Business Development Department
Chapter 123

Rule Caption: Thorough modification to rules regarding existence and sponsorship of enterprise zones and technical improvement.
Adm. Order No.: OBDD 13-2015
Filed with Sec. of State: 11-12-2015
Certified to be Effective: 11-12-15
Notice Publication Date: 10-1-2015
Rules Adopted: 123-668-2450
Rules Amended: 123-668-0001, 123-668-0100, 123-668-1000, 123-668-1100, 123-668-1300, 123-668-1400, 123-668-1600, 123-668-1700, 123-668-2000, 123-668-2100, 123-668-2200, 123-668-2300, 123-668-2400, 123-668-2500
Subject: Proposed amendments to division 668, OAR chapter 123, implement chapter 648, Oregon Laws 2015 (Enrolled HB 2643) and

make a number of improvements for technical and reading purposes, including:

clarify effects of removing cap on total number of enterprise zones,

fundamentally recast systems for zone designations and boundary changes by local sponsoring governments subject to submission and

determination by state agency,

stipulate limitations per jurisdiction or with metropolitan areas,

update guidelines for submission of geographic information for zone boundary,

address local notice/consultation with local governments, and

effect conforming and other changes to the language involving:

tribal enterprise zones,

potential of designation based on federal enterprise zone,

post-designation reporting by local zone sponsor to the agency,

local incentives for business firms,

fee paid by firms with local application for authorization, and

imposition of local additional requirements on firms with special circumstances.

Rules Coordinator: Mindee Sublette—(503) 986-0036

123-668-0001
Purpose and Scope

This division of administrative rules provides guidance and parameters applicable to:

(1) Selected issues regarding how the local sponsor operates and controls an enterprise zone, including with respect to business tax incentives (primarily for the standard property tax exemption as addressed in OAR 123-674); and

(2) Any situation provided by law, under which the local government or governments that sponsor an enterprise zone may (jointly) impose additional requirements or conditions on a business firm for receiving tax benefits associated with an investment in the enterprise zone.

Stat. Auth.: ORS 285A.075 & 285C.060(1)
Stats. Implemented: ORS 285C.050 - 285C.250
Hist.: OBDD 26-2010, f. & cert. ef. 6-14-10; OBDD 13-2015, f. & cert. ef. 11-12-15

123-668-0100
Sponsor of a Zone

OAR 123-001 (Procedural Rules) contains definitions used in this division of administrative rules unless the context demands otherwise. In addition, as used in ORS 285C.050 to 285C.250:

(1) "Sponsor" or "zone sponsor" includes the single city, port or county, or the cities, ports or counties, or any combination of these, collectively, as described in OAR 123-650 that:

(a) Most recently designated or re-designated the enterprise zone under ORS 285C.065 or 285C.250; or

(b) Joined the zone with a change to the zone boundary under ORS 285C.115.

(2) Sponsor also refers to:

(a) The tribal government and any city, port or county cosponsor of a reservation enterprise zone or a reservation partnership zone under ORS 285C.306 (see OAR 123-656).

(b) The county, multiple counties or city that sought designation of a rural renewable energy development zone under ORS 285C.353 (see OAR 123-680).

(3) Depending on the particular context, "a sponsor" or "a zone sponsor" may refer to a single sponsoring entity or "cosponsor" of the enterprise zone included in section (1) or (2) of this rule. Such reference neither supersedes nor interferes with ORS 285C.105(2), which compels all cosponsors to act jointly in fulfilling the duties of the zone sponsor and in taking any action with respect to the zone, with the exception of:

(a) Restriction on hotel/resort eligibility by a city or county at designation, in joining with boundary change or partial revocation, consistent with OAR 123-650-4800(2)(e) and (3); or

(b) Provision of local incentives as described in OAR 123-668-1300.

(4) The zone sponsor does not include and is not any city, port or county that simply consented to having part of its territory contained in the zone as described in OAR 123-650-0500.

Stat. Auth.: ORS 285A.075, 285C.060(1) & 285C.370
Stats. Implemented: ORS 285C.050 - 285C.250, 285C.320 & 285C.353
Hist.: OBDD 26-2010, f. & cert. ef. 6-14-10; OBDD 13-2015, f. & cert. ef. 11-12-15

123-668-1000
Local Zone Manager

For purposes of ORS 285C.105(1)(a):

(1) The sponsor of an enterprise zone shall appoint and maintain a local zone manager, though not necessarily by resolution, which must be done no more than 90 days after the zone's re-/designation if one was not appointed through the documentation submitted under ORS 285C.074.

(2) The sponsor or a particular cosponsor may delegate the authority to appoint the local zone manager to a person or body including but not limited to the current local zone manager.

(3) The sponsor may make appointment of a local zone manager by way of an established position at a local agency or organization, whether public or private, as opposed to a named person.

(4) The sponsor may appoint up to but not more than two persons to serve as local co-managers of the zone, which may not be treated as officially bifurcating the zone in any way.

(5) Except as explicitly proscribed by the zone sponsor, the local zone manager shall act as the agent and representative of the enterprise zone in regard to any and all ministerial, intergovernmental, technical or promotional functions of the zone sponsor.

(6) The local zone manager may be empowered by and on behalf of the zone sponsor or a cosponsor to make discretionary decisions or enter into agreements, for which the law does not stipulate adoption of a resolution by the governing body or bodies of the sponsor.

(7) Whenever a local zone manager is appointed or a new person fills the appointed position, the sponsor needs to give written notice to the Department, the Department of Revenue and the county assessor soon afterwards.

(8) Anyone may serve as local zone manager, but it behooves the sponsor to:

(a) Select a person/position with complementary responsibilities, such as working regularly and locally with eligible business firms; and

(b) Formalize zone manager duties in the person/position's job description or contract.

Stat. Auth.: ORS 285A.075 & 285C.060(1)
Stats. Implemented: ORS 285C.105
Hist.: OBDD 26-2010, f. & cert. ef. 6-14-10; OBDD 13-2015, f. & cert. ef. 11-12-15

123-668-1100
Reports by Sponsor at Beginning and End of an Enterprise Zone

(1) Within six months after re-/designation of any enterprise zone, the zone sponsor shall provide the following information, unless fully completed as part of documentation submitted with re-/designation, to the Department and any other organization deemed appropriate by the sponsor for purposes of ORS 285C.105:

(a) A description and examples of marketing plans, efforts or materials for the zone;

(b) A list, map or other information necessary for identifying publicly owned land or buildings that are available for lease or purchase by an eligible business firm within the zone under ORS 285C.110 according to OAR 123-668-1400;

(c) For an urban zone, indices identifying all land within the zone, which for example, may be accomplished by on-line locator software, and for which specific tax lots or street addresses are needed only for properties at which eligible development may occur;

(d) Description of adopted policies and reasonable requirements that the sponsor will seek to impose under ORS 285C.150, 285C.155, 285C.160 or 285C.203 on authorized business firms, which must also be reported to the county assessor, Department of Revenue, and contact agency for publicly funded job training providers and First Source Hiring Agreements;

(e) Confirmation of having appointed the local zone manager consistent with OAR 123-668-1000; and

(f) The final form of any change in the election or restrictions to allow hotel, motel or destination resorts as eligible business firms in all or certain city or county jurisdictions of the enterprise zones, for which newly adopted resolution(s) are necessary as described in OAR 123-650-4800(2)(e).

(2) The sponsor shall periodically update and repeat the reporting of information described in section (1) of this rule, as applicable or necessary under ORS 285C.105.

(3) Within six months following the termination of an enterprise zone unless re-designated in its entirety, the sponsor of the terminated zone and the county assessor shall jointly submit to the Department of Revenue, Department and contact agency, a complete list of:

(a) The names of all business firms authorized, certified or qualified in the zone at the time of termination and located outside of any currently designated enterprise zone;

(b) The dates of submission and approval for each authorization or certification application;

(c) The anticipated initial first year of each exemption; and

(d) The status of each investment or exemption of the authorized, certified or qualified business firm (for example, "under construction").

Stat. Auth.: ORS 285A.075 & 285C.060(1)
Stats. Implemented: ORS 285C.060, 285C.070, 285C.105 & 285C.110
Hist.: OBDD 26-2010, f. & cert. ef. 6-14-10; OBDD 13-2015, f. & cert. ef. 11-12-15

123-668-1300
Enhanced Public Services and Other Local Incentives

For purposes of ORS 285C.105(1)(b) and local incentives that an enterprise zone sponsor or cosponsor elects by policy to provide to authorized business firms qualifying for the standard property tax exemption (see OAR 123-674) within its jurisdiction or service territory:

(1) Such local incentives include but are not limited to:

(a) Enhanced availability or efficiency of local public services, such as utilities, transportation access and public safety protection;

(b) Waivers, discounts or credits from local fees, charges, business/license taxes and so forth; or

(c) Regulatory flexibility, expedited/simplified permitting, special zoning designations, exceptions from ordinances, or the like that do not significantly undermine regulations pertaining to health and safety.

(2) Unless clearly stipulated in the sponsor policy as discretionary, any such incentive is binding on that sponsoring government and must be implemented (for example, by ordinance) and made regularly available for any business firm that makes application for authorization on or after the effective date, on which the co/sponsor adopted its policy to provide the incentive.

(3) With respect to any binding incentive, as opposed to one that is discretionary:

(a) It shall be available or provided to any authorized or qualified business firm on an equal basis within that portion of the enterprise zone exclusive to the relevant jurisdiction or service territory, except that a city or county cosponsor may formally differentiate the incentives available to authorized business firms operated as a hotel, motel or destination resort;

(b) The zone sponsor shall actively help such firms to understand, access and use any such incentive;

(c) The Department may recognize it in the context of benefits customarily associated with the enterprise zone for purposes of generally marketing the zone;

(d) That an incentive is generally offered or available to other business firms within the sponsor's jurisdiction or service territory does not affect its status as binding for purposes of the zone; and

(e) By virtue of the sponsor's policy for further inducing authorized or qualified business firms at locations inside the enterprise zone under ORS 285C.105(1)(b): Relative exceptions or variance from the normal provision of services, charging of fees, imposition of regulations, etc. are allowable within the zone. In contrast, any discretionary incentive (even if exclusively for qualified business firms in the zone) needs to fully conform to standard implementation of the applicable state or local laws, charters, ordinances or conventions.

(4) For purposes of ORS 285C.245(5), in the case where the zone sponsor proposes one or more new incentives to replace an incentive or incentives that are binding according to this rule, in order to avoid termination of the zone:

(a) "Comparable value" means that the new incentives or incentives, as a whole, need to provide not only an equivalent level of direct financial benefit to business firms, but also exhibit similarity in terms of other factors such as convenience.

(b) In determining whether "reasonable corrections of shortcomings in existing local incentives" are being made, the Department may consider and take into account the extent to which an existing incentive inordinately:

(A) Benefits some or all authorized or qualified firms; or

(B) Burdens local budgetary resources or utility capacity.

(5) A local incentive offered or binding in a cosponsor's jurisdiction or territory has no bearing on the incentives:

(a) Of any other cosponsor in the same zone; or

(b) That the jurisdiction may offer in another enterprise zone that it also sponsors.

(6) Applicable policies also include but are not limited to any formal proposal for local incentives that was made before October 5, 2015, as part of an application for zone re-/designation or of a request for a boundary change by a cosponsor seeking to join the zone.

Stat. Auth.: ORS 285A.075 & 285C.060(1)
Stats. Implemented: ORS 285C.105 & 285C.245
Hist.: OBDD 26-2010, f. & cert. ef. 6-14-10; OBDD 13-2015, f. & cert. ef. 11-12-15

123-668-1400
Locally Available, Public Real Estate

For purposes of ORS 285C.105(1)(g) and 285C.110:

(1) The zone sponsor shall:

(a) Prepare and maintain a list and map of land, buildings and structures within the zone that are:

(A) Owned by any agency on behalf of the state government or by any municipal corporation;

(B) Not in use or officially designated for some public purpose; and

(C) Suitable for an eligible business firm in terms of land use zoning ordinances.

(b) Undertake reasonable efforts to make the real estate identified in subsection (a) of this section available for lease or purchase by authorized or qualified business firms for purposes of the standard exemption on qualified property under ORS 285C.175 (see OAR 123-674).

(2) Except as otherwise precluded under Oregon or federal law/constitutional provisions, such firms are entitled to acquire the real estate identified in section (1) of this rule at a fair market rate/price, subject to the leasing or purchasing firm's prompt development or redevelopment of the property pursuant to an approved application for authorization.

(3) As used in ORS 285C.110 and for purposes of this rule, "municipal corporation" has the same meaning as found under ORS 294.311, including but not limited to any special or local service district, a people's utility district or a joint operating agency under ORS 262.005.

Stat. Auth.: ORS 285A.075 & 285C.060(1)
Stats. Implemented: ORS 285C.105 & 285C.110
Hist.: OBDD 26-2010, f. & cert. ef. 6-14-10; OBDD 13-2015, f. & cert. ef. 11-12-15

123-668-1600
Funds Derived through an Enterprise Zone

Moneys received by the sponsor from business firms represent a special but publicly accountable resource for the enterprise zone sponsor, which are likely to be substantial in only unusual cases, and include:

(1) As specified in statute or law:

(a) The authorization filing fee under ORS 285C.140(1)(c) consistent with OAR 123-668-1700;

(b) The payback of one year's tax savings in lieu of disqualification under ORS 285C.240(6), as described in OAR 123-674-6600 to 123-674-6630; or

(c) The distribution to the sponsor and other taxing districts of 30 percent of the corporate income or excise taxes paid by a corporation under ORS 317.131, as addressed in OAR 123-690-8500.

(2) Additional requirements imposed by the sponsor on a business firm, in conformance with OAR 123-668-2000 to 123-668-2500.

Stat. Auth.: ORS 285A.075 & 285C.060(1)
Stats. Implemented: ORS 285C.105, 285C.140, 285C.150, 285C.155, 285C.160, 285C.203, 285C.240, 285C.403 & 317.131
Hist.: OBDD 26-2010, f. & cert. ef. 6-14-10; OBDD 13-2015, f. & cert. ef. 11-12-15

123-668-1700
Authorization Filing Fee

For purposes of ORS 285C.140(1)(c):

(1)(a) When applying for authorization under ORS 285C.140, an eligible business firm may be required to pay a fee that the sponsor of the enterprise zone has set, up to the greater of:

(A) $200; or

(B) An amount not exceeding 0.1 percent of the total estimated cost of the firm's proposed investment in qualified property.

(b) In other words, the amount of the fee may always be as much as $200 for proposed investments of $200,000 or less and 1/1000th of the estimated cost for larger investments, even though sponsors may charge a fee that is less than the maximum allowed.

(2) The sponsor shall uniformly implement the requirement of an authorization filing fee according to a policy in place before receipt of an affected application, though not necessarily through written guidelines if the policy is simply and consistently executed.

(3) Written guidelines, however, are necessary for purposes of section (9) of this rule, or to define factors under which the requirement, waiver or amount of an authorization filing fee may fluctuate, such that the sponsor may vary the fee consistent with section (1) of this rule according to certain criteria or situational factors, such as the size or nature of the eligible business firm or its proposed investment.

(4) Failure by an eligible business firm to pay the required filing fee at the time of the firm's submitting an application for authorization may be grounds for the local zone manager's refusal to process it on the sponsor's behalf.

(5) A zone sponsor that requires an authorization filing fee shall collect payment in U.S. funds with the application for authorization and issue a receipt.

(6) If either the zone sponsor or the county assessor deny the application of an eligible business firm for authorization under ORS 285C.140, the sponsor shall refund any payment of an authorization filing fee in full to the eligible business firm.

(7) If both the zone sponsor and the county assessor have approved an eligible business firm's application for authorization under ORS 285C.140, neither the zone sponsor nor the county assessor may later deny the eligible business firm's authorization, qualification or exemption because of failure to receive or collect payment of an authorization filing fee.

(8) If a business firm is denied an exemption under ORS 285C.170 or 285C.175, the zone sponsor is under no obligation to refund any amount of an authorization filing fee that was paid by the business firm, unless the business firm is ineligible under ORS 285C.135 or was otherwise authorized improperly or by mistake.

(9) A sponsor may formally provide that in paying the fee, all eligible business firms applying for authorization are required to commit in writing to later reconcile the fee amount, in the event that the actual cost of qualified property differs from the estimated cost by 25 percent or more, either by receiving a partial refund or by paying the sponsor an additional amount.

Stat. Auth.: ORS 285A.075, 285C.060(1) & 285C.140(1)
Stats. Implemented: ORS 285C.140
Hist.: OBDD 26-2010, f. & cert. ef. 6-14-10; OBDD 13-2015, f. & cert. ef. 11-12-15

123-668-2000
Applicable Situations

OAR 123-668-2000 to 123-668-2500 govern the following situations of locally imposed requirements in an enterprise zone:

(1) The written agreement by a certified business firm with the zone sponsor for the long-term rural tax incentive under ORS 285C.403(3)(c) and described in OAR 123-690-2000.

(2) Standard property tax exemption in OAR 123-674 involving:

(a) A written agreement for the extended abatement of four or five consecutive years in total under ORS 285C.160 between the sponsor and an authorized business firm;

(b) Adoption of zone sponsor resolution(s), by which the statutorily required increase in zone employment of the firm is:

(A) Waived under ORS 285C.155 and 285C.200(2), including criteria under ORS 285C.205 as applicable and the sponsor's requisite setting of a minimum level of employment; or

(B) Deferred under ORS 285C.203; or

(c) A policy and standards adopted by the sponsor of an urban enterprise zone under ORS 285C.150 imposing local conditions on authorized business firms, as addressed in OAR 123-668-2500.

(3) For which the county assessor is excused from any enforcement role unless presented by the sponsor with documentation or evidence of a business firm's noncompliance and of how that effectively invalidates the firm's abatement of property taxes.

Stat. Auth.: ORS 285A.075 & 285C.060(1)
Stats. Implemented: ORS 285C.105, 285C.150, 285C.155, 285C.160, 285C.203 & 285C.403
Hist.: OBDD 26-2010, f. & cert. ef. 6-14-10; OBDD 13-2015, f. & cert. ef. 11-12-15

123-668-2100
Basic Parameters

For purposes of local, additional requirements imposed by an enterprise zone sponsor:

(1) They shall apply to a qualified business firm's direct receipt of the tax abatement, only:

(a) With respect to operations inside (or nearby and affected by operations in) the enterprise zone; and

(b) Between the time when:

(A) The firm receives authorization (certification in the case of the long-term rural tax incentives); and

(B) December 31 of the final year when the overall enterprise zone exemption expires. (A zone sponsor, however, might require through contractual agreement, as otherwise permissible by law, that if the business firm were later to shut down its eligible operations in the zone, it would be obligated to pay the sponsor a portion of the tax benefit that the firm had earlier received. For example, this amount might reasonably relate or vary according to how soon permanent stoppage of zone operations occurred after expiration of the exemption.)

(2) Notwithstanding section (1) of this rule, the zone sponsor and the business firm may mutually agree, possibly with certain contingencies, to apply current requirements or provisions of an agreement to future situations described in OAR 123-668-2000.

(3) They shall not require that the eligible business firm's hiring, recruitment, promotion, training, compensation or treatment of its actual or potential employees, suppliers, contractors or customers be based on:

(a) Those persons' or businesses' explicit residency or geographic location, consistent with OP-8236, Oregon Attorney General (April 20, 1995); or

(b) Other legally impermissible criteria.

(4)(a) The consequence of a qualified business firm's failing to satisfy an additional requirement is not necessarily disqualification or loss of property tax benefits;

(b) If that is the expected consequence, then it behooves the zone sponsor to stipulate as much, especially in the case of any such requirement respective to OAR 123-668-2000(1); and

(c) Pursuant to the agreement, resolution or final supporting documentation:

(A) The firm's failure may result rather in other penalties or repercussions through breach of contract or as otherwise stipulated; or

(B) The firm might fulfill an alternative requirement to avoid disqualification. (An alternative requirement shall not preclude the firm's disqualification, if the firm later fails to fulfill the alternative requirement or any other requirement)

Stat. Auth.: ORS 285A.075 & 285C.060(1)
Stats. Implemented: ORS 285C.105, 285C.150, 285C.155, 285C.160 & 285C.403
Hist.: OBDD 26-2010, f. & cert. ef. 6-14-10; OBDD 13-2015, f. & cert. ef. 11-12-15

123-668-2200
Additional to Statutory Provisions

(1) A requirement imposed on a business firm by an enterprise zone sponsor is strictly supplemental to the provisions under applicable statutes or state laws, and it shall neither alter nor undermine their effect or intent.

(2) With respect to the following, as established by relevant state provisions, a requirement may in no way:

(a) Affect the basic eligibility or ineligibility of certain business activities or uses of relevant property;

(b) Modify any specified minimum level of investment by the firm; or

(c) Alter the coverage, extent, period or any other direct aspect of tax benefits, although:

(A) Alternative types of payment or financial contributions by the firm are possible; and

(B) The sponsor shall set the total period of tax benefit as provided by the relevant law or statute.

(3) The requirements may neither modify nor in any way effectively decrease or increase the stringency of state requirements for hiring, gener-

al employment levels or average pay/compensation associated with jobs or persons employed by the firm, and they shall not even address such issues, except for local requirements that:

(a) Deal with employment other than what is affected or covered by the relevant state requirement (for example, construction or temporary workers, part-time employees, or remuneration in a Portland-area urban zone);

(b) Set an alternative employment level under ORS 285C.155;

(c) Specify extra demands within the context of a First Source Hiring Agreement that the firm is otherwise required to enter into, as described in OAR 123-674-7700 to 123-674-7730; or

(d) Obligate the firm in a reasonable manner with respect to workforce development, hiring/retention from certain sources or groups, the particular nature of employee benefits, or other employment-related matters that are completely distinct from requirements under ORS 285C.050 to 285C.250 or 285C.412.

Stat. Auth.: ORS 285A.075 & 285C.060(1)
Stats. Implemented: ORS 285C.105, 285C.150, 285C.155, 285C.160 & 285C.403
Hist.: OBDD 26-2010, f. & cert. ef. 6-14-10; OBDD 13-2015, f. & cert. ef. 11-12-15

123-668-2300
Reasonableness

This rule offers guidance for evaluating whether local additional enterprise zone requirements are reasonable, such that:

(1) The requirements shall not vary dramatically or erratically over time for business firms interested in investing in the zone and seeking special benefits or waivers.

(2) The requirements shall not be arbitrarily applied, implemented or enforced, in that the sponsor shall be consistent in not only setting conditions, but also in how to handle compliance issues.

(3) The requirements may differentiate among relevant business firms for a given situation as described in OAR 123-668-2000 in terms of investment size, the firm's industry and so forth, but such differentiation shall be:

(a) Based on definable characteristics;

(b) Consistently applied in its own regard; and

(c) Related to an apparent or expressed public purpose.

(4) The requirements may entail economic costs to the firm because of payments to the sponsor or other entities, or of actions undertaken by the firm, but these costs (less any other consequent benefit to the firm) in relation to OAR 123-668-2000(2)(b) or (c) shall not exceed one-third of the tax savings associated with the entire property tax abatement. With a written agreement, however, in the case of OAR 123-668-2000(1) or (2)(a) the firm may accept higher costs based on its own considerations.

(5) The requirements shall not demand procedures, practices or investments in excess of anything undertaken in the firm's industry or related industries throughout the world, such that the sponsor shall be prepared to show that such a demand has been accomplished in the normal course of business elsewhere without apparent, extenuating circumstances.

(6) No requirement may cause or compel actions by the firm that have the potential to pose a significant other legal, financial or business threat to the firm, including but not limited to:

(a) Surrendering significant rights, privileges or immunities under state or federal law;

(b) Labor relations that may compromise practices by the firm in other locations where it operates in the United States; or

(c) The release of information that is proprietary, confidential or otherwise threatening to the firm's market competitiveness or contractual obligations or that of any third party.

(7) The criteria in this rule will typically concern a zone sponsor's underlying policy, hence the recommendations in OAR 123-668-2400 for deliberate and explicit policy-making to cover certain potentialities.

Stat. Auth.: ORS 285A.075 & 285C.060(1)
Stats. Implemented: ORS 285C.105, 285C.150, 285C.155, 285C.160 & 285C.403
Hist.: OBDD 26-2010, f. & cert. ef. 6-14-10; OBDD 13-2015, f. & cert. ef. 11-12-15

123-668-2400
Zone Sponsor Policies

In terms of the means and authority by which local additional requirements are put into effect:

(1) An enterprise zone sponsor shall consider a policy-making approach to achieve accountability and maintain consistency in imposing or setting such a requirement on business firms, especially in view of the following:

(a) Constitutional or other legal protections for business firms; and

(b) General principles of fairness and clarity regarding public purposes and intent.

(2) Such a policy may apply uniformly to the situations as described in OAR 123-668-2000, or it may pertain to only certain situations.

(3) Such a policy is relevant to the sponsor's rationale in granting or refusing special benefits or waivers, as well as the additional requirements imposed or sought when granting the benefit or waiver to a business firm.

(4) Except for conditions imposed by an urban enterprise zone under ORS 285C.150, such a policy does not need to be prospectively adopted, nor does it need to be based on formal documentation, and it may reflect the cumulative effect of the sponsor's relevant past actions. A formal, explicit and prospective policy is preferable, especially whenever the following or comparable circumstances arise:

(a) Relevant requests by business firms are common or expected to become increasingly frequent;

(b) Sponsor would differentiate the basic decision to grant or refuse a special benefit or waiver, or to impose additional requirements, in terms of business or investment size or other factors;

(c) The requirements imposed are numerous, complicated or otherwise entail various contingencies or matters of judgment that definite standards would facilitate; or

(d) The sponsor would depart from an apparent pattern in terms of granting a special benefit or waiver or imposing certain corresponding requirements.

(5) In an urban enterprise zone that has adopted a policy under ORS 285C.150, as described in OAR 123-668-2500, any additional requirements imposed with other situations described in OAR 123-668-2000(2) must:

(a) Formally relate to the policy and standards adopted by the zone sponsor; and

(b) Effectively supplement and not replace any condition normally imposed.

(6) A city, port or county government that sponsors two or more enterprise zones is free to have different policies or to seek different local additional requirements among those zones.

(7) In an enterprise zone sponsored by more than one city, port or county, the cosponsors must all jointly:

(a) Adopt the same policy, standards, established local conditions and so forth under equivalent authority or method for purposes of this rule and the enterprise zone; and

(b) Approve the same requisite written agreement in each case.

Stat. Auth.: ORS 285A.075 & 285C.060(1)
Stats. Implemented: ORS 285C.105, 285C.150, 285C.155, 285C.160 & 285C.403
Hist.: OBDD 26-2010, f. & cert. ef. 6-14-10; OBDD 13-2015, f. & cert. ef. 11-12-15

123-668-2450
Approving Agreements

The sponsoring city, port or county governments of an enterprise zone may authorize the written agreement with a business firm in the case of OAR 123-668-2000(1) or (2)(a) through a number of approaches, which may differ among the cosponsors, including but not limited to the following examples:

(1) Approval by an official normally empowered to enter into such an agreement under the laws, charters, ordinances and conventions of the cosponsor;

(2) Approval by the person or persons formally and specifically recognized to conclude the agreement, pursuant to a previous accord between the firm and the sponsor;

(3) A specific resolution by the governing body authorizing a preliminary or final written agreement;

(4) A specific resolution by the governing body that authorizes an agent to conclude such an agreement;

(5) A standing policy adopted by the cosponsor that empowers a particular agent to negotiate such an agreement with all or some firms on behalf of the cosponsor (for example, the local zone manager); or

(6) An intergovernmental agreement that delegates to the cosponsor(s), in whose jurisdiction the firm will locate its exempt property, the right to execute the agreement on behalf of the entire zone sponsor.

Stat. Auth.: ORS 285A.075 & 285C.060(1)
Stats. Implemented: ORS 285C.105, 285C.160 & 285C.403; OBDD 13-2015, f. & cert. ef. 11-12-15
Hist.: OBDD 13-2015, f. & cert. ef. 11-12-15

123-668-2500
Additional Conditions in an Urban Zone

For purposes of additional conditions imposed on eligible business firms by the sponsor of an urban enterprise zone under ORS 285C.150:

(1) The sponsor of the enterprise zone shall abide by OAR 123-668-2000 to 123-668-2400.

(2) "Groups of persons" as used in ORS 285C.150(2) may comprise the general populace or labor force or any lesser number of persons that is not explicitly defined in terms of geography/residency.

(3) In order to effect and enforce compliance, the sponsor of an urban zone must include formal information in approving the application for authorization that lists and clearly explains the specific additional conditions to which the firm is committing, or to which it may be obligated under certain contingencies.

(4) The written information as described in section (3) of this rule shall appear in a standardized format that conforms to the policy that the zone sponsor has adopted for imposition of such additional conditions, and that is used for all eligible business firms authorized in that urban enterprise zone, including but not limited to a standard performance contract to which firms agrees.

(5) Failure by a firm to satisfy such additional local conditions of an urban zone may affect the exemption in the following ways:

(a) Denial of the authorization under ORS 285C.140(2)(e), but only if the firm does not formally "commit" to meet the conditions;

(b) Refusal of initial qualification for exemption under ORS 285C.175; or

(c) Disqualification of an ongoing exemption in accordance with ORS 285C.240(1)(d), except as provided under 285C.240(6).

(6) The county assessor has an obligation to effect actions described in subsection (5)(b) or (c) of this rule only insofar as the zone sponsor has provided timely and written evidence of such failure.

(7) An eligible business firm shall have the same rights of appeal as provided elsewhere in ORS 285C.050 to 285C.250 for authorization and receipt of the enterprise zone exemption.

(8) The policy and standards adopted by the sponsor affect only proposed investments for which an eligible business firm applies for authorization after the date of adoption.

(9) The sponsor may impose the additional conditions only pursuant to a policy and standards, such that:

(a) The policy entails the adoption by the zone sponsor of formal documentation outlining the sponsor's purposes, process, factors of consideration and so forth; and

(b) The policy contains standards consisting of established and transparent measures, methods or criteria to implement the policy and define the conditions, as well as specific consequences for the firm's failure to satisfy those conditions.

(10) Any imposed additional condition must relate in some way to employment opportunities for one or more groups of persons, through:

(a) Actions by the eligible business firm;

(b) Use of funds or resources from the firm;

(c) Other efforts supported by the firm; or

(d) Other means, for which the result is employment-related benefits for groups of persons, consistent with 47 OTR 557 (TC 4167, 1999).

(11) Only urban zone sponsors that have established and implemented a policy and standards described in this rule shall submit a report under ORS 285C.150(6), on or about anniversary date of the policy's adoption every four years, through the offices of the State Senate President and the Speaker of the Oregon House of Representatives.

Stat. Auth.: ORS 285A.075 & 285C.060(1)
Stats. Implemented: ORS 285C.150
Hist.: OBDD 26-2010, f. & cert. ef. 6-14-10; OBDD 13-2015, f. & cert. ef. 11-12-15

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Rule Caption: Thorough modification to rules regarding existence and sponsorship of enterprise zones and technical improvements.
Adm. Order No.: OBDD 14-2015
Filed with Sec. of State: 11-12-2015
Certified to be Effective: 11-12-15
Notice Publication Date: 10-1-2015
Rules Amended: 123-656-0001, 123-656-0100, 123-656-1000, 123-656-1200, 123-656-1400, 123-656-1600, 123-656-2000, 123-656-2100, 123-656-2300
Subject: Proposed amendments to division 656, OAR chapter 123, implement chapter 648, Oregon Laws 2015 (Enrolled HB 2643) and

make a number of improvements for technical and reading purposes, including:

clarify effects of removing cap on total number of enterprise zones,

fundamentally recast systems for zone designations and boundary changes by local sponsoring governments subject to submission and

determination by state agency,

stipulate limitations per jurisdiction or with metropolitan areas,

update guidelines for submission of geographic information for zone boundary,

address local notice/consultation with local governments, and

effect conforming and other changes to the language involving:

tribal enterprise zones,

potential of designation based on federal enterprise zone,

post-designation reporting by local zone sponsor to the agency,

local incentives for business firms,

fee paid by firms with local application for authorization, and

imposition of local additional requirements on firms with special circumstances.

Rules Coordinator: Mindee Sublette—(503) 986-0036

123-656-0001
Purpose and Scope

This division of administrative rules addresses the existence of enterprise zones in addition to OAR 123-650, as provided under:

(1) ORS 285C.300 to 285C.320 respective to Oregon-based Tribes; and

(2) ORS 285C.085 based on special federal designations.

Stat. Auth.: ORS 285A.075 & 285C.060(1)
Stats. Implemented: ORS 285C.085 & 285C.300 - 285C.320
Hist.: OBDD 24-2010, f. & cert. ef. 6-14-10; OBDD 14-2015, f. & cert. ef. 11-12-15

123-656-0100
Definitions

OAR 123-001 (Procedural Rules) and 123-650 define terms used in this division of administrative rules. In addition:

(1) As used in ORS 285C.085(4)(b), "all areas within both the federal enterprise zone and the city, county or port are included in a state enterprise zone" means that the state enterprise zone will need to encompass all of the Federal Enterprise Zone inside the territory of any city, port or county that will sponsor the zone. This is true regardless that such territory is also inside an overlapping city, port or county that neither sponsors nor consents to the zone, in that not every city, port or county needs to sponsor or consent as required under ORS 285C.065, 285C.066 or 285C.068, but other jurisdictions may consent to include parts of the Federal Enterprise Zone that are outside sponsor territory in the state enterprise zone consistent with OAR 123-650-0500.

(2) As used in these administrative rules, unless the context dictates otherwise:

(a) *Federal Enterprise Zone* is a designation by an agency of the U.S. government that is:

(A) Not terminated;

(B) Located at least partially in this state;

(C) Delimited by formal boundaries and an established period of existence lasting five or more years;

(D) Intended at least in part to create or improve economic opportunities and development within the local community;

(E) Provided for by federal law that includes congressionally authorized benefits for purposes of paragraph (D) of this subsection;

(F) Qualified based on federal guidelines, including but not limited to criteria for a level of economic hardship generally comparable to that indicated under ORS 285C.090;

(G) Subject to a significant degree of national selectivity and uniqueness, in relation to paragraph (F) of this subsection, such that having more than five of any designation type awarded to this state at any one time would be unlikely; and

(H) For example, comparable historically to federal Renewal Communities, Empowerment Zones or Enterprise Communities (but not a Recovery Zone, which many municipalities might easily self-designate).

(b) *RENZ* means a reservation enterprise zone under ORS 285C.306(2).

(c) *RPRZ* means a reservation partnership zone under ORS 285C.306(3).

(d) *Tribe* means one of the federally recognized Indian tribes in Oregon listed under ORS 285C.306(1).

Stat. Auth.: ORS 285A.075 & 285C.060(1)
Stats. Implemented: ORS 285C.050, 285C.085 & 285C.300 - 285C.320
Hist.: OBDD 24-2010, f. & cert. ef. 6-14-10; OBDD 14-2015, f. & cert. ef. 11-12-15

123-656-1000
Applicability of Regular Parameters

For purposes of RENZs and RPRZs:

(1) Their creation does not depend on any measure of local economic hardship or on consultation with local taxing districts.

(2) They do not need to satisfy the following requirements in OAR 123-650, except pursuant to a boundary change under ORS 285C.115(3), including but not limited to:

(a) Maximum distances overall or between an RENZ's separate areas; or

(b) General co-sponsorship or consent by applicable city, port or county governments as described in OAR 123-650-0500.

(3) Each may have total area within its boundary of up to but not more than 12 square miles, for which:

(a) An RENZ shall conform to OAR 123-650-1000(3), but it may include separate, noncontiguous areas anywhere in this state.

(b) The cosponsors of an RPRZ shall determine how to define, map and describe the zone's area, which however, must be contiguous.

(4) Either may designate itself for electronic commerce status under ORS 285C.095 (see OAR 123-662).

(5) The zone sponsor shall fulfill the duties incumbent on it under ORS 285C.105 or elsewhere in ORS chapter 285C, including but not limited to those addressed in OAR 123-668.

(6) They are invariably 'rural' enterprise zones:

(a) Even if entirely or partially inside a regional or metropolitan urban growth boundary, notwithstanding OAR 123-650-0700.

(b) For purposes of the standard exemption under ORS 285C.175 (see OAR 123-674) and long-term tax incentives under ORS 285C.409 and 317.124 (see OAR 123-690), regardless of where any part of the zone exists, but:

(A) The facility must nevertheless be in an applicable county for the long-term tax incentives; and

(B) Neither an RENZ (designated after 2003) nor an RPRZ sponsor may elect or allow a hotel, motel or destination resort business to be eligible for the standard exemption.

(7) They are not subject to premature termination by order of the Director under ORS 285C.245(3) to (5) or to programmatic sunset under ORS 285C.255.

Stat. Auth.: ORS 285A.075 & 285C.060(1)
Stats. Implemented: ORS 285C.050 - 285C.250, 285C.255, 285C.300 - 285C.320, 285C.403 & 317.124
Hist.: OBDD 24-2010, f. & cert. ef. 6-14-10; OBDD 14-2015, f. & cert. ef. 11-12-15

123-656-1200
Reservation Enterprise Zone Designations

For purposes of RENZs, consistent with OAR 123-656-1000:

(1) To apply for designation of an RENZ, the Tribe shall furnish the Department with the following:

(a) A copy of the resolution requesting designation, as duly adopted by the Tribe's governing body within the past six months;

(b) Map and so forth as applicable in accordance with OAR 123-650-1500;

(c) A formal statement or evidence to the effect that the proposed zone area contains only such land of the Tribe under ORS 285C.306(2)(b) – that is, the following based on current laws, authority or treaties with the U.S. government:

(A) Land held in trust;

(B) Land officially pending trust status;

(C) Any on-reservation area; or

(D) Any combination of these; and

(d) As necessary or appropriate:

(A) Copies of federal documents attesting to relevant status; and

(B) A map of the zone showing and labeling the respective nature of the tribal lands comprising the designated area.

(2) Subject to the accuracy and completeness of materials provided in section (1) of this rule, the Department shall approve the designation to take effect as early as when either the Department received a complete application or the Tribe's governing body adopted its resolution, depending on the preference of the Tribe and determination of the Department.

(3) At any one time, the Department may not approve more than one RENZ respective to each Tribe or effectively no more than nine RENZs in total.

(4) In conformance with sections (1) and (2) of this rule, the Tribe may seek to have the RENZ:

(a) Amended through a boundary change at any time without triggering provisions under ORS 285C.115(3) consistent with OAR 123-656-1000(2).

(b) Re-designated concurrent with or after the July-1 date once the RENZ has Terminated-by-Statute under ORS 285C.245(6).

(5) An RENZ may not include area inside any other existing enterprise zone.

Stat. Auth.: ORS 285A.075 & 285C.060(1)
Stats. Implemented: ORS 285C.306
Hist.: OBDD 24-2010, f. & cert. ef. 6-14-10; OBDD 14-2015, f. & cert. ef. 11-12-15

123-656-1400
Reservation Partnership Zone Co-sponsorships

For purposes of RPRZs, consistent with OAR 123-656-1000 and pursuant to a co-sponsorship agreement:

(1) The zone's effective beginning, equivalent to designation, is the execution of the agreement or a specified, later date in the agreement.

(2) The agreement shall be between a single Tribe and at least one or more cities, ports or counties, but it may include only one or two such local governments, in terms of their jurisdictional territory inside the RPRZ, regardless of provisions for joint sponsorship or consent by any other such government under ORS 285C.065, 285C.066 or 285C.068.

(3) The RPRZ shall consist of contiguous area inside the jurisdictional territory of its city, port or county cosponsor(s), and such area may also be (but does not need to be) land of the Tribe under ORS 285C.306(2)(b)(A) or (C) or both.

(4) The Tribe and any cosponsoring city, port and county are the "zone sponsor" of the RPRZ, and their agreement shall contain appropriate and necessary provisions under ORS 190.110, regarding their mutual and respective roles and responsibility as the zone sponsor including but not limited to provisions under ORS 285C.105. Any other party to the agreement as allowed under ORS 190.110 would not be part of the zone sponsor.

(5) The zone sponsor of the RPRZ is urged in the process of executing the co-sponsorship agreement to:

(a) Consult with other cities, ports or counties that have territory in the zone;

(b) Communicate with other local taxing districts that have territory in the zone; and

(c) Formally apprize the Department of its existence, area and sponsorship.

(6) With respect to altering the RPRZ, the zone sponsor may mutually amend the agreement to add or remove contiguous land as described in section (3) of this rule at any time without triggering provisions under ORS 285C.115(3) consistent with OAR 123-662-1000(2).

(7) With respect to RPRZ termination:

(a) The agreement shall recognize that the zone does terminate by operation of law (is Terminated-by-Statute) under ORS 285C.245(6) after June 30 immediately following 10 years since the effective date of its beginning, and the term of the agreement shall be for at least that long.

(b) It may occur sooner due to the effective dissolution of the agreement by mutual consent of its parties. In the event of such dissolution, any business firm shall enjoy the same protection under relevant provisions of law and this chapter of administrative rules for location in a terminated enterprise zone.

(c) The Tribe and city, port or county may create a new RPRZ pursuant to or in replacement of a terminated one, based on a newly executed co-sponsorship agreement consistent with this rule.

(8) There is no particular limit on the number of RPRZs that may exist statewide, or that any city, port, county or Tribe may cosponsor. A city, port or county cosponsor of an RPRZ may also sponsor another enterprise zone, and as originally cosponsored, an RPRZ may contain area of an existing regular enterprise zone (other than an RENZ or another RPRZ), which shall remove or exclude the RPRZ area with the earlier of its next boundary change or re-designation.

Stat. Auth.: ORS 285A.075 & 285C.060(1)
Stats. Implemented: ORS 285C.105 & 285C.306
Hist.: OBDD 24-2010, f. & cert. ef. 6-14-10; OBDD 14-2015, f. & cert. ef. 11-12-15

123-656-1600
Tribal Credit against State Income Taxes

For purposes of the credit under ORS 285C.309 to offset state personal or corporate income/excise tax liabilities based on tribal taxes incurred or paid to the Tribe for an applicable business facility in any RENZ or RPRZ:

(1) It is available to a business engaged in any type of income-furthering activity, other than leasing the facility, irrespective of receipt or qualification for any other enterprise-zone tax abatement by the business or the facility.

(2) The business must have acquired the facility (by purchase or lease) or completed its construction, erection or installation, and have commenced operations there, only since January 1, 2002. In addition, for an existing facility:

(a) If located on the Tribe's reservation, the business operations need to be significantly different from and not in any way the continuation of what was undertaken at the facility before its latest acquisition; and

(b) The facility consists only of new investments in new property that enlarged or extended the ability of the business to generate revenue at the facility, as opposed to existing property or the replacement of existing property.

(3) The credit equals:

(a) The total amount of tribal taxes under ORS 285C.300 incurred or paid by the business in or respective to the first income/excise tax year, in which it operates in the RENZ or RPRZ; or

(b) For any other tax year, only the annual property taxes imposed by the Tribe on facility property consistent with section (2) of this rule.

(4) An applicable tribal property tax for purposes of section (3) of this rule shall be:

(a) Levied in an area encompassing an entire district, in which multiple businesses might generally develop and operate, and throughout which the Tribe has authority to impose and collect such a tax on non-Indian businesses, regardless of the area's general correspondence to or coverage by the RENZ or RPRZ;

(b) Computed based on a rate or schedule of rates multiplied by the valuation of certain types of tangible property in the area of taxation, even if the methods, definitions and so forth differ from ad valorem taxation under state law; and

(c) Uniformly assessed and imposed on any non-Indian business, as well as Indian enterprises if they too are subject to the same tax and not exempt in any way due to location in the RENZ or RPRZ.

(5) To claim the tax credit, the business/taxpayer shall fill out the latest revision of the Department of Revenue form 150-102-046, **Reservation Enterprise Zone Tax Credit Worksheet,** but not submit it with the tax return, for each applicable income/excise tax year beginning before the date prescribed under section 21, chapter 913, Oregon Laws 2009, as amended in 2010 (c.76 §28) or in the future.

NOTE: Department of Revenue forms referenced in this rule are available from the Department of Revenue, Property Tax Division, 955 Center St NE, PO Box 14380, Salem OR 97309-5075, phone 503-378-4988, 800-356-4222, TTY 800-886-7204, fax 503-945-8737, and web http://www.oregon.gov/DOR/PTD/enterform.shtml.

Stat. Auth.: ORS 285A.075 & 285C.060(1)
Stats. Implemented: ORS 285C.309
Hist.: OBDD 24-2010, f. & cert. ef. 6-14-10; OBDD 14-2015, f. & cert. ef. 11-12-15

123-656-2000
Designation Based on Federal Zone

For purposes of applying for and designating an enterprise zone under ORS 285C.085(2):

(1) City, port or county governments may seek designation of a zone corresponding to the boundary of a single Federal Enterprise Zone located in the government's territory:

(a) Submission may be made to the Department at any time without regard to an application form;

(b) Besides a map and so forth of the proposed enterprise zone consistent with OAR 123-650-1500, the submission must document the Federal Enterprise Zone's official existence, location and satisfaction of OAR 123-656-0100(2)(a), except to the extent that the Department is fully aware of such satisfaction;

(c) Information related to local economic hardship is not necessary;

(d) The governments must send notice and engage in timely communication with local taxing districts in accordance with OAR 123-650-5500;

(e) A cosponsor of a zone terminated by order of the Director under ORS 285C.245(3) to (5) is not excluded from applying;

(f) Zone sponsor may not elect under ORS 285C.070 for hotels, motels or destination resorts to be eligible business firms in the zone; and

(g) The designation may not be the re-designation of an existing or previously existing enterprise zone.

(2) The designation of the zone may be made without regard to any limitation on size or dimensions as described in OAR 123-650-1000 and 123-650-1100.

(3) The zone must still conform to requirements for:

(a) Being either urban or rural as described in OAR 123-650-0700, except through a special dispensation in the Director's Order;

(b) Not containing any area inside any other existing enterprise zone consistent with OAR 123-650-1000(2); and

(c) Inclusion of all area in each cosponsor that is inside the Federal Enterprise Zone according to OAR 123-656-0100(1).

(4) The Director shall issue an order to effect the designation.

(5) A (co)sponsor of an existing enterprise zone may not seek designation as described in this rule, if the Federal Enterprise Zone overlaps with a portion of the existing enterprise zone, but rather should avail itself of a boundary change as described in OAR 123-656-2100.

Stat. Auth.: ORS 285A.075 & 285C.060(1)
Stats. Implemented: ORS 285C.085
Hist.: OBDD 24-2010, f. & cert. ef. 6-14-10; OBDD 14-2015, f. & cert. ef. 11-12-15

123-656-2100
Boundary Changes to Conform to Federal Zone

For purposes of a local request to change the boundary of an existing enterprise zone under ORS 285C.085(3):

(1) The request is generally comparable to submission as described in OAR 123-650-4400 and OAR 123-656-2000.

(2) Such a boundary change may add an area to the existing zone, only if the area is located in a county, in which the zone is already located, or in a contiguous county.

(3) Following the change in the zone boundary, the existing zone shall be Terminated-by-Statute or may be terminated by order of the Director, as normal under ORS 285C.245, irrespective of the boundary change.

(4) If the Federal Enterprise Zone terminates prematurely for nonperformance, violation of federal guidelines or similarly unusual circumstances, then the Director may rescind the order changing the boundary of the zone, as if that boundary change had never occurred. Any business firm located in an area consequently left out of the zone shall enjoy the same protection under the relevant provisions of law and this chapter of administrative rules for location in a terminated enterprise zone.

(5) Once an enterprise zone has been designated or amended as described in OAR 123-656-2000 or this rule, a (further) change in the boundary of the zone may be requested and done under ORS 285C.115, as otherwise allowed, with the following clarifications:

(a) If the total area of the enterprise zone equals or exceeds the relevant 12 or 15 square miles, additional area may be included only if located:

(A) In parts of the Federal Enterprise Zone within a city, port or county that would become a cosponsor of the zone with the boundary change;

(B) In new parts of the Federal Enterprise Zone, as amended by authority of the federal government; or

(C) In another Federal Enterprise Zone that is located in a city, port or county that already sponsors the zone.

(b) If the zone exceeds the maximum overall allowed distance applicable to the zone, additional areas may be included in one of the following ways:

(A) Consistent with subsection (a) of this section;

(B) Where such areas do not increase the overall distance within the zone consistent with provisions under ORS 285C.120(1)(b) and (c); or

(C) By virtue of a waiver under ORS 285C.120(2) as described in OAR 123-650-1100(4).

Stat. Auth.: ORS 285A.075 & 285C.060(1)
Stats. Implemented: ORS 285C.085 & 285C.115
Hist.: OBDD 24-2010, f. & cert. ef. 6-14-10; OBDD 14-2015, f. & cert. ef. 11-12-15

123-656-2300
Terminations

For an enterprise zone designated as described in OAR 123-656-2000:

(1) The zone is Terminated-by-Statute as normal under ORS 285C.245(2), subsequent to the effective date of designation by order of the Director, regardless of any intervening termination of the Federal Enterprise Zone due to programmed operation under federal statutes or repeal of the operative federal law.

(2) The zone may terminate prematurely by order of the Director under ORS 285C.245(3) to (5) and shall terminate by programmatic sunset under ORS 285C.255 consistent with OAR 123-650-9100(4).

(3) With respect to termination in section (1) of this rule, the local zone sponsor may re-designate it as a regular enterprise zone under ORS 285C.250 but only in conformance with all applicable requirements including but not limited to ORS 285C.090.

(4) In addition, the zone may also terminate by order of the Director under ORS 285C.085(5), effectively rescinding the order designating the zone, as if it had never existed, in the event that the federal government prematurely terminates the Federal Enterprise Zone for nonperformance, violation of federal guidelines or similarly unusual circumstances. In this case, there is no provision for a re-designation under ORS 285C.250, but any business firm located in the zone shall enjoy the same protection under relevant provisions of law and this chapter of administrative rules for location in a terminated enterprise zone.

Stat. Auth.: ORS 285A.075 & 285C.060(1)
Stats. Implemented: ORS 285C.085, 285C.245, 285C.250 & 285C.255
Hist.: OBDD 24-2010, f. & cert. ef. 6-14-10; OBDD 14-2015, f. & cert. ef. 11-12-15

Rule Caption: Thorough modification to rules regarding existence and sponsorship of enterprise zones and technical improvement.
Adm. Order No.: OBDD 15-2015
Filed with Sec. of State: 11-12-2015
Certified to be Effective: 11-12-15
Notice Publication Date: 10-1-2015
Rules Adopted: 123-650-0600, 123-650-4000, 123-650-4100, 123-650-4200, 123-650-4400, 123-650-4500, 123-650-4600, 123-650-4800, 123-650-4900
Rules Amended: 123-650-0001, 123-650-0100, 123-650-0500, 123-650-0700, 123-650-1000, 123-650-1100, 123-650-1500, 123-650-5000, 123-650-5100, 123-650-5200, 123-650-5500, 123-650-9100
Rules Repealed: 123-650-2000, 123-650-2100, 123-650-2200, 123-650-2300, 123-650-2400, 123-650-2500, 123-650-2600, 123-650-3000, 123-650-3100, 123-650-3200, 123-650-3300, 123-650-3400, 123-650-7000, 123-650-7100, 123-650-7200, 123-650-7300, 123-650-7400, 123-650-9300
Rules Ren. & Amend: 123-650-0075 to 123-650-0066
Subject: Proposed amendments to division 650, OAR chapter 123, implement chapter 648, Oregon Laws 2015 (Enrolled HB 2643) and make a number of improvements for technical and reading purposes, including:

clarify effects of removing cap in total number of enterprise zones,

fundamentally recast systems for zone designations and boundary changes by local sponsoring governments subject to submission and determination by state agency.

stipulate limitations per jurisdiction or with metropolitan areas,

update guidelines for submission of geographic information for zone boundary,

address local notice/consultation with local governments, and

effect conforming and other changes to the language involving:

tribal enterprise zones

potential of designation based on federal enterprise zones,

local incentives for business firms,

fee paid by firms with local application for authorization, and

imposition of location additional requirements on firms with special circumstances.

Rules Coordinator: Mindee Sublette—(503) 986-0036

123-650-0001
Purpose and Scope

(1) This division of administrative rules governs the existence, modification and termination of regular enterprise zone areas under ORS 285C.050 to 285C.250 (Oregon Enterprise Zone Act) that are:

(a) Sponsored by city, port and county governments; and

(b) Designated initially subject to a measure of economic hardship.

(2) Subsequent divisions in this chapter address related types of designations and the tax incentives for business firms in the various zones, in particular, see OAR 123-656 for tribally and federally related enterprise zones and OAR 123-668 for guidelines respective to local zone sponsorship.

Stat. Auth.: ORS 285A.075 & 285C.060(1)
Stats. Implemented: ORS 285C.045 & 285C.050 – 285C.250
Hist.: OBDD 23-2010, f. & cert. ef. 6-14-10; OBDD 15-2015, f. & cert. ef. 11-12-15

123-650-0066
Enterprise Zone Existence

(1) On and after October 5, 2015, there is no statewide numerical limit on enterprise zone designations or re-designations under ORS 285C.065 and 285C.250.

(2) In addition, there are allowed:

(a) Designations based on a federal enterprise zone directly under ORS 285C.085; and

(b) Reservation enterprise zones and reservation partnership zones, under ORS 285C.306.

(3) As of October 4, 2015, 68 enterprise zones were in existence by order of the Director in accordance with statutory provisions, as follow:

(a) Eighteen under ORS 285C.065 and former ORS 285C.075 and 285C.080;

(b) Forty-eight under ORS 285C.065 and 285C.250 (one of which was initially designated under ORS 285C.085);

(c) None directly under ORS 285C.085; and

(d) Two reservation enterprise zones under ORS 285C.306(2).

(4) Like enterprise zones described in section (1) or subsection (2)(a) of this rule, the 66 enumerated by subsections (3)(a) and (b) of this rule shall continue to exist and may be amended under ORS 285C.050 to 285C.250 until terminating — and the local zone sponsor may re-designate them as otherwise allowed — before July 1, 2025, at which point such zones are disallowed under ORS 285C.255, as described in OAR 123-650-9100(4).

Stat. Auth.: ORS 285A.075 & 285C.060(1)
Stats. Implemented: ORS 285C.050 - 285C.250 & 285C.255
Hist.: OBDD 13-2012, f. & cert. ef. 8-15-12; Remumbered from 123-650-0075 by OBDD 15-2015, f. & cert. ef. 11-12-15

123-650-0100
Definitions

ORS 285C.050 and OAR 123-001 (Procedural Rules) contain definitions used in this division of administrative rules. In addition, unless the context requires otherwise:

(1) *Census Statistical Unit* includes any standard geographic area, jurisdictional entity, administrative designation, or parts of one, for which the U.S. Bureau of Census or other federal, state or institutional/academic sources issue recurring economic data, including but not limited to: County, county subdivision, city/place, census tract or census block group.

(2) "Original enterprise zone," as used in ORS 285C.115(2) for purposes of boundary changes, means the area within the boundary of the zone at the time when it was most recently (re-)designated, irrespective of any intervening boundary change.

(3) *Enterprise Zone Population* means:

(a) For rural enterprise zones, the total population of incorporated cities, in which any part of the zone is located, plus the currently estimated population of Census Statistical Units that tightly envelope unincorporated zone areas; or

(b) For urban enterprise zones, the currently estimated population of Census Statistical Units that tightly envelope zone areas, and it may also include any associated residential area or group of such areas proximate to the zone boundary that encompass a populace, whom the Sponsoring Government(s) explicitly intend to help through employment opportunities and relevant public or private efforts or programs in relation to the zone.

(4) *Sponsoring Government* means a county, port or city designating an enterprise zone (or a district that has effectively the same governing body as the county, port or city, and that contains all of the city, port or county territory inside the proposed zone). A Sponsoring Government may be any city, port or county in Oregon, or combination of such jurisdictions as provided in OAR 123-650-0500, except as prohibited in OAR 123-650-4900(2).

(5) *Terminated-by-Statute* means the automatic termination of an enterprise zone by operation of law after more than 10 years under ORS 285C.245(2).

Stat. Auth.: ORS 285A.075, 285C.060(1) & 285C.066
Stats. Implemented: ORS 285C.050 – 285C.250
Hist.: OBDD 23-2010, f. & cert. ef. 6-14-10; OBDD 13-2012, f. & cert. ef. 8-15-12; OBDD 15-2015, f. & cert. ef. 11-12-15

123-650-0500
Local Government Sponsorship or Consent

For purposes of enterprise zone designations, re-designations or boundary changes:

(1) The zone shall be sponsored by, and only by, the governing body of every city, port or county, in whose territory the zone is located, with the following exceptions:

(a) A **port** need not cosponsor a zone, if both of the following are true:

(A) The zone is located inside the territory of a sponsoring city, county or two or more such jurisdictions; and

(B) The port granted consent for the zone to exist in its territory through a resolution adopted by the port's governing body.

(b) A **county** need not cosponsor a zone, if:

(A) The zone is located completely in the incorporated territory of the city or cities that sponsor(s) the zone;

(B) The county has consented to the zone in its territory for sponsorship by a port through a resolution adopted by the governing body of the county; or

(C) The county granted consent for the zone in its unincorporated territory through a resolution adopted by the governing body of the county, and the only unincorporated territory inside the zone lies within the urban growth area (UGA) between the corporate limits and the urban growth boundary (UGB) of a city that sponsors the zone. (Inside a regional or met-

ropolitan urban growth boundary, any such UGA must be subject to annexation by the sponsoring city)

(c) A **city** need not cosponsor a zone, if all of the following are true:

(A) The zone is located inside the territory of a sponsoring county or of a sponsoring port;

(B) The city granted consent for the zone to exist in its territory through a resolution adopted by the city's governing body based on port/county sponsorship; and

(C) Less than the zone's entire area lies within less than the entire incorporated territory of the city.

(2) City/county/port sponsorship or consent is permissible in combinations not specifically described by section (1) of this rule.

(3) Resolutions by the governing body of a city, port or county for purposes of consent need simply identify the enterprise zone, and that its containing territory inside the city, port or county is acceptable, supported or the like.

(4) Under ORS 285C.068 a port may become a cosponsor of an existing zone that contains parts of the port district, at any time, by adopting a resolution with applicable elements of OAR 123-650-4800(2) and submitting an executed copy of it to the Department with consent resolutions from all existing cosponsors.

(5) If a city annexes into its jurisdiction any area of an existing zone, of which the city is not a sponsor, or to which the city has not consented:

(a) The tax exemptions under ORS 285C.175 of authorized or qualified business firms in the annexed area shall continue unaffected, enjoying the same protection under relevant provisions of law and this chapter of administrative rules for location in a terminated enterprise zone.

(b) An eligible business firm proposing an investment in qualified property at a location in the annexed area of the zone may be authorized on a contingent basis, such that the firm may neither qualify nor receive a property tax exemption on such property unless and until such time as either the city:

(A) Consents by resolution of the city's governing body that the zone as it currently exists may contain areas that have or may be annexed; or

(B) Becomes a new cosponsor of the zone by resolutions adopted by the city and the zone sponsor and submitted to the Department, in accordance with applicable elements of OAR 123-650-4800(2) and 123-650-4900.

Stat. Auth.: ORS 285A.075, 285C.060(1) & 285C.066
Stats. Implemented: ORS 285C.050, 285C.065, 285C.066, 285C.068, 285C.115 & 285C.250
Hist.: OBDD 23-2010, f. & cert. ef. 6-14-10; OBDD 15-2015, f. & cert. ef. 11-12-15

123-650-0600
Zones Allowed per Jurisdiction

Enterprise zone designations, re-designations and boundary changes are subject to negative determinations under ORS 285C.074 and 285C.117, if needlessly redundant, in that:

(1) Whenever practical, would-be Sponsoring Government(s) are strongly encouraged to join together with other city, port and county cosponsors through mutual re-/designations and boundary changes, in order to:

(a) Complement the standards under ORS 285C.120(2)(b) as addressed in OAR 123-650-1100(5);

(b) Make the most of limited resources among agencies, especially at the local level, for administrating and marketing every enterprise zone in the pursuit of business development; and

(c) More generally raise visibility and foster intercommunity collaboration around regional economic development.

(2) Cities shall actively explore cosponsoring an enterprise zone, as allowable by OAR 123-650-0700 to 123-650-1100, if both cities are interested in including area inside a zone, or if one already sponsors a zone and the other is so interested, and their respective urban growth boundaries (UGBs) are separated:

(a) By 5 miles or less in any case; or

(b) In the case of a rural zone in sparsely populated counties:

(A) By 15 miles or less; or

(B) By more than 15 miles for any city with a population of 2,000 or less, whenever the waiver described in OAR 123-650-1100(4) is feasible and appropriate.

(3) The obligation in section (2) of this rule extends equivalently to ports or counties that are cosponsors or would-be Sponsoring Governments, including but not limited to areas outside of UGBs being brought into an enterprise zone that is (also) sponsored by one or more cities.

(4) Specifically for purposes of ORS 285C.066(2), only one enterprise zone may:

(a) Exist at any one time inside the UGB of any city, whether or not it sponsors the zone, except that two zones are allowed inside the UGB of a city with a population of 100,000 or more.

(b) Be designated per county for a zone containing solely unincorporated territory, as sponsored by the county or a port in that county but not by any city, although the Department may still allow an exception if finding that:

(A) The designation or amendment comprises near areas is two or more counties; or

(B) A second such designation would serve one or more exigent business development opportunities, and that distances within the county or other factors render other options impractical or counterproductive.

Stat. Auth.: ORS 285A.075, 285C.060(1), 285C.066 & 285C.120(2)(b)
Stats. Implemented: ORS 285C.060, 285C.066 & 285C.120
Hist.: OBDD 15-2015, f. & cert. ef. 11-12-15

123-650-0700
Rural and Urban Designations

As defined in ORS 285C.050, an "enterprise zone" is categorized as either "rural" or "urban" under ORS 285C.050(17) or (21), such that:

(1) As used in ORS 285C.050(21), "regional or metropolitan urban growth boundary" means the UGB encompassing the principal Oregon city or cities of a federally established metropolitan statistical area (MSA) based on the MSA's title, and any other city that jointly undertakes comprehensive planning with such a city to determine their mutual UGB(s).

(2) Subject to change in the definition of federal MSAs in Oregon, or in joint arrangements for inter-city planning, section (1) of this rule currently pertains to the UGBs for:

(a) Albany

(b) Bend and Redmond;

(c) Corvallis;

(d) Eugene;

(e) Grants Pass;

(f) Medford;

(g) Portland and Hillsboro with all other cities inside the Metro UGB; and

(h) Salem with Keizer.

(3) An enterprise zone may be neither designated, re-designated nor amended to include areas both inside and outside a regional or metropolitan urban growth boundary.

(4) The rural/urban category of any existing enterprise zone may switch according to a change in the circumstances with section (2) of this rule, as determined by the Department.

(5) If such a change, a UGB amendment or some other occurrence causes a regional or metropolitan urban growth boundary to intersect an existing enterprise zone boundary, the zone's categorization as either urban or rural shall remain as it is. If a subsequent modification or occurrence situates the zone entirely outside or inside of that boundary, then the zone's categorization as rural or urban may switch accordingly at that time.

Stat. Auth.: ORS 285A.075, 285C.060(1) & 285C.066
Stats. Implemented: ORS 285C.050 - 285C.250
Hist.: OBDD 23-2010, f. & cert. ef. 6-14-10; OBDD 13-2012, f. & cert. ef. 8-15-12; OBDD 15-2015, f. & cert. ef. 11-12-15

123-650-1000
Size and Distances

For purposes of an enterprise zone designation, re-designation or boundary change:

(1) Except as allowed in OAR 123-650-1100:

(a) The straight-line distance between any two points within the zone may not exceed 12 miles if it is urban, or 15 miles if it is rural.

(b) A separate area of the zone must be five or fewer miles of straight-line distance away from another area of the zone as measured between the two closest points of each area.

(2) No part of the zone may be inside the boundary of another enterprise zone.

(3) The total area of the zone may not exceed 12 square miles if it is urban, or 15 square miles if it is rural, for which the following are ignored:

(a) Any road, track, transmission line or right of way that nominally connects separate areas of the zone; or

(b) Any area below the ordinary high water mark of navigable bodies of water, including but not limited to this state's border territory that is also within the jurisdiction of the zone sponsor, such as areas of the ocean up to three nautical miles directly from shore. Nevertheless, property located in such area is inside the zone boundary.

Stat. Auth.: ORS 285A.075 & 285C.060(1)
Stats. Implemented: ORS 285C.050, 285C.090 & 285C.120

Hist.: OBDD 23-2010, f. & cert. ef. 6-14-10; OBDD 13-2012, f. & cert. ef. 8-15-12; OBDD 15-2015, f. & cert. ef. 11-12-15

123-650-1100
Extended Rural Distances

For purposes of ORS 285C.050(18), 285C.090(4) and 285C.120:

(1) This rule has no bearing on total enterprise zone area as limited in OAR 123-650-1000(3) and applies only to rural enterprise zones that are or will be at least partially outside a county, for which the latest estimate of the county's total population divided by its area exceeds 100 persons per square mile, known for purposes of this rule as a "densely populated county."

(2) The maximum distance allowed in OAR 123-650-1000(1)(a) increases from 15 to:

(a) Twenty-five lineal miles, if no area of the zone is in a densely populated county; or

(b) Twenty lineal miles, if some but not all of the zone area lies in a densely populated county.

(3) The maximum distance allowed in OAR 123-650-1000(1)(b) increases from 5 to 15 lineal miles if none of the separate area is in a densely populated county.

(4) In accordance with ORS 285C.120(2), the Director may waive a limitation in section (2) or (3) of this rule to allow even greater distance as part of an applicable enterprise zone designation, re-designation or boundary change:

(a) As specifically requested by the Sponsoring Government(s) or zone sponsor in the documentation submitted to the Department as described in OAR 123-650-4100 or 123-650-4400;

(b) Such that the waiver is approved by the Director in the context of the Department's issuing a positive determination as described in OAR 123-650-4900; and

(c) If evidence or indications as evaluated by the Department satisfy points described in section (5) of this rule.

(5) For a waiver in section (4) of this rule, the Director must find that each of the following three points is satisfied:

(a) The prospect of serious challenges or difficulties arising if separate enterprise zones were created, including but not limited to an isolated site or small community that would be less effective or efficient on its own as a zone;

(b) Effective administration within the overall zone boundary appears likely, in that for example, it is located entirely in one county, traversable over relatively direct and efficient road distances, appointed zone management is capable of serving the entire zone, or the zone sponsor will devote sufficient resources for management of the extended zone; and

(c) Furtherance of the goals and purpose of applicable state policies, such as state land use goals, or the opportunity to efficiently and expeditiously site a significant business investment, to assist a community exhibiting particular hardship, or to accommodate the expressed preference of local jurisdictions.

Stat. Auth.: ORS 285A.075, 285C.060(1) & 285C.120(2)(b)
Stats. Implemented: ORS 285C.050, 285C.090 & 285C.120
Hist.: OBDD 23-2010, f. & cert. ef. 6-14-10; OBDD 13-2012, f. & cert. ef. 8-15-12; OBDD 15-2015, f. & cert. ef. 11-12-15

123-650-1500
Mapping and Defining Zone Boundary

Any enterprise zone designation, re-designation or boundary change shall demonstrate adherence to OAR 123-650-1000 or 123-650-1100 by including all of the following with the documentation submitted to the Department under ORS 285C.074 or 285C.117:

(1) An estimate to the nearest 0.1 square miles of the entire zone area (after accounting for area added or removed due to any boundary change).

(2) Map or set of maps drawn to scale with north directional arrow, legend/scale and title using the zone name, as well as clear representation of the zone boundary, including:

(a) An overview map showing the entire zone on a single page; and

(b) As necessary or appropriate, inset, subsidiary or supplemental maps to:

(A) Provide detail for portions of the zone, as referenced or linked to the overview map; and

(B) Specify areas added or removed.

(3) Narrative description of the overall enterprise zone boundary in a continuous fashion (incorporating any boundary change) that corresponds to the mapping in section (2) of this rule, but which would overrule the mapping in the event of any material discrepancy. The description shall rely on one of the following methods that exactly corresponds to the zone boundary, or a combination of them if fitting together clearly, comprehensively and without redundancy:

(a) Professional metes and bounds surveying;

(b) Permanent landmarks or natural margins such as a waterway, road, track or transmission line;

(c) Official borders or demarcations such as city limit, urban growth boundary, county line or right of way based on specifically dated citations or documents (zone boundary does not change along with any subsequent change to the demarcation);

(d) Whole cadastral sections, quarter sections and so forth; or

(e) Listing of tax lots in relation to specified and dated county assessor maps with full cadastral survey (T-R-S) numbering:

(A) In a table with two or more other data for each tax lot that further identify it, such as street address, legal description, zoning, area, tax code, coordinates or account number; and

(B) Preferably supplemented with copies of the respective assessor maps.

(4) The following items, which are submitted electronically to the Department (even if other items in this rule need not be):

(a) A single set of geo-coded data (geographic information systems (GIS) shape file) specific only to that entire zone (pursuant to any boundary change) and not in combination with any other enterprise zone; and

(b) Image file corresponding to subsection (2)(a) of this rule (silently incorporating any boundary change).

Stat. Auth.: ORS 285A.075 & 285C.060(1)
Stats. Implemented: ORS 285C.060, 285C.065, 285C.074, 285C.085, 285C.090, 285C.115, 285C.117, 285C.120 & 285C.250
Hist.: OBDD 23-2010, f. & cert. ef. 6-14-10; OBDD 15-2015, f. & cert. ef. 11-12-15

123-650-4000
Initiating Procedures for Zone Designation

To designate or re-designate an enterprise zone under ORS 285C.065 or 285C.250:

(1) The process begins with the Sponsoring Government(s) sending a formal advisory to the Department of its intent to re-/designate. This may happen at any time for a new designation, but for concurrent re-designation, the local zone sponsor shall timely provide the advisory under ORS 285C.074 after January 1 but no later than on or around April 16, preceding July 1 when the existing zone will have Terminated-by-Statute.

(2) The Department will respond promptly to such an advisory, which if by telephone will be memorialized at least through email, consulting with the Sponsoring Government(s) about:

(a) The utility, impacts and responsibilities of re-/designating and having an enterprise zone;

(b) Steps to re-/designate a zone, including but not limited to formally sending notice to and consulting with local taxing districts, after this consultation by the Department has taken place;

(c) Documentation, as well as sample resolution language, needing to be submitted to the Department;

(d) Economic hardship criteria and possible assistance in identifying measures for the local area;

(e) Prohibitions in OAR 123-650-4900(2); and

(f) Other matters as appropriate or necessary.

(3) Not less than 45 days after advising the Department, the Sponsor Governments may submit the enterprise zone re-/designation, as described in OAR 123-650-4100 (electronically as desired).

Stat. Auth.: ORS 285A.075, 285C.060(1) & 285C.067(2)
Stats. Implemented: ORS 285C.065, 285C.067, 285C.074, 285C.078 & 285C.250
Hist.: OBDD 15-2015, f. & cert. ef. 11-12-15

123-650-4100
Documentation Pursuant to Zone Designation

Upon designation or re-designation of an enterprise zone, for purposes of ORS 285C.074:

(1) The Sponsoring Government(s) must complete a form as prescribed by and available from the Department and submit it to the Department (at: Business Development, Business Oregon, State Lands Building Suite 200, 775 Summer Street NE, Salem OR 97301-1280, see www.oregon4biz.com) along with all applicable documentation, respective to:

(a) Contact information and the name of the zone based on place names or common geographic terms (which if the same as a previous or terminating zone's name will include a "II, III, IV, …" suffix, but only in the context of this submission);

(b)(A) Identifying the Sponsoring Governments and consenting jurisdictions for purposes of OAR 123-650-0500, and hotel/resort elections by city or county sponsors; and

(B) Including an executed copy of the resolution adopted by the governing body of each Sponsoring Government according to OAR 123-650-4800(1) and (2), as well as any consenting jurisdiction, consistent with the charter, by-laws or ordinances of the city, port or county;

(c) Timely notice and consultation with local taxing districts for OAR 123-650-5000 to 123-650-5200;

(d) Zone boundary, size and dimensions consistent with OAR 123-650-1500; and

(e) Data, statistics and so forth on social and economic conditions in OAR 123-650-4200.

(2) The form in section (1) of this rule and associated instructions prepared by the Department are hereby incorporated into and made part of these administrative rules, including but not limited to the proper aggregation and use of economic data.

Stat. Auth.: ORS 285A.075 & 285C.060(1)
Stats. Implemented: ORS 285C.060, 285C.065, 285C.066, 285C.067 & 285C.074
Hist.: OBDD 15-2015, f. & cert. ef. 11-12-15

123-650-4200
Mandatory Economic Need for Zone Designation

For purposes of designation or re-designation, the local area of the enterprise zone must exhibit economic hardship, in that:

(1) Except as allowed in section (2) of this rule, an enterprise zone must meet one of the following relative measures in order to qualify for designation:

(a) The zone's median income per household or mean income per capita is 80 percent or less of the equivalent statewide income;

(b) The zone's unemployment rate is at least 2.0 percentage points higher than the corresponding statewide unemployment rate;

(c) The zone's percentage of persons or families below the poverty level is at least five percentage points higher than the equivalent statewide percentage; or

(d) The change in Enterprise Zone Population during the most recent ten-year period is at least 15 percentage points less than the baseline growth for the statewide population. (For example, if the Enterprise Zone Population increased 10 percent, but the state's population over the same ten-year period grew by 25 percent, the zone would meet this qualification)

(2) An enterprise zone may nevertheless qualify under ORS 285C.090(1)(c), if the Department finds based on evidence documented by the Sponsoring Government(s) that the zone will effectively serve communities with economic needs at least as severe as that represented in section (1) of this rule. This may include a combination of recently available facts and data for social and economic conditions, or for example, permanent closures or curtailments within 30 miles of the zone that are associated with heavy job losses by specified employers during the three years preceding designation.

(3) For purposes of subsections (1)(a), (b) or (c) and section (2) of this rule, economic statistics of the metropolitan statistical area that contains an enterprise zone may substitute for corresponding statewide figures as the basis of comparison.

Stat. Auth.: ORS 285A.075 & 285C.060(1)
Stats. Implemented: ORS 285C.060, 285C.074 & 285C.090
Hist.: OBDD 15-2015, f. & cert. ef. 11-12-15

123-650-4400
Documentation with Boundary Changes

The zone sponsor (including with any new cosponsor) may change the boundary of the enterprise zone under ORS 285C.115 and make submission to the Department (electronically as desired), at any time, for purposes of ORS 285C.117. The submission consists of a memorandum prepared by the sponsor with information and all applicable documentation, respective to:

(1) Submitter–contact, relevant background about the amendments, and any change in the zone name;

(2) Identifying every current and new (co)sponsor or consenter, along with an executed copy of the resolution adopted by the governing body of each sponsoring jurisdiction according to applicable provisions of OAR 123-650-4800(2), as well as any (re-)consenting jurisdiction, consistent with the charter, by-laws or ordinances of the city, port or county;

(3) Timely notice to local taxing districts in OAR 123-650-5300 and related matters;

(4) Zone boundary, size and dimensions in accordance with OAR 123-650-1500;

(5) Data, statistics and so forth on social and economic conditions for OAR 123-650-4500; and

(6) Other issues, as necessary or appropriate, in OAR 123-650-4600.

Stat. Auth.: ORS 285A.075 & 285C.060(1)
Stats. Implemented: ORS 285C.060, 285C.066, 285C.115 & 285C.117
Hist.: OBDD 15-2015, f. & cert. ef. 11-12-15

123-650-4500
Economic Conditions for Areas Added by Boundary Changes

Under ORS 285C.115(2)(c), an area may be added to an enterprise zone only if it and adjoining residential areas are economically comparable to the original enterprise zone:

(1) Economic statistics or data for the original enterprise zone shall be either:

(a) From the time of the latest re-/designation of the zone; or

(b) As are most recently available.

(2) As part of the boundary change documentation, general commentary shall suffice for this issue if it is readily apparent that any area added to the zone:

(a) Is virtually devoid of and geographically removed from residential areas; or

(b) Contains and borders only residential areas with signs of economic blight or a preponderance of markedly low-income households.

(3) If circumstances are less plain than in section (2) of this rule, then the documentation shall include a suitable comparison based on one or more economic measures of the original enterprise zone to Census Statistical Units that contain, overlap or appropriately abut areas added to the zone.

(4) The comparison in section (3) of this rule must show that such Census Statistical Units in aggregate, based on the most recently available data, have:

(a) Less than 25 percent of their land zoned or used for residential development; or

(b) Generally the same or a lower household or personal income, or a higher unemployment rate, or otherwise equivalent or more severe economic conditions, compared to the original enterprise zone.

Stat. Auth.: ORS 285A.075 & 285C.060(1)
Stats. Implemented: ORS 285C.060, 285C.115 & 285C.117
Hist.: OBDD 15-2015, f. & cert. ef. 11-12-15

123-650-4600
Additional Issues with Boundary Changes

With respect to any enterprise zone boundary change under ORS 285C.115:

(1) Usable land described in section (2) of this rule must comprise:

(a) At least 25 percent of what is added (except as specially allowed by the Department); and

(b) None of what is removed (except in the case of a concurrent boundary change or re-/designation that would presently place such land in another enterprise zone).

(2) Usable land for purposes of section (1) of this rule includes sites with qualities respective to eligible business firms under ORS 285C.130, such as being:

(a) Zoned outright for uses germane to such firms consistent with an acknowledged comprehensive land use plan or expected amendments to the plan;

(b) Free of serious impediments to development and use due to cultural or environmental concerns or regulations;

(c) Served or realistically serviceable with infrastructure, road access, utilities and so forth that are at least potentially adequate for such firms' operations; and

(d) Vacant or physically available for substantial new business occupancy, expansions or improvements.

(3) The changes must retain (never remove):

(a) Any site identified as the location for proposed qualified property in an application for authorization that is or will be approved and was submitted before the boundary change took effect, and that is neither inactive under ORS 285C.165 nor fully utilized for exemptions under ORS 285C.175; and

(b) One half of the land or actual area comprising the original enterprise zone.

(4) If a site were removed containing operations or qualified property of any authorized or qualified business firm, such a firm shall enjoy the same protection under relevant provisions of law and this chapter of administrative rules for location in a terminated enterprise zone.

(5) An enterprise zone as amended must still adhere to OAR 123-650-0500 to 123-650-1100. For example with respect to OAR 123-650-0700, if modification of a local, state or federal definition or delineation caused a previously existing regional or metropolitan urban growth boundary to intersect an existing rural zone, subsequent changes to that zone boundary may not add area that was within the former regional or metropolitan urban growth boundary as it existed before intersecting the zone.

(6) A city, port or county that previously consented to including territory inside the zone does not need to be involved with a boundary change that adds area only outside of its jurisdiction, but it does need to consent again in order for any more of its territory to be included in the zone.

(7) Neither such a change nor any comparable procedure allows a sponsoring city, port or county government, to:

(a) Make hotel/resort businesses eligible unless such firms are eligible in the zone already, even in the case of a new city or county cosponsor that is joining the zone; or

(b) Renounce, rescind or terminate its existing sponsorship and inclusion in the zone, which is possible only by termination of the entire zone under ORS 285C.245 or by dissolution of the jurisdiction.

Stat. Auth.: ORS 285A.075, 285C.060(1) & 285C.066
Stats. Implemented: ORS 285C.050, 285C.060, 285C.066, 285C.115 & 285C.117
Hist.: OBDD 15-2015, f. & cert. ef. 11-12-15

123-650-4800
Local Resolutions and Hotel/Resort Option

For purposes of city, port or county resolutions to designate, re-designate or amend an enterprise zone:

(1) The resolution by a Sponsoring Government shall be adopted at least seven days after the meeting described in OAR 123-650-5100, in the case of re-/designation.

(2) The resolutions shall:

(a) Acknowledge all other cosponsoring parties to the re-/designation or boundary change, if any;

(b) Declare that the sponsor will (jointly) fulfill duties under ORS 285C.050 to 285C.250, including but not limited to observing ORS 285C.105 in accordance with OAR 123-668;

(c) Clarify that the zone does not compromise or override prevailing zoning, regulatory and permitting ordinances, processes or restrictions, or affect acknowledged comprehensive plans for land use;

(d) As deemed significant and appropriate by the sponsoring government, affirm goals in having the zone, recount zone history, underscore key characteristics of the re-/designation or boundary change, or report actions taken for purposes of public involvement, including but not limited to the nature and outcome of communication or interaction with local taxing districts; and

(e) Stipulate any election or restriction for hotel/resort eligibility under ORS 285C.070 by cities and counties, so that a business operating a hotel, motel or destination resort is eligible under ORS 285C.135(5)(c) in the enterprise zone or in unrestricted parts of the zone, for which:

(A) Any such election or restriction must be uniformly reflected in the resolution(s) (jointly) adopted by every sponsoring city or county and by any consenting city or county to which a restriction applies.

(B) Any restriction makes such businesses ineligible in those parts of the zone throughout the incorporated area of the city or unincorporated area of the county, to which the restriction pertains, which may be a city or county merely consenting to the zone.

(C) With a boundary change, a positive hotel/resort election may not be made, but only a restriction to the jurisdiction of a city or county newly joining or consenting to an enterprise zone that has an existing hotel/resort election, and any such restriction may not be revised once the boundary change takes effect.

(D) In the case of re-/designation, cities and counties may (jointly) revise an election, restriction or lack of one, regardless of what is in the resolution(s) of re-/designation, by resolution(s) adopted not more than six months after the effective date of re-/designation.

(E) A prior election or restriction for hotel/resort eligibility does not carry over to any re-designation, such that hotel/resorts are ineligible (based on the date of application for authorization) throughout any newly re-designated zone without a positive election as described in this subsection.

(3) The sponsor of an enterprise zone that has an existing hotel/resort election may at any time revoke that election in its entirety or in a particular city or county jurisdiction (thereby effecting a restriction), irreversibly for the remainder of the enterprise zone's current period of designation, but:

(a) For a zone with two or more cosponsors, the revocation must be consistently expressed in resolutions adopted by all of them, including but not limited to any port; and

(b) Copies of the resolution(s) of such revocation must be submitted to the Department to establish its effective date in terms of subsequent applications for authorization by relevant business firms.

Stat. Auth.: ORS 285A.075 & 285C.060(1)
Stats. Implemented: ORS 285C.065, 285C.070, 285C.074, 285C.105, 285C.115 & 285C.117
Hist.: OBDD 15-2015, f. & cert. ef. 11-12-15

123-650-4900
Agency Determinations

The Department shall thoroughly review the documentation submitted with an enterprise zone designation, re-designation or boundary change, as described in OAR 123-650-4100 or 123-650-4400, and shall notify the submitter as soon as possible of the determination under ORS 285C.074 or 285C.117, such that:

(1) Subject to procedural matters' being in order and satisfaction of statutory requirements according to applicable parts of these administrative rules, the Department shall issue a notice of positive determination, which will establish salient features of the (amended) enterprise zone, including but not limited to the eligibility of hotel, motel and destination resort businesses, as well as the date that the re-/designation or boundary change takes effect, which shall be:

(a) The date that the last resolution of consent or sponsorship was adopted for a designation;

(b) July 1 in the case of concurrent re-designation under ORS 285C.250 if the last sponsoring or consent resolution was adopted on or before June 30;

(c) The date that the last resolution by any cosponsor was adopted for a boundary change; or

(d) For any resubmission pursuant to section (3) of this rule:

(A) The date coinciding with the Department's receipt of a complete resubmission (in terms of all items needing to be revised, modified or redone), inasmuch as the Department deems the extent of necessary revisions or the amount of time that has elapsed to have been significant; or

(B) The date of adoption of the last applicable resolution replacing or supplementing prior resolutions.

(2) The determination is otherwise negative and the enterprise zone or any amendment to the enterprise zone does not take effect, including but not limited to cases otherwise prohibited in accordance with OAR 123-650-0500 to 123-650-0700 or where:

(a) Documentation is inaccurate, inapplicable, incomprehensible, or insufficiently current including but not limited to section (4) of this rule;

(b) The enterprise zone or an amendment encompasses area in any existing enterprise zone that will not have been Terminated-by-Statute or removed by another boundary change before the requisite effective date; or

(c) A Sponsoring Government or new cosponsor is a city, port or county that sponsored an enterprise zone terminated by order of the Director under ORS 285C.245(3) to (5) within the past 10 years by the time of the requisite effective date, other than a county or port if a port/city also sponsored the terminated zone and none of the new enterprise zone area was inside that terminated zone.

(3) The Department shall promptly issue a formal explanation (at least by email) to the Sponsoring Government(s) or zone sponsor subject to a negative determination, regarding unmet requirements or deficiencies with documentation, as well as what might be done for resubmission that entails either:

(a) More or less minor revisions or additions to documentation, with which the Department may assist, and for which a relatively quick resolution would allow the re-/designation or boundary change to take effect as described in subsection (1)(a) to (c) of this rule; or

(b) Fundamental modifications to the re-/designated or amended zone or its associated documentation, which could also necessitate redoing otherwise faultless steps or documentation with respect to the time limits in section (4) of this rule.

(4) Relative to the date of re/submission, the following are not acceptable for purposes of a positive determination:

(a) Economic data, statistics and so forth that have been superseded by the release or availability of the very same but newer/annually updated data or statistics;

(b) The notice to local taxing districts and any consequent consultative activities described in OAR 123-650-5000 to 123-650-5500, if the notice was sent more than a year prior; or

(c) Any sponsoring or consent resolution older than six months.

(5) For zone re-/designation, section (4) of this rule does not override the need for subsections (4)(b) and (c) and related steps to commence in due order only after the advisory to and consultation with the Department under ORS 285C.074 and 285C.078, which shall occur for re-designations only within six months of when the zone will be Terminated-by-Statute.

Stat. Auth.: ORS 285A.075, 285C.060(1), 285C.066 & 285C.067(2)
Stats. Implemented: ORS 285C.060, 285C.065, 285C.066, 285C.067, 285C.070, 285C.074, 285C.078, 285C.090, 285C.115, 285C.117 & 285C.250
Hist.: OBDD 15-2015, f. & cert. ef. 11-12-15

123-650-5000
Notice with Regular Zone Designation

(1) The designation or re-designation of an enterprise zone under ORS 285C.065 or 285C.250 must entail notice to and consultation with local taxing districts that:

(a) Formally commences only after the Department consults with the Sponsoring Government(s) as described in OAR 123-650-4000; and

(b) Takes place in due order before subsequently submitting documentation to the Department.

(2) The notice goes to each taxing district (including but not limited to any municipal corporation or service district listed under ORS 198.010 and 198.180) that levies or has authority to levy ad valorem taxes on property within the area of zone designation. The county assessor should also receive notice, but it does not need to go to any taxing district that is a Sponsoring Government or a service district, urban renewal district, or the like that effectively has the same governing body as a Sponsoring Government.

(3) The Sponsoring Government(s) must send the notice at least 21 calendar days before the meeting in OAR 123-650-5100, and the notice shall include, but is not limited to:

(a) An invitation for representation from each district;

(b) An established meeting place, date and time, the scheduling of which should be coordinated with district officials known to have special interest in relevant issues;

(c) Brief background about the reasons for seeking an enterprise zone and the potential for (limited-duration) exemption(s) from taxes on future business property inside the zone boundary (subject to certain requirements);

(d) Probable timeline for consideration of resolutions for re-/designation by the Sponsoring Government(s) even if lacking exact dates;

(e) Solicitation for comments on the proposed zone to be directed at a Sponsoring Government; and

(f) Contact details for making such comments or for receiving further information.

(4) The Sponsoring Government(s) must furnish the Department with the following as part of submitted documentation:

(a) Evidence of the notice having been timely sent, including but not limited to:

(A) A list of contact names and mailing addresses for all applicable taxing districts; and

(B) A (template) copy of the notice directed at such taxing districts in accordance with section (3) of this rule; and

(b) Any final materials and the meeting minutes arising from related consultative activities, as well as written comments received in response to the notice from any relevant taxing district.

(5) A taxing district's objection to or lack of support has no bearing on the zone's operation or tax abatements for business firms.

(6) The tasks stipulated in this rule shall not discourage or replace other local efforts and actions to provide/elicit public information, commentary or involvement, as circumstantially appropriate, or as required by local law, policy, custom or practice.

(7) Copies of items listed in subsection (4)(a) of this rule shall also be furnished to the Special Districts Association of Oregon (Attn: Government Affairs).

Stat. Auth.: ORS 285A.075, 285C.060(1) & 285C.067(2)
Stats. Implemented: ORS 285C.060, 285C.065, 285C.067, 285C.074, 285C.078 & 285C.250
Hist.: OBDD 23-2010, f. & cert. ef. 6-14-10; OBDD 15-2015, f. & cert. ef. 11-12-15

123-650-5100
Public Meeting for Regular Designations

For purposes of ORS 285C.067, the Sponsoring Government(s) shall conduct a public meeting (though not necessarily hold a public hearing or issue a public notice for the meeting):

(1) That occurs not less than seven days before the adoption of any resolution of designation or re-designation by a Sponsoring Government.

(2) To which the Sponsoring Government(s) send staff or community partners, who are directly involved with the re-/designation and knowledgeable about the potential of business development in the proposed zone, as well as their elected or executive officials as feasible and appropriate.

(3) At which the Sponsoring Government(s):

(a) Make available and reviews draft copies of a map of the proposed zone boundary and other such materials related to the re-/designation;

(b) Recognize for the record any written commentary already received from a district;

(c) May allot time for opening statements by each district in attendance; and

(d) Have the proceedings transcribed or recorded in some manner.

(4) That involves discussion of relevant issues and may address follow-up steps for analysis or further consultation, as well as plans for adopting resolutions and completing the re-/designation.

Stat. Auth.: ORS 285A.075, 285C.060(1) & 285C.067(2)
Stats. Implemented: ORS 285C.060, 285C.065, 285C.067, 285C.074 & 285C.250
Hist.: OBDD 23-2010, f. & cert. ef. 6-14-10; OBDD 15-2015, f. & cert. ef. 11-12-15

123-650-5200
Consultations Generally with Taxing Districts

(1) In anticipation of or subsequent to the meeting described in OAR 123-650-5100, or as otherwise warranted with an enterprise zone designation, re-designation or boundary change, the Sponsoring Government(s) or zone sponsor:

(a) May communicate, confer or interact with one or more local taxing districts, including but not limited to additional public or nonpublic meetings or other means of eliciting feedback and dialogue with districts.

(b) Shall respond within 10 business days to a local taxing district's formal request and make good faith efforts to fulfill any such a request for a special (one-on-one) meeting or for written answers to specific questions.

(c) Shall assist one or more districts, as requested, to estimate or better understand short or long-term effects on public revenues and service demands under particular assumptions or potentialities about enterprise zone development.

(d) May explore how to effectively resolve relevant, outstanding issues through local government permitting procedures or development standards affecting eligible business firms in the zone, including but not limited to design review, conditional use permits, comprehensive land use planning or zoning ordinances.

(2) As a consequence of consultative activities with local taxing districts, the Sponsoring Government(s) or zone sponsor:

(a) May establish arrangements or agreements with one or more districts, contingent on the zone re-/designation or boundary amendment.

(b) Shall describe any such arrangements in materials submitted to the Department, including but not limited to follow-up steps, timelines or outstanding points still subject to refinement or finalization.

(c) May formally execute and document any such arrangement or agreement, but any description of verbal pledges or understandings do not themselves create or represent an obligation by the zone sponsor.

(3) This rule does not create any authority over property tax collection or any right to obligate or burden the county assessor.

Stat. Auth.: ORS 285A.075, 285C.060(1) & 285C.067(2)
Stats. Implemented: ORS 285C.060, 285C.067, 285C.074, 285C.115 & 285C.117
Hist.: OBDD 23-2010, f. & cert. ef. 6-14-10; OBDD 15-2015, f. & cert. ef. 11-12-15

123-650-5500
Notice for Boundary Changes

A change to an existing enterprise zone boundary must entail notice to local taxing districts before the submission under ORS 285C.117 to the Department that generally conforms to that described in OAR 123-650-5000, except:

(1) The notice goes not only to each taxing district in any area to be added, but also to those inside the entire, current zone area (aside from any jurisdiction joining the zone).

(2) The notice shall be sent at least 21 calendar days before adoption of the requisite resolution by the governing body of the sponsoring county. If there is no sponsoring county, notice must precede the resolution by every sponsoring city or port by 21 calendar days.

(3) There is no mandatory public meeting or other type of special consultation, but circumstances such as the addition of a new cosponsor or of extensive areas could demand further communication along the lines of OAR 123-650-5200.

(4) The submission to the Department is not complete without inclusion of relevant items listed in OAR 123-650-5000(4).

Stat. Auth.: ORS 285A.075 & 285C.060(1)
Stats. Implemented: ORS 285C.115 & 285C.117
Hist.: OBDD 23-2010, f. & cert. ef. 6-14-10; OBDD 15-2015, f. & cert. ef. 11-12-15

123-650-9100
Events and Timing

(1) Enterprise zones that are Terminated-by-Statute or are re-designated concurrently under ORS 285C.250(1) shall be terminated or designated effective at 12 midnight of July 1.

(2) Any zone that is timely re-designated as described in section (1) of this rule and OAR 123-650-4900(1)(b) shall not itself terminate under ORS 285C.245(2) until, in effect 11 years after its designation, except as preempted by section (4) of this rule.

(3) Following the termination of an enterprise zone:

(a) The local policies adopted by the zone sponsor under ORS 285C.105 or other statutory provisions shall remain in force as they were at the time of termination.

(b) The only change that the sponsor of the terminated zone may make to the zone's local policies is to appoint a replacement as needed for the local zone manager, if the position previously held by the local zone manager lacks qualified personnel.

(4) Termination by programmatic sunset under ORS 285C.255(1)(c) occurs at 5:00 PM (Pacific Time) on June 30, 2025.

Stat. Auth.: ORS 285A.075 & 285C.060(1)
Stats. Implemented: ORS 285C.050 - 285C.250 & 285C.255
Hist.: OBDD 23-2010, f. & cert. ef. 6-14-10; OBDD 13-2012, f. & cert. ef. 8-15-12; OBDD 15-2015, f. & cert. ef. 11-12-15

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

Rule Caption: Temporary amendments to OAR 309-112 titled Use of Restraint For Patients in State Institutions.
Adm. Order No.: MHS 6-2015(Temp)
Filed with Sec. of State: 10-20-2015
Certified to be Effective: 10-21-15 thru 4-15-16
Notice Publication Date:
Rules Amended: 309-112-0000, 309-112-0005, 309-112-0010, 309-112-0015, 309-112-0017, 309-112-0020, 309-112-0025, 309-112-0030, 309-112-0035
Subject: These rules prescribe policies and procedures concerning the use of restraint in the treatment and behavior management of patients in state institutions operated by the Oregon Health Authority.
Rules Coordinator: Nola Russell—(503) 945-7652

309-112-0000
Purpose and Statutory Authority

(1) Purpose. These rules prescribe policies and procedures concerning the use of restraint in the treatment, and behavior management of patients in state institutions operated by the Division. In addition to these general rules, other more specific requirements established by federal regulations must be followed where applicable.

(2) Statutory Authority. These rules are authorized by ORS 179.040 and 413.042 and carry out the provisions of 426.385 and 427.031.

Stat. Auth.: ORS 179.040 & 413.042
Stats. Implemented: ORS 426.385 & 427.031
Hist.: MHD 1-1982(Temp), f. & ef. 1-14-82; MHD 7-1982, f. & ef. 3-29-82; MHD 22-1982(Temp), f. & ef. 9-24-82; MHD 1-1984, f. 1-20-84, ef. 2-1-84; MHS 2-2013(Temp), f. & cert. ef. 1-23-13 thru 7-19-13; Administrative correction, 8-21-13; MHS 6-2015(Temp), f. 10-20-15, cert. ef. 10-21-15 thru 4-15-16

309-112-0005
Definitions

As used in these rules:

(1) "Chief Medical Officer" means the physician designated by the superintendent of each state institution pursuant to ORS 179.360(1)(f) who is responsible for the administration of medical treatment at each state institution, or his or her designee.

(2) "Division" means the State Hospital Division of the Oregon Health Authority.

(3) "Interdisciplinary Team (IDT)" means a group of professional and direct care staff which has primary responsibility for the development of a plan for the care and treatment of an individual patient.

(4) "Patient" means a person who is receiving care and treatment in a state institution for the mentally ill.

(5) "Restraint" means one or more of the following procedures:

(a) "Personal Restraint" means a procedure in which a patient or resident is placed in a prone or supine position or held in a chair by another person in order to restrict the physical movement of the patient or resident;

(b) "Physical Restraint" means a device which restricts the physical movement of a patient and which cannot be removed by the person and is not a normal article of clothing, a therapy device, or a simple safety device; or

(c) "Seclusion" means the placement of a patient alone in a locked room.

(6) "Restraint Review Committee" means the committee appointed by the superintendent of each state institution as provided in OAR 309-112-0030.

(7) "Security Area" means a cottage or unit in which a program is conducted for dangerous patients, including those judged guilty except for insanity, those court ordered into a secure program prior to trial, and those court committed patients not manageable in less secure programs.

(8) "Security Transportation" means using physical restraint while a patient is being transported outside a security area.

(9) "State Institution" means Oregon State Hospital in Salem and Junction City.

(10) "Superintendent" means the executive head of the state institution as listed in section (11) of this rule, or his or her designee.

Stat. Auth.: ORS 179.040 & 413.042
Stats. Implemented: ORS 426.385 & 427.031
Hist.: MHD 1-1982(Temp), f. & ef. 1-14-82; MHD 7-1982, f. & ef. 3-29-82; MHD 11-1982(Temp), f. & ef. 6-10-82; MHD 21-1982, f. & ef. 9-24-82; MHD 1-1984, f. 1-20-84, ef. 2-1-84; MHD 2-1986, f. & ef. 3-31-86; MHS 2-2013(Temp), f. & cert. ef. 1-23-13 thru 7-19-13; Administrative correction, 8-21-13; MHS 6-2015(Temp), f. 10-20-15, cert. ef. 10-21-15 thru 4-15-16

309-112-0010
General Policies Concerning Use of Restraint

(1) State institutions shall not use restraint except in emergencies, as provided in OAR 309-112-0015, or as part of planned treatment programs as provided in 309-112-0017, and only then subject to the conditions and limitations of these rules. An order for physical restraint may not be in effect longer than 12 hours. No form of restraint shall be used as punishment, for the convenience of staff, or as a substitute for activities, treatment, or training.

(3) State institutions shall provide training in the appropriate use of restraint to all employees having direct care responsibilities.

(3) Medication will not be used as a restraint, but will be prescribed and administered according to acceptable medical, nursing, and pharmaceutical practices.

(4) Patients shall not be permitted to use restraint on other patients.

(5) Physical restraint must be used in accordance with sound medical practice to assure the least risk of physical injury and discomfort. Any patient placed in physical restraint shall be protected from self-injury and from injury by others.

(6) Checking a patient in restraint:

(a) A patient in restraint must be checked at least every 15 minutes;

(b) Attention shall be paid to the patient's basic personal needs (such as regular meals, personal hygiene, and sleep) as well as the person's need for good body alignment and circulation;

(c) Staff shall document that the patient was checked and appropriate attention paid to the person's needs.

(7) During waking hours the patient must be exercised for a period not less than 10 minutes during each two hours of physical restraint. Partial release of physical restraint shall be employed as necessary to permit motion and exercise without endangering other staff and patients.

(8) Unless the order authorizing use of restraint specifically provides otherwise, the patient shall be released as soon as it is reasonable to assume that the behavior causing use of restraint will not immediately resume if the person is released.

(9) OAR 309-112-0015 and 309-112-0017 require staff of state institutions to apply the most appropriate form of restraint consistent with the patient's behavior requiring intervention, the need to protect the staff and other patients, the patient's treatment or training needs and preservation of the patient's sense of personal dignity and self-esteem. The determination of the most appropriate intervention requires consideration of the following factors:

(a) The individual patient involved; e.g., the present physical ability to engage in violent or destructive behavior, any preference the individual patient has for one method of behavior management versus another, and the individual's reaction to various methods of intervention;

(b) The risk or degree of physical or psychological harm and discomfort that accompany the various methods of intervention;

(c) The risk or degree of interference with the individual's ongoing treatment or training and other activities.

(10) A summary of all uses of restraint, other than personal restraint for 15 minutes or less, shall be sent to the chief medical officer at least monthly.

(11) The following types of procedures are part of ordinary and customary medical care for physical illnesses or conditions and are not subject to the provisions of these rules:

(a) Holding or restraining a patient during an examination, blood drawing, performance of a diagnostic test or during treatment for an acute medical condition;

(b) Restricting movement with orthopedic devices such as casts, wheel chairs, braces, and positioning devices;

(c) Isolating a patient with a known or suspected infectious disease;

(d) Protecting seizure-prone and self-abusive patients by the use of protective gear.

(12) A patient, guardian, or a duly authorized representative of the patient, or guardian has the right to contest any application of these rules as provided in OAR 309-118-0000 through 309-118-0050 (Grievance Procedures for Use in State Institutions).

(13) Violation of the rights, policies, and procedures set forth in these rules by an employee of the Division constitutes cause for disciplinary action.

Stat. Auth.: ORS 179.040 & 413.042
Stats. Implemented: ORS 426.385 & 427.031
Hist.: MHD 1-1982(Temp), f. & ef. 1-14-82; MHD 7-1982, f. & ef. 3-29-82; MHD 11-1982(Temp), f. & ef. 6-10-82; MHD 21-1982, f. & ef. 9-24-82; MHD 1-1984, f. 1-20-84, ef. 2-1-84; MHD 16-1985(Temp), f. & ef. 10-9-85; MHD 2-1986, f. & ef. 3-31-86; MHS 2-2013(Temp), f. & cert. ef. 1-23-13 thru 7-19-13; Administrative correction, 8-21-13; MHS 6-2015(Temp), f. 10-20-15, cert. ef. 10-21-15 thru 4-15-16

309-112-0015
Use of Restraint in Emergencies

(1) Subject to the provisions of these rules, restraint may be used to manage the behavior of a patient in emergencies. An emergency exists, as determined by the chief medical officer or designee if, because of the behavior of a patient:

(a) There is a substantial likelihood of immediate physical harm to the patient or others in the institution; and

(b) There is a substantial likelihood of significant property damage; or

(c) The patient's behavior seriously disrupts the activities of other patients on the unit or cottage; and

(d) Measures other than the use of restraint are deemed ineffective to manage the behavior.

(2)(a) When an emergency exists, the staff of a state institution shall select the most appropriate intervention consistent with OAR 309-112-0010(9);

(b) Whenever the interdisciplinary team (IDT) has reason to believe that in the course of a patient's care, custody, or treatment at a state institution it may become necessary to use restraint in an emergency, a member of the IDT shall, if practicable, ask the patient for an expression of preference or aversion to the various forms of intervention. A member of the IDT shall also ask the parent or guardian for an expression of preference regarding forms of intervention. The patient's expression, if any, as well as that of the parent or guardian shall be relayed to the other IDT members and recorded in the patient's chart;

(c) The patient's wishes for or against particular forms of intervention shall be respected by the person authorizing the use of restraint, provided that primary consideration shall be given to the need to protect the patient and others in the institution.

(3) Authorization:

(a) Except as provided in subsections (3)(d) and (e) of this rule, restraint shall be administered only pursuant to the order of the chief medical officer or the chief medical officer's designee;

(b) For the purposes of this section, the chief medical officer may designate one or more of the following persons: A physician licensed to practice medicine in the State of Oregon, a psychologist, or a psychiatric/mental health nurse practitioner;

(c) The chief medical officer or designee shall order the use of restraint only after adequately assessing the patient's or resident's condition and the environmental situation;

(d) If the chief medical officer or designee is not available immediately to assess the need for intervention, and an emergency exists as defined in section (1) of this rule:

(A) The person in charge of the unit or cottage at the time:

(i) May authorize temporary use of restraint for a period of time not to exceed 30 minutes; and

(ii) Shall immediately contact the chief medical officer or his or her designee.

(B) The chief medical officer or designee shall personally observe the patient as soon as practicable to assess the individual and assess the appropriateness of the temporary use of restraint. The observation shall be documented in the person's chart.

(e) Every incident of Personal restraint must be ordered by the chief medical officer or his or her designee, or as provided in subsection (3)(d) of this rule. The order may be oral or written but shall be documented as provided in section (4) of this rule.

(4) Documentation:

(a) No later than the end of their work shifts, the persons who authorized and carried out the use of restraint shall document in the patient's chart including but not necessarily limited to:

(A) The specific behavior which required intervention;

(B) The method of intervention used and the patient's response to the intervention; and

(C) The reason this specific intervention was used.

(b) Within 24 hours after the incident resulting in the use of restraint, the chief medical officer or designee who ordered the intervention shall review and sign the documentation. In the case of patients detained in a psychiatric hospital pursuant to an emergency hold under ORS 426.180 through 426.225, the treating physician shall sign the documentation, if the treating physician is not the chief medical officer or designee who ordered the intervention.

(5) Time Limits: All orders authorizing use of restraint shall contain an expiration time, not to exceed 12 hours and consistent with OAR 309-112-0010(8). Upon personal re-examination of the patient, the chief medical officer or designee may extend the order for up to 12 hours at each review, provided that the behavior of the patient justifies extended intervention. After each 24 hours of continuous restraint, a second opinion from another designee of the chief medical officer shall be required for further extension of the restraint.

(6) Reporting: Under this rule all emergency uses of restraint in excess of 15 minutes shall be reported daily to the chief medical officer or designee.

(7) After the second use of emergency restraint on a particular patient during a one-month period, a treatment program designed to reduce the need for restraint must be developed.

Stat. Auth.: ORS 179.040 & 413.042
Stats. Implemented: ORS 426.385 & 427.031
Hist.: MHD 1-1982(Temp), f. & ef. 1-14-82; MHD 7-1982, f. & ef. 3-29-82; MHD 22-1982(Temp), f. & ef. 9-24-82; MHD 1-1984, f. 1-20-84, ef. 2-1-84; MHD 2-1986, f. & ef. 3-31-86; MHS 2-2013(Temp), f. & cert. ef. 1-23-13 thru 7-19-13; Administrative correction, 8-21-13; MHS 6-2015(Temp), f. 10-20-15, cert. ef. 10-21-15 thru 4-15-16

309-112-0017
Use of Restraint as Part of Planned Treatment or Training Programs

Subject to the provisions of these rules, restraint may be used as part of planned treatment program provided the informed consent of the patient is obtained or, if informed consent cannot be obtained, authorization to proceed with necessary treatment is obtained as provided in OAR 309-114-0000 through 309-114-0025

Stat. Auth.: ORS 179.040 & 413.042
Stats. Implemented: ORS 426.385 & 427.031
Hist.: MHD 11-1982(Temp), f. & ef. 6-10-82; MHD 21-1982, f. & ef. 9-24-82; MHD 1-1984, f. 1-20-84, ef. 2-1-84; MHS 2-2013(Temp), f. & cert. ef. 1-23-13 thru 7-19-13; Administrative correction, 8-21-13; MHS 6-2015(Temp), f. 10-20-15, cert. ef. 10-21-15 thru 4-15-16

309-112-0020
Use of Security Transportation

The chief medical officer or designee may authorize the use of secure transportation for patients of a secure program when outside the security area.

Stat. Auth.: ORS 179.040 & 413.042
Stats. Implemented: ORS 426.385 & 427.031
Hist.: MHD 1-1982(Temp), f. & ef. 1-14-82; MHD 7-1982, f. & ef. 3-29-82; MHD 22-1982(Temp), f. & ef. 9-24-82; MHD 1-1984, f. 1-20-84, ef. 2-1-84; MHS 2-2013(Temp), f. & cert. ef. 1-23-13 thru 7-19-13; Administrative correction, 8-21-13; MHS 6-2015(Temp), f. 10-20-15, cert. ef. 10-21-15 thru 4-15-16

309-112-0025
Use of Restraint for Acute Medical Conditions

(1) During medical treatment for acute physical conditions, personal and physical restraint may be used to prevent a patient from injuring himself or herself.

(2) Use of a restraint in the presence of a physician may be authorized verbally; ongoing or continuing use of personal or physical restraint must be ordered in writing by a physician.

(3) Treatment staff shall:

(a) Attend to the patient's basic personal needs and exercise needs in accordance with general medical practice; and

(b) To the extent practicable, accommodate the patient's mental disabilities treatment and training regimen.

Stat. Auth.: ORS 179.040 & 413.042
Stats. Implemented: ORS 426.385 & 427.031
Hist.: MHD 1-1982(Temp), f. & ef. 1-14-82; MHD 7-1982, f. & ef. 3-29-82; MHD 1-1984, f. 1-20-84, ef. 2-1-84; MHS 2-2013(Temp), f. & cert. ef. 1-23-13 thru 7-19-13;

Administrative correction, 8-21-13; MHS 6-2015(Temp), f. 10-20-15, cert. ef. 10-21-15 thru 4-15-16

309-112-0030
Restraint Review Committee

(1) Each state institution shall have a Restraint Review Committee. The members of the committee shall be appointed by the superintendent of each institution and shall consist of five members; two from institution staff and three community persons who are knowledgeable in the field of mental health. A quorum shall consist of three members. The committee may be one formed specifically for the purposes set forth in this rule, or the duties prescribed in this rule may be assigned to an existing committee.

(2) The purpose and duty of the Restraint Review Committee is to review and evaluate at least quarterly the appropriateness of all such interventions and report its findings to the superintendent.

Stat. Auth.: ORS 179.040 & 413.042
Stats. Implemented: ORS 426.385 & 427.031
Hist.: MHD 1-1982(Temp), f. & ef. 1-14-82; MHD 12-1982, f. & ef. 6-10-82; MHD 22-1982(Temp), f. & ef. 9-24-82; MHD 1-1984, f. 1-20-84, ef. 2-1-84; MHS 2-2013(Temp), f. & cert. ef. 1-23-13 thru 7-19-13; Administrative correction, 8-21-13; MHS 6-2015(Temp), f. 10-20-15, cert. ef. 10-21-15 thru 4-15-16

309-112-0035
Notice to Patients and Employees

(1) Upon admission, state institutions shall inform patients orally and in writing, of the rights, policies, and procedures set forth in these rules. In addition, a clear and simple statement of the title and number of these rules, their general purpose, and instructions on how to obtain a copy of the rules and how to seek advice about their content shall be prominently displayed in areas frequented by patients in all state institutions.

(2) All employees of state institutions shall be notified in writing at the commencement of their employment, or, for present employees, within a reasonable time of the effective date of these rules, of the rights, policies, and procedures set forth in these rules.

Stat. Auth.: ORS 179.040 & 413.042
Stats. Implemented: ORS 426.385 & 427.031
Hist.: MHD 1-1982(Temp), f. & ef. 1-14-82; MHD 7-1982, f. & ef. 3-29-82; MHD 1-1984, f. 1-20-84, ef. 2-1-84; MHS 2-2013(Temp), f. & cert. ef. 1-23-13 thru 7-19-13; Administrative correction, 8-21-13; MHS 6-2015(Temp), f. 10-20-15, cert. ef. 10-21-15 thru 4-15-16

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Rule Caption: Temporary amendments to OAR 309-091 titled State Hospital Admissions and Discharges.
Adm. Order No.: MHS 7-2015(Temp)
Filed with Sec. of State: 10-28-2015
Certified to be Effective: 10-28-15 thru 4-22-16
Notice Publication Date:
Rules Amended: 309-091-0050
Subject: (1) These rules establish and define the criteria which support the proper management and utilization of services provided by the Oregon state hospital system, by limiting admissions to those most severely symptomatic individuals whose treatment and recovery needs cannot be met in a community treatment setting.

(2) These rules apply to all individuals admitted into any state hospital setting, and address differences which occur due to each individual's legal status.
Rules Coordinator: Nola Russell—(503) 945-7652

309-091-0050
Other Forensic Discharges

(1) For the purposes of this rule, discharge occurs when the state hospital moves the individual from the state hospital's psychiatric care to either a community setting or other institutional setting, including but not limited to discharge to a jail.

(2) Individuals committed to the state hospital pursuant to ORS 161.370 shall be discharged from the state hospital upon the any of the following:

(a) The court has ordered that the individual be discharged from the state hospital or that the underlying criminal charges be dismissed;

(b) The state hospital both:

(A) Has sent notice to the court pursuant to ORS 161.370 subsection (5)(a), (5)(b)(A), (5)(b)(B), or subsection (8); and

(B) Has transported the individual to a jail;

(c) A period of time has passed which is equal to the maximum sentence the court could have imposed if the individual had been convicted; or

(d) A period of time has passed which is equal to 1,095 days from the individual's initial custody date at the hospital under ORS 161.370.

(3) In counting the maximum period of time under (2)(c) through (d) of this section, the state hospital shall count the days in which the defendant was admitted to the state hospital pursuant to ORS 161.370 on any charge alleged in the accusatory instrument and shall not count any days in which the individual had been discharged from the state hospital.

Stat. Auth.: ORS 413.042
Stats. Implemented: ORS 179.321, 426.010, 426.020, 161.370, 179.360 & 2011 SB 432
Hist.: MHS 16-2011(Temp), f. 12-29-11, cert. ef. 1-1-12 thru 6-29-12; MHS 6-2012, f. 5-3-12, cert. ef. 5-4-12; MHS 7-2015(Temp), f. & cert. ef. 10-28-15 thru 4-22-16

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Oregon Health Authority, Division of Medical Assistance Programs
Chapter 410

Rule Caption: Amend Rule to Meet Requirements of the HERC Guideline Expanding Coverage of Lymphedema Conditions
Adm. Order No.: DMAP 59-2015
Filed with Sec. of State: 10-28-2015
Certified to be Effective: 11-1-15
Notice Publication Date: 10-1-2015
Rules Amended: 410-122-0658
Subject: Rule changes are necessary to meet requirements of HERC guideline note 43 that provides coverage for compression stockings and sleeves for the treatment of lymphedema even in the absence of an ulcer. The current rule limits coverage for lymphedema when an ulcer is present. The rule changes add coverage for mastectomy sleeves for treatment of post-mastectomy lymphedema as this condition is on a funded line, and it is a medically necessary treatment for this condition. The rule adds prior authorization criteria for custom compression stockings and sleeves to determine if least costly and to manually price. The rule clarifies how many stockings are covered and when a replacement may be requested.
Rules Coordinator: Sandy Cafourek—(503) 945-6430

410-122-0658
Gradient Compression Stockings/Sleeves

(1) Indications and Limitations of Coverage and Medical Appropriateness:

(a) The Division of Medical Assistance Programs (Division) may cover gradient compression stockings/sleeves for the following indications:

(A) Ulceration due to chronic venous insufficiency;

(B) Varicose veins with ulcer or inflammation;

(C) Phlebitis/thrombophlebitis;

(D) Deep vein thrombosis (DVT) prophylaxis during pregnancy and postpartum or immobilization due to surgery, trauma, or debilitation;

(E) Funded lymphedema conditions; and

(F) Edema following a covered surgery, fracture, burns, or other trauma;

(b) A gradient compression stocking may be covered when it is used to secure a primary dressing over an open venous stasis ulcer that is currently being treated by a practitioner and requires medically necessary debridement and when the gradient stocking delivers compression less than 50 mmHg;

(c) Two gradient compression stockings/sleeves per affected limb may be provided at dispensing (the second one is for use while the first one is being laundered);

(d) Replacement stockings/sleeves are limited to two per affected limb every six months. Requests for quantities that exceed this amount require detailed medical documentation (e.g., change in size, unusual drainage, wear that renders them ineffective);

(e) Custom-made gradient compression stockings/sleeves require prior authorization with documentation that supports that the treating practitioner has considered ready-made gradient compression stockings/sleeves and the reason why they will not meet the medical needs of the client.

(f) The following services are not covered:

(A) Antiembolism stockings (A4490-A4510);

(B) Garter belts (A6544);

(C) Stockings/sleeves for the following conditions:

(i) Solely for the purpose of air travel;

(ii) Treatment of non-funded lymphedema conditions;

(iii) Venous insufficiency without stasis ulcers;

(D) Support hose (pantyhose).

(2) Documentation Requirements: Medical records that support the conditions of coverage are met, as specified in this rule, shall be kept on file

by the durable medical equipment, prosthetics, orthotics and supplies (DMEPOS) provider and made available to the Division on request.

(3) Table 122-0658

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

Stat. Auth.: ORS 413.042 & 414.065

Stats. Implemented: ORS 414.065

Hist.: DMAP 17-2008, f. 6-13-08, cert. ef. 7-1-08; DMAP 13-2010, f. 6-10-10, cert. ef. 7-1-10; DMAP 59-2015, f. 10-28-15, cert. ef. 11-1-15

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Rule Caption: Amend Rule to Add Reference to Other Applicable Rules and to Update Tables
Adm. Order No.: DMAP 60-2015
Filed with Sec. of State: 10-29-2015
Certified to be Effective: 11-1-15
Notice Publication Date: 10-1-2015
Rules Amended: 410-122-0660
Subject: The Division needs to amend this rule to add reference to other applicable rules to assist providers in determining coverage guidelines and to amend the tables to remove HCPCS codes that are no longer valid and to add new codes or replacement codes.
Rules Coordinator: Sandy Cafourek—(503) 945-6430

410-122-0660
Orthotics and Prosthetics

(1) Indications and limitations of coverage and medical appropriateness:

(a) The Division of Medical Assistance Programs (Division) may cover some orthotics and prosthetics for covered conditions;

(b) Use the current Healthcare Common Procedure Coding System (HCPCS) Level II Guide for current codes and descriptions;

(c) For adults, follow Medicare current guidelines for determining coverage;

(d) For clients under age 19, the prescribing practitioner shall determine and document medical appropriateness;

(e) The hospital is responsible for reimbursing the provider for orthotics and prosthetics provided on an inpatient basis;

(f) Evaluations, office visits, fittings, and materials are included in the service provided;

(g) Evaluations will only be reimbursed as a separate service when the provider travels to a client's residence to evaluate the client's need;

(h) See Division 129, Speech-Language Pathology, Audiology and Hearing Aid Services for coverage criteria for speech and audiology prosthetic devices and accessories.

(i) See OAR 410-122-0658 for coverage criteria for mastectomy sleeves (L8010).

(2) Documentation requirements:

(a) For services that require prior authorization (PA): Submit documentation for review that supports conditions of coverage as specified in this rule are met;

(b) For services that do not require PA: Medical records that support conditions of coverage as specified in this rule are met shall be on file with the durable medical equipment, prosthetics, orthotics and supplies (DMEPOS) provider and made available to the Division on request.

(3) Table 122-0660-1: Codes requiring PA.

(4) Table 122-0660-2: Exclusions of Coverage.

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

Stat. Auth.: ORS 413.042 & 414.065

Stats. Implemented: ORS 414.065

Hist.: HR 13-1991, f. & cert. ef. 3-1-91; HR 10-1992, f. & cert. ef. 4-1-92; HR 9-1993, f. & cert. ef. 4-1-93; HR 10-1994, f. & cert. ef. 2-15-94; HR 26-1994, f. & cert. ef. 7-1-94; HR 41-1994, f. 12-30-94, cert. ef. 1-1-95; HR 17-1996, f. & cert. ef. 8-1-96; HR 7-1997, f. 2-28-97, cert. ef. 3-1-97; OMAP 11-1998, f. & cert. ef. 4-1-98; OMAP 13-1999, f. & cert. ef. 4-1-99; OMAP 1-2000, f. 3-31-00, cert. ef. 4-1-00; OMAP 37-2000, f. 9-29-00, cert. ef. 10-1-00; OMAP 4-2001, f. 3-30-01, cert. ef. 4-1-01; OMAP 32-2001, f. 9-24-01, cert. ef. 10-1-01; OMAP 8-2002, f. & cert. ef. 4-1-02; OMAP 47-2002, f. & cert. ef. 10-1-02; OMAP 21-2003, f. 3-26-03, cert. ef. 4-1-03; OMAP 25-2004, f. & cert. ef. 4-1-04; OMAP 44-2004, f. & cert. ef. 7-1-04; OMAP 11-2005, f. 3-9-05, cert. ef. 4-1-05; OMAP 35-2006, f. 9-15-06, cert. ef. 10-1-06; OMAP 47-2006, f. 12-15-06, cert. ef. 1-1-07; DMAP 17-2008, f. 6-13-08, cert. ef. 7-1-08; DMAP 40-2009, f. 12-15-09, cert. ef. 1-1-10; DMAP 17-2012, f. 3-30-12, cert. ef. 4-1-12; DMAP 60-2015, f. 10-29-15, cert. ef. 11-1-15

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Rule Caption: Amend Rule to Describe Prior Authorization Requirements for Clients Enrolled in CCOs
Adm. Order No.: DMAP 61-2015
Filed with Sec. of State: 10-29-2015
Certified to be Effective: 11-1-15
Notice Publication Date: 10-1-2015
Rules Amended: 410-122-0040
Subject: Amending this rule as it was missed when OHP went from contracting with managed care plans to contracting with CCOs. It adds language that instructs providers to obtain prior authorization from CCOs when a client is enrolled in a CCO.
Rules Coordinator: Sandy Cafourek—(503) 945-6430

410-122-0040
Prior Authorization

(1) Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS) providers shall obtain prior authorization (PA) for Healthcare Common Procedure Coding System (HCPCS) Level II codes as specified in rule, unless otherwise noted.

(2) Providers shall request PA as follows (see the DMEPOS Supplemental Information for contact information):

(a) For Medically Fragile Children's Unit (MFCU) clients, from the Department of Human Services (Department) MFCU;

(b) For clients enrolled in a Coordinated Care Organization (CCO), from the CCO;

(c) For clients enrolled in a prepaid health plan (PHP), from the PHP;

(d) For all other clients, from the Division of Medical Assistance Programs (Division).

(3) For DMEPOS provided after normal working hours, providers must submit PA requests within five working days from the initiation of service.

(4) See OAR 410-120-1320 for more information about PA.

Stat. Auth.: ORS 414.065

Stats. Implemented: ORS 414.065

Hist.: AFS 3-1982, f. 1-20-82, ef. 2-1-82; AFS 14-1984 (Temp), f. & ef. 4-2-84; AFS 22-1984(Temp), f. & ef. 5-1-84; AFS 40-1984, f. 9-18-84, ef. 10-1-84; AFS 6-1989(Temp), f. 2-9-89, cert. ef. 3-1-89; AFS 48-1989, f. & cert. ef. 8-24-89; HR 13-1991, f. & cert. ef. 3-1-91, Renumbered from 461-024-0010; HR 10-1992, f. & cert. ef. 4-1-92; HR 9-1993, f. & cert. ef. 4-1-93; HR 10-1994, f. & cert. ef. 2-15-94; HR 41-1994, f. 12-30-94, cert. ef. 1-1-95; HR 17-1996, f. & cert. ef. 8-1-96; OMAP 11-1998, f. & cert. ef. 4-1-98; OMAP 13-1999, f. & cert. ef. 4-1-99; OMAP 1-2000, f. 3-31-00, cert. ef. 4-1-00; OMAP 37-2000, f. 9-29-00, cert. ef. 10-1-00; OMAP 32-2001, f. 9-24-01, cert. ef. 10-1-01; OMAP 47-2002, f. & cert. ef. 10-1-02; OMAP 6-2004, f. 2-10-04 cert. ef. 3-15-04; OMAP 20-2004(Temp), f. & cert. ef. 3-15-04 thru 4-30-04; OMAP 25-2004, f. & cert. ef. 4-1-04; OMAP 26-2004, f. 4-15-04 cert. ef. 5-1-04; OMAP 44-2004, f. & cert. ef. 7-1-04; OMAP 11-2005, f. 3-9-05, cert. ef. 4-1-05; OMAP 25-2006, f. 6-14-06, cert. ef. 7-1-06; DMAP 34-2008, f. 11-26-08, cert. ef. 12-1-08; DMAP 13-2010, f. 6-10-10, cert. ef. 7-1-10; DMAP 61-2015, f. 10-29-15, cert. ef. 11-1-15

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Rule Caption: Amend Rule to Add Coverage for a New Incontinence Product and to Update the Table
Adm. Order No.: DMAP 62-2015
Filed with Sec. of State: 10-29-2015
Certified to be Effective: 11-1-15
Notice Publication Date: 10-1-2015
Rules Amended: 410-122-0630
Subject: This rule is being amended to add coverage for a new HCPCS code for extra-large pull-ups. Extra-large diapers are already covered when prior authorization and coverage criteria are met. The same criteria apply to extra-large pull-ups. Additional housekeeping changes are being done as well.
Rules Coordinator: Sandy Cafourek—(503) 945-6430

410-122-0630
Incontinent Supplies

(1) The Division of Medical Assistance Programs (Division) may cover incontinent supplies for urinary or fecal incontinence as follows:

(a) Category I Incontinent Supplies: For up to 200 units (any code or product combination in this category) per month, unless documentation supports the medical appropriateness for a higher quantity. For quantities over this limit a prior authorization shall be required. When requesting multiple Category I product types (i.e., diapers and liners) that exceed the allowable, prior authorization and documentation as described in (4)(a)(D) of this rule are required;

(b) Category II Underpads:

(A) Disposable underpads: For up to 100 units (any combination of T4541 and T4542) per month, unless documentation supports the medical appropriateness for a higher quantity, up to a maximum of 150 units per month;

(B) Reusable/washable underpads: For up to eight units (any combination of T4537 and T4540) in a 12 month period;

(C) Category II Underpads may be separately payable with Category I Incontinent Supplies with documentation that supports medical appropriateness for the use of this product;

(D) T4541 and T4542 are not separately payable with T4537 and T4540 for the same dates of service or anticipated coverage period. For example, if a provider bills and is paid for eight reusable/washable underpads on a given date of service, a client would not be eligible for disposable underpads for the subsequent 12 months;

(c) Category III Washable Protective Underwear:

(A) For up to 12 units in a 12 month period;

(B) Category III Washable Protective Underwear is not separately payable with Category I Incontinent Supplies for the same dates of service or anticipated coverage period. For example, if a provider bills and is paid for 12 units of T4536 on a given date of service, a client would not be eligible for Category I Incontinent Supplies for the subsequent 12 months;

(d) The following services require PA:

(A) A4335 (Incontinence supply; miscellaneous);

(B) T4543 (Disposable incontinence product, brief/diaper, bariatric);

(C) T4544 (Disposable incontinence product, protective underwear/pull-on);

(D) Quantity of supplies greater than the amounts listed in this rule as the maximum monthly utilization (e.g., more than 200 units per month of Category I Incontinent Supplies, or 100 gloves per month).

(2) Incontinent supplies are not covered:

(a) For nocturnal enuresis; or

(b) For children under the age of three.

(3) A provider may only submit A4335 when there is no definitive Healthcare Common Procedure Coding System (HCPCS) code that meets the product description.

(4) Documentation requirements:

(a) The client's medical records shall support the medical appropriateness for the services provided or being requested by the medical equipment, prosthetics, orthotics and supplies (DMEPOS) provider, including, but not limited to:

(A) For all categories, the medical reason and condition causing the incontinence; and

(B) When a client is using urological or ostomy supplies at the same time as incontinent products specified in this rule, information that clearly corroborates the overall quantity of supplies needed to meet bladder and bowel management is medically appropriate;

(C) For all clients not residing in their home subsequent PA requests for incontinence product(s), the provider shall submit a log with the PA request. This log shall be the most recent log for the client documenting the number and frequency of incontinent product changes;

(D) PA requests for multiple Category I incontinence product types for the same client (i.e. doubling up) shall be accompanied by adequate explanation from the client's ordering practitioner to explain why a single, more appropriate, incontinence product cannot be used;

(E) Although PA is not required for Category II incontinence products, the DMEPOS provider shall have documentation on file from the prescribing practitioner supporting medical appropriateness;

(F) When requesting PA for T4543 (Bariatric Brief/Diaper) or T4544 (Protective underwear/pull-on), submit product information showing that the item is size XXL or larger. The request shall also include client weight and measurements that support the use of the bariatric incontinence product (e.g., client weight, waist and hip size). These items are manually priced following payment methodology outlined in OAR 410-122-0186.

(b) For services requiring PA, submit documentation as specified in (4)(a)(A)–(E) and (F);

(c) The DMEPOS provider is required to keep supporting documentation on file and make available to the Division on request.

(5) Quantity specification:

(a) For PA and reimbursement purposes, a unit count for Category I–III codes is considered as a single or individual piece of an item and not as a multiple quantity;

(b) If an item quantity is listed as number of boxes, cases or cartons, the total number of individual pieces of that item contained within that respective measurement (box, case or carton) shall be specified in the unit column on the PA request. See table 122-0630-2;

(c) For gloves (Category IV Miscellaneous), 100 gloves equal one unit.

(6) Table 122-0630-1, Incontinent Supplies

(7) Table 122-0630-2, Incontinent Supplies — Counting Units and Pieces

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

Stat. Auth.: ORS 414.065

Stats. Implemented: ORS 414.065

Hist.: OMAP 37-2000, f. 9-29-00, cert. ef. 10-1-00; OMAP 32-2001, f. 9-24-01, cert. ef. 10-1-01; OMAP 64-2001, f. 12-28-01, cert. ef. 1-1-02; OMAP 47-2002, f. & cert. ef. 10-1-02; OMAP 21-2003, f. 3-26-03, cert. ef. 4-1-03; OMAP 76-2003, f. & cert. ef. 10-1-03; OMAP 44-2004, f. & cert. ef. 7-1-04; OMAP 94-2004, f. 12-30-04, cert. ef. 1-1-05; OMAP 11-2005, f. 3-9-05, cert. ef. 4-1-05; OMAP 44-2005, f. 9-9-05, cert. ef. 10-1-05; OMAP 35-2006, f. 9-15-06, cert. ef. 10-1-06; DMAP 37-2008, f. 12-11-08, cert. ef. 1-1-09; DMAP 13-2010, f. 6-10-10, cert. ef. 7-1-10; DMAP 22-2011(Temp), f. 7-29-11, cert. ef. 8-1-11 thru 1-25-12; DMAP 42-2011, f. 12-21-11, cert. ef. 1-1-12; DMAP 17-2012, f. 3-30-12, cert. ef. 4-1-12; DMAP 62-2015, f. 10-29-15, cert. ef. 11-1-15

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Rule Caption: Revision to List of Medical Billing Codes Excluded from Payment under OHP's FFS Program

Adm. Order No.: DMAP 63-2015

Filed with Sec. of State: 10-29-2015

Certified to be Effective: 11-1-15

Notice Publication Date: 10-1-2015

Rules Amended: 410-130-0220

Rules Repealed: 410-130-0220(T)

Subject: This rule specifies that some medical billing codes will not be accepted for payment because they are for services that are not covered, because payment is bundled under another service, or because the division directs providers to use another code to bill the service. The rule contains a list of these codes. This revision adds and removes codes from this list.

Rules Coordinator: Sandy Cafourek—(503) 945-6430

410-130-0220

Not Covered/Bundled Services/Not Valid

(1) Refer to the Oregon Health Plan administrative rules (chapter 410, division 141) and General Rules (chapter 410, division 120) for coverage of services. Refer to Table 130-0220-1 in this rule for additional information regarding not covered services, for services that the Division of Medical Assistance Programs (Division) considers to be bundled in other services, and for codes the Division considers not valid for claims processing.

(2) For additional information, see General Rules OAR 410-120-1200, Medical Assistance Benefits: Excluded Services and Limitations.

(3) Table 130-0220-1.

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

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 414.025 & 414.065

Hist.: AFS 5-1989(Temp), f. 2-9-89, cert. ef. 3-1-89; AFS 48-1989, f. & cert. ef. 8-24-89; HR 10-1990, f. 3-30-90, cert. ef. 4-1-90, Renumbered from 461-014-0640; HR 14-1991(Temp), f. & cert. ef. 3-7-91; HR 21-1991, f. 4-16-91, cert. ef. 5-1-91; HR 42-1994, f. 12-30-94, cert. ef. 1-1-95; HR 4-1997, f. 1-31-97, cert. ef. 2-1-97; OMAP 3-1998, f. 1-30-98, cert. ef. 2-1-98; OMAP 16-1998(Temp), f. & cert. ef. 5-1-98 thru 9-1-98; OMAP 30-1998, f. & cert. ef. 9-1-98; OMAP 17-1999, f. & cert. ef. 4-1-99; OMAP 37-1999, f. & cert. ef. 10-1-99; OMAP 31-2000, f. 9-29-00, cert. ef. 10-1-00; OMAP 40-2001, f. 9-24-01, cert. ef. 10-1-01; OMAP 69-2003 f. 9-12-03, cert. ef. 10-1-03; OMAP 13-2004, f. 3-11-04, cert. ef. 4-1-04; OMAP 58-2004, f. 9-10-04, cert. ef. 10-1-04; OMAP 8-2005, f. 3-9-05, cert. ef. 4-1-05; OMAP 45-2005, f. 9-9-05, cert. ef. 10-1-05; OMAP 26-2006, f. 6-14-06, cert. ef. 7-1-06; DMAP 5-2007, f. 6-14-07, cert. ef. 7-1-07; DMAP 20-2008, f. 6-13-08, cert. ef. 7-1-08; DMAP 18-2009, f. 6-12-09, cert. ef. 7-1-09; DMAP 15-2010, f. 6-10-10, cert. ef. 7-1-10; DMAP 43-2011, f. 12-21-11, cert. ef. 1-1-12; DMAP 55-2014(Temp), f. 9-26-14, cert. ef. 10-1-14 thru 3-30-15; DMAP 84-2014(Temp), .f & cert. ef. 12-24-14 thru 3-30-15; DMAP 13-2015, f. & cert. ef. 3-10-15; DMAP 30-2015(Temp), f. & cert. ef. 5-29-15 thru 11-24-15; DMAP 63-2015, f. 10-29-15, cert. ef. 11-1-15

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Rule Caption: Amending PDL March 26, May 28, July 30, 2015 DUR/P&T Action

Adm. Order No.: DMAP 64-2015(Temp)

Filed with Sec. of State: 11-3-2015

Certified to be Effective: 11-3-15 thru 12-27-15

Notice Publication Date:

Rules Amended: 410-121-0030

Subject: The Pharmaceutical Services Program administrative rules (Division 121) govern Division payments for services provided to certain clients. The Division needs to amend rules as follows:

410-121-0030:

Preferred:

Viekiera Pak™.

Laxative drug class.

- Polyethylene glycol 3350.
- Lactulose.
- Senna products.
- Bulk forming laxatives less than $1/unit.
- Osmotic laxatives less than $1/unit.
- Surfactant, stimulant, and saline laxatives.

Isosorbide dinitrate — capsule ER.

Nitroglycerin — capsule ER.
Adalimumab (Humira Pediatric Crohn's™).
Calcium Citrate — tablet.
Buprenorphine HCL/Naloxone HCL.
Dexmethylphenidate HCL.
Chlorpromazine HCL.
Fluphenazine HCL.
Dabigatran.
Rivaroxaban.
Apixaban.
Edoxaban.
Linezolid.
Tobramycin (Tobi Poldhaler™).
Tobramycin / Nebulizer (Kitabis™ Pak).
All rectal subclass products.
All acetaminophen with codeine products.
Ibuprofen containing products.
Hydrocodone APAP solution.
Metoprolol Succinate.
Cilostazol.
Fluticasone Propionate.
Amlodipine-Olmesartan.
Enalapril-Hydrochlorothiazide.
Lisinopril-Hydrochlorothiazide.
Losartan-Hydrochlorothiazide.
Metoprolol Succinate-Hydrochlorothiazide.
Olmesartan-Amlodipine-Hydrochlorothiazide.
Olmesartan-Hydrochlorothiazide.
Propranolol-Hydrochlorothiazide.
Non-Preferred:
Bulk forming laxatives $1/unit or more.
Osmotic laxatives $1/unit or more.
Lubricant laxatives.
Cimetidine — tablet.
Spinosad
Semprivir Sodium.
Tedizolid Phosphate.
Ivacaftor (Kalydeco™).
All Butalbital subclass products.
Pirfenidone.
Nintedanib Esylate.
All other agents in Intranasal Allergy.
Ketoconazole.
All other products in Combination Antihypertensives class.

Clerical — Various clerical changes were made to system class, drug and form names.

Rules Coordinator: Sandy Cafourek—(503) 945-6430

410-121-0030
Practitioner-Managed Prescription Drug Plan

(1) The Practitioner-Managed Prescription Drug Plan (PMPDP) is a plan that ensures that OHP fee-for-service clients have access to the most effective prescription drugs appropriate for their clinical conditions at the best possible price:

(a) Licensed health care practitioners, who are informed by the latest peer reviewed research, make decisions concerning the clinical effectiveness of the prescription drugs;

(b) Licensed health care practitioners also consider the client's health condition, personal characteristics, and the client's gender, race, or ethnicity.

(2) PMPDP Preferred Drug List (PDL):

(a) The PDL is the primary tool the Division uses to inform licensed health care practitioners about the results of the latest peer-reviewed research and cost effectiveness of prescription drugs;

(b) The PDL contains a list of prescription drugs that the Division, in consultation with the Drug Use Review (DUR)/Pharmacy & Therapeutics Committee (P&T), has determined represent the most effective drugs available at the best possible price;

(c) The PDL shall include drugs that are Medicaid reimbursable and the Food and Drug Administration (FDA) has determined to be safe and effective.

(3) PMPDP PDL Selection Process:

(a) The Division shall utilize the recommendations made by the P&T that result from an evidence-based evaluation process as the basis for selecting the most effective drugs;

(b) The Division shall ensure the drugs selected in section (3)(a) that are available for the best possible price and shall consider any input from the P&T about other FDA-approved drugs in the same class that are available for a lesser relative price. The Division shall determine relative price using the methodology described in section (4);

(c) The Division shall evaluate selected drugs for the drug classes periodically:

(A) The Division may evaluate more frequently if new safety information or the release of new drugs in a class or other information makes an evaluation advisable;

(B) New drugs in classes already evaluated for the PDL shall be non-preferred until the new drug has been reviewed by the P&T;

(C) The Division shall make all revisions to the PDL using the rule-making process and shall publish the changes on the Division's Pharmaceutical Services provider rules website.

(4) Relative cost and best possible price determination:

(a) The Division shall determine the relative cost of all drugs in each selected class that are Medicaid reimbursable and that the FDA has determined to be safe and effective;

(b) The Division may also consider dosing issues, patterns of use, and compliance issues. The Division shall weigh these factors with any advice provided by the P&T in reaching a final decision.

(5) Pharmacy providers shall dispense prescriptions in the generic form unless:

(a) The practitioner requests otherwise pursuant to OAR 410-121-0155;

(b) The brand name medication is listed as preferred on the PDL.

(6) The exception process for obtaining non-preferred physical health drugs that are not on the PDL drugs shall be as follows:

(a) If the prescribing practitioner in their professional judgment wishes to prescribe a physical health drug not on the PDL, they may request an exception subject to the requirements of OAR 410-121-0040;

(b) The prescribing practitioner must request an exception for physical health drugs not listed in the PDL subject to the requirements of OAR 410-121-0060;

(c) Exceptions shall be granted when:

(A) The prescriber in their professional judgment determines the non-preferred drug is medically appropriate after consulting with the Division or the Oregon Pharmacy Call Center; or

(B) Where the prescriber requests an exception subject to the requirement of section (6)(b) and fails to receive a report of PA status within 24 hours, subject to OAR 410-121-0060.

(7) Table 121-0030-1, PMPDP PDL dated November 1, 2015 is adopted and incorporated by reference and is found at: www.orpdl.org.

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

Stat. Auth.: ORS 413.032, 413.042, 414.065, 414.325, 414.330 to 414.414, 414.312 & 414.316

Stats. Implemented: ORS 414.065; 414.325, 414.334, 414.361, 414.369, 414.371, 414.353 & 414.354

Hist.: OMAP 25-2002, f. 6-14-02 cert. ef. 7-1-02; OMAP 31-2002, f. & cert. ef. 8-1-02; OMAP 36-2002, f. 8-30-02, cert. ef. 9-1-02; OMAP 29-2003, f. 3-31-03 cert. ef. 4-1-03; OMAP 35-2003, f. & cert. ef. 5-1-03; OMAP 47-2003, f. & cert. ef. 7-1-03; OMAP 57-2003, f. 9-5-03, cert. ef. 10-1-03; OMAP 70-2003(Temp), f. 9-15-03, cert. ef. 10-1-03 thru 3-15-04; OMAP 82-2003, f. 10-31-03, cert. ef. 11-1-03; OMAP 9-2004, f. 2-27-04, cert. ef. 3-1-04; OMAP 29-2004, f. 4-23-04 cert. ef. 5-1-04; OMAP 34-2004, f. 5-26-04 cert. ef. 6-1-04; OMAP 45-2004, f. 7-22-04 cert. ef. 8-1-04; OMAP 81-2004, f. 10-29-04 cert. ef. 11-1-04; OMAP 89-2004, f. 11-24-04 cert. ef. 12-1-04; OMAP 19-2005, f. 3-21-05, cert. ef. 4-1-05; OMAP 32-2005, f. 6-21-05, cert. ef. 7-1-05; OMAP 58-2005, f. 10-27-05, cert. ef. 11-1-05; OMAP 16-2006, f. 6-12-06, cert. ef. 7-1-06; OMAP 32-2006, f. 8-31-06, cert. ef. 9-1-06; OMAP 48-2006, f. 12-28-06, cert. ef. 1-1-07; OMAP 4-2007, f. 6-14-07, cert. ef. 7-1-07; DMAP 16-2008, f. 6-13-08, cert. ef. 7-1-08; DMAP 36-2008, f. 12-11-08, cert. ef. 1-1-09; DMAP 39-2009, f. 12-15-09, cert. ef. 1-1-10; DMAP 17-2010, f. 6-15-10, cert. ef. 7-1-10; DMAP 40-2010, f. 12-28-10, cert. ef. 1-1-11; DMAP 2-2011(Temp), f. & cert. ef. 3-1-11 thru 8-20-11; DMAP 19-2011, f. 7-15-11, cert. ef. 7-17-11; DMAP 44-2011, f. 12-21-11, cert. ef. 1-1-12; DMAP 12-2012(Temp), f. & cert. ef. 3-16-12 thru 9-11-12; DMAP 18-2012, f. 3-30-12, cert. ef. 4-9-12; DMAP 26-2012, f. & cert. ef. 5-14-12; DMAP 29-2012, f. & cert. ef. 6-21-12; DMAP 33-2012(Temp), f. 7-18-12, cert. ef. 7-23-12 thru 1-18-13; DMAP 40-2012(Temp), f. & cert. ef. 8-20-12 thru 1-18-13; DMAP 44-2012(Temp), f. & cert. ef. 9-26-12 thru 1-18-13; DMAP 61-2012, f. 12-27-12, cert. ef. 1-1-13; DMAP 6-2013(Temp), f. & cert. ef. 2-21-13 thru 8-19-13; DMAP 23-2013(Temp), f. 4-30-13, cert. ef. 5-1-13 thru 8-19-13; Administrative correction, 7-18-13; DMAP 43-2013, f. & cert. ef. 8-16-13; DMAP 76-2013(Temp), f. 12-31-13, cert. ef. 1-1-14 thru 6-30-14; DMAP 1-2014(Temp), f. & cert. ef. 1-10-14 thru 7-9-14; DMAP 15-2014, f. & cert. ef. 3-21-14 thru 9-17-14; DMAP 28-2014(Temp), f. & cert. ef. 5-2-14 thru 6-30-14; DMAP 37-2014, f. & cert. ef. 6-30-14; DMAP 47-2014(Temp), f. & cert. ef. 7-15-14 thru 1-11-15; DMAP 52-2014(Temp), f. & cert. ef. 9-16-14 thru 1-11-15; DMAP 64-2014(Temp), f. 10-24-14, cert. ef. 10-29-14 thru 12-30-

14; DMAP 77-2014, f. & cert. ef. 12-12-14; DMAP 78-2014(Temp), f. & cert. ef. 12-12-14 thru 6-9-15; DMAP 88-2014(Temp), f. 12-31-14, cert. ef. 1-1-15 thru 6-29-15; DMAP 10-2015(Temp), f. & cert. ef. 3-3-15 thru 8-29-15; DMAP 26-2015(Temp), f. 4-17-15, cert. ef. 4-18-15 thru 6-26-15; DMAP 35-2015, f. 6-25-15, cert. ef. 6-26-15; DMAP 37-2015(Temp), f. & cert. ef. 7-1-15 thru 12-27-15; DMAP 57-2015(Temp), f. 9-30-15, cert. ef. 10-1-15 thru 12-27-15; DMAP 64-2015(Temp), f. & cert. ef. 11-3-15 thru 12-27-15

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Rule Caption: Update Reference to Current Covered and Non-Covered Dental Services Document, Incorporate Changes to Prioritized List
Adm. Order No.: DMAP 65-2015
Filed with Sec. of State: 11-3-2015
Certified to be Effective: 12-1-15
Notice Publication Date: 10-1-2015
Rules Amended: 410-123-1220, 410-123-1260
Rules Repealed: 410-123-1220(T), 410-123-1260(T)
Subject: Effective October 1, 2015, the Health Evidence Review Commission (HERC) removed three oral health codes from funded lines of the Prioritized List of Health Services (Prioritized List). These codes are D1353, D9219, and D9931. The Authority is amending OAR 410-123-1220 and OAR 410-123-1260 to reflect these changes.
Rules Coordinator: Sandy Cafourek—(503) 945-6430

410-123-1220
Coverage According to the Prioritized List of Health Services

(1) This rule incorporates by reference the "Covered and Non-Covered Dental Services" document, dated October 1, 2015, and located on the Division of Medical Assistance Programs' (Division) website at: http://www.oregon.gov/oha/healthplan/Pages/dental.aspx.

(a) The "Covered and Non-Covered Dental Services" document lists coverage of Current Dental Terminology (CDT) procedure codes according to the Oregon Health Evidence Review Commission (HERC) Prioritized List of Health Services (Prioritized List) and the client's specific Oregon Health Plan benefit package;

(b) This document is subject to change if there are funding changes to the Prioritized List.

(2) Changes to services funded on the Prioritized List are effective on the date of the Prioritized List change:

(a) The Division administrative rules (chapter 410, division 123) will not reflect the most current Prioritized List changes until they have gone through the Division rule filing process;

(b) For the most current Prioritized List, refer to the HERC website at www.oregon.gov/oha/herc/Pages/PrioritizedList.aspx;

(c) In the event of an alleged variation between a Division-listed code and a national code, the Division shall apply the national code in effect on the date of request or date of service.

(3) Refer to OAR 410-123-1260 for information about limitations on procedures funded according to the Prioritized List. Examples of limitations include frequency and client's age.

(4) The Prioritized List does not include or fund the following general categories of dental services, and the Division does not cover them for any client. Several of these services are considered elective or "cosmetic" in nature (i.e., done for the sake of appearance):

(a) Desensitization;

(b) Implant and implant services;

(c) Mastique or veneer procedure;

(d) Orthodontia (except when it is treatment for cleft palate);

(e) Overhang removal;

(f) Procedures, appliances, or restorations solely for aesthetic or cosmetic purposes;

(g) Temporomandibular joint dysfunction treatment; and

(h) Tooth bleaching.

Stat. Auth.: ORS 413.042 & 414.065
Stats. Implemented: ORS 414.065
Hist.: HR 3-1994, f. & cert. ef. 2-1-94; HR 21-1994(Temp), f. 4-29-94, cert. ef. 5-1-94; HR 32-1994, f. & cert. ef. 11-1-94; HR 20-1995, f. 9-29-95, cert. ef. 10-1-95; HR 9-1996, f. 5-31-96, cert. ef. 6-1-96; OMAP 13-1998(Temp), f. & cert. ef. 5-1-98 thru 9-1-98; OMAP 28-1998, f. & cert. ef. 9-1-98; OMAP 23-1999, f. & cert. ef. 4-30-99; OMAP 8-2000, f. 3-31-00, cert. ef. 4-1-00; OMAP 17-2000, f. 9-28-00, cert. ef. 10-1-00; OMAP 48-2002, f. & cert. ef. 10-1-02; OMAP 3-2003, f. 1-31-03, cert. ef. 2-1-03; OMAP 65-2003, f. 9-10-03 cert. ef. 10-1-03; DMAP 25-2007, f. 12-11-07, cert, ef. 1-1-08; DMAP 38-2008, f. 12-11-08, cert. ef. 1-1-09; DMAP 16-2009 f. 6-12-09, cert. ef. 7-1-09; DMAP 41-2009, f. 12-15-09, cert. ef. 1-1-10; DMAP 14-2010, f. 6-10-10, cert. ef. 7-1-10; DMAP 31-2010, f. 12-15-10, cert. ef. 1-1-11; DMAP 17-2011, f. & cert. ef. 7-12-11; DMAP 41-2011, f. 12-21-11, cert. ef. 1-1-12; DMAP 46-2011, f. 12-23-11, cert. ef. 1-1-12; DMAP 13-2013, f. 3-27-13, cert. ef. 4-1-13; DMAP 7-2015(Temp), f. & cert. ef. 2-17-15 thru 8-15-15; DMAP 28-2015, f. & cert. ef. 5-1-15; DMAP 46-2015(Temp), f. 8-26-15, cert. ef. 10-1-15 thru 3-28-16; DMAP 65-2015, f. 11-3-15, cert. ef. 12-1-15

410-123-1260
OHP Plus Dental Benefits

(1) GENERAL:

(a) Early and Periodic Screening, Diagnosis and Treatment (EPSDT):

(A) Refer to Code of Federal Regulations (42 CFR 441, Subpart B) and OAR chapter 410, division 120 for definitions of the EPSDT program, eligible clients, and related services. EPSDT dental services include, but are not limited to:

(i) Dental screening services for eligible EPSDT individuals; and

(ii) Dental diagnosis and treatment that is indicated by screening at as early an age as necessary, needed for relief of pain and infections, restoration of teeth, and maintenance of dental health;

(B) Providers shall provide EPSDT services for eligible Division of Medical Assistance Programs (Division) clients according to the following documents:

(i) The Dental Services Program administrative rules (OAR chapter 410, division 123), for dentally appropriate services funded on the Oregon Health Evidence Review Commission's Prioritized List of Health Services (Prioritized List); and

(ii) The "Oregon Health Plan (OHP) — Recommended Dental Periodicity Schedule," dated January 1, 2010, incorporated in rule by reference and posted on the Division website in the Dental Services Provider Guide document at www.oregon.gov/oha/healthplan/Pages/dental.aspx;

(b) Restorative, periodontal, and prosthetic treatments:

(A) Documentation shall be included in the client's charts to support the treatment. Treatments shall be consistent with the prevailing standard of care and may be limited as follows:

(i) When prognosis is unfavorable;

(ii) When treatment is impractical;

(iii) A lesser-cost procedure would achieve the same ultimate result; or

(iv) The treatment has specific limitations outlined in this rule;

(B) Prosthetic treatment, including porcelain fused to metal crowns, are limited until rampant progression of caries is arrested and a period of adequate oral hygiene and periodontal stability is demonstrated; periodontal health needs to be stable and supportive of a prosthetic.

(2) ENHANCED ORAL HEALTH SERVICES IN PRIMARY CARE SETTINGS:

(a) Topical fluoride treatment:

(A) For children under 19 years of age, topical fluoride varnish may be applied by a licensed medical practitioner during a medical visit. Providers must bill:

(i) The Division directly when the client is fee-for-service (FFS), is enrolled in a Coordinated Care Organization (CCO) that does not include integrated medical and dental services, or is enrolled in a PHP that does not include integrated medical and dental services;

(ii) The client's CCO if the client is enrolled in a CCO that includes integrated medical and dental services;

(iii) Using a professional claim format with either the appropriate Current Dental Terminology (CDT) code (D1206-Topical Fluoride Varnish) or the appropriate Current Procedural Terminology (CPT) code (99188 - Application of topical fluoride varnish by a physician or other qualified health care professional);

(B) Topical fluoride treatment from a medical practitioner counts toward the overall maximum number of fluoride treatments, as described in subsection (4) of this rule;

(b) Assessment of a patient:

(A) For children under six years of age, CDT code D0191-Assessment of a Patient is covered as an enhanced oral health service in medical settings;

(B) For reimbursement in a medical setting, D0191-Assessment of a patient must include all of the following components:

(i) Caries risk assessment using a standardized tool endorsed by Oregon Oral Health Coalition, the American Dental Association, the American Academy of Pediatric Dentistry, or the American Academy of Pediatrics;

(ii) Anticipatory guidance and counseling with the client's caregiver on good oral hygiene practices and nutrition;

(iii) Referral to a dentist in order to establish a dental home;

(iv) Documentation in medical chart of risk assessment findings and service components provided;

(C) For reimbursement, the performing provider must meet all of the following criteria:

(i) Be a physician (MD or DO), an advance practice nurse, or a licensed physician assistant; and

(ii) Hold a certificate of completion from one of the following approved training programs within the previous three years:

(I) Smiles for Life; or

(II) First Tooth through the Oregon Oral Health Coalition;

(D) For reimbursement, the medical practitioners must bill:

(i) The Division directly when the client is fee-for-service (FFS), is enrolled in a Coordinated Care Organization (CCO) that does not include integrated medical and dental services, or is enrolled in a PHP that does not include integrated medical and dental services;

(ii) The client's CCO if the client is enrolled in a CCO that includes integrated medical and dental services;

(iii) Using a professional claim format with the appropriate CDT code (D0191-Assessment of a Patient);

(E) D0191 Assessment of a Patient may be reimbursed under this subsection up to a maximum of once every 12 months;

(F) D0191 Assessment of a Patient from a medical practitioner does not count toward the maximum number of CDT code D0191-Assessment of a Patient services performed by a dental practitioner described in subsection three (3) of this rule;

(c) For tobacco cessation services provided during a medical visit, follow criteria outlined in OAR 410-130-0190;

(3) DIAGNOSTIC SERVICES:

(a) Exams:

(A) For children under 19 years of age:

(i) The Division shall reimburse exams (billed as CDT codes D0120, D0145, D0150, or D0180) a maximum of twice every 12 months with the following limitations:

(I) D0150: once every 12 months when performed by the same practitioner;

(II) D0150: twice every 12 months only when performed by different practitioners;

(III) D0180: once every 12 months;

(ii) The Division shall reimburse D0160 only once every 12 months when performed by the same practitioner;

(B) For adults 19 years of age and older, the Division shall reimburse exams (billed as CDT codes D0120, D0150, D0160, or D0180) once every 12 months;

(C) For problem focused exams (urgent or emergent problems), the Division shall reimburse D0140 for the initial exam. The Division shall reimburse D0170 for related problem-focused follow-up exams. Providers must not bill D0140 and D0170 for routine dental visits;

(D) The Division only covers oral exams performed by medical practitioners when the medical practitioner is an oral surgeon;

(E) As the American Dental Association's Current Dental Terminology (CDT) codebook specifies, the evaluation, diagnosis, and treatment planning components of the exam are the responsibility of the dentist. The Division may not reimburse dental exams when performed by a dental hygienist (with or without an expanded practice permit);

(b) Assessment of a patient (D0191):

(A) When performed by a dental practitioner, the Division shall reimburse:

(i) If performed by a dentist outside of a dental office;

(ii) If performed by a dental hygienist with an expanded practice dental hygiene permit;

(iii) Only if an exam (D0120-D0180) is not performed on the same date of service. Assessment of a patient (D0191) is included as part of an exam (D0120-D0180);

(iv) For children under 19 years of age, a maximum of twice every 12 months; and

(v) For adults age 19 and older, a maximum of once every 12 months;

(B) An assessment does not take the place of the need for oral evaluations/exams;

(c) Radiographs:

(A) The Division shall reimburse for routine radiographs once every 12 months;

(B) The Division shall reimburse bitewing radiographs for routine screening once every 12 months;

(C) The Division shall reimburse a maximum of six radiographs for any one emergency;

(D) For clients under age six, radiographs may be billed separately every 12 months as follows:

(i) D0220 — once;

(ii) D0230 — a maximum of five times;

(iii) D0270 — a maximum of twice, or D0272 once;

(E) The Division shall reimburse for panoramic (D0330) or intra-oral complete series (D0210) once every five years, but both cannot be done within the five-year period;

(F) Clients shall be a minimum of six years old for billing intra-oral complete series (D0210). The minimum standards for reimbursement of intra-oral complete series are:

(i) For clients age six through 11- a minimum of ten periapicals and two bitewings for a total of 12 films;

(ii) For clients ages 12 and older - a minimum of ten periapicals and four bitewings for a total of 14 films;

(G) If fees for multiple single radiographs exceed the allowable reimbursement for a full mouth complete series (D0210), the Division shall reimburse for the complete series;

(H) Additional films may be covered if dentally or medically appropriate, e.g., fractures (Refer to OAR 410-123-1060 and 410-120-0000);

(I) If the Division determines the number of radiographs to be excessive, payment for some or all radiographs of the same tooth or area may be denied;

(J) The exception to these limitations is if the client is new to the office or clinic and the office or clinic is unsuccessful in obtaining radiographs from the previous dental office or clinic. Supporting documentation outlining the provider's attempts to receive previous records shall be included in the client's records;

(K) Digital radiographs, if printed, shall be on photo paper to assure sufficient quality of images.

(4) PREVENTIVE SERVICES:

(a) Prophylaxis:

(A) For children under 19 years of age — Limited to twice per 12 months;

(B) For adults 19 years of age and older — Limited to once per 12 months;

(C) Additional prophylaxis benefit provisions may be available for persons with high risk oral conditions due to disease process, pregnancy, medications, or other medical treatments or conditions, severe periodontal disease, rampant caries and for persons with disabilities who cannot perform adequate daily oral health care;

(D) Are coded using the appropriate Current Dental Terminology (CDT) coding:

(i) D1110 (Prophylaxis — Adult) — Use for clients 14 years of age and older; and

(ii) D1120 (Prophylaxis — Child) — Use for clients under 14 years of age;

(b) Topical fluoride treatment:

(A) For adults 19 years of age and older — Limited to once every 12 months;

(B) For children under 19 years of age — Limited to twice every 12 months;

(C) Additional topical fluoride treatments may be available, up to a total of four treatments per client within a 12-month period, when high-risk conditions or oral health factors are clearly documented in chart notes for clients who:

(i) Have high-risk oral conditions due to disease process, medications, other medical treatments or conditions, or rampant caries;

(ii) Are pregnant;

(iii) Have physical disabilities and cannot perform adequate, daily oral health care;

(iv) Have a developmental disability or other severe cognitive impairment that cannot perform adequate, daily oral health care; or

(v) Are under seven years old with high-risk oral health factors, such as poor oral hygiene, deep pits and fissures (grooves) in teeth, severely crowded teeth, poor diet, etc.;

(D) Fluoride limits include any combination of fluoride varnish (D1206) or other topical fluoride (D1208);

(c) Sealants (D1351):

(A) Are covered only for children under 16 years of age;

(B) The Division limits coverage to:

(i) Permanent molars; and

(ii) Only one sealant treatment per molar every five years, except for visible evidence of clinical failure;

(d) Tobacco cessation:

(A) For services provided during a dental visit, bill as a dental service using CDT code D1320 when the following brief counseling is provided:

(i) Ask patients about their tobacco-use status at each visit and record information in the chart;

(ii) Advise patients on their oral health conditions related to tobacco use and give direct advice to quit using tobacco and a strong personalized message to seek help; and

(iii) Refer patients who are ready to quit, utilizing internal and external resources, to complete the remaining three A's (assess, assist, arrange) of the standard intervention protocol for tobacco;

(B) The Division allows a maximum of ten services within a three-month period;

(e) Space management:

(A) The Division shall cover fixed and removable space maintainers (D1510, D1515, D1520, and D1525) only for clients under 19 years of age;

(B) The Division may not reimburse for replacement of lost or damaged removable space maintainers.

(5) RESTORATIVE SERVICES:

(a) Amalgam and resin-based composite restorations, direct:

(A) Resin-based composite crowns on anterior teeth (D2390) are only covered for clients under 21 years of age or who are pregnant;

(B) The Division reimburses posterior composite restorations at the same rate as amalgam restorations;

(C) The Division limits payment for replacement of posterior composite restorations to once every five years;

(D) The Division limits payment of covered restorations to the maximum restoration fee of four surfaces per tooth. Refer to the American Dental Association (ADA) CDT codebook for definitions of restorative procedures;

(E) Providers shall combine and bill multiple surface restorations as one line per tooth using the appropriate code. Providers may not bill multiple surface restorations performed on a single tooth on the same day on separate lines. For example, if tooth #30 has a buccal amalgam and a mesial-occlusal-distal (MOD) amalgam, then bill MOD, B, using code D2161 (four or more surfaces);

(F) The Division may not reimburse for an amalgam or composite restoration and a crown on the same tooth;

(G) Interim therapeutic restoration on primary dentition (D2941) is covered to restore and prevent progression of dental caries. Interim therapeutic restoration is not a definitive restoration.

(H) Reattachment of tooth fragment (D2921) is covered once in the lifetime of a tooth when there is no pulp exposure and no need for endodontic treatment.

(I) The Division reimburses for a surface not more than once in each treatment episode regardless of the number or combination of restorations;

(J) The restoration fee includes payment for occlusal adjustment and polishing of the restoration;

(b) Indirect crowns and related services:

(A) General payment policies:

(i) The fee for the crown includes payment for preparation of the gingival tissue;

(ii) The Division shall cover crowns only when:

(I) There is significant loss of clinical crown and no other restoration will restore function; and

(II) The crown-to-root ratio is 50:50 or better, and the tooth is restorable without other surgical procedures;

(iii) The Division shall cover core buildup (D2950) only when necessary to retain a cast restoration due to extensive loss of tooth structure from caries or a fracture and only when done in conjunction with a crown. Less than 50 percent of the tooth structure must be remaining for coverage of the core buildup.

(iv) Reimbursement of retention pins (D2951) is per tooth, not per pin;

(B) The Division shall not cover the following services:

(i) Endodontic therapy alone (with or without a post);

(ii) Aesthetics (cosmetics);

(iii) Crowns in cases of advanced periodontal disease or when a poor crown/root ratio exists for any reason;

(C) The Division shall cover acrylic heat or light cured crowns (D2970 temporary crown, fractured tooth) — allowed only for anterior permanent teeth;

(D) The Division shall cover the following only for clients under 21 years of age or who are pregnant:

(i) Prefabricated plastic crowns (D2932) are allowed only for anterior teeth, permanent or primary;

(ii) Stainless steel crowns (D2930/D2931) are allowed only for anterior primary teeth and posterior permanent or primary teeth;

(iii) Prefabricated stainless steel crowns with resin window (D2933) are allowed only for anterior teeth, permanent or primary;

(iv) Prefabricated post and core in addition to crowns (D2954/D2957);

(v) Permanent crowns (resin-based composite — D2710 and D2712, and porcelain fused to metal (PFM) — D2751 and D2752) as follows:

(I) Limited to teeth numbers 6–11, 22 and 27 only, if dentally appropriate;

(II) Limited to four in a seven-year period. This limitation includes any replacement crowns allowed according to (E)(i) of this rule;

(III) Only for clients at least 16 years of age; and

(IV) Rampant caries are arrested, and the client demonstrates a period of oral hygiene before prosthetics are proposed;

(vi) PFM crowns (D2751 and D2752) shall also meet the following additional criteria:

(I) The dental practitioner has attempted all other dentally appropriate restoration options and documented failure of those options;

(II) Written documentation in the client's chart indicates that PFM is the only restoration option that will restore function;

(III) The dental practitioner submits radiographs to the Division for review; history, diagnosis, and treatment plan may be requested. (See OAR 410-123-1100 Services Reviewed by the Division);

(IV) The client has documented stable periodontal status with pocket depths within 1–3 millimeters. If PFM crowns are placed with pocket depths of 4 millimeters and over, documentation shall be maintained in the client's chart of the dentist's findings supporting stability and why the increased pocket depths will not adversely affect expected long-term prognosis;

(V) The crown has a favorable long-term prognosis; and

(VI) If the tooth to be crowned is a clasp/abutment tooth in partial denture, both prognosis for the crown itself and the tooth's contribution to partial denture shall have favorable expected long-term prognosis;

(E) Crown replacement:

(i) Permanent crown replacement limited to once every seven years;

(ii) All other crown replacement limited to once every five years; and

(iii) The Division may make exceptions to crown replacement limitations due to acute trauma, based on the following factors:

(I) Extent of crown damage;

(II) Extent of damage to other teeth or crowns;

(III) Extent of impaired mastication;

(IV) Tooth is restorable without other surgical procedures; and

(V) If loss of tooth would result in coverage of removable prosthetic;

(F) Crown repair (D2980) is limited to only anterior teeth.

(6) ENDODONTIC SERVICES:

(a) Endodontic therapy:

(A) Pulpal therapy on primary teeth (D3230 and D3240) is covered only for clients under 21 years of age;

(B) For permanent teeth:

(i) Anterior and bicuspid endodontic therapy (D3310 and D3320) is covered for all OHP Plus clients; and

(ii) Molar endodontic therapy (D3330):

(I) For clients through age 20, is covered only for first and second molars; and

(II) For clients age 21 and older who are pregnant, is covered only for first molars;

(C) The Division covers endodontics only if the crown-to-root ratio is 50:50 or better and the tooth is restorable without other surgical procedures;

(b) Endodontic retreatment and apicoectomy:

(A) The Division does not cover retreatment of a previous root canal or apicoectomy for bicuspid or molars;

(B) The Division limits either a retreatment or an apicoectomy (but not both procedures for the same tooth) to symptomatic anterior teeth when:

(i) Crown-to-root ratio is 50:50 or better;

(ii) The tooth is restorable without other surgical procedures; or

(iii) If loss of tooth would result in the need for removable prosthodontics;

(C) Retrograde filling (D3430) is covered only when done in conjunction with a covered apicoectomy of an anterior tooth;

(c) The Division does not allow separate reimbursement for open-and-drain as a palliative procedure when the root canal is completed on the same date of service or if the same practitioner or dental practitioner in the same group practice completed the procedure;

(d) The Division covers endodontics if the tooth is restorable within the OHP benefit coverage package;

(e) Apexification/recalcification procedures:

(A) The Division limits payment for apexification to a maximum of five treatments on permanent teeth only;

(B) Apexification/recalcification procedures are covered only for clients under 21 years of age or who are pregnant.

(7) PERIODONTIC SERVICES:

(a) Surgical periodontal services:

(A) Gingivectomy/Gingivoplasty (D4210 and D4211) — limited to coverage for severe gingival hyperplasia where enlargement of gum tissue occurs that prevents access to oral hygiene procedures, e.g., Dilantin hyperplasia; and

(B) Includes six months routine postoperative care;

(C) The Division shall consider gingivectomy or gingivoplasty to allow for access for restorative procedure, per tooth (D4212) as part of the restoration and will not provide a separate reimbursement for this procedure;

(b) Non-surgical periodontal services:

(A) Periodontal scaling and root planing (D4341 and D4342):

(i) For clients through age 20, allowed once every two years;

(ii) For clients age 21 and over, allowed once every three years;

(iii) A maximum of two quadrants on one date of service is payable, except in extraordinary circumstances;

(iv) Quadrants are not limited to physical area, but are further defined by the number of teeth with pockets 5 mm or greater:

(I) D4341 is allowed for quadrants with at least four or more teeth with pockets 5 mm or greater;

(II) D4342 is allowed for quadrants with at least two teeth with pocket depths of 5 mm or greater;

(v) Prior authorization for more frequent scaling and root planing may be requested when:

(I) Medically/dentally necessary due to periodontal disease as defined above is found during pregnancy; and

(II) Client's medical record is submitted that supports the need for increased scaling and root planing;

(B) Full mouth debridement (D4355):

(i) For clients through age 20, allowed only once every two years;

(ii) For clients age 21 and older, allowed once every three years;

(c) Periodontal maintenance (D4910):

(A) For clients through age 20, allowed once every six months;

(B) For clients age 21 and older:

(i) Limited to following periodontal therapy (surgical or non-surgical) that is documented to have occurred within the past three years;

(ii) Allowed once every twelve months;

(iii) Prior authorization for more frequent periodontal maintenance may be requested when:

(I) Medically/dentally necessary, such as due to presence of periodontal disease during pregnancy; and

(II) Client's medical record is submitted that supports the need for increased periodontal maintenance (chart notes, pocket depths and radiographs);

(d) Records shall clearly document the clinical indications for all periodontal procedures, including current pocket depth charting and/or radiographs;

(e) The Division may not reimburse for procedures identified by the following codes if performed on the same date of service:

(A) D1110 (Prophylaxis — adult);

(B) D1120 (Prophylaxis — child);

(C) D4210 (Gingivectomy or gingivoplasty — four or more contiguous teeth or bounded teeth spaces per quadrant);

(D) D4211 (Gingivectomy or gingivoplasty — one to three contiguous teeth or bounded teeth spaces per quadrant);

(E) D4341 (Periodontal scaling and root planning — four or more teeth per quadrant);

(F) D4342 (Periodontal scaling and root planning — one to three teeth per quadrant);

(G) D4355 (Full mouth debridement to enable comprehensive evaluation and diagnosis); and

(H) D4910 (Periodontal maintenance).

(8) REMOVABLE PROSTHODONTIC SERVICES:

(a) Clients age 16 years and older are eligible for removable resin base partial dentures (D5211-D5212) and full dentures (complete or immediate, D5110-D5140);

(b) The Division limits full dentures for clients age 21 and older to only those clients who are recently edentulous:

(A) For the purposes of this rule:

(i) "Edentulous" means all teeth removed from the jaw for which the denture is being provided; and

(ii) "Recently edentulous" means the most recent extractions from that jaw occurred within six months of the delivery of the final denture (or, for fabricated prosthetics, the final impression) for that jaw;

(B) See OAR 410-123-1000 for detail regarding billing fabricated prosthetics;

(c) The fee for the partial and full dentures includes payment for adjustments during the six-month period following delivery to clients;

(d) Resin partial dentures (D5211-D5212):

(A) The Division may not approve resin partial dentures if stainless steel crowns are used as abutments;

(B) For clients through age 20, the client shall have one or more anterior teeth missing or four or more missing posterior teeth per arch with resulting space equivalent to that loss demonstrating inability to masticate. Third molars are not a consideration when counting missing teeth;

(C) For clients age 21 and older, the client shall have one or more missing anterior teeth or six or more missing posterior teeth per arch with documentation by the provider of resulting space causing serious impairment to mastication. Third molars are not a consideration when counting missing teeth;

(D) The dental practitioner shall note the teeth to be replaced and teeth to be clasped when requesting prior authorization (PA);

(e) Replacement of removable partial or full dentures, when it cannot be made clinically serviceable by a less costly procedure (e.g., reline, rebase, repair, tooth replacement), is limited to the following:

(A) For clients at least 16 years and under 21 years of age, the Division shall replace full or partial dentures once every ten years, only if dentally appropriate. This does not imply that replacement of dentures or partials shall be done once every ten years, but only when dentally appropriate;

(B) For clients 21 years of age and older, the Division may not cover replacement of full dentures but shall cover replacement of partial dentures once every ten (10) years only if dentally appropriate;

(C) The ten year limitations apply to the client regardless of the client's OHP or Dental Care Organization (DCO)/Coordinated Care Organization (CCO) enrollment status at the time the client's last denture or partial was received. For example: A client receives a partial on February 1, 2002, and becomes a FFS OHP client in 2005. The client is not eligible for a replacement partial until February 1, 2012. The client gets a replacement partial on February 3, 2012 while FFS and a year later enrolls in a DCO or CCO. The client would not be eligible for another partial until February 3, 2022, regardless of DCO, CCO, or FFS enrollment;

(D) Replacement of partial dentures with full dentures is payable ten years after the partial denture placement. Exceptions to this limitation may be made in cases of acute trauma or catastrophic illness that directly or indirectly affects the oral condition and results in additional tooth loss. This pertains to, but is not limited to, cancer and periodontal disease resulting from pharmacological, surgical, and medical treatment for aforementioned conditions. Severe periodontal disease due to neglect of daily oral hygiene may not warrant replacement;

(f) The Division limits reimbursement of adjustments and repairs of dentures that are needed beyond six months after delivery of the denture as follows for clients 21 years of age and older:

(A) A maximum of four times per year for:

(i) Adjusting complete and partial dentures, per arch (D5410-D5422);

(ii) Replacing missing or broken teeth on a complete denture, each tooth (D5520);

(iii) Replacing broken tooth on a partial denture, each tooth (D5640);

(iv) Adding tooth to existing partial denture (D5650);

(B) A maximum of two times per year for:

(i) Repairing broken complete denture base (D5510);

(ii) Repairing partial resin denture base (D5610);

(iii) Repairing partial cast framework (D5620);

(iv) Repairing or replacing broken clasp (D5630);

(v) Adding clasp to existing partial denture (D5660);

(g) Replacement of all teeth and acrylic on cast metal framework (D5670, D5671):

(A) Is covered for clients age 16 and older a maximum of once every ten (10) years, per arch;

(B) Ten years or more shall have passed since the original partial denture was delivered;

(C) Is considered replacement of the partial so a new partial denture may not be reimbursed for another ten years; and

(D) Requires prior authorization as it is considered a replacement partial denture;

(h) Denture rebase procedures:

(A) The Division shall cover rebases only if a reline may not adequately solve the problem;

(B) For clients through age 20, the Division limits payment for rebase to once every three years;

(C) For clients age 21 and older:

(i) There shall be documentation of a current reline that has been done and failed; and

(ii) The Division limits payment for rebase to once every five years;

(D) The Division may make exceptions to this limitation in cases of acute trauma or catastrophic illness that directly or indirectly affects the oral condition and results in additional tooth loss. This pertains to, but is not limited to, cancer and periodontal disease resulting from pharmacological, surgical, and medical treatment for aforementioned conditions. Severe periodontal disease due to neglect of daily oral hygiene may not warrant rebasing;

(i) Denture reline procedures:

(A) For clients through age 20, the Division limits payment for reline of complete or partial dentures to once every three years;

(B) For clients age 21 and older, the Division limits payment for reline of complete or partial dentures to once every five years;

(C) The Division may make exceptions to this limitation under the same conditions warranting replacement;

(D) Laboratory relines:

(i) Are not payable prior to six months after placement of an immediate denture; and

(ii) For clients through age 20, are limited to once every three years;

(iii) For clients age 21 and older, are limited to once every five years;

(j) Interim partial dentures (D5820-D5821, also referred to as "flippers"):

(A) Are allowed if the client has one or more anterior teeth missing; and

(B) The Division shall reimburse for replacement of interim partial dentures once every five years but only when dentally appropriate;

(k) Tissue conditioning:

(A) Is allowed once per denture unit in conjunction with immediate dentures; and

(B) Is allowed once prior to new prosthetic placement;

(9) MAXILLOFACIAL PROSTHETIC SERVICES:

(a) Fluoride gel carrier (D5986) is limited to those patients whose severity of oral disease causes the increased cleaning and fluoride treatments allowed in rule to be insufficient. The dental practitioner shall document failure of those options prior to use of the fluoride gel carrier;

(b) All other maxillofacial prosthetics (D5900-D5999) are medical services. Refer to the "Covered and Non-Covered Dental Services" document and OAR 410-123-1220:

(A) Bill for medical maxillofacial prosthetics using the professional (CMS1500, DMAP 505 or 837P) claim format:

(B) For clients receiving services through a CCO or PHP, bill medical maxillofacial prosthetics to the CCO or PHP;

(C) For clients receiving medical services through FFS, bill the Division.

(10) ORAL SURGERY SERVICES:

(a) Bill the following procedures in an accepted dental claim format using CDT codes:

(A) Procedures that are directly related to the teeth and supporting structures that are not due to a medical condition or diagnosis, including such procedures performed in an ambulatory surgical center (ASC) or an inpatient or outpatient hospital setting;

(B) Services performed in a dental office setting or an oral surgeon's office:

(i) Such services include, but are not limited to, all dental procedures, local anesthesia, surgical postoperative care, radiographs, and follow-up visits;

(ii) Refer to OAR 410-123-1160 for any PA requirements for specific procedures;

(b) Bill the following procedures using the professional claim format and the appropriate American Medical Association (AMA) CPT procedure and ICD-10 diagnosis codes:

(A) Procedures that are a result of a medical condition (i.e., fractures, cancer);

(B) Services requiring hospital dentistry that are the result of a medical condition/diagnosis (i.e., fracture, cancer);

(c) Refer to the "Covered and Non-Covered Dental Services" document to see a list of CDT procedure codes on the Prioritized List that may also have CPT medical codes. See OAR 410-123-1220. The procedures listed as "medical" on the table may be covered as medical procedures, and the table may not be all-inclusive of every dental code that has a corresponding medical code;

(d) For clients enrolled in a DCO or CCO responsible for dental services, the DCO or CCO shall pay for those services in the dental plan package;

(e) Oral surgical services performed in an ASC or an inpatient or outpatient hospital setting:

(A) Require PA;

(B) For clients enrolled in a CCO or FCHP, the CCO or FCHP shall pay for the facility charge and anesthesia services. For clients enrolled in a Physician Care Organization (PCO), the PCO shall pay for the outpatient facility charge (including ASCs) and anesthesia. Refer to the current Medical Surgical Services administrative rules in OAR chapter 410, division 130 for more information;

(C) If a client is enrolled in a CCO or PHP, the provider shall contact the CCO or PHP for any required authorization before the service is rendered;

(f) All codes listed as "by report" require an operative report;

(g) The Division covers payment for tooth re-implantation only in cases of traumatic avulsion where there are good indications of success;

(h) Biopsies collected are reimbursed as a dental service. Laboratory services of biopsies are reimbursed as a medical service;

(i) The Division does not cover surgical excisions of soft tissue lesions (D7410-D7415);

(j) Extractions — Includes local anesthesia and routine postoperative care, including treatment of a dry socket if done by the provider of the extraction. Dry socket is not considered a separate service;

(k) Surgical extractions:

(A) Include local anesthesia and routine post-operative care;

(B) The Division limits payment for surgical removal of impacted teeth or removal of residual tooth roots to treatment for only those teeth that have acute infection or abscess, severe tooth pain, or unusual swelling of the face or gums;

(C) The Division does not cover alveoloplasty in conjunction with extractions (D7310 and D7311) separately from the extraction;

(D) The Division covers alveoplasty not in conjunction with extractions (D7320-D7321) only for clients under 21 years of age or who are pregnant;

(l) Frenulectomy/frenulotomy (D7960) and frenuloplasty (D7963):

(A) The Division covers either frenulectomy or frenuloplasty once per lifetime per arch only for clients under age 21;

(B) The Division covers maxillary labial frenulectomy only for clients age 12 through 20;

(C) The Division shall cover frenulectomy/frenuloplasty in the following situations:

(i) When the client has ankyloglossia;

(ii) When the condition is deemed to cause gingival recession; or

(iii) When the condition is deemed to cause movement of the gingival margin when the frenum is placed under tension;

(m) The Division covers excision of pericoronal gingival (D7971) only for clients under age 21 or who are pregnant.

(11) ORTHODONTIA SERVICES:

(a) The Division limits orthodontia services and extractions to eligible clients:

(A) With the ICD-10-CM diagnosis of:

(i) Cleft palate; or

(ii) Cleft palate with cleft lip; and

(B) Whose orthodontia treatment began prior to 21 years of age; or

(C) Whose surgical corrections of cleft palate or cleft lip were not completed prior to age 21;

(b) PA is required for orthodontia exams and records. A referral letter from a physician or dentist indicating diagnosis of cleft palate or cleft lip shall be included in the client's record and a copy sent with the PA request;

(c) Documentation in the client's record shall include diagnosis, length, and type of treatment;

(d) Payment for appliance therapy includes the appliance and all follow-up visits;

(e) Orthodontists evaluate orthodontia treatment for cleft palate/cleft lip as two phases. Stage one is generally the use of an activator (palatal expander), and stage two is generally the placement of fixed appliances (banding). The Division shall reimburse each phase separately;

(f) The Division shall pay for orthodontia in one lump sum at the beginning of each phase of treatment. Payment for each phase is for all orthodontia-related services. If the client transfers to another orthodontist during treatment, or treatment is terminated for any reason, the orthodontist shall refund to the Division any unused amount of payment after applying the following formula: Total payment minus $300.00 (for banding) multiplied by the percentage of treatment remaining;

(g) The Division shall use the length of the treatment plan from the original request for authorization to determine the number of treatment months remaining;

(h) As long as the orthodontist continues treatment, the Division may not require a refund even though the client may become ineligible for medical assistance sometime during the treatment period;

(i) Code:

(A) D8660 — PA required (reimbursement for required orthodontia records is included);

(B) Codes D8010-D8690 — PA required.

(12) ADJUNCTIVE GENERAL AND OTHER SERVICES:

(a) Fixed partial denture sectioning (D9120) is covered only when extracting a tooth connected to a fixed prosthesis and a portion of the fixed prosthesis is to remain intact and serviceable, preventing the need for more costly treatment;

(b) Anesthesia:

(A) Only use general anesthesia or IV sedation for those clients with concurrent needs: age; physical, medical or mental status; or degree of difficulty of the procedure (D9220, D9221, D9241 and D9242);

(B) The Division reimburses providers for general anesthesia or IV sedation as follows:

(i) D9220 or D9241: For the first 30 minutes;

(ii) D9221 or D9242: For each additional 15-minute period, up to three hours on the same day of service. Each 15-minute period represents a quantity of one. Enter this number in the quantity column;

(C) The Division reimburses administration of Nitrous Oxide (D9230) per date of service, not by time;

(D) Oral pre-medication anesthesia for conscious sedation (D9248):

(i) Limited to clients under 13 years of age;

(ii) Limited to four times per year;

(iii) Includes payment for monitoring and Nitrous Oxide; and

(iv) Requires use of multiple agents to receive payment;

(E) Upon request, providers shall submit a copy of their permit to administer anesthesia, analgesia, and sedation to the Division;

(F) For the purpose of Title XIX and Title XXI, the Division limits payment for code D9630 to those oral medications used during a procedure and is not intended for "take home" medication;

(c) The Division limits reimbursement of house/extended care facility call (D9410) only for urgent or emergent dental visits that occur outside of a dental office. This code is not reimbursable for provision of preventive services or for services provided outside of the office for the provider or facilities' convenience;

(d) Oral devices/appliances (E0485, E0486):

(A) These may be placed or fabricated by a dentist or oral surgeon but are considered a medical service;

(B) Bill the Division, CCO, or the PHP for these codes using the professional claim format.

Stat. Auth.: ORS 413.042 & 414.065

Stats. Implemented: ORS 414.065

Hist.: HR 3-1994, f. & cert. ef. 2-1-94; HR 20-1995, f. 9-29-95, cert. ef. 10-1-95; OMAP 13-1998(Temp), f. & cert. ef. 5-1-98 thru 9-1-98; OMAP 28-1998, f. & cert. ef. 9-1-98; OMAP 23-1999, f. & cert. ef. 4-30-99; OMAP 8-2000, f. 3-31-00, cert. ef. 4-1-00; OMAP 17-2000, f. 9-28-00, cert. ef. 10-1-00; OMAP 48-2002, f. & cert. ef. 10-1-02; OMAP 3-2003, f. 1-31-03, cert. ef. 2-1-03; OMAP 65-2003, f. 9-10-03 cert. ef. 10-1-03; OMAP 55-2004, f. 9-10-04, cert. ef. 10-1-04; OMAP 12-2005, f. 3-11-05, cert. ef. 4-1-05; DMAP 25-2007, f. 12-11-07, cert, ef. 1-1-08; DMAP 18-2008, f. 6-13-08, cert. ef. 7-1-08; DMAP 38-2008, f. 12-11-08, cert. ef. 1-1-09; DMAP 16-2009 f. 6-12-09, cert. ef. 7-1-09; DMAP 41-2009, f. 12-15-09, cert. ef. 1-1-10; DMAP 14-2010, f. 6-10-10, cert. ef. 7-1-10; DMAP 31-2010, f. 12-15-10, cert. ef. 1-1-11; DMAP 17-2011, f. & cert. ef. 7-12-11; DMAP 41-2011, f. 12-21-11, cert. ef. 1-1-12; DMAP 46-2011, f. 12-23-11, cert. ef. 1-1-12; DMAP 13-2013, f. 3-27-13, cert. ef. 4-1-13; DMAP 28-2013(Temp), f. 6-26-13, cert. ef. 7-1-13 thru 12-28-13; DMAP 68-2013, f. 12-5-13, cert. ef. 12-23-13; DMAP 75-2013(Temp), f. 12-31-13, cert. ef. 1-1-14 thru 6-30-14; DMAP 10-2014(Temp), f. & cert. ef. 2-28-14 thru 8-27-14; DMAP 19-2014(Temp), f. 3-28-14, cert. ef. 4-1-14 thru 6-30-14; DMAP 36-2014, f. & cert. ef. 6-27-14; DMAP 56-2014, f. 9-26-14, cert. ef. 10-1-14; DMAP 7-2015(Temp), f. & cert. ef. 2-17-15 thru 8-15-15; DMAP 28-2015, f. & cert. ef. 5-1-15; DMAP 46-2015(Temp), f. 8-26-15, cert. ef. 10-1-15 thru 3-28-16; DMAP 51-2015, f. 9-22-15, cert. ef. 10-1-15; DMAP 65-2015, f. 11-3-15, cert. ef. 12-1-15

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Rule Caption: Align Rule with Statute to Allow Reimbursement for Brand Name Version of a Covered Drug

Adm. Order No.: DMAP 66-2015(Temp)
Filed with Sec. of State: 11-6-2015
Certified to be Effective: 11-6-15 thru 12-27-15
Notice Publication Date:
Rules Amended: 410-121-0030
Subject: Aligns rule with ORS 414.325 to allow the Division to limit reimbursement to a brand name version of a covered drug when its cost is equal to or less than the cost of the generic version after receiving discounted prices and rebates.
Rules Coordinator: Sandy Cafourek—(503) 945-6430

410-121-0030
Practitioner-Managed Prescription Drug Plan

(1) The Practitioner-Managed Prescription Drug Plan (PMPDP) is a plan that ensures that OHP fee-for-service clients have access to the most effective prescription drugs appropriate for their clinical conditions at the best possible price:

(a) Licensed health care practitioners, who are informed by the latest peer reviewed research, make decisions concerning the clinical effectiveness of the prescription drugs;

(b) Licensed health care practitioners also consider the client's health condition, personal characteristics, and the client's gender, race, or ethnicity.

(2) PMPDP Preferred Drug List (PDL):

(a) The PDL is the primary tool the Division uses to inform licensed health care practitioners about the results of the latest peer-reviewed research and cost effectiveness of prescription drugs;

(b) The PDL contains a list of prescription drugs that the Division, in consultation with the Drug Use Review (DUR)/Pharmacy & Therapeutics Committee (P&T), has determined represent the most effective drugs available at the best possible price;

(c) The PDL shall include drugs that are Medicaid reimbursable and the Food and Drug Administration (FDA) has determined to be safe and effective.

(3) PMPDP PDL Selection Process:

(a) The Division shall utilize the recommendations made by the P&T that result from an evidence-based evaluation process as the basis for selecting the most effective drugs;

(b) The Division shall ensure the drugs selected in section (3)(a) that are available for the best possible price and shall consider any input from the P&T about other FDA-approved drugs in the same class that are available for a lesser relative price. The Division shall determine relative price using the methodology described in section (4);

(c) The Division shall evaluate selected drugs for the drug classes periodically:

(A) The Division may evaluate more frequently if new safety information or the release of new drugs in a class or other information makes an evaluation advisable;

(B) New drugs in classes already evaluated for the PDL shall be non-preferred until the new drug has been reviewed by the P&T;

(C) The Division shall make all revisions to the PDL using the rule-making process and shall publish the changes on the Division's Pharmaceutical Services provider rules website.

(4) Relative cost and best possible price determination:

(a) The Division shall determine the relative cost of all drugs in each selected class that are Medicaid reimbursable and that the FDA has determined to be safe and effective;

(b) The Division may also consider dosing issues, patterns of use, and compliance issues. The Division shall weigh these factors with any advice provided by the P&T in reaching a final decision.

(5) Pharmacy providers shall dispense prescriptions in the generic form unless:

(a) The practitioner requests otherwise pursuant to OAR 410-121-0155;

(b) The Division notifies the pharmacy that the cost of the brand name particular drug, after receiving discounted prices and rebates, is equal to or less than the cost of the generic version of the drug.

(6) The exception process for obtaining non-preferred physical health drugs that are not on the PDL drugs shall be as follows:

(a) If the prescribing practitioner in their professional judgment wishes to prescribe a physical health drug not on the PDL, they may request an exception subject to the requirements of OAR 410-121-0040;

(b) The prescribing practitioner must request an exception for physical health drugs not listed in the PDL subject to the requirements of OAR 410-121-0060;

(c) Exceptions shall be granted when:

(A) The prescriber in their professional judgment determines the non-preferred drug is medically appropriate after consulting with the Division or the Oregon Pharmacy Call Center; or

(B) Where the prescriber requests an exception subject to the requirement of section (6)(b) and fails to receive a report of PA status within 24 hours, subject to OAR 410-121-0060.

(7) Table 121-0030-1, PMPDP PDL dated November 1, 2015 is adopted and incorporated by reference and is found at: www.orpdl.org.

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

Stat. Auth.: ORS 413.032, 413.042, 414.065, 414.325, 414.330 to 414.414, 414.312 & 414.316

Stats. Implemented: ORS 414.065; 414.325, 414.334, 414.361, 414.369, 414.371, 414.353 & 414.354

Hist.: OMAP 25-2002, f. 6-14-02 cert. ef. 7-1-02; OMAP 31-2002, f. & cert. ef. 8-1-02; OMAP 36-2002, f. 8-30-02, cert. ef. 9-1-02; OMAP 29-2003, f. 3-31-03 cert. ef. 4-1-03; OMAP 35-2003, f. & cert. ef. 5-1-03; OMAP 47-2003, f. & cert. ef. 7-1-03; OMAP 57-2003, f. 9-5-03, cert. ef. 10-1-03; OMAP 70-2003(Temp), f. 9-15-03, cert. ef. 10-1-03 thru 3-15-04; OMAP 82-2003, f. 10-31-03, cert. ef. 11-1-03; OMAP 9-2004, f. 2-27-04, cert. ef. 3-1-04; OMAP 29-2004, f. 4-23-04 cert. ef. 5-1-04; OMAP 34-2004, f. 5-26-04 cert. ef. 6-1-04; OMAP 45-2004, f. 7-22-04 cert. ef. 8-1-04; OMAP 81-2004, f. 10-29-04 cert. ef. 11-1-04; OMAP 89-2004, f. 11-24-04 cert. ef. 12-1-04; OMAP 19-2005, f. 3-21-05, cert. ef. 4-1-05; OMAP 32-2005, f. 6-21-05, cert. ef. 7-1-05; OMAP 58-2005, f. 10-27-05, cert. ef. 11-1-05; OMAP 16-2006, f. 6-12-06, cert. ef. 7-1-06; OMAP 32-2006, f. 8-31-06, cert. ef. 9-1-06; OMAP 48-2006, f. 12-28-06, cert. ef. 1-1-07; DMAP 4-2007, f. 6-14-07, cert. ef. 7-1-07; DMAP 16-2008, f. 6-13-08, cert. ef. 7-1-08; DMAP 36-2008, f. 12-11-08, cert. ef. 1-1-09; DMAP 39-2009, f. 12-15-09, cert. ef. 1-1-10; DMAP 17-2010, f. 6-15-10, cert. ef. 7-1-10; DMAP 40-2010, f. 12-28-10, cert. ef. 1-1-11; DMAP 2-2011(Temp), f. & cert. ef. 3-1-11 thru 8-20-11; DMAP 19-2011, f. 7-15-11, cert. ef. 7-17-11; DMAP 44-2011, f. 12-21-11, cert. ef. 1-1-12; DMAP 12-2012(Temp), f. & cert. ef. 3-16-12 thru 9-11-12; DMAP 18-2012, f. 3-30-12, cert. ef. 4-9-12; DMAP 26-2012, f. & cert. ef. 5-14-12; DMAP 29-2012, f. & cert. ef. 6-21-12; DMAP 33-2012(Temp), f. 7-18-12, cert. ef. 7-23-12 thru 1-18-13; DMAP 40-2012(Temp), f. & cert. ef. 8-20-12 thru 1-18-13; DMAP 44-2012(Temp), f. & cert. ef. 9-26-12 thru 1-18-13; DMAP 61-2012, f. 12-27-12, cert. ef. 1-1-13; DMAP 6-2013(Temp), f. & cert. ef. 2-21-13 thru 8-19-13; DMAP 23-2013(Temp), f. 4-30-13, cert. ef. 5-1-13 thru 8-19-13; Administrative correction, 7-18-13; DMAP 43-2013, f. & cert. ef. 8-16-13; DMAP 76-2013(Temp), f. 12-31-13, cert. ef. 1-1-14 thru 6-30-14; DMAP 1-2014(Temp), f. & cert. ef. 1-10-14 thru 7-9-14; DMAP 15-2014, f. & cert. ef. 3-21-14 thru 9-17-14; DMAP 28-2014(Temp), f. & cert. ef. 5-2-14 thru 6-30-14; DMAP 37-2014, f. & cert. ef. 6-30-14; DMAP 47-2014(Temp), f. & cert. ef. 7-15-14 thru 1-11-15; DMAP 52-2014(Temp), f. & cert. ef. 9-16-14 thru 1-11-15; DMAP 64-2014(Temp), f. 10-24-14, cert. ef. 10-29-14 thru 12-30-14; DMAP 77-2014, f. & cert. ef. 12-12-14; DMAP 78-2014(Temp), f. & cert. ef. 12-12-14 thru 6-9-15; DMAP 88-2014(Temp), f. 12-31-14, cert. ef. 1-1-15 thru 6-29-15; DMAP 10-2015(Temp), f. & cert. ef. 3-3-15 thru 8-29-15; DMAP 26-2015(Temp), f. 4-17-15, cert. ef. 4-18-15 thru 6-26-15; DMAP 35-2015, f. 6-25-15, cert. ef. 6-26-15; DMAP 37-2015(Temp), f. & cert. ef. 7-1-15 thru 12-27-15; DMAP 57-2015(Temp), f. 9-30-15, cert. ef. 10-1-15 thru 12-27-15; DMAP 64-2015(Temp), f. & cert. ef. 11-3-15 thru 12-27-15; DMAP 66-2015(Temp), f. & cert. ef. 11-6-15 thru 12-27-15

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Rule Caption: Service Area Changes for Existing CCOs
Adm. Order No.: DMAP 67-2015(Temp)
Filed with Sec. of State: 11-6-2015
Certified to be Effective: 11-6-15 thru 12-27-15
Notice Publication Date:
Rules Adopted: 410-141-3040
Subject: The Division adopts this temporary rule to provide a consistent framework for existing CCOs electing to apply to the Authority for service area change, after the Authority states that it has a need for network and capacity in a given service area. This rule provides for the service area change process, the review tool and mechanism, and a means for resolving a CCO dispute if a CCO does not agree with the application review findings.
Rules Coordinator: Sandy Cafourek—(503) 945-6430

410-141-3040
Service Area Change (SAC) for Existing Coordinated Care Organizations (CCOs)

(1) For purposes of this rule, the following definitions apply:

(a) "Applicant" means a certified coordinated care organization (CCO) that submits an application seeking recertification and a contract amendment for a SAC. The CCO is described, for this use, as the applicant, upon its submission of the CCO Letter of Intent to Apply;

(b) "Capacity" means the sum of enrollment limits for CCOs in a service area;

(c) "Certified" means the Authority's determination that an entity meets the criteria in OAR 410-141-3015 for being a CCO through initial certification;

(d) "Document Review" means the review conducted by the Authority, occurring after the receipt of the completed SAC packet and before the effective date of the contract amendment, to determine applicant's ability to serve Medicaid beneficiaries in the requested service areas. Successful meeting of the requirements of the document review entitles the applicant to receive a contract amendment for the SAC and to be recertified as a CCO in the delivery of Medicaid services;

(e) "Enrollment Limit" means a CCO's maximum enrollment by service area, as specified in the Authority's contract with the CCO;

(f) "Letter of intent to apply (LOIA)" means a letter from a CCO to the Authority stating the CCO's intent to submit a SAC packet in response to a service area need. A LOIA may be binding or non-binding, as specified in the Authority's announcement of the service area need;

(g) "Recertification" means the process outlined in this rule, allowing the CCO contractor to submit an abbreviated application to apply as an existing CCO for a new CCO service area;

(h) "Service Area Change (SAC)" means a change in a CCO's service area or enrollment limits, as specified in the Authority's contract with the CCO;

(i) "Service area need" means when the Authority identifies a need, as defined in section (3), for existing CCOs to apply to the Authority for a SAC to serve a service area;

(j) "SAC packet" means the packet of application documents that the Authority provides to CCOs applying for a SAC.

(2) A CCO shall make every effort to provide the Authority with a Letter of Intent to Exit the Service Area not less than150 calendar days prior to the CCO's proposed withdrawal from all or a portion of its service area. The Authority shall work with each CCO for a workable exit transition.

(3) The Authority may determine whether a service area need exists under the following circumstances:

(a) If a CCO withdraws from all or a portion of its service area; or

(b) If the Authority identifies an actual or prospective deficiency in capacity that may negatively impact enrollees' health or safety.

(4) After identifying a service area need, the Authority shall announce, in letters to the existing CCOs, its intent to accept LOIAs from CCOs for SACs in stated service areas. The announcement shall specify the date on which LOIA is due.

(5) By the due date specified in the Authority's announcement of service area need, interested CCOs shall submit their LOIA. In the LOIA, the CCO shall designate a sole point of contact for this process.

(6) CCOs shall be sent a SAC packet for their completion. It consists of SAC guidance documents. Interested CCOs shall complete the Authority's SAC process for application, review, and recertification on the schedule prescribed by the Authority.

(7) By the due date set forth in the Authority's announcement of service area need, the applicant's SAC packet shall be completed in its entirety and returned to the Authority's contract administration unit. The recertification application is the applicant's offer to enter into a contract amendment for the period specified in the SAC packet.

(8) The Authority shall review packets from all CCOs who apply, considering only packets that are responsive, completed as described in the SAC guidance document, and submitted in the time and manner described in this rule.

(9) After the final submission of the SAC packet and all additional requested information received by the Authority, the Authority shall complete the document review of submitted packets. The applicants are eligible for recertification based on criteria specified in the SAC guidance document, the application, written assurances, and any additional information that the Authority obtains and deems satisfactory. The applicant shall be responsible for and meet standards established by the Authority and the current CCO contract.

(10) If two or more CCOs meet the requirements to expand into a service area, then the Authority shall allow all the qualified CCOs to serve that service area. The Authority shall certify all CCOs who apply for the service area change and meet the specified standards as supported in OAR 410-141-3010.

(11) Applicants who wish to dispute any Authority actions or decisions pertaining to the SAC process may engage in dispute resolution as provided for in OAR 410-141-3267.

Stat. Auth: ORS 413.042, 414.645, 414.625

Stats. Implemented: ORS 413.042

Hist.: DMAP 38-2015(Temp), f. & cert. ef. 7-1-15 thru 12-27-15; DMAP 67-2015(Temp), f. & cert. ef. 11-6-15 thru 12-27-15

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Oregon Health Authority, Health Licensing Office, Behavior Analysis Regulatory Board
Chapter 824

Rule Caption: Senate Bill 696 changed Behavior Analysis Regulatory Board, and who the board licenses and registers.

Adm. Order No.: BARB 1-2015
Filed with Sec. of State: 10-30-2015
Certified to be Effective: 11-1-15
Notice Publication Date: 9-1-2015
Rules Adopted: 824-035-0005
Rules Amended: 824-010-0005, 824-020-0040, 824-030-0010, 824-030-0020, 824-030-0040, 824-040-0010, 824-050-0010
Rules Repealed: 824-010-0010, 824-010-0020, 824-010-0030, 824-010-0040, 824-020-0010, 824-020-0020, 824-020-0030, 824-030-0030
Subject: Senate Bill 696 changed the Behavior Analysis Regulatory Board, and who the board licenses and registers. It directed the board to adopt rules to license behavior analysts and assistant behavior analysts and directed the Health Licensing Office to establish rules for registration of behavior analysis interventionists. These rules amend those established under ORS 676.800 and meet the requirements of SB 696.
Rules Coordinator: Samantha Patnode—(503) 373-1917

824-010-0005
Definitions

(1) "Accredited college or university" means a college or university as listed in the Council on Higher Education database, or evaluated through the National Association of Credential Evaluations Services or World Education Services for equivalency.

(2) "Affidavit of Licensure" has the meaning set forth in OAR 331-030-0040.

(3) "Applied behavior analysis" has the definition set forth in Senate Bill 696 (2015).

(4) "Authorization" has the definition set forth in ORS 676.580.

(5) "Autism spectrum disorder" has the definition set forth in ORS Chapter 771 Section 2(1)(B)(b).

(6) "BACB" means the Behavior Analyst Certification Board.

(7) "BCBA" means a Board Certified Behavior Analyst.

(8) "BCaBA" means a Board Certified Assistant Behavior Analyst.

(9) "Board" means the Behavior Analysis Regulatory Board.

(10) "Direct supervision" means the training or the observation of an interventionist providing client services and at a minimum requires the participation of the supervisor, the interventionist and client. Participation can include remote supervision through technology, as long as it is synchronous audio and visual, and in real time.

(11) "Indirect supervision" means supervisory functions including: training the interventionist without the client present, consulting with families or caregivers regarding interventionist service delivery, or completing evaluations or assessments of interventionists without the client present.

(12) "Interventionist" means a Behavior Analysis Interventionist.

(13) "Licensed health care professional" has the definition set forth in Senate Bill 696 Section 1 (2)(a-h).

(14) "Office" means the Health Licensing Office.

(15) "Official transcript" means an original document certified by an accredited college or university indicating hours and types of course work, examinations and scores that the student has completed. The accredited college or university must submit the transcript by mail or courier directly to the Office in a sealed envelope.

(16) "Ongoing supervision and training" means a supervisor is monitoring the service delivery of an interventionist by direct and indirect means.

Stat. Auth.: ORS 676.800
Stats. Implemented: ORS 676.800
Hist.: BARB 1-2014, f. 10-21-14, cert. ef. 12-1-14; BARB 1-2015, f. 10-30-15, cert. ef. 11-1-15

824-020-0040
Authorization Fees

(1) Fees established by the Board are:

(a) Applications:

(A) Behavior Analyst – $150.

(B) Assistant Behavior Analyst – $125.

(C) Behavior Analysis Interventionist – $75.

(b) Original license or registration – valid for one year:

(A) Behavior Analyst – $200.

(B) Assistant Behavior Analyst – $175.

(C) Behavior Analysis Interventionist – $100.

(c) Renewal of license or registration – valid for one year:

(A) Behavior Analyst – $200.

(B) Assistant Behavior Analyst – $175.

(C) Behavior Analysis Interventionist – $100.

(d) Other administrative fees:

(A) Late renewal of license or registration – $50.

(B) Replacement license or registration, including name change – $25.

(C) Affidavit of Licensure – $50.

(D) Administrative processing fee – $25.

Stat. Auth.: ORS 676.800
Stats. Implemented: ORS 676.800
Hist.: BARB 1-2014, f. 10-21-14, cert. ef. 12-1-14; BARB 1-2015, f. 10-30-15, cert. ef. 11-1-15

824-030-0010
Licensing of Behavior Analyst

An individual applying for licensure as a Behavior Analyst must:

(1) Submit a completed application form, which must contain the information listed in OAR 331-030-0000 and be accompanied by payment of the required application fees.

(2) Arrange for proof of current certification by the Behavior Analyst Certification Board, Incorporated, as a Board Certified Behavior Analyst to be sent from the BACB to the Office;

(3) Pass a fingerprint-based nationwide criminal records check pursuant to OAR 331-030-0004.

(4) If applicable, submit an affidavit of licensure from any state where the individual holds or has held a license as a behavior analyst whether the license is active or inactive.

(5) Submit required license fees.

(6) Authorizations issued prior to Nov. 1, 2015, for Behavior Analysts remain valid after Nov. 1, 2015, and are subject to the requirements and regulations in the current rules and statutes.

Stat. Auth.: ORS 676.800
Stats. Implemented: ORS 676.800
Hist.: BARB 1-2014, f. 10-21-14, cert. ef. 12-1-14; BARB 1-2015, f. 10-30-15, cert. ef. 11-1-15

824-030-0020
Licensing of Assistant Behavior Analyst

An individual applying for licensure as an Assistant Behavior Analyst must:

(1) Submit a completed application form, which must contain the information listed in OAR 331-030-0000 and be accompanied by payment of the required application fees.

(2) Arrange for proof of current certification by the Behavior Analyst Certification Board, Incorporated, as a Board Certified Assistant Behavior Analyst to be sent from the BACB to the Office;

(3) Pass a fingerprint-based nationwide criminal records check pursuant to OAR 331-030-0004.

(4) Be supervised by a behavior analyst who is licensed by the Board.

(5) If applicable, submit an affidavit of licensure from any state where the individual holds or has held a license as an assistant behavior analyst whether the license is active or inactive.

(6) Submit required license fees.

(7) Authorizations issued prior to Nov. 1, 2015, for Assistant Behavior Analysts remain valid after Nov. 1, 2015, and are subject to the requirements and regulations in the current rules and statutes.

Stat. Auth.: ORS 676.800
Stats. Implemented: ORS 676.800
Hist.: BARB 1-2014, f. 10-21-14, cert. ef. 12-1-14; BARB 1-2015, f. 10-30-15, cert. ef. 11-1-15

824-030-0040
Registration of a Behavior Analysis Interventionist

An individual applying for registration as a Behavior Analysis Interventionist must:

(1) Submit a completed application form, which must contain the information listed in OAR 331-030-0000 and be accompanied by payment of the required application fees;

(2) Submit required registration fees.

(3) Submit proof of being at least 18 years old;

(4) Submit documentation of a high school diploma or General Educational Development (GED) certificate;

(5) Pass a fingerprint-based nationwide criminal records check pursuant to OAR 331-030-0004; and

(6) Submit documentation of 40 hours of professional training in applied behavior analysis on a form prescribed by the Office in the following knowledge and skill areas, as verified by an individual listed in Senate Bill 696, Section 1(2)(a-h) or licensed by the Board:

(a) Professional and ethical issues;

(b) Foundational knowledge of behavioral change principles;

(c) Assessment;

(d) Implementation of prescribed intervention plans;

(e) Data collection and documentation.

(7) Authorizations issued prior to Nov. 1, 2015, for Behavior Analyst Interventionists remain valid after Nov. 1, 2015, and are subject to the requirements and regulations in the current rules and statutes.

Stat. Auth.: ORS 676.800
Stats. Implemented: ORS 676.800
Hist.: BARB 1-2014, f. 10-21-14, cert. ef. 12-1-14; BARB 1-2015, f. 10-30-15, cert. ef. 11-1-15

824-035-0005
Declaration requirements

(1) Under Section 11, Senate Bill 696, an individual was actively practicing applied behavior analysis on Aug. 14, 2013, may continue to claim reimbursement from a health benefit plan, the Public Employees Benefit Board or the Oregon Educators Board only if the individual submits a satisfactory declaration and other required documentation to the Office not later than April 30, 2016. The declaration form is available on the Office's website

(2) The declaration must be accompanied by a curriculum vitae that includes a description of the individual's education, professional experience, training, scholarship, publications, presentations at conferences and any other professional activities.

Stat. Auth.: ORS 676.800 & 2015 SB 696
Stats. Implemented: ORS 676.800 & 2015 SB 696
Hist.: BARB 1-2015, f. 10-30-15, cert. ef. 11-1-15

824-040-0010
Training and Supervision

(1) Prior to independent service delivery, a Registered Behavior Analysis Interventionist must:

(a) Enter into an agreement with a supervisor using the form available on the Office's website. A copy of the agreement must be submitted to the Office and given to the client's parent or guardian.

(b) Complete the competency assessment with a supervisor on the form at the Office's website. A copy of the competency assessment must be retained in the interventionist's file.

(2) After beginning independent client service delivery, a Registered Behavior Analysis Interventionist must receive ongoing training and supervision by a licensed behavior analyst, licensed assistant behavior analyst or by a licensed health care professional, consisting of:

(a) Direct supervision from the supervisor for a minimum of two hours prior to independent service delivery with any new client. This requirement can be met through training;

(b) Direct and indirect supervision for at least 10 percent of the interventionist's direct service hours, of which at least 5 percent must be direct supervision;

(c) Direct supervision at least once a month or 60 direct service hours, whichever comes first; and

(d) Direct supervision with each client on the interventionist's caseload at least once every three months.

(3) A Registered Behavior Analysis Interventionist must be evaluated by the supervisor at least every six months after initial competency assessment on the form available on the Office's website.

(4) A Registered Behavior Analysis Interventionist must maintain a log of ongoing training and supervision on the form available on the Office's website.

(5) A Registered Behavior Analysis Interventionist must notify the Office in writing within five business days if they are no longer being supervised or have a change in supervision.

(6) A Registered Behavior Analysis Interventionist must maintain all training and supervision records for a minimum of five years after the last day of training and supervision. Upon request, such records must be made available for inspection by the Office.

Stat. Auth.: ORS 676.800
Stats. Implemented: ORS 676.800
Hist.: BARB 1-2014, f. 10-21-14, cert. ef. 12-1-144; BARB 1-2015, f. 10-30-15, cert. ef. 11-1-15

824-050-0010
Renewal of License and Registration

(1) An authorization is subject to the provisions of OAR 331-030-0000 regarding the renewal of an authorization, and provisions regarding the use of the title, identification and requirements for issuance of a duplicate authorization.

(2) Authorization renewal under this rule is valid for one year.

(3) Authorization holders must pass a state criminal background check pursuant to OAR 331-030-0004;

(4) To avoid late fees, an authorization renewal must be made prior to the authorization entering inactive status. The authorization holder must submit the following:

(a) Renewal application form;

(b) Payment of renewal fee pursuant to OAR 824-020-0040;

(5) Inactive authorization renewal: An authorization holder in inactive status cannot use the title. An authorization may be inactive for up to three years. When renewing, the inactive authorization holder must submit:

(a) Renewal application form;

(b) Payment of late and renewal fees pursuant to OAR 824-020-0040;

(6) An authorization that has been inactive for more than three years is expired and the authorization holder must reapply for authorization and meet the requirements listed in OAR 824-030-0010, 824-030-0020 or 824-030-0040.

(7) If an individual was issued a license or registration prior to Nov. 1, 2015, the authorization remains valid and is subject to the current rules.

(8) If an individual was licensed by the Board prior to Nov. 1, 2015, they must pass a fingerprint-based nationwide criminal records check pursuant to OAR 331-030-0004 to renew the license.

Stat. Auth.: ORS 676.800
Stats. Implemented: ORS 676.800
Hist.: BARB 1-2014, f. 10-21-14, cert. ef. 12-1-14; BARB 1-2015, f. 10-30-15, cert. ef. 11-1-15

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Oregon Health Authority, Health Policy and Analytics
Chapter 409

Rule Caption: Implementing Senate Bill 231 Requirements Related to Defining Primary Care Payment Reform
Adm. Order No.: OHP 8-2015(Temp)
Filed with Sec. of State: 11-5-2015
Certified to be Effective: 11-5-15 thru 5-2-16
Notice Publication Date:
Rules Adopted: 409-027-0010, 409-027-0020, 409-027-0030
Subject: These rules implement the provisions of Senate Bill 231 (2015 Legislative Session). The rules set forth the non-claims based primary care expenditures and non-claims based total health care expenditures that must be reported to the Oregon Health Authority (OHA) by Coordinated Care Organizations (CCOs).

Temporary rules are necessary to provide direction to CCOs who are required to submit data to the OHA no later than December 31, 2015.

Rules Coordinator: Zarie Haverkate—(503) 931-6420

409-027-0010
Purpose and Scope

These rules define primary care services that must be reported by all Coordinated Care Organizations to the Oregon Health Authority no later than December 31, 2015. The findings generated from these reports will be presented to the legislature no later than February 1, 2016.

Stat. Auth: 2015 OL, Ch. 575
Stats. Implemented: 2015 OL, Ch. 575
Hist.: OHP 8-2015(Temp), f. & cert. ef. 11-5-15 thru 5-2-16

409-027-0020
Definitions

The following definitions apply:

(1) "Authority" means the Oregon Health Authority.

(2) "Coordinated care organization (CCO)" has the meaning given that term in ORS 414.025.

(3) "Non-claims based primary care expenditures" means resources given to a primary care provider or practice for the following services or arrangements:

(a) Capitation and salaried arrangements with primary care providers or practices not billed or captured through claims.

(b) Risk-based reconciliation for arrangements with primary care providers or practices not billed or captured through claims.

(c) Payments to Patient-Centered Primary Care Homes or Patient-Centered Medical Homes based upon that recognition or payments for participation in proprietary or other multi-payer medical home initiatives.

(d) Retrospective incentive payments to primary care providers or practices based on performance aimed at decreasing cost or improving value for a defined population of patients.

(e) Prospective incentive payments to primary care providers or practices aimed at developing capacity for improving care for a defined population of patients.

(f) Payments for Health Information Technology structural changes at a primary care practice such as electronic records and data reporting capacity from those records.

(g) Workforce expenses including payments or expenses for supplemental staff or supplemental activities integrated into the primary care practice such as practice coaches, patient educators, patient navigators, and nurse care managers.

(4) "Non-claims based total health care expenditures" means resources given to a provider or practice for the following services or arrangements:

(a) Capitation or salaried arrangements with providers or practices not billed or captured through claims.

(b) Risk-based reconciliation for arrangements with providers or practices not billed or captured through claims.

(c) Payments to Patient-Centered Primary Care Homes, Patient-Centered Medical Homes, or Patient-Centered Specialty Practices based upon that recognition or payments for participation in proprietary or other multi-payer medical home or specialty care practice initiatives.

(d) Retrospective incentive payments to providers or practices based on performance aimed at decreasing cost or improving value for a defined population of patients.

(e) Prospective incentive payments to providers or practices aimed at developing capacity for improving care for a defined population of patients.

(f) Payments for Health Information Technology structural changes at a practice such as electronic records and data reporting capacity from those records.

(g) Workforce expenses including payments or expenses for supplemental staff or supplemental activities integrated into the practice such as practice coaches, patient educators, patient navigators, and nurse care managers.

(5) "Patient-Centered Medical Home (PCMH)" means a practice or provider who has been recognized as such by the National Committee for Quality Assurance.

(6) "Patient-Centered Primary Care Home (PCPCH)" means a health care team or clinic as defined in ORS 414.655, meets the standards pursuant to OAR 409-055-0040, and has been recognized through the process pursuant to OAR 409-055-0040.

(7) "Patient Centered Specialty Practice (PCSP)" means a practice or provider who has been recognized as such by the National Committee for Quality Assurance.

(8) "Practice" means an individual, facility, institution, corporate entity, or other organization which provides direct health care services or items, also termed a performing provider, or bills, obligates and receives reimbursement on behalf of a performing provider of services, also termed a billing provider (BP). The term provider refers to both performing providers and BPs unless otherwise specified.

(9) "Primary care" means family medicine, general internal medicine, naturopathic medicine, obstetrics and gynecology, pediatrics or general psychiatry.

(10) "Primary care provider" means:

(a) A physician, naturopath, nurse practitioner, physician assistant or other health professional licensed or certified in this state, whose clinical practice is in the area of primary care.

(b) A health care team or clinic certified by the Authority as a PCPCH.

Stat. Auth: 2015 OL, Ch. 575
Stats. Implemented: 2015 OL, Ch. 575
Hist.: OHP 8-2015(Temp), f. & cert. ef. 11-5-15 thru 5-2-16

409-027-0030
Coordinated Care Organization (CCO) Reporting Requirements

(1) Each CCO shall submit to the Authority no later than December 31, 2015, all non-claims based primary care expenditures as defined in OAR 409-027-0020 for calendar year (CY) 2014 using the approved file layout and format available at: http://www.oregon.gov/OHA/OHPR/pages/rulemaking/index.aspx.

(2) Each CCO shall submit to the Authority no later than December 31, 2015, all non-claims based total health care expenditures as defined in section 409-027-0020 for CY 2014 using the approved file layout and format available at: http://www.oregon.gov/OHA/OHPR/pages/rulemaking/index.aspx.

(3) Each category included in the approved file format is mutually exclusive; therefore, expenditures shall only be accounted for in one category.

(4) Claims-based primary care and total health care expenditures will be calculated for each CCO by the Authority using data from the Authority's All-Payer All-Claims Database.

(5) Expenditures for services or activities outside the primary care setting, regardless of a primary care capacity building intent, are not considered primary care expenditures for purposes of this report.

NOTE: Other CCO rules can be found at OAR 410-141-3000 to 410-141-3485.
Stat. Auth: 2015 OL, Ch. 575
Stats. Implemented: 2015 OL, Ch. 575
Hist.: OHP 8-2015(Temp), f. & cert. ef. 11-5-15 thru 5-2-16

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Oregon Health Authority, Public Health Division
Chapter 333

Rule Caption: Vital records fee change
Adm. Order No.: PH 21-2015
Filed with Sec. of State: 10-30-2015
Certified to be Effective: 1-1-16
Notice Publication Date: 10-1-2015
Rules Amended: 333-011-0205, 333-011-0340
Subject: The Oregon Health Authority, Public Health Division, Center for Health Statistics is permanently amending rules in chapter 333, division 11 pertaining to fees for vital records. The rules are being revised to reflect the Oregon Health Authority's budget passed by the Oregon Legislature, effective July 1, 2015.

The new fees take effect January 1, 2016 and require updates to two current rules. The subjects of the rules include fees for vital records issued at the Center for Health Statistics (State Vital Records office) and county Vital Records offices.
Rules Coordinator: Brittany Sande—(971) 673-1291

333-011-0205
County Vital Records Services

(1) A county registrar may only sell certified copies of records with authorization by the state registrar. A county registrar may apply to the state registrar for authorization to sell certified copies of death records or certified copies of birth records and death records. The application shall specify the county need and interests that the sale of certified copies would serve, types of records to be issued, and hours of service available. The state registrar shall review the application and authorize the county registrar to sell certified copies if such action is supported by local needs and resources.

(2) If approved for birth records, the county registrar may issue certified copies of registered birth records from the state vital records system for a period not to exceed six months from the date of birth.

(3) If approved for death records, the county registrar may accept after review paper death records for deaths occurring in the county prior to registration at the state office. The county registrar shall forward death records that have been filed at the county to the state registrar within three business days of the date filed by the county registrar.

(a) County registrars may issue certified copies of a death record from the original record while the original record is in the possession of the county. County registrars may maintain a copy of the completed death record for a period up to 14 calendar days from the date the record is forwarded to the state and within that time period may issue from that copy until the record is registered in the state vital records system.

(b) After the death record is registered in the state vital records system, whether originally a paper record or an electronic record, the county registrar may issue only from the state vital records system for a period not to exceed six months from the date of death.

(4) County registrars shall collect fees in the amounts authorized under OAR 333-011-0340 for services provided at a county vital records office.

Stat Auth: ORS 432.035
Stats. Implemented: ORS 432.035
Hist.: PH 17-2013, f. 12-26-13, cert. ef. 1-1-14; PH 21-2015, f. 10-30-15, cert. ef. 1-1-16

333-011-0340
Fees

(1) The fee for any search of the files and vital statistics records is $25.

(a) The $25 search fee includes the issuance of one certified copy if the record is located and matched to the request. If no matching record is found, a statement to this effect will be issued in lieu of a record.

(b) The $25 fee covers the cost of a five year search for death, fetal death, marriage, divorce, domestic partnership and dissolution of domestic partnership records. If more than a five year search is requested, an additional fee of $1 per year shall be charged.

(2) The fee for the first certified copy of a death, fetal death, marriage, divorce, domestic partnership, or dissolution of domestic partnership vital statistics record is $25. Additional certified copies of the same record ordered at the same time is $20 for each certified copy through December 31, 2017. Effective January 1, 2018, additional certified copies of the same record ordered at the same time shall be $25 for each certified copy.

(3) The fee for a certified copy of a birth vital statistics record is:

(a) $25 when a computerized version of the record is issued. Additional certified copies of the same record ordered at the same time shall be $20 for each certified copy through December 31, 2017. Effective January 1, 2018, additional certified copies of the same record ordered at the same time shall be $25 for each certified copy.

(b) $30 for each certified copy when an image of the original record is requested by the applicant.

(4) The fee for a certified copy of a recorded court order registering an unrecorded birth under ORS 432.118 is $25.

(5) The fee for a Commemorative Certificate of Stillbirth is $25.

(6) A fee of $35 shall be paid to the state registrar for the preparation of a new or updated record of live birth for amendment, correction, adding the father's name to the birth record or filing of adoption orders and delayed and court registered birth records. This fee does not include a certified copy of the amended record.

(a) The $35 fee may be waived to correct an error or omission by a reporting source if a birth record is corrected within the first year from the date of the event.

(b) The $35 fee may be waived at any future time to correct an error on a record of live birth by a reporting source for date of birth, time of birth or sex of registrant.

(c) An additional service to expedite an amendment within three business days may be available for an additional fee of $30 if the request is matched to a registered record and all required documentation under ORS 432.223 & 432.245, OAR 333-011-0260 through 0275, or OAR 333-011-0300 has been received and approved. This fee does not include a certified copy of the amended record and is in addition to the amendment fee.

(7) A fee of $35 shall be paid to the state registrar for the preparation of an amended death record, if amendments are filed more than one year after the date of death. However, no fee shall be paid for amendments to the cause of death filed by the physician or medical examiner that signed the report of death. This fee does not include a certified copy of the amended record.

(8) A fee of $5 for each certified copy shall be paid for the replacement of certified copies of a death record when the original documents are returned within a year of issuance with an acceptable correction document and appropriate amendment fee. This fee may be waived when the replacement of certified copies is required solely due to an amendment or correction by the medical certifier on the record or a Medical Examiner.

(9) A fee of $5 for each certified copy shall be paid for the replacement of certified copies of a birth record when the original documents are returned within a year of issuance and an acceptable correction document and appropriate amendment fee has been received. The $5 fee may be waived for the replacement of one certified copy of the record of live birth when an amendment is made.

(10) A fee of $7 shall be paid to expedite the search and filling of an order for a certified copy when the order is placed by telephone or the Internet, billed to a credit card and processed within three working days upon receipt of the order. This fee is in addition to the fee charged by a subcontractor providing computer, prepayment, billing and collection services for orders processed using the subcontractor's services.

(11) A fee of $45 shall be paid for heirloom birth certificates under ORS 432.445.

(12) A fee of $30 shall be paid for a certified copy of a person's original record of live birth prior to adoption under ORS 432.228(1).

(13) A fee of $25 shall be paid when submitting a Contact Preference Form to match with an adopted person's record of live birth.

(14) Persons requesting special services or specific data sets shall be charged actual time and material costs of producing the data.

(15) The fee for copies of vital statistics records issued for research approved by the state registrar under ORS 432.350 is $25 for each record. Records for research purposes are issued as uncertified copies.

(16) A fee of $24 shall be paid for making certified copies of documents from sealed files, special files and affidavits and supplemental reports authorized by statute or rule.

(17) A fee of $4 per page shall be charged for uncertified copies of documents from sealed files, special files and affidavits or supplemental reports authorized by statute or rule.

(18) A fee of $10 shall be paid for each manual verification of a vital event for each government agency or subdivision of a government agency requesting over 5 verifications per month.

(19) A fee not to exceed $4 shall be paid for each electronic verification of a vital event. This fee is in addition to the fee charged by a subcontractor providing computer system, billing and collection services for verifications processed using the subcontractor's services.

(20) Overpayment of a required fee received in the office of the state registrar shall be refunded if in excess of $6 and any overpayment less than $6 shall be refunded upon written request of the applicant within one year.

Stat. Auth.: ORS 432.015, 432.350, 432.435 & 432.148
Stats. Implemented: ORS 432.435 & 432.148
Hist.: HB 169, f. & ef. 10-16-63; HD 13-1979(Temp), f. & ef. 10-1-79; HD 18-1979, f. & ef. 12-12-79; HD 2-1985, f. & ef. 2-19-85; HD 1-1987, f. 1-20-87, ef. 2-2-87; HD 10-1990, f. 5-3-90, cert. ef. 7-1-90; HD 4-1992(Temp), f. & cert. ef. 4-28-92; HD 8-1992, f. & cert. ef. 6-22-92; HD 19-1993(Temp), f. & cert. ef. 10-27-93; HD 21-1994, f. & cert. ef. 8-15-94; PH 17-2003, f. 10-31-03, cert. ef. 12-1-03; PH 3-2010, f. & cert. ef. 2-3-10; Renumbered from 333-011-0106 by PH 17-2013, f. 12-26-13, cert. ef. 1-1-14; PH 21-2015, f. 10-30-15, cert. ef. 1-1-16

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Rule Caption: Marijuana laboratory testing, marijuana labeling, marijuana product serving size and concentration limits.
Adm. Order No.: PH 22-2015(Temp)
Filed with Sec. of State: 11-13-2015
Certified to be Effective: 1-1-16 thru 6-28-16
Notice Publication Date:
Rules Adopted: 333-007-0010, 333-007-0020, 333-007-0030, 333-007-0040, 333-007-0050, 333-007-0060, 333-007-0070, 333-007-0080, 333-007-0083, 333-007-0085, 333-007-0090, 333-007-0100, 333-007-0200, 333-007-0210, 333-007-0220, 333-007-0300, 333-007-0310, 333-007-0320, 333-007-0330, 333-007-0340, 333-007-0350, 333-007-0360, 333-007-0370, 333-007-0380, 333-007-0390, 333-007-0400, 333-007-0410, 333-007-0420, 333-007-0430, 333-007-0440, 333-007-0450, 333-007-0460, 333-007-0470, 333-007-0480, 333-007-0490, 333-064-0100, 333-064-0110
Subject: The Oregon Health Authority, Public Health Division is temporarily adopting administrative rules in chapter 333, divisions 7 and 64 related to marijuana laboratory testing, marijuana labeling, marijuana product serving size and concentration limits due to the passage of HB 3400 (Oregon Laws 2015, chapter 614). On or after April 1, 2016 all products sold in Oregon must meet the labeling, serving size and concentration limits, and on or after June 1, 2016 all products sold in Oregon must be tested under standards established by these rules.
Rules Coordinator: Brittany Sande—(971) 673-1291

333-007-0010
Purpose, Scope and Effective Date

(1) The purpose of OAR 333-007-0010 through 333-007-0100 is to set the minimum standards for the labeling of marijuana items that are sold to a consumer. These minimum standards are applicable to:

(a) A Commission licensee as that is defined in OAR 845-025-1015; and

(b) A person registered with the Authority under ORS 475.300 to 475.346 who is not exempt from the labeling requirements as described in section (2) of this rule.

(2) The labeling requirements in these rules do not apply to:

(a) A grower if the grower is transferring usable marijuana or an immature marijuana plant to:

(A) A patient who designated the grower to grow marijuana for the patient; or

(B) A designated primary caregiver of the patient who designated the grower to grow marijuana for the patient; or

(b) A designated primary caregiver of a patient if the caregiver is transferring a marijuana item to a patient of the designated primary caregiver.

(3) Nothing in these rules prohibits the Commission or the Authority from:

(a) Imposing additional labeling requirements in their respective rules governing licensees and registrants, including but not limited to labeling requirements that apply to marijuana packaged for sale to other licensees or labeling requirements for testing samples, as long as those additional labeling requirements are not inconsistent with these rules; or

(b) Requiring licensees or registrants to provide informational material to a consumer at the point of sale.

(4) On and after April 1, 2016:

(a) A marijuana item received or transferred by a dispensary must meet the labeling requirements in these rules; and

(b) A dispensary may not transfer a marijuana item that does not meet the labeling requirements in these rules.

(5) By April 1, 2016, a dispensary must have either transferred marijuana items that do not meet the labeling requirements in these rules to a patient or caregiver or must have returned any marijuana item that does not meet labeling requirements in these rules to the individual who transferred the item to the dispensary, and must document who the item was returned to, what was returned and the date of the return.

Stat. Auth.: Sec. 91 and 92, ch. 614, OL 2015
Stats. Implemented: Sec. 91 and 92, ch. 614, OL 2015
Hist.: PH 22-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

333-007-0020
Definitions

For the purposes of OAR 333-007-0100 through 333-007-0100, unless otherwise specified:

(1) "Activation time" means the amount of time it is likely to take for an individual to begin to feel the effects of ingesting or inhaling a marijuana item.

(2) "Authority" means the Oregon Health Authority.

(3) "Cannabinoid concentrate or extract" means a substance obtained by separating cannabinoids from marijuana by a mechanical, chemical or other process.

(4)(a) "Cannabinoid edible" means:

(A) Food or potable liquid into which a cannabinoid concentrate or extract or the dried leaves or flowers of marijuana have been incorporated; or

(B) For purposes of labeling, includes any cannabinoid concentrate, extract or cannabinoid product that is intended for human consumption or marketed in a manner that implies the item is for human consumption.

(b) "Cannabinoid edible" does not include a cannabinoid tincture.

(5)(a) "Cannabinoid product" means a cannabinoid edible or any other product intended for human consumption or use, including a product intended to be applied to a person's skin or hair, that contains cannabinoids or the dried leaves or flowers of marijuana.

(b) "Cannabinoid product" does not include:

(A) Usable marijuana by itself;

(B) A cannabinoid concentrate or extract by itself; or

(C) Industrial hemp, as defined in ORS 571.300.

(6) "Cannabinoid tincture" means a solution of alcohol, cannabinoid concentrate or extract, and perhaps other ingredients intended for human consumption or ingestion, and that is exempt from the Liquor Control Act under ORS 471.035.

(7) "Cannabinoid topical" means a cannabinoid product intended to be applied to skin or hair.

(8) "CBD" means cannabidiol.

(9) "Commission" means the Oregon Liquor Control Commission.

(10) "Consumer":

(a) Has the meaning given that term in section 1, chapter 614, Oregon Laws 2015; or

(b) Means a patient or designated primary caregiver receiving a transfer from a medical marijuana dispensary.

(11) "Container" means a sealed, hard or soft-bodied receptacle in which a marijuana item is placed.

(12) "Date of harvest" means the date the mature marijuana plants in a harvest lot were removed from the soil or other growing media. If the harvest occurred on more than one day, the "date of harvest" is the day the last mature marijuana plant in the harvest lot was removed from the soil or other growing media.

(13) "Delta-9 THC" is the principal psychoactive constituent (the principal cannabinoid) of cannabis.

(14)(a) "Designated primary caregiver" means an individual:

(A) Who is 18 years of age or older;

(B) Who has significant responsibility for managing the well-being of a person who has been diagnosed with a debilitating medical condition; and

(C) Who is designated as the person responsible for managing the well-being of a person who has been diagnosed with a debilitating medical condition on that person's application for a registry identification card or in other written notification submitted to the Authority.

(b) "Designated primary caregiver" does not include a person's attending physician.

(15) "Food" means a raw, cooked, or processed edible substance, or ingredient used or intended for use or for sale in whole or in part for human consumption, or chewing gum.

(16) "Grower" has the same meaning as "person responsible for a marijuana grow site."

(17) "Harvest lot" means marijuana that is uniform in strain, cultivated utilizing the same growing practices and harvested at the same time.

(18) "Human consumption" means to ingest, generally through the mouth, food, drink or other substances such that the substance enters the human body but does not include inhalation.

(19)(a) "Marijuana" means the plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae.

(b) "Marijuana" does not include industrial hemp, as defined in ORS 571.300.

(20) "Marijuana item" means marijuana, usable marijuana, a cannabinoid product or a cannabinoid concentrate or extract.

(21) "Medical marijuana dispensary" means a facility registered under ORS 475.314.

(22) "Net weight" means the gross weight minus the tare weight of the packaging.

(23) "Patient" has the same meaning as "registry identification cardholder".

(24) "Person responsible for a marijuana grow site" means a person who has been selected by a patient to produce medical marijuana for the patient, and who has been registered by the Authority for this purpose and has the same meaning as "grower".

(25) "Place of address" means the name, mailing address, city, state and zip code of the processor who made the cannabinoid edible.

(26) "Principle display panel" means the portion of the package that is most likely to be seen by the consumer at the point of purchase, must include the product identity, net weight and universal symbol, and if only a single panel is used for labeling, the principle display panel must also include place of address and ingredient list.

(27) "Processor" means a person:

(a) Licensed by the Commission to process marijuana under section 14, chapter 614, Oregon Laws 2015; or

(b) Registered with the Authority under ORS 475.300 to 475.346 as a processor and who is not exempt from labeling requirements under section 106, chapter 614, Oregon Laws 2015.

(28) "Process lot" means:

(a) Any amount of cannabinoid concentrate or extract of the same type and processed at the same time using the same extraction methods, standard operating procedures and batches from the same or different harvest lots; or

(b) Any amount of cannabinoid products of the same type and processed at the same time using the same ingredients, standard operating procedures and batches from the same or different harvest lots or process lots of cannabinoid concentrate or extract.

(29) "Producer" means a person:

(a) Licensed by the Commission to produce marijuana under section 12, chapter 614, Oregon Laws 2015; and

(b) Registered with the Authority under ORS 475.300 to 475.346 as a grower and who is not exempt from labeling requirements under section 106, chapter 614, Oregon Laws 2015.

(30) "Product identity" means a truthful or common name of the product that is contained in the package.

(31) "Registrant" means a person registered with the Authority under ORS 475.304, 475.314, or section 85, chapter 614, Oregon Laws 2015.

(32) "Registry identification cardholder" means a person to whom a registration card has been issued under ORS 475.309.

(33) "Test batch" means:

(a) A group of test samples that are collectively submitted to a laboratory for testing purposes.

(b) "Test batch" does not mean a combination of marijuana flowers, marijuana leaves, cannabinoid products, or cannabinoid concentrate or extract.

(34) "Test sample" means anything collected by an individual authorized by the Authority to collect a sample from a licensee or registrant that is provided to a laboratory for testing, including but not limited to marijuana items, soil, growing medium, water, solvent or swab of a counter or equipment.

(35) "THC" means tetrahydrocannabinol and has the same meaning as delta-9 THC.

(36) "These rules" means OAR 333-007-0010 through 333-007-0100.

(37) "Universal symbol" means the image, established by the Authority and made available to licensees and registrants, indicating the marijuana item contains marijuana.

(38)(a) "Usable marijuana" means the dried leaves and flowers of marijuana.

(b) "Usable marijuana" does not include:

(A) The seeds, stalks and roots of marijuana; or

(B) Waste material that is a by-product of producing or processing marijuana.

Stat. Auth.: Sec. 91 and 92, ch. 614, OL 2015
Stats. Implemented: Sec. 91 and 92, ch. 614, OL 2015
Hist.: PH 22-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

333-007-0030
Marijuana Plant Labeling Requirements

Prior to a marijuana plant being sold or transferred to a consumer a tag or label must be affixed to the plant or plant container that has the following information:

(1) Producer's business or trade name and licensee or registrant number;

(2) Name of the strain; and

(3) Universal symbol.

Stat. Auth.: Sec. 91 and 92, ch. 614, OL 2015
Stats. Implemented: Sec. 91 and 92, ch. 614, OL 2015
Hist.: PH 22-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

333-007-0040
Marijuana Seed Labeling Requirements

Prior to marijuana seeds being sold or transferred to a consumer the container holding the seeds must have a label that has the following information:

(1) Producer's business or trade name and licensee or registrant number;

(2) Name of the strain of seed;

(3) Date of harvest;

(4) Number of seeds or net weight in ounces or grams as appropriate; and

(5) Universal symbol.

Stat. Auth.: Sec. 91 and 92, ch. 614, OL 2015
Stats. Implemented: Sec. 91 and 92, ch. 614, OL 2015
Hist.: PH 22-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

333-007-0050
Usable Marijuana Labeling Requirements

Prior to usable marijuana being sold or transferred to a consumer the container holding the usable marijuana must have a label that has the following information:

(1) Producer's business or trade name and licensee or registrant number;

(2) Harvest lot number;

(3) Date of harvest;

(4) Name of strain;

(5) Net weight in grams;

(6) Concentration of THC and CBD;

(7) Activation time expressed in words or through a pictogram;

(8) Name of the lab that performed any test, any associated test batch number and any test analysis date;

(9) Universal symbol;

(10) For usable marijuana sold by a licensee, warnings that state:

(a) "For use by adults 21 and older. Keep out of reach of children."

(b) "It is illegal to drive a motor vehicle while under the influence of marijuana."

(11) For usable marijuana transferred by a dispensary, warnings that state:

(a) "For use by OMMP patients only. Keep out of reach of children."

(b) "It is illegal to drive a motor vehicle while under the influence of marijuana."

Stat. Auth.: Sec. 91 and 92, ch. 614, OL 2015
Stats. Implemented: Sec. 91 and 92, ch. 614, OL 2015
Hist.: PH 22-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

333-007-0060
Cannabinoid Topical Labeling Requirements

Prior to a cannabinoid topical product being sold or transferred to a consumer the container holding the cannabinoid product must have a label that has the following information:

(1) Processor's business or trade name and licensee or registrant number;

(2) Process lot number;

(3) Date the product was made;

(4) Net weight or volume using the metric scale;

(5) Amount suggested for use by the consumer at any one time;

(6) Concentration or amount by weight or volume of THC and CBD in the container;

(7) List of ingredients in descending order or predominance by weight or volume used to process the cannabinoid topical;

(8) Activation time, expressed in words or through a pictogram;

(9) Name of the lab that performed any test, any associated test batch number and any test analysis date;

(10) Universal symbol;

(11) For cannabinoid topicals sold by a licensee, warnings that state:

(a) "For use only by adults 21 and older. Keep out of reach of children."

(b) "DO NOT EAT" in bold, capital letters; and

(12) For cannabinoid topicals transferred by a dispensary, warnings that state:

(a) "For use by OMMP patients only. Keep out of reach of children."

(b) "DO NOT EAT" in bold, capital letters.

Stat. Auth.: Sec. 91 and 92, ch. 614, OL 2015
Stats. Implemented: Sec. 91 and 92, ch. 614, OL 2015
Hist.: PH 22-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

333-007-0070
Cannabinoid Edible Labeling Requirements

Prior to a cannabinoid edible being sold or transferred to a consumer the container holding the edible must have a label that has the following information:

(1) Processor's business or trade name and licensee or registrant number;

(2) Place of address;

(3) Product identity (common or usual name);

(4) Process lot number;

(5) Date the edible was made;

(6) Net weight or volume in both US lb/oz. (Avoirdupois oz.) and metric scale;

(7) Serving size and number of servings per container;

(8) Concentration or amount by weight or volume of THC and CBD in each serving and in each container;

(9) List of all ingredients in descending order of predominance by weight or volume used to process the cannabinoid edible;

(10) List of potential allergens:

(a) Using a "contains" statement to summarize the allergen information at the end of or immediately adjacent to the ingredient list; or

(b) Placing the term for the appropriate major food allergen in parenthesis within the ingredient list after the common or usual name of the ingredient derived from that major food allergen;

(11) The amount, in grams, of sodium, sugar, carbohydrates and total fat;

(12) If the edible is perishable, a statement that the edible must be refrigerated or kept frozen;

(13) Name of the lab that performed any test, any associated test batch number and any test analysis date;

(14) Activation time, expressed in words or through a pictogram;

(15) Universal symbol; and

(16) For cannabinoid edibles sold by a licensee, warnings that state:

(a) "For use only by adults 21 and older. Keep out of reach of children."

(b) "It is illegal to drive a motor vehicle while under the influence of marijuana."

(c) "BE CAUTIOUS" in bold, capital letters, followed by "Cannabinoid edibles can take up to 2 hours or more to take effect."; and

(17) For cannabinoid edibles transferred by a dispensary, warnings that state:

(a) "For use by OMMP patients only. Keep out of reach of children."

(b) "It is illegal to drive a motor vehicle while under the influence of marijuana."

(c) "BE CAUTIOUS" in bold, capital letters, followed by "Cannabinoid edibles can take up to 2 hours or more to take effect."

Stat. Auth.: Sec. 91 and 92, ch. 614, OL 2015
Stats. Implemented: Sec. 91 and 92, ch. 614, OL 2015
Hist.: PH 22-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

333-007-0080
Labeling Requirements for Cannabinoid Concentrates and Extracts

Prior to a cannabinoid concentrate or extract being sold or transferred to a consumer the container holding the concentrate or extract must have a label that has the following information:

(1) Processor's business or trade name and licensee or registrant number;

(2) Process lot number;

(3) Date the concentrate or extract was made;

(4) Net weight or volume using the metric scale;

(5) If applicable, serving size and number of servings per container or amount suggested for use by the consumer at any one time;

(6) Concentration or amount by weight or volume of THC and CBD in each amount suggested for use and in the container;

(7) Activation time, expressed in words or through a pictogram;

(8) Name of the lab that performed any test, any associated test batch number and any test analysis date;

(9) Universal symbol;

(10) For cannabinoid concentrates and extracts sold by a licensee, warnings that state:

(a) "For use only by adults 21 and older. Keep out of reach of children."

(b) "It is illegal to drive a motor vehicle while under the influence of marijuana."

(c) "DO NOT EAT" in bold, capital letters; and

(11) For cannabinoid concentrates and extracts transferred by a dispensary, warnings that state:

(a) "For use by OMMP patients only. Keep out of reach of children."

(b) "It is illegal to drive a motor vehicle while under the influence of marijuana."

(c) "DO NOT EAT" in bold, capital letters.

Stat. Auth.: Sec. 91 and 92, ch. 614, OL 2015
Stats. Implemented: Sec. 91 and 92, ch. 614, OL 2015
Hist.: PH 22-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

333-007-0083
Cannabinoid Tincture Labeling Requirements

Prior to a cannabinoid tincture being sold or transferred to a consumer the container holding the tincture must have a label that has the following information:

(1) Processor's business or trade name and licensee or registrant number;

(2) Place of address;

(3) Product identity (common or usual name);

(4) Process lot number;

(5) Date the tincture was made;

(6) Net weight or volume in both US lb/oz. (Avoirdupois oz.) and metric scale;

(7) Serving size and number of servings per container;

(8) Concentration or amount by weight or volume of THC and CBD in each serving and in each container;

(9) List of all ingredients in descending order of predominance by weight or volume used to process the cannabinoid tincture;

(10) Name of the lab that performed any test, any associated test batch number and any test analysis date;

(11) Universal symbol;

(12) Activation time expressed in words or through a pictogram;

(13) For cannabinoid tinctures sold by a licensee, warnings that state:

(a) "For use only by adults 21 and older. Keep out of reach of children."

(b) "It is illegal to drive a motor vehicle while under the influence of marijuana"; and

(14) For cannabinoid tinctures transferred by a dispensary, warnings that state:

(a) "For use by OMMP patients only. Keep out of reach of children."

(b) "It is illegal to drive a motor vehicle while under the influence of marijuana."

Stat. Auth.: Sec. 91 and 92, ch. 614, OL 2015
Stats. Implemented: Sec. 91 and 92, ch. 614, OL 2015
Hist.: PH 22-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

333-007-0085
Cannabinoid Products Other than Cannabinoid Edibles, Topicals, or Tinctures

Prior to a cannabinoid product other than a cannabinoid edible, topical or tincture being sold or transferred to a consumer the container holding the product must have a label that has the following information:

(1) Processor's business or trade name and licensee or registrant number;

(2) Place of address;

(3) Product identity (common or usual name);

(4) Process lot number;

(5) Date the product was made;

(6) Net weight or volume in both US lb/oz. (Avoirdupois oz.) and metric scale;

(7) Serving size and number of servings per container;

(8) Concentration or amount by weight or volume of THC and CBD in each serving and in each container;

(9) List of all ingredients in descending order of predominance by weight or volume used to process the cannabinoid product;

(10) Name of the lab that performed any test, any associated test batch number and any test analysis date;

(11) Universal symbol;

(12) Activation time expressed in words or through a pictogram;

(13) For cannabinoid products sold by a licensee, warnings that state:

(a) "For use only by adults 21 and older. Keep out of reach of children."

(b) "It is illegal to drive a motor vehicle while under the influence of marijuana."; and

(14) For cannabinoid products transferred by a dispensary, warnings that state:

(a) "For use by OMMP patients only. Keep out of reach of children."

(b) "It is illegal to drive a motor vehicle while under the influence of marijuana."

Stat. Auth.: Sec. 91 and 92, ch. 614, OL 2015
Stats. Implemented: Sec. 91 and 92, ch. 614, OL 2015
Hist.: PH 22-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

333-007-0090
General Label Requirements; Prohibitions; Exceptions

(1) Every container that contains a marijuana item for sale or transfer to a consumer must have a principle display panel, as that term is defined in OAR 333-007-0020.

(2) A label required by these rules must:

(a) Comply with the National Institute of Standards and Technology (NIST) Handbook 130 (2015), Uniform Packaging and Labeling Regulation, incorporated by reference.

(b) Be in no smaller than 8 point Times New Roman, Helvetica or Arial font;

(c) Be in English, though it can be in other languages; and

(d) Be unobstructed and conspicuous.

(3) A marijuana item may have one or more labels affixed to the container.

(4) The universal symbol:

(a) Must be at least 0.48 inches wide by 0.35 inches high.

(b) May only be used by licensees or registrants.

(c) May be downloaded at www.healthoregon.org/marijuana on or after January 1, 2016.

(5) The Commission or the Authority may permit a licensee or registrant to use a pictogram instead of a warning on a label.

(6) A label may not contain any untruthful or misleading statements, including but not limited to a health claim that is not supported by the totality of publicly available scientific evidence (including evidence from well-designed studies conducted in a manner which is consistent with generally recognized scientific procedures and principles), and for which there is significant scientific agreement, among experts qualified by scientific training and experience to evaluate such claims.

(7) A marijuana item that falls within more than one category, for example a product that is both a cannabinoid concentrate and cannabinoid edible, must comply with the labeling requirements that apply to both categories, with the exception of the "DO NOT EAT" warning if the product falls within the cannabinoid edible category for labeling purposes or the "BE CAUTIOUS" warning if the effects of the product are customarily felt immediately.

(8) The THC and CBD amount required to be on a label must be the value calculated by the laboratory that did the testing in accordance with OAR 333-064-0100.

(9) If a marijuana item has more than one test batch number, laboratory, or test analysis date associated with the marijuana item that is being sold or transferred, each test batch number, laboratory and test analysis date must be included on a label.

(10) If a marijuana item is placed in a package that is being re-used, the old label or labels must be removed and it must have a new label or labels.

Stat. Auth.: Sec. 91 and 92, ch. 614, OL 2015
Stats. Implemented: Sec. 91 and 92, ch. 614, OL 2015
Hist.: PH 22-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

333-007-0100
Pre-Approval of Labels

(1) A registrant must submit labels for pre-approval in accordance with OAR 845-025-7060 and must keep all records related to the pre-approval process and provide those records at the request of the Authority.

(2) A registrant may not transfer a marijuana item unless the label has been pre-approved in accordance with OAR 845-025-7060.

Stat. Auth.: Sec. 91 and 92, ch. 614, OL 2015
Stats. Implemented: Sec. 91 and 92, ch. 614, OL 2015
Hist.: PH 22-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

333-007-0200
Definitions, Purpose, Scope, Effective Date

(1) In accordance with section 105, chapter 614, Oregon Laws 2015, the Authority must establish, for marijuana items sold or transferred to a consumer through a Commission licensed marijuana retailer or medical marijuana dispensary:

(a) The maximum concentration of THC permitted in a single serving of a cannabinoid product or cannabinoid concentrate or extract; and

(b) The number of servings permitted in a cannabinoid product container or cannabinoid concentrate or extract container.

(2) The concentration of THC permitted under OAR 333-007-0210 through 333-007-0220 must take into account both the amount of Delta-9 THC in the cannabinoid product or cannabinoid concentrate or extract and the amount of tetrahydrocannabinolic acid (THCA) in the cannabinoid product or cannabinoid concentrate or extract that if heated would convert THCA to THC. A cannabinoid product or cannabinoid concentrate or extract that contains a high amount of THCA must meet the concentration limits established in OAR 333-007-0200 through 333-007-0220 even if heated.

(3) The amounts of THC listed on a label are based on an average from samples taken from a harvest or process lot and may not represent the exact amount of THC in a marijuana item purchased by a consumer.

(4) On and after April 1, 2016:

(a) A marijuana item received or transferred by a dispensary must meet the concentration and serving size limits in OAR 333-007-0210 or 333-007-0220; and

(b) A dispensary may not receive or transfer a marijuana item that does not meet the concentration and serving size limits in OAR 333-007-0210 or 333-007-0220.

(5) By April 1, 2016, a dispensary must have either transferred marijuana items that do not meet the concentration and serving size limits in OAR 333-007-0210 or 333-007-0220 to a patient or caregiver or must have returned any marijuana item that does not meet the requirements to the individual who transferred the item to the dispensary, and must document who the item was returned to, what was returned and the date of the return.

(6) A marijuana item that falls within the category of a cannabinoid edible, even if that item also falls within another category, for example the category of a cannabinoid concentrate, must meet the concentration and serving size limits applicable to a cannabinoid edible.

(7) For purposes of OAR 333-007-0200 through 333-007-0220:

(a) The definitions in OAR 333-007-0020 apply, unless otherwise specified:

(b) "Scorable" means to physically demark a cannabinoid edible that is in solid form at room temperature in a way that enables a reasonable person to:

(A) Intuitively determine how much of the product constitutes a single serving; and

(B) Easily physically separate the edible into single servings either by hand or with a common utensil, such as a knife.

Stat. Auth.: Sec. 91 and 92, ch. 614, OL 2015
Stats. Implemented: Sec. 91 and 92, ch. 614, OL 2015
Hist.: PH 22-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

333-007-0210
Retail Marijuana Item Concentration and Serving Size Limits

(1) The maximum concentration or amount of THC permitted in a container, the size of a marijuana item, and the number of servings permitted in a container, as applicable, for marijuana items bought and sold by a Commission licensed marijuana retailer is listed in Table 1, subject to sections (2) and (3) of this rule. [Table not included. See ED. NOTE.]

(2) Non-Scorable Cannabinoid Edibles. A non-scorable cannabinoid edible that contains two servings in a container must be:

(a) Sold and packaged with a measuring device that measures single servings; or

(b) Placed in packaging that clearly enables a consumer to determine when a single serving has been consumed.

(3) A non-scorable cannabinoid edible that does not meet the requirements in section (2) of this rule must be packaged as a single serving with no more than 5 mg of THC.

[ED. NOTE: Tables referenced are available from the agency.]
Stat. Auth.: Sec. 91 and 92, ch. 614, OL 2015
Stats. Implemented: Sec. 91 and 92, ch. 614, OL 2015
Hist.: PH 22-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

333-007-0220
Medical Marijuana Item Concentration Limits

(1) The maximum concentration or amount of THC permitted in a container, and the number of servings permitted in a container, as applicable, for marijuana items transferred to and from a medical marijuana dispensary is listed in Table 2, subject to sections (2) and (3) of this rule. [Table not included. See ED. NOTE.]

(a) Serving size is as determined by the processor.

(b) A container of cannabinoid edibles may not contain more than 100 mg of THC regardless of the number of servings.

(2) Cannabinoid edibles that are capable of being scored as described in the definition of "scorable" in OAR 333-007-0200, must be scored.

(3) Non-Scorable cannabinoid edibles that contain more than one serving per container must be:

(a) Sold and packaged with a measuring device that measures single servings; or

(b) Placed in packaging that clearly enables a consumer to determine when a single serving has been consumed, as that serving size is determined by the processor.

[ED. NOTE: Tables referenced are available from the agency.]
Stat. Auth.: Sec. 91 and 92, ch. 614, OL 2015
Stats. Implemented: Sec. 91 and 92, ch. 614, OL 2015
Hist.: PH 22-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

333-007-0300
Purpose and Effective Date

(1) The purpose of these rules is to establish the minimum testing standards for marijuana items, prior to marijuana items being sold or transferred to a consumer, applicable to:

(a) A Commission licensee as defined in OAR 845-025-1015; and

(b) A person registered with the Authority under ORS 475.300 to 475.346 who is not exempt from the testing requirements.

(2) The testing requirements do not apply to:

(a) A grower if the person is transferring usable marijuana or an immature marijuana plant to:

(A) A patient who designated the grower to grow marijuana for the patient; or

(B) A designated primary caregiver of the patient who designated the grower to grow marijuana for the patient; or

(b) A designated primary caregiver of a patient if the caregiver is transferring a marijuana item to a patient of the designated primary caregiver.

(3) These rules are intended to specify the specific testing that must be done for the various types of marijuana items, rather than to specify which type of licensee or registrant must ensure that the testing is done in accordance with these rules. It is up to Commission licensees and registrants to determine as a business practice who is responsible for arranging for samples to be taken and for those samples to be tested in accordance with these rules.

(4) All marijuana items must be tested in accordance with these rules on and after June 1, 2016.

(5) A dispensary may not accept the transfer of a marijuana item on or after June 1, 2016, that was not tested in accordance with these rules. A dispensary may transfer a marijuana item to a patient or caregiver that was transferred to the dispensary before June 1, 2016, and that was not tested in accordance with these rules but that item must contain the following label

placed on the package where it can easily be seen by the patient or caregiver, in 12 point font, and in bold, capital letters that reads "DOES NOT MEET NEW TESTING REQUIREMENTS".

(6) Nothing in these rules prevents a registrant or licensee from having marijuana items tested in accordance with these rules by an accredited and licensed laboratory prior to June 1, 2016.

Stat. Auth.: Sec. 91 and 92, ch. 614, OL 2015
Stats. Implemented: Sec. 91 and 92, ch. 614, OL 2015
Hist.: PH 22-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

333-007-0310
Definitions

For purposes of OAR 333-007-0300 through 333-007-0490:

(1) "Batch" means:

(a) A quantity of usable marijuana from a harvest lot; or

(b) A quantity of cannabinoid concentrate or extract or cannabinoid product from a process lot.

(2) "Cannabinoid" means any of the chemical compounds that are the active constituents of marijuana.

(3) "Cannabinoid concentrate or extract" means a substance obtained by separating cannabinoids from marijuana by a mechanical, chemical or other process.

(4) "Cannabinoid edible" means food or potable liquid into which a cannabinoid concentrate or extract or the dried leaves or flowers of marijuana have been incorporated.

(5)(a) "Cannabinoid product" means a cannabinoid edible or any other product intended for human consumption or use, including a product intended to be applied to a person's skin or hair, that contains cannabinoids or the dried leaves or flowers of marijuana.

(b) "Cannabinoid product" does not include:

(A) Usable marijuana by itself;

(B) A cannabinoid concentrate or extract by itself; or

(C) Industrial hemp, as defined in ORS 571.300.

(6) "CBD" means cannabidiol, Chemical Abstracts Service Number 13956-29-1.

(7) "CBDA" means cannabidiolic acid, Chemical Abstracts Service Number 1244-58-2.

(8) "Chain of custody procedures" means procedures employed by laboratory personnel using a chain of custody form to record the possession of samples from the time of sampling through the retention time specified by the Authority or Commission.

(9) "Chain of custody form" means a form completed by laboratory personnel that documents the collection, transport, and receipt of samples by the laboratory.

(10) "Consumer":

(a) Has the meaning given that term in section 1, chapter 614, Oregon Laws 2015; or

(b) Means a patient or designated primary caregiver receiving a transfer from a medical marijuana dispensary.

(11) "Delta-9 THC" is the principal psychoactive constituent (the principal cannabinoid) of cannabis, Chemical Abstracts Service Number 1972-08-3.

(12)(a) "Designated primary caregiver" means an individual 18 years of age or older who has significant responsibility for managing the well-being of a person who has been diagnosed with a debilitating medical condition and who is designated as such on that person's application for a registry identification card or in other written notification to the Authority.

(b) "Designated primary caregiver" does not include the person's attending physician.

(13) "Field duplicate sample" means two samples taken in an identical manner from and representative of the same marijuana item being sampled.

(14) "Food" means a raw, cooked, or processed edible substance, or ingredient used or intended for use or for sale in whole or in part for human consumption, or chewing gum.

(15) "Grower" has the same meaning as "person responsible for a grow site".

(16) "Grow site" means a specific location registered by the Authority and used by the grower to produce marijuana for medical use by a specific patient.

(17) "Harvest lot " means a specifically identified quantity of marijuana that is uniform in strain, cultivated utilizing the same growing practices, harvested at the same time at the same location and cured under uniform conditions.

(18) "Laboratory" means a laboratory that is accredited under ORS 438.605 to 438.620 to conduct tests on marijuana items and licensed by the Oregon Liquor Control Commission under section 93, chapter 614, Oregon Laws 2015.

(19)(a) "Marijuana" means the plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae.

(b) "Marijuana" does not include industrial hemp, as defined in ORS 571.300.

(20) "Marijuana item" means marijuana, usable marijuana, a cannabinoid product or a cannabinoid concentrate or extract.

(21) "Marijuana processing site" means a marijuana processing site registered under section 85, chapter 614, Oregon Laws 2015.

(22) "Medical Cannabis Producer" has the same meaning as "person designated to produce marijuana by a registry identification cardholder".

(23) "Medical marijuana dispensary" or "dispensary" means a medical marijuana dispensary registered under ORS 475.314.

(24) "Patient" has the same meaning as "registry identification cardholder."

(25) "Person designated to produce marijuana by a registry identification cardholder" has the same meaning as "medical cannabis producer" and means a person designated to produce marijuana by a registry identification cardholder under ORS 475.304 who produces marijuana for a registry identification cardholder at an address:

(a) Other than the address where the registry identification cardholder resides; or

(b) Where more than 12 mature marijuana plants are produced.

(26) "Person responsible for a marijuana grow site" has the same meaning as "grower" and means a person who has been selected by a patient to produce medical marijuana for the patient and who has been registered by the Authority for this purpose under ORS 475.304.

(27) "Processing" means the compounding or conversion of marijuana into cannabinoid products or cannabinoid concentrates or extracts.

(28) "Processor" has the meaning given that term in OAR 845-025-1015.

(29) "Producer" has the meaning given that term in OAR 845-025-1015.

(30) "Producing" means:

(a) Planting, cultivating, growing, trimming or harvesting marijuana; or

(b) Drying marijuana leaves and flowers.

(31) "Process lot" means:

(a) Any amount of cannabinoid concentrate or extract of the same type and processed at the same time using the same extraction methods, standard operating procedures and batches from the same or a different harvest lot; or

(b) Any amount of a cannabinoid product of the same type and processed at the same time using the same ingredients, standard operating procedures and batches from the same or a different harvest lot or process lot of cannabinoid concentrate or extract as defined in subsection (a) of this section.

(32) "Registrant" means a medical cannabis producer, grower, marijuana processing site, or a medical marijuana dispensary.

(33) "Registry identification cardholder" means a person who has been diagnosed by an attending physician with a debilitating medical condition and for whom the use of medical marijuana may mitigate the symptoms or effects of the person's debilitating medical condition, and who has been issued a registry identification card by the Authority.

(34) "Representative sample" means a sample obtained according to a sampling procedure designed to ensure that the different parts of a batch or lot or the different properties of a batch or lot are proportionately represented.

(35) "Sample" means an amount of a marijuana item collected by laboratory personnel from a registrant or licensee and provided to a laboratory for testing.

(36) "Sterilization" means the removal of all microorganisms and other pathogens from a marijuana item by treating it with approved chemicals or subjecting it to high heat.

(37) "Test batch" means a group of samples from a batch submitted collectively to a laboratory for testing purposes.

(38) "THC" means tetrahydrocannabinol and has the same Chemical Abstracts Service Number as delta-9 THC.

(39) "THCA" means tetrahydrocannabinolic acid, Chemical Abstracts Service Number 23978-85-0.

(40) "These rules" means OAR 333-007-0300 through 333-007-0490.

(41) "TNI" means The NELAC (National Environmental Laboratory Accreditation Conference) Institute, a voluntary organization of state and

federal environmental officials and interest groups purposed primarily to establish mutually acceptable standards for accrediting environmental laboratories.

(42) "TNI Standards" means the adopted 2009 TNI Standards (© 2009 The NELAC Institute), which describe the elements of laboratory accreditation developed and established by the consensus principles of TNI and that meet the approval requirements of TNI procedures and policies.

(43)(a) "Usable marijuana" means the dried leaves and flowers of marijuana.

(b) "Usable marijuana" does not include:

(A) The seeds, stalks and roots of marijuana; or

(B) Waste material that is a by-product of producing or processing marijuana.

Stat. Auth.: Sec. 91 and 92, ch. 614, OL 2015
Stats. Implemented: Sec. 91 and 92, ch. 614, OL 2015
Hist.: PH 22-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

333-007-0320
Usable Marijuana Testing Requirements

(1) Every batch of usable marijuana prior to being sold or transferred to a consumer must be tested for the following:

(a) Pesticides in accordance with OAR 333-007-0400.

(b) Microbiological contaminants in accordance with OAR 333-007-0390.

(c) Water activity and moisture content in accordance with OAR 333-007-0420.

(d) THC and CBD concentration in accordance with OAR 333-007-0430.

(2) Every batch of usable marijuana prior to being used by a processor to make a cannabinoid edible must be tested for pesticides in accordance with OAR 333-007-0400.

Stat. Auth.: Sec. 91 and 92, ch. 614, OL 2015
Stats. Implemented: Sec. 91 and 92, ch. 614, OL 2015
Hist.: PH 22-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

333-007-0330
Cannabinoid Concentrate and Extract Testing Requirements

(1) Every process lot of cannabinoid concentrate or extract, prior to being sold or transferred to a consumer must be tested for the following:

(a) Pesticides in accordance with OAR 333-007-0400.

(b) Solvents in accordance with OAR 333-007-0410.

(c) THC and CBD concentration in accordance with OAR 333-007-0430.

(2) Every process lot of a cannabinoid concentrate or extract prior to being used by a processor must be tested for the following:

(a) Pesticides in accordance with OAR 333-007-0400.

(b) Solvents in accordance with OAR 333-007-0410.

(3) A cannabinoid extract or concentrate that is processed in a manner that does not provide effective sterilization must be tested for microbiological contaminants in accordance with OAR 333-007-0390.

Stat. Auth.: Sec. 91 and 92, ch. 614, OL 2015
Stats. Implemented: Sec. 91 and 92, ch. 614, OL 2015
Hist.: PH 22-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

333-007-0340
Cannabinoid Product Testing Requirements

(1) Cannabinoid products except for products applied to skin or hair. All process lots of a cannabinoid product, except for a product intended to be applied to a person's skin or hair prior to being sold to a consumer must be tested for the following:

(a) THC and CBD concentration in accordance with OAR 333-007-0430.

(b) Homogeneity in accordance with OAR 333-007-0440.

(2) Cannabinoid products intended to be applied to skin or hair. All process lots of a cannabinoid product intended to be applied to a person's skin or hair must be tested for:

(a) THC and CBD concentration in accordance with OAR 333-007-0430.

(b) Solvents in accordance in OAR 333-007-0410.

Stat. Auth.: Sec. 91 and 92, ch. 614, OL 2015
Stats. Implemented: Sec. 91 and 92, ch. 614, OL 2015
Hist.: PH 22-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

333-007-0350
Batch Size

(1) Usable marijuana. A harvest lot must be separated into no larger than 10 pound batches.

(2) Cannabinoid concentrates and extracts and cannabinoid products. A process lot is a batch.

(3) Batches must be assigned a unique batch number.

Stat. Auth.: Sec. 91 and 92, ch. 614, OL 2015
Stats. Implemented: Sec. 91 and 92, ch. 614, OL 2015
Hist.: PH 22-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

333-007-0360
Sampling

(1) All samples must be taken in accordance with ORELAP approved policies and procedures as specified in OAR 333-061-0100.

(2) Usable marijuana.

(a) Usable marijuana may only be sampled after it is cured.

(b) Samples taken must in total represent a minimum of 0.5 percent of the batch.

(3) Cannabinoid concentrates and extracts and cannabinoid products.

(a) Samples must be taken from random locations within each batch.

(b) The sample size of a cannabinoid edible is a whole unit (a serving size).

(c) Only a single sample of appropriate size necessary to run the required analyte tests and a field duplicate must be taken from a process lot regardless of the process lot size, if:

(A) A process lot passed a homogeneity test in accordance with OAR 333-007-0440; and

(B) The processor used the exact same procedures for making the process lot that passed the homogeneity tests as were used for making the process lot from which samples are to be taken.

Stat. Auth.: Sec. 91 and 92, ch. 614, OL 2015
Stats. Implemented: Sec. 91 and 92, ch. 614, OL 2015
Hist.: PH 22-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

333-007-0370
Sampling Personnel Requirements; Sampling

(1) Only laboratory personnel may take samples.

(2) Laboratory personnel that perform sampling must:

(a) Follow ORELAP approved policies and procedures as specified in OAR 333-064-0100;

(b) Follow chain of custody procedures consistent with TNI Standard V1M2 5.8;

(c) After taking samples, record in the Commission's seed to sale system under the licensee or registrant number:

(A) A description of the samples taken (for example, flower, concentrate, brownies);

(B) Size of sample (amount of material comprising the sample);

(C) Date the samples were collected;

(D) The field identification numbers of the samples; and

(E) Where and when they will be transported.

(d) Comply with record keeping requirements in OAR 333-061-0100.

Stat. Auth.: Sec. 91 and 92, ch. 614, OL 2015
Stats. Implemented: Sec. 91 and 92, ch. 614, OL 2015
Hist.: PH 22-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

333-007-0380
Labeling, Storage, and Security of Pre-Tested Marijuana Items

(1) Following samples being taken from a harvest or process lot batch, the batch must be:

(a) Labeled with the following information:

(A) The laboratory doing the samples;

(B) The test batch samples numbers, once known;

(C) The date the samples were taken;

(D) The harvest or process lot number;

(E) The registrant's registrant number; and

(F) In bold, capital letters, no smaller than 12 point font, "PRODUCT NOT TESTED".

(b) Stored and secured in a manner that prevents the product from being tampered with or transferred prior to test results being reported.

(2) If the samples pass testing the product may be sold in accordance with the applicable Authority rules.

(3) If the samples do not pass testing the registrant must comply with OAR 333-007-0450.

Stat. Auth.: Sec. 91 and 92, ch. 614, OL 2015
Stats. Implemented: Sec. 91 and 92, ch. 614, OL 2015
Hist.: PH 22-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

333-007-0390
Standards for Testing Microbiological Contaminants

(1) A marijuana item required to be tested for microbiological contaminants must be tested by a laboratory for:

(a) E. coli; and

(c) Salmonella.

(2) If a laboratory detects the presence of E.coli at more than 100 colony forming units per gram or Salmonella at more than 0 colony forming units per gram the sample fails.

Stat. Auth.: Sec. 91 and 92, ch. 614, OL 2015
Stats. Implemented: Sec. 91 and 92, ch. 614, OL 2015
Hist.: PH 22-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

333-007-0400
Standards for Testing Pesticides

(1) A marijuana item required to be tested for pesticides must be tested by a laboratory for the analytes listed in Exhibit A, Table 3, incorporated by reference. [Table not included. See ED. NOTE.]

(2) If a laboratory detects the presence of a pesticide above the action levels listed in Exhibit A, Table 3 the sample fails. [Table not included. See ED. NOTE.]

[ED. NOTE: Tables referenced are available from the agency.]
Stat. Auth.: Sec. 91 and 92, ch. 614, OL 2015
Stats. Implemented: Sec. 91 and 92, ch. 614, OL 2015
Hist.: PH 22-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

333-007-0410
Standards for Testing Solvents

(1) A marijuana item required to be tested for solvents must be tested by a laboratory for the analytes listed in Exhibit A, Table 4 incorporated by reference. [Table not included. See ED. NOTE.]

(2) If a laboratory detects the presence of a solvent above the action level listed in Exhibit A, Table 4 the sample fails. [Table not included. See ED. NOTE.]

[ED. NOTE: Tables referenced are available from the agency.]
Stat. Auth.: Sec. 91 and 92, ch. 614, OL 2015
Stats. Implemented: Sec. 91 and 92, ch. 614, OL 2015
Hist.: PH 22-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

333-007-0420
Standards for Testing Water Activity and Moisture Content

(1) Usable marijuana must be tested by a laboratory for:

(a) Water activity; and

(b) Moisture content.

(2) If a sample has a water activity rate of more than 0.65 Aw the sample fails.

(3) If a sample has a moisture content of more than 15 percent the result must be reported to the licensee but the sample does not fail.

Stat. Auth.: Sec. 91 and 92, ch. 614, OL 2015
Stats. Implemented: Sec. 91 and 92, ch. 614, OL 2015
Hist.: PH 22-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

333-007-0430
Standards for Testing THC and CBD Concentration

A laboratory must test for the following when testing a marijuana item for THC and CBD:

(1) THC.

(2) THCA.

(3) CBD.

(4) CBDA.

Stat. Auth.: Sec. 91 and 92, ch. 614, OL 2015
Stats. Implemented: Sec. 91 and 92, ch. 614, OL 2015
Hist.: PH 22-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

333-007-0440
Homogeneity

(1) Cannabinoid edibles.

(a) Samples from a batch of cannabinoid edibles must show that the cannabinoid edible batch is homogeneous.

(b) In order to be considered homogenous the samples from five consecutive process lots of the same product must not exceed a 30 percent relative percentage difference in THC.

(c) Samples of cannabinoid edibles that have greater than a 30 percent relative percentage difference in THC fail.

(2) Cannabinoid concentrates, extracts and cannabinoid products other than edibles.

(a) At least 20 representative samples must be taken from random locations in a process lot to test for homogeneity.

(b) In order to be considered homogeneous samples must have a relative standard deviation (RSD) of less than 20 percent with no sample identified as an outlier using the Grubb's outlier test evaluated with a significance level of 0.05 (only a 5 percent chance of an error).

Stat. Auth.: Sec. 91 and 92, ch. 614, OL 2015
Stats. Implemented: Sec. 91 and 92, ch. 614, OL 2015
Hist.: PH 22-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

333-007-0450
Failed Test Samples

(1) If a sample fails any initial test a registrant may have samples retested in accordance with OAR 333-007-0460.

(2) Failed microbiological contaminant testing.

(a) If a sample from a batch of usable marijuana fails microbiological contaminant testing the batch may be used to make a cannabinoid concentrate or extract if the processing method effectively sterilizes the batch, such as a method using a hydrocarbon based solvent or a CO2 closed loop system.

(b) If a sample from a batch of a cannabinoid concentrate or extract fails microbiological contaminant testing the batch may be further processed if the processing method effectively sterilizes the batch, such as a method using a hydrocarbon based solvent or a CO2 closed loop system.

(c) A batch that is sterilized in accordance with subsection (a) or (b) of this section must be resampled and retested in accordance with these rules and must be tested if not otherwise required for that product, for microbiological contaminants, solvents and pesticides.

(3) Failed solvent testing.

(a) If a sample from a batch fails solvent testing the batch may be re-processed using procedures that would reduce the concentration of solvents to less than the action level.

(b) A batch that is re-processed in accordance with subsection (a) of this section must be resampled and retested in accordance with these rules and must be tested if not otherwise required for that product, for microbiological contaminants, solvents and pesticides.

(4) Failed water activity testing.

(a) If a sample from a batch of usable marijuana fails for water activity the batch from which the sample was taken may:

(A) Be used to make a cannabinoid concentrate or extract; or

(B) Continue to dry or cure.

(b) Cannabanoid concentrates or extracts made using a batch that failed a water activity test must be tested in accordance with OAR 333-007-0330.

(c) A batch that undergoes additional drying or curing as described in paragraph (a)(B) of this section must be resampled and retested in accordance with these rules.

(5) Failed pesticide testing.

(a) If a sample from a batch fails pesticide testing the batch must be:

(A) Destroyed in a manner approved by the Authority; or

(B) Re-tested in accordance with OAR 333-007-0460.

(b) The Authority must report to the Oregon Department of Agriculture all test results that show that a sample failed a pesticide test or retest.

(6) If a sample fails a retest required under sections (2), (3) or (5) of this rule for microbiological contaminants, solvents or pesticides a registrant must destroy or dispose of the batch.

(7) An Authority representative must witness the destruction or disposal of a batch if destruction or disposal is required by this rule.

(8) A registrant must inform a laboratory prior to samples being taken that the batch is being resampled and retested after an initial failed test.

(9) A registrant must, as applicable:

(a) Have detailed procedures for sterilization processes to remove microbiological contaminants and for reducing the concentration of solvents.

(b) Document all resampling, retesting, sterilization, re-processing, remediation and destruction or disposal.

Stat. Auth.: Sec. 91 and 92, ch. 614, OL 2015
Stats. Implemented: Sec. 91 and 92, ch. 614, OL 2015
Hist.: PH 22-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

333-007-0460
Retesting

(1) If a sample fails an initial test a licensee or registrant may:

(a) Instruct the lab that did the initial test to send a portion of the sample that failed to two other laboratories of the licensee's or registrant's choice, for retesting; or

(b) Have two other laboratories of the licensee's or registrant's choice resample and retest the new sample or samples.

(2) If a sample passes all of the retesting done by both the other laboratories, the sample is considered compliant with these rules.

(3) If a sample fails a registrant must comply with OAR 333-007-0450 and a licensee must comply with OAR 845-025-5740.

Stat. Auth.: Sec. 91 and 92, ch. 614, OL 2015
Stats. Implemented: Sec. 91 and 92, ch. 614, OL 2015
Hist.: PH 22-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

333-007-0470
Tentative Identification of Compounds

(1) Tentatively Identified Compounds (TICs) are compounds detected in a sample that are not among the target analytes for that method.

(2) The Authority may initiate an investigation of a registrant upon receipt of a TICS report from a laboratory and may require a registrant to submit samples for additional testing, including testing for analytes that are not required by these rules, at the registrant's expense.

Stat. Auth.: Sec. 91 and 92, ch. 614, OL 2015
Stats. Implemented: Sec. 91 and 92, ch. 614, OL 2015
Hist.: PH 22-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

333-007-0480
Audit Testing

(1) The Authority may require a registrant to submit samples identified by the Authority to a laboratory to be tested in order to determine whether a registrant is in compliance with OAR 333-007- 0300 through 333-007-0490, and may require additional testing that is not required by these rules.

(2) A laboratory doing audit testing must comply with these rules, to the extent they are applicable, and if conducting testing not required by these rules, may only use Authority approved methods.

Stat. Auth.: Sec. 91 and 92, ch. 614, OL 2015
Stats. Implemented: Sec. 91 and 92, ch. 614, OL 2015
Hist.: PH 22-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

333-007-0490
Waiver of Pesticide Testing Requirements

(1) The Commission or the Authority may, upon receipt of a written request from a licensee or registrant, waive a requirement that every batch be tested for pesticides, if the licensee or registrant can demonstrate that none of the batches from any of the harvest lots tested in the last 12 months have failed a pesticide test.

(2) If the waiver is granted the Commission or Authority must provide notice, in writing, to the registrant or licensee, what the new requirement will be and how long the waiver will be in effect.

(3) If the Commission or the Authority waives the testing requirement the licensee or registrant is subject to random testing and the Commission or the Authority shall notify the licensee or registrant when a harvest lot must be tested in accordance with these rules.

Stat. Auth.: Sec. 91 and 92, ch. 614, OL 2015
Stats. Implemented: Sec. 91 and 92, ch. 614, OL 2015
Hist.: PH 22-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

333-064-0100
Marijuana Item Sampling Procedures and Testing

(1) Sampling.

(a) A laboratory must prepare sampling policies and procedures that contain all of the information necessary for collecting and transporting samples in a manner that does not endanger the integrity of the sample for any analysis required by this rule. These procedures must be appropriate to the matrix being sampled.

(b) Sampling policies and procedures must be submitted to the accrediting body for approval prior to any marijuana samples being taken.

(c) Care should be taken while sampling to avoid contamination of the non-sampled material. Sample containers must be free of analytes of interest and appropriate for the analyses requested.

(d) A sufficient sample size must be taken for analysis of all requested tests, quality control, and for a re-test of sample if necessary.

(2) Sample identification.

(a) Records must contain the location of each sample and subsample taken.

(b) The samples, subsamples and field duplicates must be assigned a field identification number the field identification numbers must have an unequivocal link to the laboratory analysis identification.

(c) The test batch must be assigned a unique identifier in accordance with TNI standard V1M2 5.8.5 and that information must be provided to the licensee or registrant.

(d) The following must be entered into the Commission's seed to sale tracking system or the Authority's database under the licensee or registrant number:

(A) The sample test batch numbers;

(B) Date and time samples were received; and

(C) A description of the marijuana item being tested.

(3) Combining subsamples.

(a) Subsamples collected from the same batch must be combined into a single sample by a laboratory prior to testing.

(b) Subsamples and samples collected from different batches may not be combined.

(c) Field duplicates may not be combined with the other samples.

(4) THC and CBD testing validity. When testing a sample for THC and CBD a laboratory must comply with additional method validation as follows:

(a) Run a laboratory control standard in accordance with TNI standards requirements within passing control limits of 70 percent to 130 percent recovery.

(b) Analyze field duplicates of samples within precision control limits of plus or minus 30 percent relative percent difference.

(5) Calculating total THC and total CBD.

(a) Total THC must be calculated as follows, where M is the mass or mass fraction of delta-9 THC or delta-9 THCA:

$M_{\text{total delta-9 THC}} = M_{\text{delta-9 THC}} + 0.877 \times M_{\text{delta-9 THCA}}$.

(b) Total CBD must be calculated as follows, where M is the mass or mass fraction of CBD and CBDA:

$M_{\text{total CBD}} = M_{\text{CBD}} + 0.877 \times M_{\text{CBDA}}$.

(c) Each test report must include the total THC and total CBD.

(6) Report total THC and total CBD as Dry Weight. A laboratory must report total THC and Total CBD content by dry weight calculated as follows:

$P_{\text{total THC(dry)}} = P_{\text{total THC(wet)}} / [1-(P_{\text{moisture}}/100)]$

$P_{\text{total CBD(dry)}} = P_{\text{total CBD(wet)}} / [1-(P_{\text{moisture}}/100)]$

(7) Tentative Identification of Compounds (TIC).

(a) When testing cannabinoid concentrates or extracts, if a laboratory determines that a sample may contain compounds that are not included in the list of analytes the laboratory is testing for the laboratory must attempt to achieve tentative identification.

(b) Tentative identification is achieved by searching NIST 2014 (>250,000 compounds) or an equivalent database. Match scores for background subtracted or deconvoluted spectra must exceed 90 percent compared to library spectrum. The top five matches over 90 percent should be considered by the analyst for reporting.

(c) TIC quantitation is estimated by comparing analyte area to closest internal standard area. All chromatographic peaks from total (reconstructed) ion chromatogram estimated to have a concentration greater than 1ppm should have representative spectra (background subtraction or deconvolution) searched for possible library matches and tentative identification or quantitation.

(d) A laboratory shall report to the licensee or registrant and the Authority or the Commission, depending on which agency has jurisdiction, up to five tentatively identified compounds (TICS) that have the greatest apparent concentration using the response factor (RF) = 1.

(8) A laboratory must provide a sample or a portion of a sample to the Department of Agriculture upon that agency's request, document the chain of custody from the laboratory to the Department, and document that the sample or portion of the sample was provided to the Department in the Commission's seed to sale tracking system.

Stat. Auth.: ORS 448.150(1), 448.131, 448.280(1)(b) & (2), 438.605, 438.610, 438.615 & 438.620, Sec. 92 & 94, ch. 614, OL 2015.
Stats. Implemented: ORS 448.280(1)(b) & (2), 438.605, 438.610, 438.615 & 438.620, Sec. 92 & 94, ch. 614, OL 2015.
Hist.: PH 22-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

333-064-0110
Reporting Marijuana Test Results

(1) A laboratory must report all required test results within 24 hours of completion of validation:

(a) Into the Commission's seed to sale tracking system; and

(b) To the licensee or registrant.

(2) A laboratory must determine and include on each test report its limit of quantification (LOQ) for each analyte.

(3) When reporting pesticide testing results the laboratory must report any target compound that falls below the LOQ that has a signal to noise ratio of greater than 3:1 and meets identification criteria with a result of "detected".

(4) A test report must include any associated test batch numbers and the date each test was completed.

Stat. Auth.: Sec. 91 and 92, ch. 614, OL 2015
Stats. Implemented: Sec. 91 and 92, ch. 614, OL 2015
Hist.: PH 22-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

Oregon State Marine Board
Chapter 250

Rule Caption: Closure of boat traffic at the Bend Whitewater Park area on the Deschutes River.
Adm. Order No.: OSMB 10-2015(Temp)
Filed with Sec. of State: 10-19-2015
Certified to be Effective: 10-19-15 thru 12-31-15
Notice Publication Date:
Rules Amended: 250-020-0091
Subject: It is necessary to temporarily prevent operation of boats on the Deschutes River in Bend in the area of the Bend Whitewater Park and the Colorado Avenue Bridge due to two construction projects.
Rules Coordinator: June LeTarte—(503) 378-2617

250-020-0091
Boat Operations in Deschutes County

(1) Marine Toilets: No person shall maintain or operate upon the following-named inland waters of this state any boat which is equipped with a toilet unless such toilet has an approved device to render waste harmless, or unless such toilet is rendered inoperative by having the discharge outlet effectively seals. "An approved device" is a marine toilet, or marine toilet attachment, which has been approved by the State Board of Health and the State Sanitary Authority:

(a) Paulina Lake;
(b) East Lake;
(c) Elk Lake;
(d) Big Lava Lake;
(e) Wickiup Reservoir;
(f) Crane Prairie Reservoir;
(g) Big Cultus Lake;
(h) Little Cultus Lake.

(2) No person shall operate a motorboat in excess of 10 MPH on: Deschutes River and Davis Creek Arms of Wickiup Reservoir.

(3) No person shall operate a motorboat for any purpose on the following area: Torso Lake.

(4) No person shall operate a motorboat except with an electric motor on the following areas:

(a) Meadow Lake;
(b) Hosmer Lake.

(5) Deschutes River:

(a) No person shall operate a motorboat for the purpose of towing a person on water skis, surfboard or similar device and no person shall engage in waterskiing or similar activities on the Deschutes River;

(b) No person shall operate jet ski type boats on the Deschutes River. For the purposes of this rule, jet ski type boat means any motorized vessel or other description of watercraft which is generally less than ten feet in length and capable of exceeding a speed of 15 MPH, including but not limited to jetskis, wet bikes, and surf jets;

(c) No person shall operate a motorboat in excess of a "slow-no wake" speed limit between Wickiup Dam and the Deschutes National Forest Boundary in Sec. 14.T.18.S., R.11.E., W.M.;

(d) No person shall operate a motorboat between LaPine State Recreation area boat ramp and Pringle Falls;

(e) No person shall operate a motorboat between Aspen Camp boat ramp and the north end of Lava Island in Sec. 22.T.18.S.,R.11.E., W.M.

(f) No person shall operate a motorboat between the Deschutes National Forest boundary in Sec. 14.T.18.S.,R.11.E., W.M. and Mirror Pond Dam.

(g) No person shall operate a motorboat for any purpose between the Mirror Pond Dam and the Jefferson County Line.

(h) A person must not operate a boat from the Colorado Avenue Bridge to 600 feet downriver of the bridge from October 19, 2015 thru December 31, 2015. All boats must exit the river at the designated take out adjacent to the bridge and may re-enter the river at the designated put-in location in McKay Park.

Stat. Auth.: ORS 830.110 & 830.175
Stats. Implemented: ORS 830.110 & 830.175
Hist.: MB 26, f. 7-20-64; MB 52, f. 8-17-73, ef. 9-1-73; MB 57, f. 7-2-74, ef. 7-2-74(Temp) & 7-25-74(Perm); Renumbered from 250-020-0170; MB 10-1988, f. & cert. ef. 6-28-88; MB 13-1988, f. 12-28-88, cert. ef. 1-1-89; MB 5-1993, f. & cert. ef. 7-14-93; MB 12-1996, f. & cert. ef. 12-4-96; MB 7-1997, f. & cert. ef. 7-17-97; OSMB 11-1998(Temp), f. & cert. ef. 7-15-98 thru 12-31-98; Administrative correction 8-5-99; OSMB 4-2015, f. 4-30-15, cert. ef. 5-1-15; OSMB 10-2015(Temp), f. & cert. ef. 10-19-15 thru 12-31-15

Psychiatric Security Review Board
Chapter 859

Rule Caption: PSRB Sex Offender Classification/Reclassification/Relief from Reporting
Adm. Order No.: PSRB 1-2015(Temp)
Filed with Sec. of State: 10-28-2015
Certified to be Effective: 10-29-15 thru 4-25-16
Notice Publication Date:
Rules Adopted: 859-400-0001, 859-400-0005, 859-400-0010, 859-400-0015, 859-400-0020, 859-400-0025, 859-400-0030, 859-400-0035, 859-400-0040, 859-400-0045
Subject: Both in 2013 and 2015, the Oregon Legislature passed new laws establishing a state-wide system that classifies registered sex offenders into three categories based on risk. This new law also authorizes some information regarding a sex offender to be released to the public and law enforcement, if necessary to protect the public. See 2015 Oregon Laws, Chapter 820 (HB 2320), 2013 Oregon Laws, Chapter 708 (HB 2549).

By December 2018, the PSRB, in cooperation with the Oregon Board of Parole & Post-Prison Supervision will classify all registered sex offenders, including those who have been found guilty except for insanity (GEI) of a sex crime or who have been found GEI of a crime and must register as a sex offender due to a prior conviction, even if the person is no longer on any PSRB supervision. All registrants will be classified with one of the following levels:

Level I — lowest risk.
Level II — moderate risk.
Level III — high risk.

Finally, beginning in December 2018, registrants who are eligible to do so may request reclassification or relief from registration.
Rules Coordinator: Sid Moore—(503) 229-5596

859-400-0001
Background/Purpose of Rules/Applicability

(1) 2013 Oregon Laws, Chapter 708 (HB 2549) as amended by 2015 Oregon Laws, Chapter 820 (HB 2320) creates a new state-wide system that classifies most registered sex offenders in the State of Oregon. After completion of a risk assessment, each registrant will be classified as a 3, 2 or 1. A classification of "3" is considered the highest risk while a classification of "1" is considered the lowest risk. Effective August 12, 2015, the PSRB has new responsibilities under these laws. First, the PSRB or the Board of Parole & Post-Prison Supervision will be classifying all registrants who have been found GEI (guilty except for insanity) and submitting their classification to Oregon State Police. Depending on a registrant's risk, the PSRB may release information necessary to protect the public concerning the sex offender and Oregon State Police may release information to the public as well. Finally, registrants who meet the eligibility requirements to apply to the PSRB for relief from registration or request reclassification to a lower level may do so beginning December 1, 2018. Division 400 rules will clarify the PSRB's implementation of these programs.

(2) Division 400 administrative rules do not apply to those found responsible except for insanity (REI) who must register as a sex offender due to that finding.

Stat. Auth: ORS 161.387(1), 181.801-181.812, 2015 Oregon Laws, Chapter 820 (HB 2320), 2013 Oregon Laws, Chapter 708 (HB 2549)
Stat. Implemented: ORS 181.801-181.812, 2015 Oregon Laws, Chapter 820 (HB 2320), 2013 Oregon Laws, Chapter 708 (HB 2549)
Hist.: PSRB 1-2015(Temp), f. 10-28-15, cert. ef. 10-29-15 thru 4-25-16

859-400-0005
Definitions

(1) "Adult male registrant" means a male who was convicted of a sex crime and required to register as a sex offender or who was found guilty except for insanity of a sex crime and required to register as a sex offender, and was at least 18 years of age when he committed the offense.

(2) "BOPPPS" means the Oregon Board of Parole and Post-Prison Supervision.

(3) "Category B registrant" means a person of either gender or any age at the time of crime commission who is required to register as a sex offender based only on a conviction for a Category B sex crime.

(4) "Category B sex crime" means any type of criminal offense within the scope of "Category B offenses" listed in the Static-99R Coding Rules (Revised 2003). These include: consensual sex with other adults in public

places, crimes relating to child pornography, indecent behavior without a sexual motive (urinating in public), offering prostitution services, pimping/pandering, seeking/hiring prostitutes and solicitation of a prostitute.

(5) "Conditional Release" means an individual found GEI is under supervision of the PSRB living in the community under a Conditional Release order.

(6) "Discharged" means an individual found GEI is no longer under the supervision of the PSRB or OHA.

(7) "Hearings Officer" means a person designated by the Board to consider objections to a registrant's risk assessment score and forward those recommendations to the Board.

(8) "OHA" means the Oregon Health Authority.

(9) "PSRB" or "Board" means the Psychiatric Security Review Board.

(10) "Registrant" means a person for whom the event triggering the obligation to make an initial report under ORS 181.806(3)(a)(A), 181.807(4)(a)(A), 181.808(1)(a)(A), 2(a)(A) or (3)(a)(A) has occurred.

(11) "Female registrant" means a female who was convicted of a sex crime and required to register as a sex offender or who was found guilty except for insanity of a sex crime and required to register as a sex offender, regardless of her age when she committed the offense.

(12) "Sex crime" has the definition contained in ORS 181.805(5).

(13) "Young male registrant" means an offender who was convicted of a sex crime and required to register as a sex offender or who was found guilty except for insanity of a sex crime and required to register as a sex offender, and who was 17 years of age or younger when he committed the offense. Young male registrant does not mean a person solely found responsible except for insanity as a youth.

Stat. Auth: ORS 161.387(1), 181.801-181.812, 161.387(1); 2015 Oregon Laws, Chapter 820 (HB 2320), 2013 Oregon Laws, Chapter 708 (HB 2549)
Stat. Implemented: ORS 161.387(1), 181.801-181.812, 161.387(1); 2015 Oregon Laws, Chapter 820 (HB 2320), 2013 Oregon Laws, Chapter 708 (HB 2549)
Hist.: PSRB 1-2015(Temp), f. 10-28-15, cert. ef. 10-29-15 thru 4-25-16

859-400-0010
Sex Offender Risk Assessment Methodology

(1) Except for the provisions in subsections (3) and (4) of this rule, the PSRB will classify adult male registrants under its jurisdiction or previously under its jurisdiction by the Static-99R. The PSRB will score and place the registrant into one of the following levels:

(a) Level I: Low (Static-99R score of -3 to 3);

(b) Level II: Moderate (Static-99R score of 4 to 5); or

(c) Level III: High (Static-99R score of 6 or higher).

(2) For classification of adult female registrants, category B registrants, and young male registrants, the PSRB will classify using the Level of Services/Case

(a) Management Inventory (LS/CMI) as supplemented by an independent sexual offense-specific evaluation report. Based on the score, these registrants will be designated into one of the following levels:

(b) Level I: Low (Score 0 to 10; LS/CMI as supplemented by an independent sexual offense-specific evaluation);

(c) Level II: Moderate (Score 11 to 19; LS/CMI as supplemented by an independent sexual offense-specific evaluation); or

(d) Level III: High (Score 20 or higher; LS/CMI as supplemented by an independent sexual offense-specific evaluation).

(3) If a person found GEI has previously been designated as a sexually violent dangerous offender under ORS 137.765, it will classify that person as a Level III sex offender.

(4) If a person found GEI has previously been designated as a predatory sex offender between February 10, 2005 and December 31, 2013, the Board will classify the registrant as a Level III sex offender.

(5) The PSRB will classify a registrant who refuses or fails to participate in a sex offender risk assessment as a Level III sex offender unless the assessment can effectively be completed without the registrant's participation.

Stat. Auth: ORS 161.387(1) & 181.800 - 181.803
Stat. Implemented: ORS 181.800 & 181.803
Hist.: PSRB 1-2015(Temp), f. 10-28-15, cert. ef. 10-29-15 thru 4-25-16

859-400-0015
Classifying Agency/Sharing of Records

(1) The PSRB will complete the risk assessment for PSRB GEI registrants who are required to register for the first time any date after August 12, 2015. For registrants prior to this date, the PSRB may complete the assessment and notification process or assist BOPPPS with its classification process.

(2) The PSRB will work collaboratively with BOPPPS to ensure that GEI registrants who do not fall under subsection (1) of this rule are classified. If needed, the PSRB will provide BOPPPS the PSRB records necessary to complete the assessment.

Stat. Auth: ORS 161.387(1), 181.801-181.812, 161.387(1); 2015 Oregon Laws, Chapter 820 (HB 2320), 2013 Oregon Laws, Chapter 708 (HB 2549)
Stat. Implemented: ORS 161.387(1), 181.801-181.812, 161.387(1); 2015 Oregon Laws, Chapter 820 (HB 2320), 2013 Oregon Laws, Chapter 708 (HB 2549)
Hist.: PSRB 1-2015(Temp), f. 10-28-15, cert. ef. 10-29-15 thru 4-25-16

859-400-0020
Timelines for Classifying Registrants

(1) When a person found GEI of a crime described in ORS 163.355 to 163.427 is committed to a hospital designated by the Oregon Health Authority and placed under PSRB jurisdiction, the PSRB will conduct the risk assessment of the person using the risk assessment methodology in 859-400-0010 for those who are discharged or placed on conditional release after August 12, 2015 within 60 days of their discharge or conditional release.

(2) For a person described in ORS 181.801 who was found GEI of a crime described in ORS 163.355 to 163.427 and whose initial obligation to register occurred between January 1, 2014 and August 12, 2015, the PSRB will consult and assist BOPPPS to ensure the risk assessment of the person using the risk assessment methodology in 859-400-0010 is completed as soon as practicable.

(3) For a person described in ORS 181.801 who was found GEI of a crime described in ORS 163.355 to 163.427 and whose initial obligation to register occurred prior to January 1, 2014, the PSRB will consult and assist BOPPPS to ensure the risk assessment of the person utilizing the risk assessment methodology in 859-400-0010 is completed as soon as practicable.

Stat. Auth: ORS 161.387(1), 181.801-181.812, 161.387(1); 2015 Oregon Laws, Chapter 820 (HB 2320), 2013 Oregon Laws, Chapter 708 (HB 2549)
Stat. Implemented: ORS 161.387(1), 181.801-181.812, 161.387(1); 2015 Oregon Laws, Chapter 820 (HB 2320), 2013 Oregon Laws, Chapter 708 (HB 2549)
Hist.: PSRB 1-2015(Temp), f. 10-28-15, cert. ef. 10-29-15 thru 4-25-16

859-400-0025
Failure of Registrant to Participate in the Risk Assessment/Failure to Provide Information for Assessment

(1) If the PSRB cannot complete the risk assessment using its written exhibit file, it may request in writing that the registrant provide additional information to aid in the completion of the assessment.

(2) The PSRB will use the registrant's current address located in the Oregon State Police Sex Offender Registry or PSRB's records — if the registrant is under the PSRB's jurisdiction — to communicate with the registrant when seeking additional information.

(3) Failure to participate in the assessment or respond to PSRB's request for information may cause the registrant to be classified at a higher level if the PSRB cannot confirm the information through another source or if the missing information is critical to determining a final score.

Stat. Auth:
Stat. Implemented:
Hist.: PSRB 1-2015(Temp), f. 10-28-15, cert. ef. 10-29-15 thru 4-25-16

859-400-0030
Procedures for Classifying and Notifying Adult Male Registrants

(1) The procedures contained in this administrative rule apply to all male offenders who are required to register as sex offenders and who were at least 18 years of age when they committed the offense that created the obligation to register.

(2) The assessing agency will provide the registrant the Static-99R score, the completed Static-99R assessment, a Notice of Rights form and a Written Objections form.

(3) Following the notification in subsection (2), the following applies if the registrant waives objections to the Static-99R score:

(a) If the registrant's obligation to register occurred on or after January 1, 2014, the registrant will forward the Notice of Rights form indicating the registrant's waiver to the PSRB within 3 (three) business days of receiving the Notice of Rights.

(b) If the registrant's obligation to register occurred before January 1, 2014, the registrant will forward the Notice of Rights form indicating the registrant's waiver to the PSRB within 60 days after the mailing date on the Notice of Rights.

(c) The PSRB will review the submission by the registrant and determine a final classification.

(d) The PSRB will notify the Department of State Police of the results of the risk assessment and final classification within three business days of the date of the final classification.

(4) Following the notification in subsection (2), the following applies if a registrant submits written objections to the Static-99R score:

(a) If the registrant's obligation to register occurred on or after January 1, 2014, the registrant must submit his Static-99R assessment, the Notice of Rights form and any Written Objections to the Static-99R score within 3 (three) business days after receiving the Notice of Rights.

(b) If the registrant's obligation to register occurred before January 1, 2014, the registrant must submit his Static-99R assessment, the Notice of Rights form and any Written Objections to the Static-99R score to the PSRB within 60 (sixty) days after the mailing date on the Notice of Rights.

(c) Objections that are not submitted within these timelines will not be reviewed and the PSRB will proceed to final classification.

(d) Verbal objections will not be considered by the PSRB or Hearings Officer.

(e) Upon receipt of any timely submitted written objections, a Hearings Officer will conduct a review of the Static-99R score and supporting documents. The Hearings Officer will verify the accuracy of each point awarded on the Static-99R and prepare a memo that responds to the registrant's written objections. The Hearing Officer's review will detail the finding of the Static-99R and make a determination as to whether the registrant's Static-99R score is accurate or should be changed. Upon completing the review, the Hearings Officer will submit to the PSRB, a memo detailing the review, as well as any information considered by the Hearings Officer.

(f) The PSRB will review the Hearings Officer's memo and will order the final classification level based on the Static-99R score and notify the Department of State Police of the results of the risk assessment within 3 (three) business days of the date of the final classification.

(5)(a) A registrant who refuses to participate in the notice of rights process shall be considered to have waived objections to the Static-99R score. Refusal to participate includes failure to submit a waiver or written objection.

(b) If, following the notification in subsection (2) the registrant's response time has lapsed, the PSRB will notify the Department of State Police of the results of the risk assessment and final classification within three business days of the date of the final classification.

(6) The PSRB's classification decision shall be final. The PSRB's classification decision is not subject to review under ORS 161.327(7).

Stat. Auth: ORS 161.387(1), 181.801-181.812, 2015 Oregon Laws, Chapter 820 (HB 2320), 2013 Oregon Laws, Chapter 708 (HB 2549)
Stat. Implemented: ORS 161.387(1), 181.801-181.812, 161.387(1); 2015 Oregon Laws, Chapter 820 (HB 2320), 2013 Oregon Laws, Chapter 708 (HB 2549)
Hist.: PSRB 1-2015(Temp), f. 10-28-15, cert. ef. 10-29-15 thru 4-25-16

859-400-0035
Procedures for Classifying and Notifying Young Male Registrants, Female Registrants, and Category B Registrants

(1) These procedures apply to registrants for whom the Static-99R is not an appropriate assessment methodology as outlined in OAR 859-400-0010.

(2) With the cooperation of the Oregon State Hospital and community mental health agencies, the PSRB will identify young male registrants, female registrants, and Category B registrants found guilty except for insanity. This may include discharged PSRB clients.

(3) The Board will notify young male registrants, female registrants, and Category B registrants of the registrant's obligation to participate in the assessment and evaluation processes, the registrant's option to request a review of the assessment and evaluation, and the Board's final review of the review and evaluation report.

(4) Subject to the risk assessment methodology set forth in these administrative rules, the Board will classify young male registrants, female registrants, and Category B registrants based on the LS/CMI and findings from an independent sexual offense-specific evaluation performed by a qualified provider who is certified by the Oregon Sex Offender Treatment Board to conduct sexual offense risk assessments. The independent evaluator will provide the Board with a written report stating the recommended sex offender classification and notification level, and will provide information regarding the registrant's risk for sexual re-offense. The evaluator should weigh the LS/CMI score when recommending a sex offender classification and notification level based on the sexual offense-specific evaluation.

(5) The Board will provide the registrant with a copy of the completed LS/CMI assessment, the independent sexual offense-specific evaluation report, the Notice of Rights form and the Written Objections form.

(6) Following notification in subsection (5), the following timelines apply for a registrant to waive objections:

(a) If the registrant's obligation to register occurred on or after January 1, 2014 and the registrant waives the right to submit written objections to the LS/CMI score and evaluation report, the registrant will forward the Notice of Rights form indicating the registrant's waiver to the Board within 3 (three) business days of receiving the notice of rights.

(b) If the registrant's obligation to register occurred before January 1, 2014 and the registrant waives the right to submit Written Objections to the LS/CMI score and evaluation report, the registrant will forward the Notice of Rights form indicating the registrant's waiver to the Board within 60 (sixty) days after the mailing date on the Notice of Rights.

(c) The PSRB will review the submission by the registrant and determine a final classification.

(d) The PSRB will notify the Department of State Police of the results of the risk assessment and final classification within three business days after the final classification.

(7) Following the notification in subsection (5), the following timelines apply for a registrant to submit written objections:

(a) If the registrant's obligation to register occurred on or after January 1, 2014, the registrant must submit the LS/CMI, evaluation report, Notice of Rights and any written objections to the assessment and evaluation findings to the Board within 3 (three) business days after receiving the Notice of Rights.

(b) If the registrant's obligation to register occurred before January 1, 2014, the registrant must submit any written objections to the assessment and evaluation findings within 60 (sixty) days after the mailing date on the Notice of Rights.

(c) Objections that are not submitted within these timelines will not be reviewed, and the Board will proceed to final classification.

(d) Upon the PSRB's receipt of the written objections, a Hearings Officer will complete a review of the LS/CMI score, evaluation, and supporting documents. The review will verify the information, and the Hearings Officer will prepare a memo responding to the written objections, detail the finding of the evaluator, and make a determination as to whether the registrant's LS/CMI score is accurate or should be changed.

(e) If the score places the registrant in Level I or Level II, the Hearings Officer will provide this memo to the PSRB along with any information considered.

(f) If the score places the registrant in Level III, the Hearings Officer will schedule a hearing with the registrant. The following procedures shall apply:

(A) The Hearings Officer will provide the registrant with the documentation submitted for review 14 days before the hearing.

(B) At the hearing, the registrant may present additional evidence or information regarding the LS/CMI score and evaluator's report.

(C) The Hearings Officer will write a supplement to the memo and will provide the supplement to the Board.

(D) A registrant's refusal to participate in the hearing shall be considered a waiver.

(E) The PSRB will review the Hearings Officer's memo. The Board will order the classification level based on the LS/CMI score, evaluator's report, and any additional findings and memorandum made by Hearings Officer, and will notify the Department of State Police of the registrant's final classification within three business days of the date the Board makes its final classification.

(8)(a) A registrant who refuses to participate in the notice of rights process shall be considered to have waived objections to the LS/CMI score and evaluation report. Refusal to participate includes failure to submit one of the following a waiver or written objection.

(b) If, following notification in subsection (3), the registrant's response time has lapsed, the PSRB will notify the Department of State Police of the results of the risk assessment and final classification within three business days of the date of the final classification.

(9) The PSRB's classification decision shall be final. The PSRB's classification decision is not subject to review under ORS 161.327(7).

Stat. Auth: ORS 161.387(1), 181.801-181.812, 2015 Oregon Laws, Chapter 820 (HB 2320), 2013 Oregon Laws, Chapter 708 (HB 2549)
Stat. Implemented: ORS 161.387(1), 181.801-181.812, 161.387(1); 2015 Oregon Laws, Chapter 820 (HB 2320), 2013 Oregon Laws, Chapter 708 (HB 2549)
Hist.: PSRB 1-2015(Temp), f. 10-28-15, cert. ef. 10-29-15 thru 4-25-16

859-400-0040
Releasing Information to the Public and Law Enforcement

(1) The PSRB will review all requests for information concerning a specific sex offender or sex offenders who reside in a specific area on a case by case basis to determine what, if any, information is in the public interest to release.

(2) The PSRB has the authority to release any information to law enforcement and the public it deems necessary to protect the public in accordance with ORS 161.835. The Board will release information on a case by case basis and release the minimum information necessary to achieve the goal of reasonable public safety.

(3) When the PSRB discharges a registrant who has been determined to be at a Level III, the Board will notify the Department of State Police and request that if the person was not already on the public website maintained by the department, that they be added in accordance with ORS 181.835(3).

(4) When the PSRB discharges any level registrant, the Board or its designee will evaluate whether notification of those listed in ORS 181.835(2)(b) is appropriate. This may include requesting that a registrant be included on the public website regardless of their classification level.

Stat. Auth: ORS 161.387(1) & 181.835
Stat. Implemented: ORS 181.835
Hist.: PSRB 1-2015(Temp), f. 10-28-15, cert. ef. 10-29-15 thru 4-25-16

859-400-0045
Requests for Reclassification/Relief

(1) Beginning on December 1, 2018, registrants who meet certain criteria may petition the PSRB to reclassify them to a lower classification level and/or request relief from the obligation to report as a sex offender as provided in ORS 181.821.

(2) The PSRB will develop administrative rules in preparation for implementation of a reclassification and relief program no later than 2018.

Stat. Auth: ORS 161.387(1) & 181.801 - 181.821
Stat. Implemented: ORS 181.821
Hist.: PSRB 1-2015(Temp), f. 10-28-15, cert. ef. 10-29-15 thru 4-25-16

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Public Utility Commission
Chapter 860

Rule Caption: Temporary Rules Implementing 2015 Senate Bill 611 & House Bill 2485 - Qualified Project Determination
Adm. Order No.: PUC 8-2015(Temp)
Filed with Sec. of State: 11-6-2015
Certified to be Effective: 11-6-15 thru 5-3-16
Notice Publication Date:
Rules Adopted: 860-200-0005, 860-200-0050, 860-200-0100, 860-200-0150
Subject: These temporary rules establish the application process to be used by a company seeking a qualified project determination under 2015 Senate Bill 611 and House Bill 2485 and the requisite information the PUC needs to make such determination.
Rules Coordinator: Diane Davis—(503) 378-4372

860-200-0005
Applicability and Waiver

(1) These rules apply to a company that is seeking a qualified project determination as set forth in Section 5 of Chapter 23, Oregon Laws 2015.

(2) Upon request or its own motion, the Commission may waive any of the Division 200 rules for good cause shown. A request for waiver must be made in writing, unless otherwise allowed by the Commission.

Stat. Auth.: ORS 756.040, Ch. 23, OL 2015
Stats. Implemented: Ch. 23 Sect. 5 OL 2015, Ch.31 Sect. 7 OL 2015
Hist.: PUC 8-2015(Temp), f. & cert. 11-6-15 thru 5-3-16

860-200-0050
Definitions

For the purposes of this division of rules:

(1) "Broadband services" means the provision of data transmission technology that provides two-way data transmission to and from the Internet through other than a dial-up connection.

(2) "Company" has the same meaning as that term is defined in ORS 308.505.

(3) "Communication" has the same meaning as that term is defined in ORS 308.505.

(4) "Communication services" is the offering of communication to the public, including the provisioning of voice, video, text or other electronic form of information using any means of transmission.

(5) "Qualified service" is the offering of communication services, including a capacity to provide, at least, approximately one gigabit per second symmetrical service, to a majority of the residential customers of a company's broadband services.

Stat. Auth.: ORS 756.040, Ch. 23, OL 2015
Stats. Implemented: Ch. 23 Sect. 5 OL 2015, Ch.31 Sect. 7 OL 2015
Hist.: PUC 8-2015(Temp), f. & cert. 11-6-15 thru 5-3-16

860-200-0100
Application for Qualified Project Determination

(1) A company seeking a qualified project determination under Oregon Laws 2015, Chapter 23 must submit an application to the Commission.

(2) Each applicant must:

(a) Complete and file an application. As part of the application, the applicant must file an Application Cover Sheet on a form approved by the Commission.

(b) Submit the $50,000 application fee made payable to the Public Utility Commission of Oregon.

(c) Confirm a copy of the application was sent to the Oregon Department of Revenue at: Valuation Section, Property Tax Division, Oregon Department of Revenue; PO Box 14600, Salem, OR 97309-5075.

(3) The application, any subsequent amendments, and any other submissions related to the application must be filed in the same manner as provided in OAR 860-001-0170.

(4) An applicant must file a complete application.

(a) If an application, in any material respect, lacks required information, if the filing fee is not paid in full, or the Department of Revenue is not provided a copy of the application, the application is incomplete. The Commission will not make a determination regarding an incomplete application. Pending application filings that are incomplete as of March 15 of each year will be closed. Once an application file is closed, the applicant must submit a new application for consideration by the Commission.

(b) An applicant may submit a written request to Commission staff for confirmation regarding the completeness of its application or amended application. Commission staff shall respond to such a written request within five business days from the date the written request is received.

(c) The Commission will not consider amendments to an application filed after February 15, unless the applicant requests an extension of two weeks for the determination.

(5) The Commission will issue a determination on an application in writing.

(6) Upon determination by the Commission that a company has a qualified project, the Commission shall forward the approval determination to the Company, the Oregon Department of Revenue and the assessor of each county in which the project is located. The Commission's determination under subsection 5(4) of Chapter 23, Oregon Laws 2015 shall only determine whether a project is or is not a qualified project.

Stat. Auth.: ORS 756.040, Ch. 23, OL 2015
Stats. Implemented: Ch. 23 Sect. 5 OL 2015, Ch.31 Sect. 7 OL 2015
Hist.: PUC 8-2015(Temp), f. & cert. 11-6-15 thru 5-3-16

860-200-0150
Application Requirements

The application must contain all of the following:

(1) The name and mailing address of the applicant and the name, mailing address, telephone number, and electronic mail address of the following: the applicant's representative; an individual authorized to answer technical questions regarding the application, if different from the applicant's representative; and, if applicable, the applicant's legal counsel.

(2) A certification executed by an authorized representative(s) of the company that the applicant's project meets the requirements for a qualified project set forth in Oregon Laws 2015, chapter 23, section 5, subsection (2) as amended by Oregon Laws 2015, chapter 31, section 7. The representative's certification must be a sworn statement under ORS 162.055 attesting to the truth of the certification.

(3) A written commitment by the applicant that when its network depends in part or wholly on a third party to provide the qualified service, the applicant will use commercially reasonable practices to ensure that the use of any third party will not impede the performance of the project's infrastructure in providing the applicant's qualified service.

(4) A paper map and an electronic version with GIS-compatible map layers of the area served or to be served by the project's infrastructure depicting:

(a) County labels and boundaries; and

(b) City labels and boundaries.

(5) A list of Oregon municipalities and counties where the applicant's project is or will be located, including the name and contact information for the representative of each such municipality and county that the applicant understands is most knowledgeable with respect to applicant's project.

(6) For an applicant that is operating the project described in its application at the time of the application, a list, in an Excel-readable spreadsheet format, of the census blocks served by the project, and for each census block:

(a) The number of occupied households (using the most current available U.S. Census statistics);

(b) The number of those occupied households with access to the applicant's communication services which will be enabled by the project, as described in the application; and

(c) The associated county.

(7) For an applicant that is not operating the project described in its application at the time of the application, a list, in an Excel-readable spreadsheet format, of the census blocks planned to be served by the project, and for each census block;

(a) The number of occupied households (using the most current available U.S. Census statistics);

(b) The number of those occupied households with planned access to the communication services which will be enabled by the project, as described in the application; and

(c) The associated county.

(8) For an applicant that is providing broadband service to residential customers in Oregon at the time of the application, the number of the applicant's existing residential broadband customers in Oregon and the number of those residential broadband customers with access to the applicant's qualified service and the number of those residential broadband customers with planned access to the qualified service.

(9) An electronic version, in Excel-readable spreadsheet format, of the FCC Form 477 Part 1A and Part 6, most recently filed, if any, with the Federal Communications Commission by the applicant, listing only Oregon-specific data. Information identified as confidential in the applicant's filing with the Federal Communications Commission must be identified as confidential consistent with OAR 860-001-0070.

(10) A description of the project. The applicant must provide information regarding the project sufficient to allow the Commission to make a determination as to whether the project is capable of providing the qualified service. Subsections (a) through (d) of this section are non-exclusive examples of acceptable information that may be provided. The applicant may make a showing under only one method.

(a) For a project that the applicant is operating at the time of application: A description of the project's infrastructure that enables the applicant to offer the qualified service, a provision for physical observation of key network elements by Commission staff and speed test data of a statistically significant number of customers who receive service that provides, at least, approximately one gigabit per second symmetrical service. The speed test methodology must conform to industry standards. The project's infrastructure description must specifically identify:

(A) The transport medium and basic technology or technologies utilized;

(B) A drawing of the infrastructure topology;

(C) The technical specifications of the network's key infrastructure and equipment directly affecting network capacity including, but not limited to, routers, switches, hubs, and other integral active or passive electronics and transport medium including, but not limited to, fiber;

(D) The capacity provided at the applicant's internet traffic aggregation points; e.g., the engineered throughput ratio of switch or router equipment used at aggregation points;

(E) The tier designation of the applicant's internet backbone provider; and

(F) A copy of a customer service agreement for Oregon customers who receive service that provides, at least, approximately one gigabit per second symmetrical service.

(b) For a project that the applicant is not operating at the time of application, a description of the project's planned infrastructure that will enable the applicant to offer the qualified service. The description must specifically identify:

(A) The transport medium and basic technology or technologies utilized;

(B) A drawing of the infrastructure topology;

(C) The technical specifications of the network's key infrastructure and equipment directly affecting the network capacity including, but not limited to, routers, switches, hubs, and other integral active or passive electronics and transport medium including, but not limited to, fiber;

(D) The capacity provided at the applicant's internet traffic aggregation points; e.g., the engineered throughput ratio of switch or router equipment used at aggregation points;

(E) The tier designation of the applicant's internet backbone provider; and

(F) One of the following:

(i) Documentation that the applicant operates a network in another jurisdiction confirming that the applicant's communication services operating in that jurisdiction are capable of providing, at least, approximately one gigabit per second symmetrical service along with, for comparison purposes, any technical data and network information provided to the referenced jurisdiction by the applicant. Documentation may be provided by the applicant or the referenced jurisdiction. Applicant will also provide a copy of a customer service agreement for customers in the referenced jurisdiction who receive service that provides, at least, approximately one gigabit per second symmetrical service. The applicant must provide contact information for individuals in the referenced jurisdiction for technical questions. Documentation need not be provided if the applicant is not providing service of, at least, approximately one gigabit per second symmetrical service in another jurisdiction; or

(ii) A copy of all franchise agreements in effect where the applicant intends to provide the qualified service if such agreements require the applicant to provide and operate a project for the qualified service as described in Oregon Laws 2015 chapter 23, Section 5(2) and Oregon Laws 2015 chapter 31, Section 7.

(c) An applicant may provide a third-party engineering certification from an Oregon licensed professional engineer, in good standing, with a report detailing the reviewing engineer's qualifications as an independent evaluator and a description of the methodology used in the third-party's examination of the applicant's infrastructure sufficient to allow the engineer to certify that the applicant's project is capable of providing the qualified service.

(d) An applicant may provide documentation that the applicant participates in a qualified gigabit network certification program from a national organization recognized by the Commission as competent to certify a gigabit network and that the applicant has received a certification that the project identified in the application is capable of providing the qualified service.

Stat. Auth.: ORS 756.040, Ch. 23, OL 2015
Stats. Implemented: Ch. 23 Sect. 5 OL 2015, Ch.31 Sect. 7 OL 2015
Hist.: PUC 8-2015(Temp), f. & cert. 11-6-15 thru 5-3-16

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Secretary of State, Elections Division
Chapter 165

Rule Caption: Amends requirements necessary to attain Oregon voting system certification
Adm. Order No.: ELECT 7-2015
Filed with Sec. of State: 10-29-2015
Certified to be Effective: 10-29-15
Notice Publication Date: 9-1-2015
Rules Amended: 165-007-0350
Subject: The proposed rule amendment specifies the process and designates the form by which a person or company would apply to the Secretary of State for certification or provide notification of any changes or modifications of a voting machine or vote tally system. Additionally this proposed amendment clarifies the standards the voting machine or vote tally system must adhere to and incorporates them into Appendix 1.
Rules Coordinator: Brenda Bayes—(503) 986-1518

165-007-0350
Oregon Voting System Certification

(1) All voting systems submitted for certification pursuant to ORS 246.550 must be certified by the Elections Assistance Commission (EAC) or be examined by a federally accredited voting systems testing laboratory (VSTL).

(2) A person or company applying for certification of a voting system in Oregon must submit a complete Oregon Voting System Certification Application to the Secretary of State.

(3) A complete Oregon Voting System Certification Application includes:

(a) Form SEL 675 which initiates the certification process;

(b) VSTL Test Report documenting, at a minimum that the voting system meets or exceeds the Voluntary Voting System Guidelines Version 1.0 promulgated by the U.S. Election Assistance Commission in the following areas:

(A) Technical Data Package (TDP) Review. The TDP provides information that defines the voting system design, method of operation and related resources. It provides a system overview and documents the sys-

tem's functionality, including, but not limited to, the version number of any proprietary software, firmware and hardware, if applicable, all commercial off-the-shelf software, firmware and hardware, and the system configuration as proposed for Oregon certification;

(B) Source Code Review. A voting system's source code is its operating instructions in the original programming language, which must be compiled or assembled into an executable computer program;

(C) System Integration. System integration tests focus on the functionality of integrated hardware and software components, internal and external system interfaces, usability and accessibility and security. Election management functions, ballot-counting logic and system capacity are also tested;

(D) Physical Configuration Audit (PCA). The PCA compares the voting system components submitted against vendor's technical documentation and establishes a configuration baseline of the software and hardware. The audit also includes witnessing the build of the executable system to verify that it matches the build in the documentation; and

(E) Functional Configuration Audit (FCA). The FCA is an exhaustive verification of every system function and combination of functions cited in the vendor's documentation and is used to verify the accuracy and completeness of the Technical Data Package. This portion of the testing process will also verify the accuracy of the counting logic for the system.

(c) Oregon Test Report, documenting at a minimum that the voting system adheres to the Oregon Voting System Certification Standards contained in Appendix 1, which is incorporated into this rule by reference and also:

(A) Confirms that the voting system presented is the same as the one certified by the Elections Assistance Commission (EAC) or as the one documented in the VSTL test report submitted under (3)(b) of this rule;

(B) Establishes a baseline for future evaluations or tests of the voting system, such as state review after modifications have been made; and

(C) Define acceptance tests, if any.

(4) The cost of the examination by the VSTL and any additional testing necessary to produce the Oregon Test Report shall be paid by the person or company presenting the voting system for certification.

(5) Certification of the voting system by the Secretary of State may only occur once a complete Oregon Voting System Certification Application has been received and the contents reviewed and assessed. The Secretary of State may require the submission of additional information to complete the review and assessment of the voting system.

(6) Changes or modifications to a certified voting system must be reported in writing to the Secretary of State. Any changes or modifications will be reviewed by the Secretary of State and may require additional examination, testing or recertification.

(7) This rule applies to applications for certification submitted on or after the effective date of this rule.

Stat. Auth.: ORS 246.150
Stats. Implemented: ORS ORS 246.550
Hist.: ELECT 6-2015, f. & cert. ef. 8-7-15; ELECT 7-2015, f. & cert. ef. 10-29-15

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Teacher Standards and Practices Commission
Chapter 584

Rule Caption: Suspend rules related to previous teaching license system.
Adm. Order No.: TSPC 9-2015(Temp)
Filed with Sec. of State: 11-13-2015
Certified to be Effective: 1-1-16 thru 6-28-16
Notice Publication Date:
Rules Suspended: 584-040-0005, 584-040-0008, 584-040-0010, 584-040-0030, 584-040-0040, 584-040-0050, 584-040-0060, 584-040-0080, 584-040-0090, 584-040-0100, 584-040-0120, 584-040-0130, 584-040-0150, 584-040-0160, 584-040-0165, 584-040-0170, 584-040-0180, 584-040-0200, 584-040-0210, 584-040-0230, 584-040-0240, 584-040-0241, 584-040-0242, 584-040-0243, 584-040-0250, 584-040-0260, 584-040-0265, 584-040-0270, 584-040-0280, 584-040-0290, 584-040-0300, 584-040-0310, 584-040-0315, 584-040-0350, 584-052-0005, 584-052-0010, 584-052-0015, 584-052-0021, 584-052-0025, 584-052-0027, 584-065-0001, 584-065-0060, 584-065-0070, 584-065-0080, 584-065-0090, 584-065-0120, 584-065-0125, 584-066-0001, 584-066-0010, 584-066-0015, 584-066-0020, 584-066-0025, 584-066-0030, 584-100-0041
Subject: Suspends rules related to Standard Teaching Licenses, Waivers, Specializations, Endorsement Programs in order to implement the new teaching license system.
Rules Coordinator: Victoria Chamberlain—(503) 378-6813

584-040-0005
Standard 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 a Standard Teaching License.

(2) The Standard Teaching License is issued for five years and is renewable repeatedly under conditions specified below. It 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.

(3) The applicant must provide verification of teaching experience in Oregon schools while holding a Basic Teaching License or a Five-Year Regular License valid for the assignment in one of the following ways:

(a) Three years of one-half time or more experience is required; or

(b) For persons holding a Basic Teaching License prior to January 1, 1990, two years of experience or three years of one-half time or more experience, whichever is less.

(4) Notwithstanding subsection (5) below, the applicant must provide evidence of one of the following:

(a) Completion of an approved Standard Teaching License program which culminates with forty-five quarter hours or thirty semester hours of upper-division or graduate study beyond the bachelor's degree and includes the following:

(A) Verification of completion of the professional preparation described in OAR 584-040-0008 unless the application is for a Standard Teaching License with a standard special education endorsement, in which case the professional preparation in OAR 584-040-0008 is not required; and

(B) Evidence of completion of the academic preparation for one of the standard endorsements outlined in OAR 584-040-0010 through 584-040-0300 in a field in which the basic endorsement is held, or completion of two of the basic subject matter endorsements outlined in OAR 584-038-0010 through 584-038-0280. Fifteen of the quarter hours or 12 semester hours that are required for the endorsement(s) must be at graduate level; or

(b) Completion of a master's or higher degree in the arts and sciences, or an advanced degree in the professions from a regionally accredited institution in the United States or the foreign equivalent of such a degree approved by the Commission;

(c) Completion of an inservice program offered by an approved teacher education program granting credit for the experience, culminating in either a master's degree or forty-five quarter hours or thirty semester hours of upper-division or graduate study beyond the bachelor's degree.

(5) The holder of a Basic Teaching License with a Basic Special Education endorsement must qualify for a Standard Teaching License in the following manner:

(a) Upon expiration of the second Basic Teaching License, the holder of a Basic Special Education endorsement must qualify for a Standard Teaching License with a Standard Special Education endorsement by verifying fifteen quarter hours or ten semester hours of graduate preparation in special education.

(b) The severe exceptional needs learner endorsement is an exception to this rule; it may be renewed without completion of a Standard Teaching License. (See OAR 584-048-0030 regarding renewal of the severe exceptional needs learner endorsement.)

(6) An applicant who does not complete the requirements of (4)(a)(B) above, will not be given a Standard Endorsement, but would retain any Basic Endorsement that the applicant holds.

(7) The applicant must have a passing score on a commission-adopted test of knowledge of U.S. and Oregon civil rights laws.

(8) The Standard Teaching License may be renewed under the provisions of 584-048-0035 together with completion of the professional development requirements as described in 584-090-0005.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.200
Hist.: TS 15, f. 12-20-76, ef. 1-1-77; TS 17, f. 12-19-77, ef. 1-1-78; TS 1-1982, f. & ef. 1-5-82; TS 3-1983, f. & ef. 5-16-83; TS 4-1983, f. 5-17-83, ef. 7-1-83; TS 6-1984, f. 12-27-84, ef. 1-15-85; TS 4-1985, f. 10-4-85, ef. 1-1-86; TS 7-1986, f. 10-15-86, ef. 1-15-87; TS 1-1987, f. & ef. 3-3-87; TS 1-1988, f. 1-14-88, cert. ef. 1-15-88; TS 3-1988, f. & cert. ef. 4-7-88; TS 6-1989, f. & cert. ef. 10-6-89; TS 7-1989, f. & cert. ef. 12-13-89; TS 1-1992, f. & cert. ef. 1-15-92; TS 4-1994, f. 7-19-94, cert. ef. 10-15-94; TSPC 6-2002, f. & cert. ef. 10-23-02; TSPC 1-2004(Temp), f. & cert. ef. 3-17-04 thru 9-12-04; TSPC 6-2004, f. & cert. ef. 8-25-04; TSPC 6-2005(Temp), f. & cert. ef. 8-16-05 thru 1-30-06; TSPC 9-2005, f. & cert. ef. 11-15-05; TSPC 9-2006, f. & cert. ef. 6-15-06; TSPC 3-2009(Temp), f. & cert. ef. 5-15-09 thru

11-11-09; TSPC 5-2009, f. & cert. ef. 10-5-09; Suspended by TSPC 9-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-040-0008
Professional Preparation for the Standard Teaching License

Fifteen quarter hours of upper-division or graduate-level teacher education designed to develop competence in:

(1) Diagnostic, prescriptive, and evaluative techniques;

(2) Research;

(3) Guidance and counseling; and

(4) Advanced instruction in reading appropriate to the candidate's endorsement, assignment, and previous preparation.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.200
Hist.: TS 1-1982, f. & ef. 1-5-82; TS 6-1984, f. 12-27-84, ef. 1-15-85; TS 1-1987, f. & ef. 3-3-87; TS 1-1988, f. 1-14-88, cert. ef. 1-15-88; TS 6-1989, f. & cert. ef. 10-6-89; TS 1-1992, f. & cert. ef. 1-15-92; Suspended by TSPC 9-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-040-0010
Standard Elementary

Fifteen quarter hours of graduate subject matter preparation distributed to strengthen the applicant's background in one or more of the following areas: Language arts, mathematics, reading, science, social studies, health education, physical education, music education, or art education.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.200
Hist.: TS 15, f. 12-20-76, ef. 1-1-77; TS 17, f. 12-19-77, ef. 1-1-80; TS 1-1982, f. & ef. 1-5-82; TS 6-1984, f. 12-27-84, ef. 1-15-85; TS 1-1987, f. & ef. 3-3-87; TS 1-1988, f. 1-14-88, cert. ef. 1-15-88; TS 6-1989, f. & cert. ef. 10-6-89; Suspended by TSPC 9-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-040-0030
Standard Agricultural and Technology

Fifteen quarter hours of graduate subject matter preparation distributed to strengthen the applicant's background in technical agriculture.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.200
Hist.: TS 15, f. 12-20-76, ef. 1-1-77; TS 17, f. 12-19-77, ef. 1-1-78; TS 6-1984, f. 12-27-84, ef. 1-15-85; TS 1-1987, f. & ef. 3-3-87; TS 1-1988, f. 1-14-88, cert. ef. 1-15-88; TS 3-1988, f. & cert. ef 4-7-88; TS 6-1989, f. & cert. ef. 10-6-89; TS 1-1992, f. & cert. ef. 1-15-92; Suspended by TSPC 9-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-040-0040
Standard Art

Fifteen quarter hours of graduate subject matter preparation distributed to strengthen the applicant's background in art.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.200
Hist.: TS 15, f. 12-20-76, ef. 1-1-77; TS 17, f. 12-19-77, ef. 1-1-78; TS 6-1984, f. 12-27-84, ef. 1-15-85; TS 1-1987, f. & ef. 3-3-87; TS 1-1988, f. 1-14-88, cert. ef. 1-15-88; TS 6-1989, f. & cert. ef. 10-6-89; Suspended by TSPC 9-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-040-0050
Standard General Business Education

Fifteen quarter hours of graduate subject matter preparation distributed to strengthen the applicant's background in business education.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.200
Hist.: TS 15, f. 12-20-76, ef. 1-1-77; TS 17, f. 12-19-77, ef. 1-1-78; TS 2-1979, f. 8-21-79, ef. 1-1-80; TS 6-1984, f. 12-27-84, ef. 1-15-85; TS 1-1987, f. & ef. 3-3-87; TS 1-1988, f. 1-14-88, cert. ef. 1-15-88; TS 6-1989, f. & cert. ef. 10-6-89; Suspended by TSPC 9-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-040-0060
Standard Marketing — Professional Technical

Fifteen quarter hours of graduate subject matter preparation distributed to strengthen the applicant's background in marketing.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.200
Hist.: TS 15, f. 12-20-76, ef. 1-1-77; TS 17, f. 12-19-77, ef. 1-1-78; TS 2-1979, f. 8-21-79, ef. 1-1-80; TS 6-1984, f. 12-27-84, ef. 1-15-85; TS 7-1986, f. 10-15-86, ef. 1-15-87; TS 1-1987, f. & ef. 3-3-87; TS 1-1988, f. 1-14-88, cert. ef. 1-15-88; TS 3-1988, f. & cert. ef. 4-7-88; TS 6-1989, f. & cert. ef. 10-6-89; TS 1-1992, f. & cert. ef. 1-15-92; Suspended by TSPC 9-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-040-0080
Standard Library Media

Fifteen quarter hours of graduate subject matter preparation distributed to strengthen the applicant's background in library media.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.200
Hist.: TS 15, f. 12-20-76, ef. 1-1-77; TS 17, f. 12-19-77, ef. 1-1-78; TS 6-1984, f. 12-27-84, ef. 1-15-85; TS 1-1987, f. & ef. 3-3-87; TS 1-1988, f. 1-14-88, ef. 1-15-88; TS 6-1989, f. & cert. ef. 10-6-89; TSPC 7-2007, f. & cert. ef. 12-14-07; Suspended by TSPC 9-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-040-0090
Standard Foreign Language

(1) Fifteen quarter hours of graduate subject matter preparation distributed to strengthen the applicant's background in the language used for the Basic Foreign Language Endorsement.

(2) Teachers who have a standard endorsement in one foreign language may be endorsed in a second foreign language upon verification of 30 quarter hours in a second language distributed in language, literature, and culture.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.200
Hist.: TS 15, f. 12-20-76, ef. 1-1-77; TS 17, f. 12-19-77, ef. 1-1-78; TS 1-1982, f. & ef. 1-5-82; TS 6-1984, f. 12-27-84, ef. 1-15-85; TS 1-1987, f. & ef. 3-3-87; TS 1-1988, f. 1-14-88, cert. ef. 1-15-88; TS 6-1989, f. & cert. ef. 10-6-89; TS 1-1992, f. & cert. ef. 1-15-92; Suspended by TSPC 9-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-040-0100
Standard Health Education

Fifteen quarter hours of graduate subject matter preparation distributed to strengthen the applicant's background in health education.

Stat. Auth.: ORS 342
Stats. Implemented:
Hist.: TS 15, f. 12-20-76, ef. 1-1-77; TS 17, f. 12-19-77, ef. 1-1-78; TS 6-1984, f. 12-27-84, ef. 1-15-85; TS 1-1987, f. & ef. 3-3-87; TS 1-1988, f. 1-14-88, cert. ef. 1-15-88; TS 6-1989, f. & cert. ef. 10-6-89; Suspended by TSPC 9-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-040-0120
Standard Family and Consumer Sciences

Fifteen quarter hours of graduate subject matter preparation distributed to strengthen the applicant's background in home economics.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.200
Hist.: TS 15, f. 12-20-76, ef. 1-1-77; TS 17, f. 12-19-77, ef. 1-1-78; TS 6-1984, f. 12-27-84, ef. 1-15-85; TS 1-1987, f. & ef. 3-3-87; TS 1-1988, f. 1-14-88, cert. ef. 1-15-88; TS 6-1989, f. & cert. ef. 10-6-89; TSPC 1-1998, f. & cert. ef. 2-4-98; Suspended by TSPC 9-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-040-0130
Standard Technology Education

Fifteen quarter hours of graduate subject matter preparation distributed to strengthen the applicant's background in technology education.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.200
Hist.: TS 15, f. 12-20-76, ef. 1-1-77; TS 17, f. 12-19-77, ef. 1-1-78; TS 6-1984, f. 12-27-84, ef. 1-15-85; TS 1-1987, f. & ef. 3-3-87; TS 1-1988, f. 1-14-88, cert. ef. 1-15-88; TS 6-1989, f. & cert. ef. 10-6-89; Suspended by TSPC 9-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-040-0150
Standard Language Arts

Fifteen quarter hours of graduate subject matter preparation distributed to strengthen the applicant's background in language arts.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.200
Hist.: TS 15, f. 12-20-76, ef. 1-1-77; TS 17, f. 12-19-77, ef. 1-1-78; TS 6-1984, f. 12-27-84, ef. 1-15-85; TS 1-1987, f. & ef. 3-3-87; TS 1-1988, f. 1-14-88, cert. ef. 1-15-88; TS 6-1989, f. & cert. ef. 10-6-89; Suspended by TSPC 9-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-040-0160
Standard Speech

Fifteen quarter hours of graduate subject matter preparation distributed to strengthen the applicant's background in speech.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.200
Hist.: TS 15, f. 12-20-76, ef. 1-1-77; TS 17, f. 12-19-77, ef. 1-1-78; TS 2-1979, f. 8-21-79, ef. 1-1-80; TS 1-1982, f. & ef. 1-5-82; TS 6-1984, f. 12-27-84, ef. 1-15-85; TS 1-1987, f. & ef. 3-3-87; TS 1-1988, f. 1-14-88, cert. ef. 1-15-88; TS 6-1989, f. & cert. ef. 10-6-89; Suspended by TSPC 9-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-040-0165
Standard Journalism

(1) Fifteen quarter hours of graduate subject matter preparation distributed to strengthen the applicant's background in journalism.

(2) This endorsement is rescinded effective January 15, 1990; however, candidates who hold basic endorsements in journalism on September 15, 1992, may, upon recommendation of an approved institution, be issued standard endorsements in journalism after January 15, 1990.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.200
Hist.: TS 15, f. 12-20-76, ef. 1-1-77; TS 17, f. 12-19-77, ef. 1-1-78; TS 2-1979, f. 8-21-79, ef. 1-1-80; TS 1-1982, f. & ef. 1-5-82; TS 6-1984, f. 12-27-84, ef. 1-15-85; TS 1-1987, f. &

ef. 3-3-87; TS 1-1988, f. 1-14-88, cert. ef. 1-15-88; TS 3-1989, f. & cert. ef. 7-31-89; Suspended by TSPC 9-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-040-0170
Standard Drama

Fifteen quarter hours of graduate subject matter preparation distributed to strengthen the applicant's background in drama.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.200
Hist.: TS 15, f. 12-20-76, ef. 1-1-77; TS 17, f. 12-19-77, ef. 1-1-78; TS 2-1979, f. 8-21-79, ef. 1-1-80; TS 1-1982, f. & ef. 1-5-82; TS 6-1984, f. 12-27-84, ef. 1-15-85; TS 1-1987, f. & ef. 3-3-87; TS 1-1988, f. 1-14-88, cert. ef. 1-15-88; TS 3-1989, f. & cert. ef. 7-31-89; TS 7-1989, f. & cert. ef. 12-13-89; Suspended by TSPC 9-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-040-0180
Standard Advanced Mathematics

Fifteen quarter hours of graduate subject matter preparation distributed to strengthen the applicant's background in mathematics.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.200
Hist.: TS 15, f. 12-20-76, ef. 1-1-77; TS 17, f. 12-19-77, ef. 1-1-78; TS 6-1984, f. 12-27-84, ef. 1-15-85; TS 1-1987, f. & ef. 3-3-87; TS 1-1988, f. 1-14-88, cert. ef. 1-15-88; TS 6-1989, f. & cert. ef. 10-6-89; Suspended by TSPC 9-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-040-0200
Standard Music

Fifteen quarter hours of graduate subject matter preparation distributed to strengthen the applicant's background in music education.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.200
Hist.: TS 15, f. 12-20-76, ef. 1-1-77; TS 17, f. 12-19-77, ef. 1-1-78; TS 1-1982, f. & ef. 1-5-82; TS 6-1984, f. 12-27-84, ef. 1-15-85; TS 1-1987, f. & ef. 3-3-87; TS 1-1988, f. 1-14-88, cert. ef. 1-15-88; TS 6-1989, f. & cert. ef. 10-6-89; Suspended by TSPC 9-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-040-0210
Standard Physical Education

Fifteen quarter hours of graduate subject matter preparation distributed to strengthen the applicant's background in physical education.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.200
Hist.: TS 15, f. 12-20-76, ef. 1-1-77; TS 17, f. 12-19-77, ef. 1-1-78; TS 1-1982, f. & ef. 1-5-82; TS 6-1984, f. 12-27-84, ef. 1-15-85; TS 1-1987, f. & ef. 3-3-87; TS 1-1988, f. 1-14-88, cert. ef. 1-15-88; TS 6-1989, f. & cert. ef. 10-6-89; Suspended by TSPC 9-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-040-0230
Standard Reading

Fifteen quarter hours of graduate subject matter preparation distributed to strengthen the applicant's background in reading.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.200
Hist.: TS 15, f. 12-20-76, ef. 1-1-77; TS 17, f. 12-19-77, ef. 1-1-78; TS 1-1982, f. & ef. 1-5-82; TS 6-1984, f. 12-27-84, ef. 1-15-85; TS 1-1987, f. & ef. 3-3-87; TS 1-1988, f. 1-14-1988, cert. ef. 1-15-88; TS 6-1989, f. & cert. ef. 10-6-89; Suspended by TSPC 9-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-040-0240
Standard Biology

Fifteen quarter hours of graduate subject matter preparation distributed to strengthen the applicant's background in biology and other sciences.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.200
Hist.: TS 15, f. 12-20-76, ef. 1-1-77; TS 17, f. 12-19-77, ef. 1-1-78; TS 6-1984, f. 12-27-84, ef. 1-15-85; TS 1-1987, f. & ef. 3-3-87; TS 1-1988, f. 1-14-88, cert. ef. 1-15-88; TS 2-1989, f. & cert. ef. 2-16-89; TS 6-1989, f. & cert. ef. 10-6-89; Suspended by TSPC 9-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-040-0241
Standard Integrated Science

Fifteen quarter hours of graduate subject matter preparation distributed to strengthen the applicant's background in integrated science and other sciences.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.200
Hist.: TS 2-1989, f. & cert. ef. 2-16-89; TS 6-1989, f. & cert. ef. 10-6-89; Suspended by TSPC 9-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-040-0242
Standard Chemistry

Fifteen quarter hours of graduate subject matter preparation distributed to strengthen the applicant's background in chemistry and other sciences.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.200
Hist.: TS 2-1989, f. & cert. ef. 2-16-89; TS 6-1989, f. & cert. ef. 10-6-89; Suspended by TSPC 9-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-040-0243
Standard Physics

Fifteen quarter hours of graduate subject matter preparation distributed to strengthen the applicant's background in physics and other sciences.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.200
Hist.: TS 2-1989, f. & cert. ef. 2-16-89; TS 6-1989, f. & cert. ef. 10-6-89; Suspended by TSPC 9-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-040-0250
Standard Social Studies

Fifteen quarter hours of graduate subject matter preparation distributed to strengthen the applicant's background in social studies.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.200
Hist.: TS 15, f. 12-20-76, ef. 1-1-77; TS 17, f. 12-19-77, ef. 1-1-78; TS 6-1984, f. 12-27-84, ef. 1-15-85; TS 1-1987, f. & ef. 3-3-87; TS 1-1988, f. 1-14-88, cert. ef. 1-15-88; TS 6-1989, f. & cert. ef. 10-6-89; Suspended by TSPC 9-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-040-0260
Standard Exceptional Learner I

(1) Fifteen quarter hours of graduate preparation in special education distributed to strengthen the applicant's background in the field.

(2) Completion of a Standard Teaching License with a basic subject matter endorsement.

(3) The professional preparation set forth in OAR 584-040-0008 is not required for this endorsement.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.200
Hist.: TS 15, f. 12-20-76, ef. 1-1-77; TS 17, f. 12-19-77, ef. 1-1-78; TS 6-1980, f. & ef. 12-23-80; TS 1-1982, f. & ef. 1-5-82; TS 1-1988, f. 1-14-88, cert. ef. 1-15-88; TS 6-1989, f. & cert. ef. 10-6-89; TSPC 13-2006, f. & cert. ef. 11-22-06; Suspended by TSPC 9-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-040-0265
Standard Exceptional Learner II

(1) Fifteen quarter hours of graduate preparation in special education distributed to strengthen the applicant's background in the field and which is in addition to the preparation required by OAR 584-038-0295 for the Basic Exceptional Learner II endorsement.

(2) A subject matter endorsement is not required for this endorsement nor is the professional preparation set forth in OAR 584-040-0008 required.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.200
Hist.: TS 1-1988, f. 1-14-88, cert. ef. 1-15-88; TS 6-1989, f. & cert. ef. 10-6-89; TS 5-1993, f. & cert. ef. 10-7-93; TS 5-1993, f. & cert. ef. 10-7-93; TSPC 13-2006, f. & cert. ef. 11-22-06; Suspended by TSPC 9-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-040-0270
Standard Hearing Impaired

(1) Fifteen quarter hours of graduate preparation in special education distributed to strengthen the applicant's background in the field. This preparation shall be in addition to the preparation required by OAR 584-038-0300 for the basic hearing impaired endorsement.

(2) Satisfaction of requirements for the basic or standard subject matter endorsement is not required for the standard hearing impaired endorsement, nor is the professional preparation set forth in OAR 584-040-0008 required.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.200
Hist.: TS 15, f. 12-20-76, ef. 1-1-77; TS 17, f. 12-19-77, ef. 1-1-78; TS 1-1982, f. & ef. 1-5-82; TS 1-1988, f. 1-14-88, cert. ef. 1-15-88; TS 2-1989, f. & cert. ef. 2-16-89; TS 6-1989, f. & cert. ef. 10-6-89; TS 5-1993, f. & cert. ef. 10-7-93; Suspended by TSPC 9-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-040-0280
Standard Severe Exceptional Needs Learner

(1) Fifteen quarter hours of graduate preparation in special education distributed to strengthen the applicant's background in the field and which is in addition to the preparation required by OAR 584-038-0310 for the Basic Severe Exceptional Needs Learner endorsement.

(2) Satisfaction of requirements for the basic or standard subject matter endorsement is not required for the Standard Severe Exceptional Needs Learner endorsement, nor is the professional preparation set forth in OAR 585-040-0008 required.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.200
Hist.: TS 15, f. 12-20-76, ef. 1-1-77; TS 17, f. 12-19-77, ef. 1-1-78; TS 1-1982, f. & ef. 1-5-82; TS 1-1988, f. 1-14-88, cert. ef. 1-15-88; TS 6-1989, f. & cert. ef. 10-6-89; TSPC 13-2006,

f. & cert. ef. 11-22-06; Suspended by TSPC 9-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-040-0290
Standard Communications Disorders

(1) Fifteen quarter hours of graduate level preparation in language, speech, and hearing distributed to strengthen the applicant's background in this field and which is in addition to the preparation required by OAR 584-038-0320 for the Basic Communications Disorders endorsement.

(2) Satisfaction of requirements for a basic or standard subject matter endorsement is not required for the Standard Communications Disorders endorsement, nor is the professional preparation set forth in OAR 584-040-0008.

(3) For teachers issued a Basic Teaching License with a Basic Communications Disorders endorsement, no additional preparation is required, only the three years of half-time or more experience as specified in OAR 584-040-0005.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.200
Hist.: TS 15, f. 12-20-76, ef. 1-1-77; TS 17, f. 12-19-77, ef. 1-1-78; TS 1-1982, f. & ef. 1-5-82; TS 1-1988, f. 1-14-88, cert. ef. 1-15-88; TS 6-1989, f. & cert. ef. 10-6-89; TS 7-1992, f. 12-17-92, cert. ef. 1-15-93; TS 5-1993, f. & cert. ef. 10-7-93; TSPC 13-2006, f. & cert. ef. 11-22-06; Suspended by TSPC 9-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-040-0300
Standard Visually Impaired

(1) Fifteen quarter hours of graduate preparation designed to strengthen the applicant's background in educating students with visual impairments. This preparation shall be in addition to the preparation required by OAR 584-038-0330 for the basic visually impaired endorsement.

(2) A subject matter endorsement is not required, nor is the professional preparation outlined in OAR 584-040-0008 required.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.200
Hist.: TS 15, f. 12-20-76, ef. 1-1-77; TS 17, f. 12-19-77, ef. 1-1-78; TS 1-1982, f. & ef. 1-5-82; TS 7-1986, f. 10-15-86, ef. 1-15-87; TS 1-1988, f. 1-14-88, cert. ef. 1-15-88; TS 6-1989, f. & cert. ef. 10-6-89; Suspended by TSPC 9-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-040-0310
Standard Early Intervention and Special Education I

(1) Fifteen quarter hours of graduate preparation in early intervention and early childhood special education distributed to strengthen the applicant's background in the field.

(2) Completion of a Standard Teaching License program.

(3) The professional preparation set forth in OAR 584-040-0008 is not required for this endorsement.

(4) Valid for teaching early intervention and early childhood special education from birth through grade 4.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.200
Hist.: TS 6-1993, f. & cert. ef. 12-7-93; TSPC 13-2006, f. & cert. ef. 11-22-06; TSPC 7-2007, f. & cert. ef. 12-14-07; Suspended by TSPC 9-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-040-0315
Standard Early Intervention and Special Education II

(1) Fifteen quarter hours of graduate preparation in early intervention and early childhood special education distributed to strengthen the applicant's background in the field and which is in addition to the preparation required by OAR 584-038-0336 for the Basic Early Intervention Special Education II endorsement.

(2) A subject matter endorsement is not required, nor is the professional preparation outlined in OAR 584-040-0008.

(3) Valid for teaching early intervention and early childhood special education from birth through grade 4.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.200
Hist.: TS 6-1993, f. & cert. ef. 12-7-93; TSPC 13-2006, f. & cert. ef. 11-22-06; TSPC 7-2007, f. & cert. ef. 12-14-07; Suspended by TSPC 9-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-040-0350
Standard Teaching License Renewal

A Standard Teaching License may be renewed upon verification of continuing professional development pursuant to OAR 584-90.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.200 & 342.400
Hist.: TS 15, f. 12-20-76, ef. 1-1-77; TS 17, f. 12-19-77, ef. 1-1-78; TS 6-1980, f. & ef. 12-23-80; TS 1-1982, f. & ef. 1-5-82; TS 3-1983, f. & ef. 5-16-83; TSPC 6-1983, f. & ef. 10-18-83; TS 8-1986, f. 12-19-86, ef. 1-15-87; TS 1-1988, f. 1-14-88, ef. 1-15-88; TS 4-1989(Temp), f. & cert. ef. 7-31-89; TS 6-1989, f. & cert. ef. 10-6-89; TS 7-1989, f. & cert. ef. 12-13-89; TS 1-1992, f. & cert. ef. 1-15-92; TS 1-1996, f. & cert. ef. 1-29-96; TSPC 6-2002, f. & cert. ef. 10-23-02; TSPC 13-2006, f. & cert. ef. 11-22-06; TSPC 3-2009(Temp), f. & cert. ef. 5-15-09 thru 11-11-09; Renumbered from 584-048-0035, TSPC 5-2009, f. & cert. ef. 10-5-09; Suspended by TSPC 9-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-052-0005
Generally

Oregon grants licensure to an applicant completing a preparation program approved by the Commission. Graduates of Commission approved Oregon programs are initially licensed when the preparing institution recommends them for the license and endorsements. No transcript review is necessary, the Commission having given prior approval to courses and learning experiences required for program completion.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.127, 342.135, 342.140, 342.143, 342.147, 342.165, 342.175 & 342.176
Hist.: TS 15, f. 12-20-76, ef. 1-1-77; TS 17, f. 12-19-77, ef. 1-1-78; TS 1-1992, f. & cert. ef. 1-15-92; Suspended by TSPC 9-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-052-0010
Preparation in Oregon Institutions

(1) An Oregon college or university may recommend candidates for Oregon educator licenses in instruction, personnel service, or administration when the institution's programs are approved by the Commission. Such a school is an approved teacher education institution and its programs constitute approved teacher education programs.

(2) Applicants from Oregon approved programs must apply for licensure within three years following completion of their respective programs. If more than three years elapse before application is made, the candidate must qualify for recommendation under rules for licensure in effect at the time of application.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.200
Hist.: TS 15, f. 12-20-76, ef. 1-1-77; TS 17, f. 12-19-77, ef. 1-1-78; TS 1-1982, f. & ef. 1-5-82; TS 1-1988, f. 1-14-88, cert. ef. 1-15-88; TS 3-1988, f. & cert. ef. 4-7-88; TS 1-1992, f. & cert. ef. 1-15-92; TSPC 4-1999, f. & cert. ef. 8-2-99; Suspended by TSPC 9-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-052-0015
Preparation in Another State

(1) If an applicant has completed an out-of-state educator licensure preparation program and the candidate is fully eligible for the out-of-state license for which the applicant is applying, the applicant's preparation may be evaluated by the Commission. In such cases, the Commission may require the applicant to:

(a) Present the out-of-state license prior to evaluation for issuance of an Oregon license as proof of program completion;

(b) Provide evidence that the out-of-state program was completed and compelling evidence to the Executive Director why the applicant is not eligible for the out-of-state license; or

(c) Seek evaluation and recommendation from a comparable Oregon-approved program.

(2) Applicants holding a non-provisional educator license or certificate issued by another state that is functionally equivalent to an Oregon educator license may be eligible for an unrestricted equivalent provisional license under the terms and conditions associated with that license.

(3) Applicants who have completed all of the requirements for any of Oregon's educator licenses may qualify upon first licensure for that license.

(4) Applicants taking out-of-state licensure programs must qualify for the license in the state in which the licensure or certification program is approved unless the applicant is willing to be subject to subsection (1)(b) above.

(5) Applicants applying to add an endorsement to an Oregon non-provisional license do not need to hold or earn an out-of-state licensure equivalent, but may request that the Commission evaluate their transcripts to determine whether the program completed is comparable to current Oregon program for that same endorsement.

(6) If the applicant does not meet requirements for unrestricted non-provisional licensure, the Commission may issue an emergency or restricted provisional license when the license being requested is one in which there are insufficient applicants and when the employing district submits verification of extenuating circumstances.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.200 & 342.400
Hist.: TS 15, f. 12-20-76, ef. 1-1-77; TS 17, f. 12-19-77, ef. 1-1-78; TS 1-1981, f. & ef. 4-8-81; TS 2-1981(Temp), f. & ef. 8-17-81; TS 1-1982, f. & ef. 1-5-82; TS 6-1984, f. 12-27-84, ef. 1-15-85; TS 7-1986, f. 10-15-86, ef. 1-15-87; TS 3-1987(Temp), f. & ef. 8-4-87; TS 1-1988, f. 1-14-88, cert. ef. 1-15-88; TS 1-1992, f. & cert. ef. 1-15-92; TSPC 4-1999, f. & cert. ef. 8-2-99; TSPC 2-2008, f. & cert. ef. 4-15-08; TSPC 8-2009, f. & cert. ef. 12-15-09; Suspended by TSPC 9-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-052-0021
Preparation in Another Country

An applicant with one or more academic degrees valid in Oregon and professional preparation from outside the United States may request evaluation of his or her qualifications by an approved Oregon teacher education institution, successfully complete any work necessary to meet requirements of the institution's approved program, and thereupon receive institutional recommendation for licensure. The Oregon institution may waive part or all of the approved program requirements on a course-by-course basis as authorized in OAR 584-052-0025.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 200 & 342.400
Hist.: TSPC 4-1999, f. & cert. ef. 8-2-99; Suspended by TSPC 9-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-052-0025
Waiver of Approved Program Requirements

(1) The liaison officer of an approved teacher education institution may waive part or all of the approved program on a course-by-course basis if a candidate demonstrates the competencies and knowledge the requirements are intended to develop.

(2) The candidate must present to the institution written evidence of knowledge and must demonstrate the competencies required in particular courses. Letters from teachers or supervisors, test data, personal statements, observation reports, and the like may be accepted for this purpose. Such material shall be kept on file by the director of the teacher education program.

(3) Institutions shall develop, as part of their approved program, written policies and guidelines for evaluating waiver requests. Specific persons or committees shall be authorized to examine requests and grant waivers. Persons from relevant college departments and school faculties shall be appropriately involved at all points.

(4) Institutions shall maintain student records which include the evidence on which waivers are granted under the approved program approach. Only the institution's liaison officer shall be authorized to recommend to the Commission any waiver of academic requirements in instances where the applicant is making direct application for licensure (OAR 584-052-0015) or for an additional endorsement (584-038-0009).

(5) The applicant may appeal waiver decisions to the Commission. However, prior to Commission consideration of an appeal, the applicant shall have exhausted all avenues of appeal within the approved teacher preparation institution.

(6) An applicant appealing an institution's waiver decision to the Commission must submit the following:

(a) Completed application form signed by the applicant;

(b) The evaluation fee payable to the Commission;

(c) Official transcripts of any preparation completed;

(d) A copy of the applicant's planned program at the institution leading to the license and endorsement requested;

(e) Resume of work experience applicable to the license and endorsement requested;

(f) If applicable, a written statement from a school district indicating support for the application and the particular competency on which the applicant is seeking waiver of course requirements;

(g) Evidence that the applicant has exhausted all avenues of appeal within the approved teacher preparation institution; and

(h) A statement from the applicant: Indicating the reasons for appealing the matter to the Commission; identifying the requirement on which the waiver is requested and the applicant's qualifications to be considered by the Commission; and, specifying the effect that granting the appeal will have on the applicant's preparation program.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.127, 342.135, 342.140, 342.143, 342.147, 342.165, 342.175 & 342.176
Hist.: TS 15, f. 12-20-76, ef. 1-1-77; TS 17, f. 12-19-77, ef. 1-1-78; TS 5-1980, f. & ef. 9-11-80; TS 6-1980, f. & ef. 12-23-80; TS 1-1982, f. & ef. 1-5-82; TS 1-1992, f. & cert. ef. 1-15-92; Suspended by TSPC 9-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-052-0027
Waiver of Academic or Experience Requirements by the Commission

(1) The Executive Director may substitute successful teaching, personnel service, or administrative experience to satisfy minimal requirements for formal college preparation or public school experience required in the rules for licensure. Experience acceptable for substitution for minimal requirements shall be such that the applicant has developed skills and knowledge comparable to that developed through approved program preparation. To be granted a basic, standard, initial, Continuing, or Professional license, a candidate shall have clearly demonstrated ability to perform the duties of the position.

(2) The Commission shall monitor any waivers granted under section (1) of this rule and shall receive reports on such waivers.

(3) Applicants requesting licensure based on substitution of successful teaching, personnel service, or administrative experience to satisfy licensure requirements shall submit the following materials:

(a) Application form, evaluation fee, and supporting materials;

(b) A written statement from the applicant including type of license requested, requirements and qualifications to be considered, supportive information, and plans for professional growth;

(c) If applicable, written statements from supervisors in the employing school district indicating support for the substitution and the particular competency of the candidate in relationship to identified district and student needs; and

(d) The applicant's resume and a statement indicating reasons for referring the matter to the Executive Director.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.430 & 342.985
Hist.: TS 15, f. 12-20-76, ef. 1-1-77; TS 17, f. 12-19-77, ef. 1-1-78; TS 6-1980, 0f. & ef. 12-23-80; Renumbered from 584-052-025; TS 1-1982, f. & ef. 1-5-82; TS 7-1986, f. 10-15-86, ef. 1-15-87; TS 6-1991, f. & cert. ef. 3-12-91; TS 1-1992, f. & cert. ef. 1-15-92; TS 6-1992(Temp), f. & cert. ef. 10-1-92; TS 3-1993, f. & cert. ef. 4-19-93; TS 7-1994, f. 9-29-94, cert. ef. 1-15-95; TS 3-1997, f. & cert. ef. 9-22-97; TS 4-1997, f. 9-25-97, cert. ef. 10-4-97; TSPC 3-1998(Temp), f. & cert. ef. 3-25-98 thru 9-8-98; Administrative correction 8-9-99; TSPC 2-2000, f. & cert. ef. 5-15-00; TSPC 2-2009, f. & cert. ef. 3-12-09; TSPC 1-2015, f. & cert. ef. 2-10-15; Suspended by TSPC 9-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-065-0001
Purpose of Endorsements for Initial and Continuing Teacher Licenses

(1) These rules establish endorsement requirements for Initial and Professional Teacher Licenses. The use of this rule includes, but is not limited to, the following:

(a) Advising Oregon Teacher Education Institutions of academic requirements for endorsements under divisions 60, 70 and 80;

(b) Assessing the preparation of out-of-state applicants who make application for Oregon licensure; and

(c) Guiding in the selection and use of licensure tests in the respective endorsements.

(2) Teachers holding Basic or Standard Licenses are endorsed under requirements stated in divisions 38 and 40.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 143, 342.153, 342.165 & 342.223 - 232
Hist.: TSPC 5-1998, f. 6-5-98, cert. ef. 1-15-99; TSPC 1-2015, f. & cert. ef. 2-10-15; Suspended by TSPC 9-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-065-0060
Knowledge, Skills and Abilities for Physical Education Endorsement

(1) In addition to passing the required Commission-approved subject-matter, examinations for physical education and completing the required practicum experience, the following requirements must be met to add a physical education endorsement onto any Initial or Professional Teaching License. The requirements to add a physical education endorsement onto a Basic or Standard Teaching License can be found at: OAR 584-038-0230 and 584-040-0210.

(2) Demonstrated Content Knowledge. Candidates demonstrate an understanding of physical education content, disciplinary concepts, and tools of inquiry related to the development of a physically educated person. Candidates must:

(a) Identify critical elements of motor skill performance, and combine motor skills into appropriate sequences for the purpose of improving learning;

(b) Demonstrate competent motor skill performance in a variety of physical activities;

(c) Describe performance concepts and strategies related to a skillful movement and physical activity such as: fitness principles, game tactics, skill improvement principles;

(d) Describe and apply: anatomical, physiological and biomechanical bioscience and psychological concepts to skillful movement, physical activity and fitness;

(e) Understand and debate current physical education and activity issues and laws based on historical, philosophical and sociological concepts; and

(f) Demonstrate knowledge of national and state content standards and local programs goals.

(3) Demonstrated Knowledge of Growth and Development. Candidates demonstrate an understanding of how individuals learn and

develop, and can provide opportunities that support their physical, cognitive, social and emotional development. Candidates must:

(a) Monitor individual and group performance in order to design safe instruction that meets student development needs in the physical, cognitive and social and emotional domains;

(b) Understand the biological, psychological, sociological, experiential and environmental factors such as: neurological development, physique, gender and socio-economic status that impact developmental readiness to learn and demonstrate the ability to refine movement skills accordingly; and

(c) Identify, select and implement appropriate learning and best practices opportunities based on understanding the student, the learning environment and the task.

(4) Demonstrated Ability to Differentiate Instruction. Candidates demonstrate competencies in differentiated instruction for diverse learners by demonstrating an understanding of how individuals differ in their approaches to learning and create appropriate instruction opportunities adapted to individual differences. Candidates must:

(a) Identify, select, and implement appropriate instruction that is sensitive to students' strengths and weaknesses, multiple needs, learning styles, and prior experiences including but not limited to cultural, ethnic, personal, family and community influences; and

(b) Use appropriate services and resources in the delivery of differentiated instruction to ensure success for all students.

(5) Demonstrated Competency in Classroom Management and Individual and Group Motivation. Candidate demonstrates ability to understand individual and group motivation and behavior to create a learning environment that encourages positive social interaction, active engagement in learning and self-motivation. Candidates must:

(a) Use managerial routines that create smoothly functioning learning experiences and environments;

(b) Organize, allocate, and manage resources such as students, time, space, equipment, activities and teacher attention;

(c) Use a variety of developmentally appropriate practices to motivate students to participate in physical activity inside and outside the school;

(d) Use strategies to help students demonstrate responsible personal and social behaviors such as mutual respect, support for others, safety and cooperation that promote positive relationships and a productive learning environment; and

(e) Develop effective behavior management plans when appropriate.

(6) Demonstrate Competency in Communication. Candidates demonstrate skill and knowledge in the use of effective verbal, nonverbal and media communication techniques to foster inquiry, collaboration and engagement in physical activity settings. Candidates must:

(a) Describe and demonstrate effective communication skills, such as: use of language, clarity, conciseness, pacing, giving and receiving, feedback, age appropriate language and non-verbal communication;

(b) Communicate managerial and instructional information in a variety of ways such as bulletin boards, music, task cards, posters, Internet and video;

(c) Communicate in ways that demonstrate sensitivity and consideration of ethnic, cultural, socio-economic, ability and gender differences; and

(d) Describe and implement strategies to enhance communication and collaboration among students in physical activity settings.

(7) Demonstrate Competency in Planning and Instruction. The candidate demonstrates skill in planning and implements a variety of developmentally appropriate instructional strategies to develop physically educated individuals. Candidates must:

(a) Identify, develop and implement appropriate program and instructional goals;

(b) Develop long and short-term plans that are linked to both programs, instructional goals and student needs;

(c) Select and implement instructional strategies, based on selected content, student needs and safety issues, to facilitate learning in the physical activity setting;

(d) Design and implement learning experiences that are safe, appropriate, relevant and based on principles of effective instruction;

(e) Apply disciplinary and pedagogical knowledge in developing and implementing effective learning environments and experiences;

(f) Provide learning experiences that allow students to integrate knowledge and skills from multiple subject areas;

(g) Select and implement appropriate, comprehensive, accurate, useful and safe teaching resources and curriculum materials;

(h) Use effective demonstrations and explanations to link physical activity concepts to appropriate learning experiences;

(i) Develop and use appropriate instructional cues and prompts to facilitate competent motor skills performance; and

(j) Develop a repertoire of direct and indirect instructional formats to facilitate student learning such as ask questions, pose scenarios, promote problem-solving and critical thinking; facilitate factual recall and promote literacy.

(8) Demonstrate Competencies in Learner Assessment. The candidate demonstrates an understanding and use of formal and informal assessment strategies to foster physical, cognitive, social and emotional development of learners in physical activity. Candidates must:

(a) Identify key component of various types of assessment, describe their appropriate and inappropriate use and address issues of validity, reliability and adverse impact;

(b) Use a variety of appropriate authentic and traditional assessment techniques, including both self and peer assessments, to assess student understanding and performance, provide feedback and communicate student progress for both formative and summative purposes; and

(c) Interpret and use learning and performance data to make informed curricular and instructional decisions.

(9) Demonstrate Competency in the Ability to Reflect and Make Appropriate Adjustments in Teaching Quality. Candidates demonstrate the ability to reflect and evaluate the effects of her or his actions on others. Candidates must:

(a) Use a reflective cycle involving description of teaching, justification of teaching performance, critique of the teaching performance, the setting of teaching goals and implementation of change;

(b) Use available resources such as colleagues, literature and professional associations to develop as a reflective physical educator; and

(c) Construct a plan for continued professional growth based on the assessment of personal teaching performance.

(10) Demonstrate Competency in Technology. Candidates use information technology to enhance learning and to enhance personal and professional productivity. Candidates must:

(a) Demonstrate knowledge of current technologies and their application in physical education;

(b) Design, develop and implement student learning activities that integrate information technology; and

(c) Use technologies to communicate, network, locate resources and enhance continuing professional development.

(11) Demonstrate Competency to Foster Collaboration. Candidates will foster relationships with colleagues, parents and guardians and community agencies to support learners' growth and well-being. Candidates will:

(a) Identify strategies to become an advocate in the school and community to promote a variety of physical activity opportunities;

(b) Actively participate in the local, state and national professional physical education community and within the broader education field;

(c) Identify and actively seek community resources to enhance physical activity opportunities; and

(d) Pursue productive relationships with parents, guardians and school colleagues to support student growth and well-being.

(12) Candidates for physical education endorsement must be authorized at one paired authorization level as defined in OAR 584-060-0071 in any one of the following combinations below. Candidates completing a practica experience at either early childhood or elementary and at either middle or high school levels shall qualify for authorization to teach preprimary through grade 12. Paired authorizations may be:

(a) Early Childhood and Elementary;

(b) Elementary and Middle Level; or

(c) Middle Level and High School.

(13) This endorsement is valid to teach:

(a) Games and sports skills;

(b) Gymnastics;

(c) Movement;

(d) Personal and Social Development;

(e) Physical Fitness and Body Development;

(f) Rhythms;

(g) Adaptive motor skills; and

(h) Athletic training.

(14) This endorsement is required for teaching any subject in section (13) above:

(a) More than 51% on a Basic or Standard Teaching License with an elementary endorsement; or

(b) More than 10 hours per week on:

(A) Any Basic or Standard Teaching License with other than an elementary endorsement; or

(B) An Initial or Professional Teaching License at any grade authorization level.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.143, 342.153, 342.165 & 342.173
Hist.: TSPC 2-2005, f. & cert. ef. 4-15-05; TSPC 5-2009, f. & cert. ef. 10-5-09; TSPC 1-2015, f. & cert. ef. 2-10-15; Suspended by TSPC 9-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-065-0070
Knowledge, Skills and Abilities for Health Education Endorsement

(1) In addition to passing the required Commission-approved subject-matter, examinations for health education and completing the required practicum experience, the following requirements must be met to add a health education endorsement onto any Initial or Professional Teaching License. The requirements to add a health education endorsement onto a Basic or Standard Teaching License can be found at: OAR 584-038-0110 and 584-040-0100.

(2) Candidates Assess Individual and Community Needs for Health Education. Candidates will:

(a) Obtain health-related data about social and cultural environments, growth and development factors, needs, and interests of students;

(b) Distinguish between behaviors that foster and those that hinder well-being; and

(c) Candidates determine health education needs based on observed and obtained data.

(3) Candidates Plan Effective Health Education Programs. Candidates will:

(a) Recruit school and community representatives to support and assist in program planning;

(b) Develop a logical scope and sequence plan for a health education program;

(c) Formulate appropriate and measurable learner objectives; and

(d) Design educational strategies consistent with specified learner objectives.

(4) Candidates Implement Health Education Programs. Candidates will:

(a) Analyze factors affecting the successful implementation of health education and Coordinated School Health Programs (CSHPs);

(b) Select resources and media best suited to implement program plans for diverse learners;

(c) Exhibit competence in carrying out planned programs; and

(d) Monitor educational programs, adjusting objectives and instructional strategies as necessary.

(5) Candidates Evaluate the Effectiveness of Coordinated School Health Programs. Candidates will:

(a) Develop plans to assess student achievement of program objectives;

(b) Carry out evaluation plans;

(c) Interpret results of program evaluation; and

(d) Infer implications of evaluation findings for future program planning.

(6) Candidates Coordinate Provision of Health Education Programs and Services. Candidates will:

(a) Develop a plan for coordinating health education with other components of a school health program;

(b) Demonstrate the dispositions and skills to facilitate cooperation among health educators, other teachers, and appropriate school staff;

(c) Candidates formulate practical modes of collaboration among health educators in all settings and other school and community health professionals; and

(d) Candidates organize professional development programs for teachers, other school personnel, community members, and other interested individuals.

(7) Candidates Act as a Resource Person in Health Education. Candidates will:

(a) Utilize computerized health information retrieval systems effectively;

(b) Establish effective consultative relationships with those requesting assistance in solving health-related problems;

(c) Interpret and respond to requests for health information; and

(d) Select effective educational resource materials for dissemination.

(8) Candidates Communicate Health and Health Education Needs, Concerns, and Resources. Candidates will:

(a) Interpret concepts, purposes, and theories of health education;

(b) Predict the impact of societal value systems on health education programs;

(c) Select a variety of communication methods and techniques in providing health information; and

(d) Foster communication between health care providers and consumers.

(9) Candidates Apply Appropriate Research Principles and Methods in Health Education. Candidates will:

(a) Conduct thorough reviews of health-related literature;

(b) Use appropriate qualitative and quantitative research methods; and

(c) Apply research to health education practices.

(10) Candidates Have the Skills to Administer Health Education Programs. Candidates will:

(a) Develop and manage health education program fiscal resources;

(b) Develop and manage human resources; and

(c) Exercise organizational leadership.

(11) Candidates Advance the Profession of Health Education. Candidates will:

(a) Provide a critical analysis of current and future needs in health education;

(b) Assume responsibility for advancing the profession;

(c) Apply ethical principles as they relate to the practice of health education.

(12) Candidates Have the Ability to Differentiate Instruction. Candidates will:

(a) Demonstrate competencies in delivering differentiated instructional strategies that promote equitable learning opportunities and success for all students regardless of native language, socioeconomic background, ethnicity, gender, disability or other individual characteristics;

(b) Identify, select, and implement appropriate instruction that is sensitive to students' strengths and weaknesses, multiple needs, learning styles, and prior experiences including but not limited to cultural, ethnic, personal, family and community influences; and use appropriate services and resources in the delivery of differentiated instruction.

(13) This endorsement is valid to teach:

(a) Health Education;

(b) Advanced Health;

(c) Food and Fitness;

(d) Drug Education;

(e) Health Promotion;

(f) Health and Wellness Education;

(g) Individual Health Projects;

(h) Chemical and Substance Abuse Education;

(i) Family Living; and

(j) Other health-related courses or activities.

(14) This endorsement is required for teaching any subject in section (12) above for more than ten hours per week, or if conditionally assigned in more than one subject (See, OAR 584-036-0081) on:

(a) Any Basic or Standard Teaching License with other than an elementary endorsement in grades 5 through 12; and

(b) Any Initial or Professional Teaching License with a high school authorization.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 -342.143, 342.153, 342.165, 342.223 - 342.232
Hist.: TSPC 2-2005, f. & cert. ef. 4-15-05; TSPC 2-2008, f. & cert. ef. 4-15-08; TSPC 1-2015, f. & cert. ef. 2-10-15; Suspended by TSPC 9-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-065-0080
Knowledge, Skills and Abilities for Basic Math Endorsement

(1) In addition to passing the required Commission-approved subject-matter, examinations for basic math and completing the required practicum experience, the following requirements must be met to add a basic math endorsement onto any Initial or Professional Teaching License. The requirements to add a basic math endorsement onto a Basic or Standard Teaching License can be found at OAR 584-038-0180.

(2) Demonstrated Content Knowledge:

(a) For knowledge of numbers, operations, candidates will:

(A) Demonstrate conceptual understanding of complex numbers and real numbers particularly rational numbers and integers; ways of representing numbers; relationships among numbers and number systems; and the meaning of operations; and

(B) Be computationally proficient and choose the appropriate computational format such as exact or approximate; and method, such as mental, paper and pencil, or electronic.

(b) For knowledge of algebra and functions, candidates will:

(A) Understand the various roles of algebra and demonstrate conceptual understanding of variables and functions including linear, quadratic and exponential functions and their inverses;

(B) Use a variety of representations including verbal, pictorial, tabular, symbolic and graphic to emphasize relationships among quantities; and

(C) Demonstrate conceptual understanding of and skill in appropriate use of symbols.

(c) For knowledge of geometry, candidates will:

(A) Use spatial visualization and geometric modeling and constructions to explore and analyze geometric shapes, structures, and their properties;

(B) Make conjectures about two- and three-dimensional shapes and offer justifications for conjectures; and

(C) Apply coordinates geometry and transformations including the use of congruence, similarity, and symmetry to analyze mathematical situations.

(d) For knowledge of measurement, candidates will:

(A) Understand measurement processes including estimation, accuracy and choice of measurement tool for both U.S. customary and metric systems; and

(B) Understand and use direct and indirect measurement techniques and formulas for both two- and three-dimensional figures.

(e) For knowledge of data analysis and probability and statistic, candidates will:

(A) Design investigations, collect data, use a variety of ways to display the data and critically interpret data representations;

(B) Make predictions and draw conclusions involving uncertainty by applying basic concepts of probability; and

(C) Use appropriate statistical methods to analyze and describe shape, spread, and center data; then they use that information to make inferences.

(f) For knowledge of calculus, candidates will:

(A) Demonstrate a conceptual understanding of limits, particularly in relation to understanding series, repetitive processes and non-terminating decimals; and

(B) Demonstrate a conceptual understanding of rate of change and the relationship to minimums, maximums and area of a region.

(3) Demonstrated Competency in Following Process Standards.

(a) For competency in problem solving, candidates will engage in mathematical inquiry through understanding a problem, exploring, conjecturing, experimenting and justifying.

(b) For competency in reasoning and proof, candidates will:

(A) Select and use various types of reasoning including categorizing based on numeric and geometric properties, and using Venn diagrams, set notation and operations; and

(B) Develop and evaluate mathematical arguments such as informal proofs, and the foundations on which arguments are built.

(c) For competency in communication, candidates will:

(A) Organize and consolidate their mathematical thinking through communication;

(B) Communicate coherently and use the language of mathematics, such as symbols and terminology, to express ideas precisely; and

(C) Analyze the mathematical thinking of others.

(d) For competency in representation, candidates will:

(A) Use multiple forms of representation including concrete models, pictures, diagrams, tables and graphs; and

(B) Use invented and conventional terms and symbols to communicate reasoning and solve problems.

(e) For competency in connections, candidates will:

(A) Understand how mathematical ideas interconnect and build on one another to produce a coherent whole; and

(B) Recognize and apply mathematics in contexts outside of mathematics.

(4) Demonstrated knowledge and skill in mathematics pedagogy:

(a) For demonstrated knowledge and skill in the principles equity candidates will demonstrate high expectations and strong support for all students to learn mathematics.

(b) For demonstrated knowledge and skill in developing curriculum, candidates will:

(A) Map curriculum that is coherent, focused on important mathematics and carefully sequenced;

(B) Be familiar with curriculum both preceding and following the middle level; and

(C) Be able to discern the quality of learning opportunities for students when given a particular task, activity, educational software, etc., and are able to make adaptations to assure quality.

(c) For demonstrated knowledge and skill in developing quality learning environment candidates will foster a classroom environment conducive to mathematical learning through:

(A) Providing and structuring the time necessary to explore sound mathematics and grapple with significant ideas and problems;

(B) Using the physical space and materials in ways that facilitate students' learning of mathematics;

(C) Providing a context that encourages the development of mathematical skill and proficiency; and

(D) Respecting and valuing students' ideas, ways o' thinking and mathematical dispositions.

(d) For demonstrated knowledge and skill in teaching, candidates will:

(A) Understand what mathematics students know and need to learn and then challenge and support them to learn it well; and

(B) Orchestrate discourse by:

(i) Posing questions and tasks that elicit, engage and challenge each student's thinking;

(ii) Listening carefully to students' ideas; asking 'students to clarify and justify their ideas orally and in writing;

(iii) Deciding what to pursue in depth from among the ideas that students bring up during a discussion;

(iv) Deciding when and how to attach mathematical notation and language to students' ideas;

(v) Deciding when to provide information, when to clarify an issue, when to model, when to lead, and when to let a student struggle with a difficulty; and

(vi) Monitoring students' participation' in discussions and deciding when and how to encourage each student to participate.

(e) For demonstrated knowledge and skill in learning, candidates will:

(A) Know that students must learn mathematics with understanding, actively building new knowledge from experience and prior knowledge; and

(B) Have the ability to recognize and move students from concrete to abstract levels of understanding.

(f) For demonstrated knowledge and skill in assessment, candidates will:

(A) Use a variety of formal and informal, formative and summative assessment techniques to support the learning of important mathematics;

(B) Understand how, why, and when to use various assessment techniques and tools; as well as how these tools inform their understanding about student thinking and understanding; and

(C) Plan instruction based upon the information obtained through classroom and external assessments of each student's developmental' level.

(g) For demonstrated knowledge and skill in technology, candidates will:

(A) Understand that technology is an integral part of teaching and learning mathematics both influencing what is taught and enhancing how it is learned.

(B) Demonstrate effective and appropriate use of technology.

(h) For demonstrated knowledge and skill in mathematic historical development candidates will demonstrate knowledge of historical and cultural influences in mathematics including contributions of underrepresented groups.

(i) For demonstrated ability to differentiate instruction, candidates will demonstrate competencies in delivering differentiated instructional strategies that promote equitable learning opportunities and success for all students regardless of native language, socioeconomic background, ethnicity, gender, disability or other individual characteristics. Candidates will:

(A) Identify, select, and implement appropriate instruction that is sensitive to students' strengths and 'weaknesses, multiple needs, learning styles, and prior experiences including but not limited to cultural, ethnic, personal, family and community influences; and

(B) Use appropriate services and resources in the delivery of differentiated instruction.

(5) This endorsement is valid to teach any course at or below Algebra I including:

(a) Remedial Math;

(b) Mathematics;

(c) Basic Math;

(d) Math Concepts (grades 6–8);

(e) Pre-Algebra;

(f) Introductory Algebra;

(g) Basic Algebra;

(h) Algebra I;

(i) Competency Mathematics;
(j) Consumer Mathematics;
(k) General Math I & II;
(l) Mathematics Fundamentals;
(m) Math Lab;
(n) Middle Mathematics Skills;
(o) Problem Solving; and
(p) Other math-related courses at or below the Algebra I level.

(6) This endorsement is required for teaching any subject in section (4) above:

(a) More than 51% of a full teaching assignment on a Basic or Standard Teaching License with an elementary endorsement issued after 1987 with the licensure code of (016); or

(b) More than 10 hours per week or if conditionally assigned in more than one subject, (See, OAR 584-036-0081) on:

(A) Any Basic or Standard Teaching License with other than an elementary endorsement; or

(B) An Initial or Professional Teaching License with a high school authorization.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.143, 342.153, 342.165, 342.223 - 342.232
Hist.: TSPC 2-2005, f. & cert. ef. 4-15-05; TSPC 2-2008, f. & cert. ef. 4-15-08; TSPC 1-2015, f. & cert. ef. 2-10-15; Suspended by TSPC 9-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-065-0090
Knowledge, Skills and Abilities for Advanced Math Endorsement

(1) In addition to passing the required Commission-approved subject-matter, examinations for advanced math and completing the required practicum experience, the following requirements must be met to add an advanced math endorsement onto any Initial or Professional Teaching License. The requirements to add an advanced math endorsement onto a Basic or Standard Teaching License can be found at: OAR 584-038-0190 and 584-040-0180.

(2) Demonstrated Content Knowledge.

(a) For knowledge of numbers, operations and algebra, candidates will:

(A) Demonstrate knowledge of the properties of the natural, integer, rational, real and complex number systems and the interrelationships of these number systems

(B) Identify and apply the basic ideas, properties and results of number theory and algebraic structures that underlie numbers and algebraic expressions, operations, equations and inequalities;

(C) Use algebraic equations to describe lines, planes and conic sections and to find distances in the plane and space;

(D) Demonstrate the use of algebra to model, analyze, and solve problems from various areas of mathematics, science and the social sciences;

(E) Apply properties and operations of matrices and techniques of analytic geometry to analyze and solve systems of equations; and

(F) Use graphing calculators, computer algebra systems, and spreadsheets to explore algebraic ideas and algebraic representations of information and to solve problems.

(b) For knowledge of geometry, candidates will:

(A) Identify and apply the basic ideas, properties and results of number theory and algebraic structures that underlie numbers and algebraic expressions, operations, equations and inequalities;

(B) Use algebraic equations to describe lines, planes and conic sections and to find distances in the plane and space;

(C) Demonstrate the use of algebra to model, analyze, and solve problems from various areas of mathematics, science and the social sciences;

(D) Apply properties and operations of matrices and techniques of analytic geometry to analyze and solve systems of equations; and

(E) Use graphing calculators, computer algebra systems, and spreadsheets to explore algebraic ideas and algebraic representations of information, and to solve problems.

(c) For knowledge of functions, candidates will:

(A) Demonstrate knowledge of the concept of a function and the most important classes of functions, including polynomial, exponential and logarithmic, rational and trigonometric;

(B) Represent functions in multiple forms, such as graphs, tables, mappings, formulas, matrices and equations;

(C) Perform a variety of operations on functions, including addition, multiplication and composition of functions, and recognize related special functions such as identities and inverses and those operations that preserve the various properties;

(D) Use functions to model situations and solve problems in calculus, linear and abstract algebra, geometry, statistics and discrete mathematics;

(E) Explore various kinds of relations, including equivalence relations, and the differences between relations and functions;

(F) Use calculator and computer technology effectively to study functions and solve problems;

(G) Demonstrate specific knowledge of trigonometric functions, including properties of their graphs, special angles, identities and inequalities, and complex and polar forms; and

(H) Use analytic representations, measures, and properties to analyze transformation of two- and three-dimensional objects.

(d) For knowledge of discrete mathematics and computer science, candidates will:

(A) Demonstrate knowledge of discrete topics including graphs, trees, networks, enumerative combinatorics and finite difference equations, iteration and recursion, and the use of tools such as functions, diagrams and matrices to explore them;

(B) Build discrete mathematical models for social decision-making;

(C) Apply discrete structures such as: sets, logic, relations and functions, and their applications in design of data structures and programming;

(D) Use recursion and combinatorics in the design and analysis of algorithms; and

(E) Candidates employ linear and computer programming to solve problems.

(e) For knowledge of probability and statistics, candidates will:

(A) Explore data using a variety of standard techniques to organize and display data and detect and use measures of central tendency and dispersion;

(B) Use surveys to estimate population characteristics and design experiments to test conjectured relationships among variables;

(C) Use theory and simulations to study probability distributions and apply them as models of real phenomena;

(D) Demonstrate knowledge of statistical inference by using probability models to draw conclusions from data and measure the uncertainty of those conclusions;

(E) Employ calculators and computers effectively in statistical explorations and practice; and

(F) Demonstrate knowledge of basic concepts of probability such as conditional probability and independence, and develop skill in calculating probabilities associated with those concepts.

(f) For knowledge of calculus, candidates will:

(A) Demonstrate conceptual understanding of and procedural facility with basic calculus concepts such as limits, derivatives and integrals of functions of one and two variables;

(B) Use concepts of calculus to analyze the behavior of functions and solve problems; and

(C) Determine the limits of sequences and series and demonstrate the convergence or divergence of series.

(3) Demonstrated Competency in Following Process Standards.

(a) For competency in problem solving, candidates will engage in mathematical inquiry through understanding a problem, exploring, recognizing patterns, conjecturing, experimenting and justifying.

(b) For competency in reasoning and proof, candidates will select and use various types of reasoning and develop and evaluate mathematical arguments and proof in all the mathematics content knowledge areas.

(c) For competency in communication, candidates will:

(A) Organize and consolidate their mathematical thinking through communication;

(B) Communicate coherently and use the language of mathematics such as symbols and terminology to express ideas precisely; and

(C) Analyze the mathematical thinking of others.

(d) For competency in representation, candidates will:

(A) Use multiple forms of representation including concrete models, pictures, diagrams, tables and graphs; and

(B) Use invented and conventional terms and symbols to communicate reasoning and solve problems.

(e) For competency in connections, candidates will:

(A) Understand how mathematical ideas interconnect and build on one another to produce a coherent whole; and

(B) Recognize and apply mathematics in contexts outside of mathematics.

(4) Demonstrated Knowledge and Skill In Mathematics Pedagogy.

(a) For demonstrated knowledge and skill in the principles of equity, candidates will demonstrate high expectations and strong support for all students to learn mathematics,

(b) For demonstrated knowledge and skill in developing curriculum, candidates will:

(A) Map curriculum that is coherent, focused on important mathematics and carefully sequenced;

(B) Be familiar with curriculum both preceding and following the high school level; and

(C) Be able to discern the quality of learning opportunities for students when given a particular task, activity, educational software, etc., and are able to make adaptations to assure quality.

(c) For demonstrated knowledge and skill in developing a quality learning environment, candidates will foster a classroom environment conducive to mathematical learning through:

(A) Providing and structuring the time necessary to explore sound mathematics and grapple with significant ideas and problems;

(B) Using the physical space and materials in ways that facilitate students' learning of mathematics;

(C) Providing a context that encourages the development of mathematical skill and proficiency; and

(D) Respecting and valuing students' ideas, ways o' thinking, and mathematical dispositions.

(d) For demonstrated knowledge and skill in teaching, candidates will:

(A) Understand what mathematics students know and need to learn and then challenge and support them to learn it well; and

(B) Orchestrate discourse by:

(i) Posing questions and tasks that elicit, engage and challenge each student's thinking;

(ii) Listening carefully to students' ideas; asking 'students to clarify and justify their ideas orally and in writing;

(iii) Deciding what to pursue in depth from among the ideas that students bring up during a discussion;

(iv) Deciding when and how to attach mathematical notation and language to students' ideas;

(v) Deciding when to provide information, when to clarify an issue, when to model, when to lead, and when to let a student struggle with a difficulty; and

(vi) Monitoring students' participation 'in discussions and deciding when and how to encourage each student to participate.

(e) For demonstrated knowledge and skill in learning, candidates will:

(A) Know that students must learn mathematics with understanding, actively building new knowledge from experience and prior knowledge; and

(B) Have the ability to recognize and move students from concrete to abstract levels of understanding.

(f) For demonstrated knowledge and skill in assessment, candidates will:

(A) Use a variety of formal and informal, formative and summative assessment techniques to support the learning of important mathematics;

(B) Understand how, why and when to use various assessment techniques and tools; as well as how these tools inform their understanding about student thinking and understanding; and

(C) Plan instruction based upon the information obtained through classroom and external assessments of each student's developmental' level.

(g) For demonstrated knowledge and skill in technology, candidates will:

(A) Understand that technology is an integral part of teaching and learning mathematics both influencing what is taught and enhancing how it is learned.

(B) Demonstrate effective and appropriate use of technology.

(h) For demonstrated knowledge and skill in mathematic historical development candidates will demonstrate knowledge of historical and cultural influences in mathematics including contributions of underrepresented groups.

(i) For demonstrated ability to differentiate instruction, candidates will demonstrate competencies in delivering differentiated instructional strategies that promote equitable learning opportunities and success for all students regardless of native language, socioeconomic background, ethnicity, gender, disability or other individual characteristics. Candidates will:

(A) Identify, select, and implement appropriate instruction that is sensitive to students' strengths and'weaknesses, multiple needs, learning styles, and prior experiences including but not limited to cultural, ethnic, personal, family and community influences; and

(B) Use appropriate services and resources in the delivery of differentiated instruction.

(5) This endorsement is valid to teach:

(a) Advanced Algebra;

(b) Trigonometry;

(c) Pre-Calculus;

(d) Calculus;

(e) Statistics & Probability;

(f) Geometry;

(g) Survey Geometry;

(h) Trigonometry Analysis; and

(i) Other math-related courses.

(6) This endorsement is required to teach any math course above the Algebra I level.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120 - 342.143, 342.153, 342.165 & 342.223 - 342.232

Hist.: TSPC 2-2005, f. & cert. ef. 4-15-05; TSPC 1-2015, f. & cert. ef. 2-10-15; Suspended by TSPC 9-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-065-0120

Knowledge, Skills and Abilities for Early Childhood Endorsement

(1) In addition to passing the required Commission-approved multiple subjects examination required for early childhood education authorization, candidates must complete the required practicum experience with students in one or more age groups or grades between age three and grade four.

(2) Teachers who hold an Initial, Initial I or Initial II or Professional Teaching License with an elementary authorization may add the early childhood authorization level only upon enrollment in an early childhood authorization program approved by TSPC. [See, OAR 584-060-0051.]

(3) In order to promote child development and learning, the candidate must:

(a) Know and understand young children's characteristics and needs;

(b) Know and understand the multiple influences on development and learning; and

(c) Use developmental knowledge to create healthy, respectful, supportive and challenging learning environments.

(4) In order to build family and community relationships, the candidate must:

(a) Know about and understand family and community characteristics;

(b) Support and empower families and communities through respectful, reciprocal relationships; and

(c) Involve families and communities in their children's development and learning.

(5) In order to document and assess the learning of young children, the candidate will:

(a) Understand the goals, benefits and uses of assessment;

(b) Know about and use observation, documentation, and other appropriate assessment tools and approaches to inform instruction;

(c) Understand and practice appropriate assessment;

(d) Develop partnerships with families and other professionals to assess children's strengths and needs; and

(e) Understand and practice appropriate assessment for all children including culturally and linguistically diverse children as well as children with exceptionalities.

(6) In order to demonstrate teaching and learning, the candidate will:

(a) Connect with children and families to create positive learning environments;

(b) Use developmentally effective approaches:

(A) Foster oral language and communication;

(B) Draw from continuum of teaching strategies;

(C) Make the most of the environment and routines;

(D) Capitalize on incidental teaching;

(E) Focus on children's characteristics, needs, and interests;

(F) Link children's language and culture to the early childhood program;

(G) Teach through social interactions;

(H) Create support for play;

(I) Address children's challenging behaviors;

(J) Use integrative approaches to curriculum; and

(c) Demonstrate an understanding of content knowledge in early education, the candidate will create a classroom environment that encompasses the following core content objectives:

(A) In language and literacy, candidates will develop curriculum so that students will:

(i) Explore their environments and develop the conceptual, experiential, and language foundations for learning to read and write;

(ii) Develop their ability to converse at length and in depth on a topic in various settings (one-on-one with adults and peers, in small groups, etc.);

(iii) Develop vocabulary that reflects their growing knowledge of the world around them;

(iv) Use language, reading and writing to strengthen their own cultural identify as well as to participate in the shared identity of the school environment;

(v) Associate reading and writing with pleasure and enjoyment as well as with skill development;

(vi) Use a range of strategies to derive meaning from stories and texts;

(vii) Use language, reading, and writing for various purposes;

(viii) Use a variety of print and non-print resources;

(ix) Develop basic concepts of print and understanding of sounds, letters, and letter sound relationships; and

(B) In the Arts: music, creative movement, dance, drama, and art, candidates will develop curriculum so that students will:

(i) Interact musically with others;

(ii) Express and interpret understandings of their world through structured and informal musical play;

(iii) Sing, play, and create music;

(iv) Respond to expressive characteristics of music-rhythm, melody, form-through speaking, singing, moving, and playing simple instruments;

(v) Use music to express emotions, conflicts, and needs;

(vi) Move expressively to music of various tempos, meters, modes, genres, and cultures to express what they feel and hear;

(vii) Understand and apply artistic media, techniques, and processes;

(viii) Make connections between visual arts and other disciplines; and

(C) In Mathematics, candidates will develop curriculum in alignment with the National Council of Teachers of Mathematics (NCTM) curriculum student or K-12 grade, recognizing the quantitative dimensions of children's learning:

(i) Mathematics as problem solving;

(ii) Mathematics as communication;

(iii) Mathematics as reasoning;

(iv) Mathematical connections;

(v) Estimation;

(vi) Number sense and numeration;

(vii) Concepts of whole number operations;

(viii) Whole number computation;

(ix) Geometry and spatial sense;

(x) Measurement;

(xi) Statistics and probability;

(xii) Fractions and decimals;

(xiii) Patterns and relationships; and

(D) In physical activity and Physical Education, candidates will develop curriculum so that students will:

(i) Have varied, repeated experiences with functional movement and manipulation;

(ii) Demonstrate progress toward mature forms of selected physical skills;

(iii) Try new movement activities and skills;

(iv) Use feedback to improve performance;

(v) Experience and express pleasure from participation in physical activity;

(vi) Apply rules, procedures, and safe practices;

(vii) Gain competence to provide increased enjoyment in movement; and

(E) In Science, candidates will develop curriculum so that students will:

(i) Explore materials, objects and events by acting upon them and noticing what happens;

(ii) Make careful observations of objects, organisms, and events using all their senses;

(iii) Describe, compare, sort, classify, and order in terms of observable characteristics;

(iv) Use a variety of simple tools to extend their observations;

(v) Engage in simple investigations including making predictions, gathering and interpreting data, recognizing simple patterns, and drawing conclusions;

(vi) Record observations, explanations, and ideas through multiple forms of representation;

(vii) Work collaboratively with others, share and discuss ideas, and listen to new perspectives; and

(F) In Social Studies, candidates will develop curriculum so that students will:

(i) Geography:

(ii) Make and use maps to locate themselves in space

(iii) Observe the physical characteristics of the places in which they live and identify landforms, bodies of water, climate, soils, natural vegetation and animal life of that place; and

(iv) History:

(v) Use the methods of the historian, identifying questions, locating and analyzing information, and reaching conclusions;

(vi) Record and discuss the changes that occur in their lives, recalling their immediate past; and

(vii) Economics:

(I) Develop awareness of the difference between wants and needs;

(II) Develop interest in the economic system, understanding the contributions of those who produce goods and services; and

(viii) Social relations/civics:

(I) Become a participating member of the group, giving up some individuality for the greater good;

(II) Recognizing similarities among people of many cultures;

(III) Respecting others, including those who differ in gender, ethnicity, ability or ideas;

(IV) Learn the principles of democracy, working cooperatively with others, sharing and voting as they solve problems; and

(d) In order to build meaningful curriculum, the candidate will:

(A) Know, understand, and use positive relationships and supportive interactions;

(B) Know, understand, and use effective approaches, strategies, and tools for early education;

(C) Know and understand the importance, central concepts, inquiry tools, curriculum integration, and structures of content areas or academic disciplines; and

(D) Know and use differentiated instructional strategies to promote equitable learning opportunities and success for all students, regardless of native language, socioeconomic background, ethnicity, gender, disability or other individual characteristics.

(7) In demonstrating professionalism, the candidate will:

(a) Identify and involve oneself with the early childhood field;

(b) Know about and uphold ethical standard and other professional guidelines (see National Association for the Education for Young Children (NAEYC) Code of Ethical Conduct);

(c) Engage in continuous, collaborative learning to inform practice;

(d) Integrate knowledgeable, reflective, and critical perspectives on early education; and

(e) Engage in informed advocacy for children and the profession.

(8) Valid for any teaching assignment, except specialization requiring endorsement under OAR 584-060-0071, at or below grade four.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120 - 342.165

Hist.: TSPC 5-2008, f. & cert. ef. 6-13-08; TSPC 1-2015, f. & cert. ef. 2-10-15; Suspended by TSPC 9-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-065-0125

Knowledge, Skills and Abilities for World Language Endorsements

(1) Demonstrating Content Knowledge: Candidates are required to demonstrate content knowledge in one of the following ways:

(a) Passage of the Commission-approved test of world language content knowledge; or

(b) Completion of at least 45 quarter or 30 semester hours of college-level coursework in the world language subject area in language areas where the Commission has not approved a content-specific world language licensure test.

(2) Field Experience: Candidates must complete the following practicum experiences:

(a) Field experiences prior to student teaching that include experiences in world language classrooms;

(b) Field experiences, including student teaching, that are supervised by a qualified world language educator who is knowledgeable about current instructional approaches and issues in the field of world language education; and

(c) Opportunities for candidates to participate in a structured study abroad program or intensive immersion experience in a target language community.

(3) Methods requirements: Candidates must complete a methods course that deals specifically with the teaching of world languages, and that is taught by a qualified faculty member whose expertise is world language education and who is knowledgeable about current instructional approaches and issues.

(4) Technology Requirements: Candidates must demonstrate competence in technology-enhanced instruction and the use of technology in their own teaching.

(5) Language, Linguistics Comparison: Candidates must:

(a) Demonstrate a high level of proficiency in the target language, and seek opportunities to strengthen their proficiency;

(b) Know the linguistic elements of the target language system, recognize the changing nature of language, and accommodate for gaps in their own knowledge of the target language system by learning on their own; and

(c) Know the similarities and differences between the target language and other languages, identify the key differences in varieties of the target language, and seek opportunities to learn about varieties of the target language on their own.

(6) Cultures, Literatures, Cross-Disciplinary Concepts: Candidates must:

(a) Demonstrate that they understand the connections among the perspectives of a culture and its practices and products, and integrate the cultural framework for world language standards into their instructional practices;

(b) Recognize the value and role of literary and cultural texts and use them to interpret and reflect upon the perspectives of the target cultures over time; and

(c) Integrate knowledge of other disciplines into world language instruction and identify distinctive viewpoints accessible only through the target language.

(7) Language Acquisition Theories and Instructional Practices: Candidates must:

(a) Demonstrate an understanding of language acquisition at various developmental levels and use this knowledge to create a supportive classroom learning environment that includes target language input and opportunities for negotiation of meaning and meaningful interaction; and

(b) Develop a variety of instructional practices that reflect language outcomes and articulated program models and address the needs of diverse language learners.

(8) Integration of Standards into Curriculum and Instruction: Candidates must:

(a) Demonstrate an understanding of the goal areas and standards of the *Standards for World Language Learning* and their state standards, and integrate these frameworks into curricular planning.

(b) Integrate the *Standards for World Language Learning* and their state standards into language instruction.

(c) Use standards and curricular goals to evaluate, select, design, and adapt instructional resources.

(9) Assessment of Languages and Cultures: Candidates must:

(a) Believe that assessment is ongoing, and demonstrate knowledge of multiple ways of assessment that are age- and level-appropriate by implementing purposeful measures;

(b) Reflect on the results of student assessments, adjust instruction accordingly, analyze the results of assessments, and use success and failure to determine the direction of instruction; and

(c) Interpret and report the results of student performances to all stakeholders and provide opportunity for discussion.

(10) Professionalism: Candidates must:

(a) Engage in professional development opportunities that strengthen their own linguistic and cultural competence and promote reflection on practice; and

(b) Know the value of world language learning to the overall success of all students and understand that they will need to become advocates with students, colleagues, and members of the community to promote the field.

(11) This endorsement is valid to teach the following designated world languages at the grade levels authorized on the license. Other language endorsement areas may be allowed upon approval of the addition of the language by any Commission-approved teaching program.

(a) Chinese;

(b) French;

(c) German;

(d) Japanese;

(e) Latin;

(f) Russian; and

(g) Spanish.

Stat. Auth.: ORS 342

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

Hist.: TSPC 3-2011, f. & cert. ef. 3-15-11; Suspended by TSPC 9-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-066-0001

Purpose of Specialization on a License

(1) A specialization on a TSPC-issued license is an optional indication of specialized expertise or preparation in an area the Commission recognizes as "added value" on a license. A specialization indicates the educator has demonstrated exceptional knowledge, skills and related abilities in that area. A specialization must meet standards set by the Commission.

(2) A specialization is distinguished from an endorsement or grade authorization in that a specialization is not required to teach or work in the specialized area, whereas both an endorsement and an authorization are required to work in those areas or at those grade levels. The specialization will be indicated as follows on the license: Example: Specialization: Autism Spectrum Disorder.

(3) An educator may not be labeled as a specialist or call themselves a specialist in any area recognized by the Commission as requiring additional and exceptional preparation without actually holding the specialization on the license.

Stat. Auth.: ORS 342

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

Hist.: TSPC 4-2012, f. & cert. ef. 5-18-12; Suspended by TSPC 9-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-066-0010

Autism Spectrum Disorder (ASD) Licensed Specialist Standards and Competencies

(1)(a) An Autism Spectrum Disorder Specialization may be indicated on any TSPC Basic, Standard, Initial or Professional Teaching License with a special education endorsement so long as the educator qualifies for the specialization by demonstrated completion of a Commission-approved program for Autism Spectrum Disorder specialization.

(b) Once the specialization is earned and placed on a license, it may only be removed at the educator's request.

(2) Definitions:

(a) Academic Curriculum: Language arts, mathematics, science, social sciences, health, physical education, world languages, and the arts;

(b) Expanded Functional Core Curriculum: Communication development, social development, self-advocacy, cognitive development, sensory processing skills, organization skills, adaptive skills-life function, and transitional skills for life span.

(3) To be eligible to add an Autism Spectrum Disorder specialization on a TSPC license, the application must:

(a) Hold a Basic, Standard, Initial or Professional Teaching License with any special education endorsement;

(b) Provide evidence of three years experience working with a range of ASD learners; and

(c) Completed a Commission-approved program for Autism Spectrum Disorder (ASD) Specialization.

(4) Candidates for Autism Spectrum Disorder (ASD) Specialization must demonstrate competency in the following standards:

(a) Standard 1: Foundations of ASD: Candidates indicate knowledge of autism spectrum disorders including development and characteristics of learners. Candidates will:

(A) Describe unique developmental and behavioral characteristics of individuals with ASD as identified in DSM and how these: Differ from neuro-typical development; differ across people with ASD; change with age; and impact an individual's learning;

(B) Describe current theories of etiology for individuals with ASD;

(C) Describe State (OAR) and Federal requirements for assessment, eligibility, and education of individuals with ASD;

(D) Differentiate between medical diagnosis (current DSM definitions) and educational eligibility (federal and state requirements);

(E) Differentiate ASD from other disabilities (differential diagnosis) and identify co-existing conditions associated with ASD and their impact on learning and behavior;

(F) Describe unique learning characteristics of individuals with ASD;

(G) Describe the unique influence of stress, age, instruction, and environmental factors on individuals with ASD;

(H) Describe the standards for determining and a process for locating evidence-based instructional and behavioral interventions for individuals with ASD;

(I) Describe academic curriculum and expanded functional core curriculum for individuals with ASD at various age levels;

(J) Describe current best family-centered practices;

(K) Describe a continuum of placements and services available for the individual with ASD and families;

(L) Describe health issues that potentially impact the individual with ASD and their families;

(M) Describe how to evaluate and access public and private systems and organizations that serve individuals with ASD;

(N) Describe concepts and impacts of self-determination, advocacy, community and family supports in the lives of individuals with ASD;

(O) Provide families with information about community support services such as respite care, in-home behavior support, home health care, transportation, and parent education for individuals with ASD;

(P) Describe typical child development milestones across domains; and

(Q) Identify strengths and needs for an individual with ASD across core and expanded core curricula.

(b) Standard 2: ASD Service Needs: Candidates indicate knowledge of ASD Assessments for Development and Educational Impact on ASD service needs. Candidates will:

(A) Describe the impact that ethnic, cultural, and linguistic diversity issues have on the assessment of the individual with ASD;

(B) Administer or assist in the completion of the required components of the identification assessment for initial and reevaluation of an individual with ASD;

(C) Select, administer, and assist with appropriate educational assessments to determine the present level of academic and functional performance for individuals with ASD;

(D) Interpret assessment data, write summaries, and report results to teams, including families, in a systematic manner that leads directly to programmatic recommendations for instruction for individuals with ASD;

(E) Collaborate with teams, including families, to identify unique needs and to develop appropriate, functional IFSP/IEP goals, matched to assessment information for individuals with ASD;

(F) Collaborate with teams, including families, to identify sufficient special education and related services to enable the individual with ASD to progress on his or her goals;

(G) Assist teams with development and maintenance of ongoing data collection, data analysis, and progress reports for individuals with ASD;

(H) Assist teams in the assessment of environmental conditions that impact access to learning for individuals with ASD;

(I) Assist teams with a functional behavior assessment (FBA) to design behavior support plans for the challenging behaviors of individuals with ASD;

(J) Describe typical child developmental milestones across domains; and

(K) Identify strengths and needs for an individual with ASD across core and expanded core curricula.

(c) Standard 3: ASD Program Development and Implementation: Candidates demonstrate knowledge of system-wide considerations. Candidates will:

(A) Encourage collaboration with the higher education community, foundations, nonprofit and other organizations engaged in researching critical educational issues;

(B) Facilitate the interpretation, communication and dissemination of research findings related to ASD;

(C) Implement expanded core functional curriculum designed to meet the needs of individual learners with ASD;

(D) Conduct expanded core functional curriculum-based assessment to determine areas to address specific skills to teach, and to identify the appropriate evidence-based interventions to implement for learners with ASD;

(E) Collect data on abilities in all skill areas identified from expanded core functional curriculum-based assessments and other performance-based measures for learners with ASD;

(F) Design, facilitate, monitor, and evaluate instruction that is appropriate for both age and skill level of the learner with ASD;

(G) Apply the principles of applied behavior analysis (ABA) within a variety of instructional formats with a variety of learners with ASD, in a variety of settings to teach the skills identified from a curriculum-based assessment;

(H) Utilize appropriate evidence-based curricula content appropriate for a full range of learners with ASD.

(I) Design, facilitate, monitor, and evaluate instructional strategies that promote generalization and maintenance of skills across domains and settings;

(J) Facilitate the identification of assistive technology (low-high) across all areas of skill development appropriate to meet the needs of the individual;

(K) Train and coach others to:

(i) Implement the appropriate evidence-based instructional interventions, curriculum content, accommodations, and modifications identified for the learner with ASD;

(ii) Use individual strengths of the learner with ASD to reinforce and maintain skills; and

(L) Plan with the families for the transition needs of the learner with ASD.

(d) Standard 4: ASD Systematic Instruction: Candidates demonstrate knowledge of evidence-based interventions to promote focused, engaged time for learners with ASD. Candidates will:

(A) Match evidence-based interventions with the needs of individual learners with ASD;

(B) Design evidence-based interventions based on components of core and expanded core curricula;

(C) Implement data based decision-making by:

(i) Collecting baseline data;

(ii) Collecting, reviewing, and interpreting ongoing data;

(iii) Modifying program as needed to promote performance; and

(D) Demonstrate with fidelity the implementation of evidence-based strategies across a range of learners with ASD;

(E) Design and implement plans to ensure generalization of skills across settings and materials for learners with ASD;

(F) Demonstrate knowledge of the general education academic curriculum and supports necessary to facilitate the success of the learner with ASD;

(G) Design environmental plans that define expectations for appropriate behaviors across settings, utilizing evidence-based intervention strategies for learners with ASD;

(H) Design visual, auditory, and tactile supports to enable the learner with ASD to:

(i) Predict events and activities;

(ii) Anticipate change;

(iii) Understand expectations in a variety of settings;

(iv) Maintain or re-gain appropriate self regulation for learning; and

(v) Demonstrate independence;

(I) Assist in determining appropriate evidence-based assistive and/or augmentative communication systems;

(J) Plan and implement evidence-based strategies to support sustained peer interactions and memberships across all environments; and

(K) Demonstrate skills in teaching family members to implement expanded core functional curriculum at home.

(e) Standard 5: Training and Coaching of Adults Serving Individuals with ASD. Candidates will:

(A) Work with administrators to organize, set-up, and deliver the Oregon Education Guidelines for ASD Program and Self-Assessment.

(B) Identify appropriate technologies to deliver training and coaching;

(C) Collaborate with teams to analyze and interpret learner data to improve instruction and evaluate the impact of instructional interventions on learners with ASD;

(D) Work with teams to incorporate coaching in school, home, and community environments;

(E) Provide feedback to adults serving individuals with ASD to strengthen teaching practice and improve learning for the learner;

(F) Evaluate the effectiveness of the training and coaching to ensure implementation and improvement in progress for learners with ASD;

(G) Demonstrate how to investigate, access, and evaluate electronic and print resources on ASD;

(H) Assess, plan, and use an appropriate evidenced based format for training and coaching;

(I) Facilitate group processes to help team members work collaboratively to solve problems, manage conflict, and make decisions; and

(J) Model effective skills in listening, presenting ideas, leading discussions, clarifying, mediating and identifying the needs of self and others in order to advance shared goals and professional learning.

(f) Standard 6: Professional Practices for ASD Specialists. Candidates will:

(A) Advocate for professional resources, including financial support, human and other material resources, which allow for the implementation of the Oregon Comprehensive ASD Program;

(B) Represent and advocate for the profession in contexts outside of the classroom, such as:

(i) Be a member of committees or task forces addressing curriculum, assessment, professional development or other educational issues; and

(ii) Participate in local, state or national educational professional associations or professional standards boards;

(C) Access professional organizations and publications related to ASD to keep current on evidence based practices.

(D) Demonstrate professional skills;

(E) Comply with federal, state, and local policies and regulations;

(F) Maintain professional relationships with colleagues, employers, students, and families; and

(G) Participate in on-going professional development activities.

(g) Standard 7: Collaboration with Families and Communities. Candidates will:

(A) Identify access and share resources from community-based services to support individuals with ASD;

(B) Develop comprehensive strategies, including the use of technology, for engaging families and community members as partners in the educational process;

(C) Establish and maintain positive collaborative relationships with families in a manner which acknowledges culture, language, values, and parenting styles of the families;

(D) Apply effective strategies for participating, collaborating, and facilitating team processes; and

(E) Describe the impact of one's own experience, culture, language, race, and ethnicity on attitudes, beliefs, values, and ways of thinking, behaving, and teaching.

(h) Field Experience: Field experience will be designed in accordance with OAR 584-017-1038 through 584-017-1048 and be aligned with the TSPC Professional Standards Handbook.

Stat. Auth.: ORS 342

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

Hist.: TSPC 4-2012, f. & cert. ef. 5-18-12; TSPC 1-2015, f. & cert. ef. 2-10-15; Suspended by TSPC 9-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-066-0015

Knowledge Skills and Abilities for Dual Language Specialization

language endorsement so long as the educator qualifies for the specialization by demonstrated completion of a Commission-approved program for Dual Language specialization.

(b) Once the specialization is earned and placed on a license, the retention of the specialization will be dependent upon ongoing professional development or other specific activities directly related to the Dual Language specialization.

(2) Language: The dual language teacher knows, understands, and applies theories of first and second language acquisition to their practice and communicates in two languages at a highly proficiency level. The dual language teacher:

(a) Knows two or more languages and is professionally proficient in at least two languages;

(b) Understands societal perceptions of languages and its impact on cultural and academic identity;

(c) Knows first (L1) and second language (L2) acquisition and development theory and the interrelatedness and interdependence between L1 and L2 that results in a high level of multilingualism and multi-literacy;

(d) Understands how the student's first language proficiency (listening, speaking, reading, and writing) transfers to an additional language; and

(e) Knows the similarities and differences between aspects of L1 and L2 structures including: phonology (the sound system), morphology (word formation), syntax (phrase and sentence structure), semantics (meaning), and pragmatics (context and function).

(3) Culture: The dual language teacher knows, understands, and uses major concepts, principles, theories, and research related to the role of culture, cultural groups, and identity to construct a supportive learning environment for all dual language students. The dual language teacher:

(a) Knows the benefits of multilingualism and multiculturalism in a global society;

(b) Understands that systemic, institutional, and individual socio-cultural and historical forces affect cross-cultural interaction;

(c) Understands the impact of social injustice on the lives of students and families;

(d) Knows the importance of the socio-cultural and historical context of diverse students, families, schools and communities; and

(e) Understands the importance of student cultural and academic identity development and how development will vary depending on the individual student's background and experiences.

(4) Planning, Implementing, and Managing Instruction: The dual language teacher knows, understands, and uses evidence-based practices and strategies related to planning, implementing, and managing instruction in dual language classrooms. The dual language teacher:

(a) Understands the characteristics, goals, benefits, and limitations of various types of multilingual education models and programs; understands research related to the effectiveness of various multilingual (bilingual) education models; and understands features that distinguish additive versus subtractive multilingual education programs;

(b) Knows how to identify potential linguistic and cultural biases of pedagogies, curricula, and assessments when determining classroom practices;

(c) Knows how literacy develops in two languages and how it influences instructional planning; and

(d) Knows how content knowledge and literacy develops in two languages and how it influences instructional planning.

(5) Assessment: The dual language teacher should understand the complexity of assessment to inform instruction for students' learning in multiple languages. Dual language teachers know how to assess language skills, literacy and content in both languages of instruction. The dual language teacher:

(a) Knows how to assess learners' prior knowledge to facilitate their acquisition of language and literacy in the second language;

(b) Understands the necessity to use multiple measures to assess language, literacy and content in L1 and L2;

(c) Understands the role of formative assessments in literacy and the content areas in both L1 and L2, and how to use results to design and differentiate instruction; and

(d) Knows the potential linguistic and cultural biases of assessment instruments.

(6) Professionalism: The dual language teacher knows and understands current and emerging trends in educational research. The dual language teacher acts as a resource and advocate for multilingualism and collaborates with students, their families, the school community and educational professionals in order to meet the needs of multilingual students. The dual language teacher:

(a) Knows and understands that advocacy requires knowledge of one's own cultural background and self-reflection;

(b) Knows how to access the most relevant dual language resources for the benefit of students and families;

(c) Understands the importance of leadership within the school, district, and community;

(d) Recognizes their role as an advocate in elevating the benefits and status of multilingualism; and

(e) Understands the history and policies of multilingual education and the dual language field.

(7) Community & Family Engagement: The dual language teacher knows, understands and uses principles, theories, research and applications related to the role of family and community engagement to construct a supportive and inclusive learning environment for all students. The dual language teacher:

(a) Understands the value of engaging students, families, and community members in contributing to an inclusive learning environment;

(b) Knows that students, families, and communities bring multiple funds of knowledge and assets;

(c) Understands that all families bring cultural and linguistic variations and the importance of the teachers' role in being culturally and linguistically responsive; and

(d) Understands their role and responsibility to create alliances for the empowerment of families and communities.

Stat. Auth.: ORS 342

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

Hist.: TSPC 1-2013, f. & cert. ef. 2-14-13; TSPC 2-2014, f. & cert. ef. 3-15-14; TSPC 3-2014(Temp), f. 4-7-14, cert. ef. 4-8-14 thru 9-22-14; Suspended by TSPC 9-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-066-0020

Knowledge, Skills and Abilities for Elementary Mathematics Instructional Leader Specialization

(1) An Elementary Mathematics Instructional Leader specialization may be added to any TSPC Basic, Standard, Initial or Professional Teaching License upon completion of the requirements and qualifications found in this rule.

(2) To be eligible for the Elementary Mathematics Instructional Leader (EMIL) specialization, the licensed teacher must have all of the following:

(a) A license authorized to teach in grades K–8 and holding the multiple subjects, basic elementary or standard elementary endorsements;

(b) Three complete years of teaching mathematics in grades K–8 as verified by a Professional Educator Experience Form (PEER) or other verifiable experience if the experience is obtained out of state; and

(c) Demonstrated competency in the following Elementary Math Specialist (EMS) standards as determined by a program approved to offer the Elementary Mathematics Instructional Leaders specialization as evidenced by completion of:

(A) Twenty-four quarter or sixteen semester hours of a TSPC-approved Elementary Mathematics Instructional Leader program; and

(B) An EMIL practicum working with a range of students and teachers.

(3) Elementary Mathematics Instructional Leaders specialist standards include:

(a) Content Knowledge: EMIL professionals must know and understand deeply the mathematics of elementary school as well as how mathematics concepts and skills develop through middle school. This knowledge includes specialized knowledge that teachers need in order to understand and support student learning of elementary mathematics.

(b) Pedagogical Knowledge for Teaching Mathematic: EMIL professionals are expected to have a foundation in pedagogical content knowledge (PCK) (Ball, Thames, & Phelps, 2008). This section is informed by and draws upon the 2003 NCATE/NCTM Program Standards: Standards for Elementary Mathematics Specialists.

(c) Leadership Knowledge and Skills: EMIL professionals need to be prepared to take on collegial non-evaluative leadership roles within their schools and districts. They must have a broad view of many aspects and resources needed to support and facilitate effective instruction and professional growth.

(4) Approval of any EMIL program must satisfy the full set of standards including specific objectives which may be found in the publication: Standards for Elementary Math Specialists: A Reference for Teacher Credentialing and Degree Programs; a publication of the Association of Mathematics Teacher Educators.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120–342.430, 342.455-342.495; 342.553
Hist.: TSPC 3-2014(Temp), f. 4-7-14, cert. ef. 4-8-14 thru 9-22-14TSPC 5-2014, f. & cert. ef. 8-5-14; TSPC 1-2015, f. & cert. ef. 2-10-15; Suspended by TSPC 9-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-066-0025
Talented and Gifted Specialization: Competency Standards

(1) The Commission may provide approval to an educator preparation program or course of study that prepares candidates for a talented and gifted specialization only if it includes:

(a) Content that will enable candidates to gain the knowledge, skills, abilities, professional dispositions, and cultural competencies to meet the competency standards set forth in this rule;

(b) Field experiences that include supervised teaching or internships in classrooms with talented and gifted learners; and

(c) Integration of principles of cultural competency and equitable practice in each competency standard through the entire Talented and Gifted Specialization program.

(2) A candidate for the Talented and Gifted Specialization shall demonstrate the knowledge, skills, professional dispositions and cultural competencies necessary to promote the academic, career, personal and social development of students, including:

(a) Standard 1: Learner Development and Individual Learning Differences: Talented and Gifted Specialists understand the variations in learning and development in cognitive and affective areas between and among Talented and Gifted Learners and apply this understanding to provide meaningful and challenging learning experiences for children identified as Talented and Gifted.

(b) Standard 2: Learning Environments: Talented and Gifted Specialists create safe, inclusive, and culturally responsive learning environments so that Talented and Gifted Learners become effective learners and develop social and emotional well-being.

(c) Standard 3: Curricular Content Knowledge: Talented and Gifted Specialists use knowledge of general and specialized curricula to advance learning for Talented and Gifted Learners.

(d) Standard 4: Cultural Competency and Equity in the Classroom: Talented and Gifted Specialists demonstrate the cultural competency and proficiencies necessary to provide equitable outcomes for all students.

(e) Standard 5: Assessment: Talented and Gifted Specialists use multiple methods of assessment and data sources in making educational decisions about identification of Talented and Gifted Learners and student learning.

(f) Standard 6: Instructional Planning and Strategies: Talented and Gifted Specialists select, adapt, and use a repertoire of evidence-based instructional strategies to advance the learning of Talented and Gifted Learners.

(g) Standard 7: Professional Learning and Ethical Practices: Talented and Gifted Specialists use foundational knowledge of the field and professional ethical principles and programming standards to inform gifted education practice, to engage in lifelong learning, and to advance the profession.

(h) Standard 8: Collaboration: Talented and Gifted Specialists collaborate with families, other educators, related service providers, Talented and Gifted Learners, and personnel from community agencies in culturally responsive ways to address the needs of Talented and Gifted Learners across a range of learning experiences.

(3)(a) A Talented and Gifted specialization may not be added to a provisional license.

(b)The notation of a Talented and Gifted specialization will appear on a license as follows: Specialization: Talented and Gifted.

(c) Once the specialization is noted on a license, it may only be removed at the educator's request.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.430, 342.455 - 342.495 & 342.553
Hist.: TSPC 1-2015, f. & cert. ef. 2-10-15; Suspended by TSPC 9-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-066-0030
American Sign Language (ASL) Specialization: Competency Standards

(1) Definitions:

(a) "American Sign Language Teacher Association (ASLTA):" ASLTA is the national professional organization for American Sign Language and Deaf Studies Educators.

(b) "American Sign Language Proficiency Interview (ASLPI):" The American Sign Language Proficiency Interview (ASLPI) is a holistic language evaluation used to determine global ASL proficiency.

(c) "Sign Language Proficiency Interview (SLPI):" SLPI is the interview results in a language proficiency rating for educators.

(d) "American Sign Language Teachers Association Certification:" The ASLTA organization offers a certification program with three levels of certification: Provisional, Qualified and Professional.

(e) "Provisional Certification." Provisional certified teachers have met minimum requirements in the ASLTA certification process. The teacher, certified at the Provisional level, has demonstrated proficiency in ASL, basic knowledge about ASL teaching including developing course outlines and lesson planning.

(2) The Commission may provide approval to an educator preparation program or course of study that prepares candidates for a World Language: American Sign Language specialization only if it includes:

(a) Content that will enable candidates to gain the knowledge, skills, abilities, professional dispositions, and cultural competencies to meet the competency standards set forth in this rule;

(b) Field experiences that include supervised teaching or internships in classrooms with American Sign Language learners; and

(c) Integration of principles of cultural competency and equitable practice in each competency standard through the entire American Sign Language Specialization program.

(3) A candidates for the World Language: American Sign Language specialization will demonstrate the knowledge, skills, professional dispositions and cultural competencies necessary to promote the academic, career, and personal and social development of students participating in an American Sign Language learning environment, including:

(a) First and second language acquisition;

(b) Linguistics of American Sign Language;

(c) Aspects of the deaf culture and community;

(d) Methods of teaching American Sign Language;

(e) American Sign Language Literature; and

(f) Cultural Competency and Equity in the Classroom: Candidates must demonstrate the cultural competency and proficiencies necessary to provide equitable outcomes for all students.

(4) To be eligible to add a World Language: American Sign Language Specialization to a Commission-approved license, the applicant must:

(a) Hold an ASLTA Provisional, Qualified or Professional Certification;

(b) Complete a Bachelor's degree or equivalent in teaching American Sign Language or equivalent preparation that meets the competency standards set forth in this rule. The Executive Director will make the determi-

nation if applicant's equivalent preparation is sufficient to meet the competency standards.

(c) Provide evidence of ASLPI rating of 3 or better; or, an SLPI rating of Advanced Plus; and

(d) Complete a Commission-approved program for American Sign Language (ASL) specialization or equivalent preparation that meets the competency standards set forth in this rule. The Executive Director will make the determination if applicant's equivalent preparation is sufficient to meet the competency standards.

(5)(a) A World Language: American Sign Language (ASL) specialization may not be added to a provisional license;

(b) The notation of a World Language: American Sign Language specialization will appear on a license as follows: Specialization: World Language: American Sign Language;

(c) Once the specialization is noted on a license, it may only be removed at the educator's request.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120 –342.430; 342.455 – 342.495; 342.553

Hist.: TSPC 3-2015, f. & cert. ef. 4-15-15; Suspended by TSPC 9-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-100-0041

Approved ESEA Alternative Route Teaching License

(1) Upon filing a correct and complete application in form and manner prescribed by the Commission, a qualified applicant shall be granted an Approved ESEA Alternative Route Teaching License.

(2) The application must be filed jointly by the hiring district and the teacher seeking the license.

(3) Districts hiring a highly qualified teacher based on the Approved ESEA Alternative Route Teaching License must ensure that the license has been obtained by the teacher prior to assignment within the district.

(4) The Approved ESEA Alternative Route Teaching License shall be restricted to use within the district that has jointly applied for it with the teacher.

(5) The license is not transferable to another district. Should the teacher seek to obtain another Approved ESEA Alternative Route Teaching License with another district, the license is only valid for the remainder of the three years from the initial date of the license.

(6) The district must submit an approved plan with the licensee's application that describes how the teacher will receive high-quality professional development that is sustained, intensive and classroom-focused before and while teaching in the district. The plan must also include how the teacher will be making progress toward completing full state licensure requirements in the next three years.

(7) The license will expire exactly three-years from the date of issue and is not subject to the 120-day grace period.

(8) To be eligible for an Approved ESEA Alternative Route License, the applicant must:

(a) Hold a bachelor's degree;

(b) Obtain a passing score on a test of knowledge of U.S. and Oregon civil rights laws and professional ethics;

(c) Demonstrate core academic subject matter competency by:

(A) Passing the TSPC approved rigorous state test required for the grade-level and subject-matter area; or

(B) Holding an undergraduate major or coursework equivalent in the core academic subject in the teaching area (does not apply to elementary authorizations); or

(C) Holding a graduate degree in the core academic subject in the teaching area (does not apply to elementary authorizations).

(9) Per federal law:

(a) Teachers on the Approved ESEA Alternative Route Teaching License are considered highly qualified for only three years; and

(b) The license is not renewable and is not eligible for any extension.

(10) Teachers who have taught on a Restricted Teaching License for one-year or less, upon application with a district may be eligible for the Approved ESEA Alternative Route Teaching License provided the requirements of subsection (8) of this rule are met. The Approved ESEA Alternative Route License will only be effective for three years from the date the Restricted Teaching License was first issued.

Stat. Auth: ORS 342

Stats. Implemented: ORS 342.125

Hist.: TSPC 2-2004, f. & cert. ef. 3-17-04; TSPC 2-2006(Temp), f. & cert. ef. 2-3-06 thru 8-2-06; TSPC 8-2006, f. 5-15-06, cert. ef. 7-1-06; TSPC 3-2013, f. & cert. ef. 8-19-13; TSPC 9-2014, f. & cert. ef. 11-14-14; Suspended by TSPC 9-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

Rule Caption: Repeals rules related to previous teaching license system.

Adm. Order No.: TSPC 10-2015

Filed with Sec. of State: 11-13-2015

Certified to be Effective: 1-1-16

Notice Publication Date: 8-1-2015

Rules Repealed: 584-018-0011, 584-018-0100, 584-018-0105, 584-018-0115, 584-018-0120, 584-018-0125, 584-018-0130, 584-018-0135, 584-018-0140, 584-018-0145, 584-018-0160, 584-018-0150, 584-018-0155, 584-018-0165, 584-018-1070, 584-018-0220, 584-036-0010, 584-036-0011, 584-036-0015, 584-036-0017, 584-036-0025, 584-036-0035, 584-036-0045, 584-036-0055, 584-036-0057, 584-036-0062, 584-036-0070, 584-036-0080, 584-036-0083, 584-036-0095, 584-036-0105, 584-036-0110, 584-036-0120, 584-036-0125, 584-038-0003, 584-038-0004, 584-038-0010, 584-038-0012, 584-038-0013, 584-038-0030, 584-038-0040, 584-038-0050, 584-038-0060, 584-038-0080, 584-038-0085, 584-038-0090, 584-038-0100, 584-038-0110, 584-038-0120, 584-038-0130, 584-038-0150, 584-038-0160, 584-038-0165, 584-038-0170, 584-038-0180, 584-038-0190, 584-038-0210, 584-038-0230, 584-038-0235, 584-038-0240, 584-038-0250, 584-038-0260, 584-038-0270, 584-038-0275, 584-038-0280, 584-038-0290, 584-038-0295, 584-038-0300, 584-038-0310, 584-038-0312, 584-038-0315, 584-038-0320, 584-038-0322, 584-038-0325, 584-038-0330, 584-038-0335, 584-038-0336, 584-060-0002, 584-060-0005, 584-060-0006, 584-060-0012, 584-060-0013, 584-060-0014, 584-060-0051, 584-060-0052, 584-060-0062, 584-060-0071, 584-060-0162, 584-060-0171, 584-060-0181, 584-060-0190, 584-060-0200, 584-060-0210, 584-060-0220, 584-060-0250, 584-060-0501, 584-060-0525, 584-060-0530, 584-060-0600, 584-060-0630, 584-060-0635, 584-060-0682, 584-060-0700, 584-060-0710, 584-060-0715, 584-060-0720, 584-060-0725, 584-090-0100, 584-090-0105, 584-090-0110, 584-090-0115, 584-090-0120

Subject: Repeals Division 26, Rules for Licensure; Division 38, Basic Teaching License Requirements; Division 60, 21st Century Teaching Licenses; and Division 90, Professional Development. The new teaching license rules go into effect January 1, 2016.

Rules Coordinator: Victoria Chamberlain—(503) 378-6813

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Rule Caption: Amends rules to eliminate the basic skill test requirements.

Adm. Order No.: TSPC 11-2015

Filed with Sec. of State: 11-13-2015

Certified to be Effective: 1-1-16

Notice Publication Date: 8-1-2015

Rules Amended: 584-017-1028, 584-042-0031, 584-042-0081, 584-070-0012, 584-070-0310

Subject: Eliminates basic skill requirements for licenses.

Rules Coordinator: Victoria Chamberlain—(503) 378-6813

584-017-1028

Selection, Recruitment, Admission and Retention of Candidates

The unit attracts and admits qualified candidates to licensure programs, giving special attention to the current personnel needs of schools and actively recruits from under-represented groups.

(1) The unit admits into all initial and advanced programs only those who meet the following entry standards and requirements.

(2) Each candidate must demonstrated aptitude and interest in working with school-aged children.

(3) Each candidate attests to possessing moral character, a commitment to the profession, vow not to harm children, and commit to educational excellence. This attestation must be filed with the Commission upon application for first licensure in a format approved by the Commission.

(4) All teacher candidates for first application for licensure must:

(a) Pass the Protecting Student and Civil Rights in the Educational Environment test prior to placement into any clinical, student teaching or internship experiences where work samples are required; and

(b) Receive full clearance from the Commission on fingerprints and character questions prior to placement into student teaching or internship experiences.

(5) Educational Leadership Licensure: Candidates for admission into an initial educational leadership licensure program (formerly administration) must document:

(a) Licensure as either a teacher or personnel service specialist in any state;

(b) Three years of experience in the schools as a licensed educator or the legal equivalent;

(c) Evidence of educational leadership potential based on the following or the equivalent: assessments in instructional leadership, administrative experience in an educational environment, human relations, and cultural inclusion;

(d) Passing score on Protecting Student and Civil Rights in the Educational Environment; and

(e) Receive full clearance from the Commission on fingerprints and character questions prior to placement into clinical or internship experiences.

(6) Personnel Service Licensure (School Counseling, School Psychology, School Social Work). All candidates for admission into a personnel service licensure program must document:

(a) Experience working with youth in educational or social agencies;

(b) Preparation in human behavior to include: psychological, sociological, and psychological development, learning theory, and motivation;

(c) Full clearance from the Commission on fingerprints and character questions prior to placement into clinical or internship experiences;

(d) School Counseling candidates must document prior to licensure, either:

(A) Two years teaching experience in schools; or

(B) Alternative practicum experiences in lieu of teaching.

(e) School Social Worker candidates must document a master's degree in social work prior to licensure.

Stat. Auth.: ORS 342

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

Hist.: TSPC 4-2012, f. & cert. ef. 5-18-12; TSPC 2-2013, f. & cert. ef. 4-30-13; TSPC 8-2014(Temp), f. & cert. ef. 11-10-14 thru 5-8-15; TSPC 1-2015, f. & cert. ef. 2-10-15; TSPC 6-2015(Temp), f. & cert. ef. 7-1-15 thru 12-27-15; TSPC 11-2015, f. 11-13-15, cert. ef. 1-1-16

584-042-0031

Career and Technical Education I Teaching License

(1) Upon filing a correct and complete application in form and manner prescribed by the Commission, an applicant may be eligible for a Career and Technical Education (CTE) I Teaching License in one or more Career and Technical Education endorsement areas. The license may be issued for up to three years.

(2) The Career and Technical Education I Teaching License is valid to teach in:

(a) An ODE-approved Career and Technical Education program[s] for which the educator is specifically licensed;

(b) Any CTE teaching license is valid for assignments in diversified occupations or as work experience coordinators.

(3) The application must be a joint application from the applicant and the school district seeking to employ the applicant. The complete application must be directly submitted by the applicant. TSPC will not accept applications submitted by third parties.

(4) A complete application packet must include the following materials from both the Oregon Department of Education and TSPC:

(a) A signed and dated TSPC application and the appropriate fees;

(b) Fingerprints furnished in the manner prescribed by the commission and satisfactory responses to the character questions contained in the commission's licensure application; and

(c) Passing score on a commission-approved test of knowledge of U.S. and Oregon civil rights and professional ethics.

(d) A copy of the ODE-approved CTE I Teaching License application form, including:

(A) The Instructor Appraisal Committee's recommendation for licensure on an approved ODE form, including any course restrictions related to the recommended endorsement or endorsements unless waived by ODE pursuant to OAR 584-042-0060 Waivers and 584-042-0070 Work Experience;

(B) A copy of the signed CTE Professional Development Plan indicating the expectations for the educator over the next three years. The application for licensure is deemed incomplete if the professional development plan does not align with OAR 584-042-0051 CTE Professional Development Plan;

(C) Evidence the co-applicant school district has an ODE-approved program in the requested Career and Technical Education endorsement or endorsements area; or evidence that the district has submitted their application for approval of the CTE program to the ODE. The district must indicate the approximate date they expect to obtain ODE approval of their program;

(D) The name and credentials of the identified CTE mentor;

(E) Transcripts of an associate's degree or equivalent; or in the alternative, the ODE waiver, consistent with OAR 584-042-0060 Waivers that is signed and dated within 90 days from the date of the application to TSPC; and

(F) Work experience evidence documented in one of the following ways:

(i) Planned and coordinated or previous and documented work experience in accordance with OAR 584-042-0070 Work Experience verified by ODE and completed within the past five years; or

(ii) A copy of the industry certification or licensure.

(5) CTE I Teaching Licenses will be issued for one year at a time for a maximum of three years total subject to special renewal conditions:

(a) First Renewal: The applicant must submit:

(A) A signed and dated TSPC application and renewal fees as defined by rule;

(B) A letter of support from the co-applicant district; and

(C) Proof of significant progress toward completion of the requirements as outlined in the CTE professional development plan as defined in OAR 584-042-0020 Definitions.

(b) Second Renewal: The applicant must submit:

(A) A C-1 application and renewal fees as defined by rule;

(B) A letter of support from the co-applicant district; and

(C) Proof of significant additional progress beyond the first renewal toward completion of the requirements as outlined in the CTE professional development plan as defined in OAR 584-042-0051 Professional Development Plan.

(c) Renewal under subsections 5(a) and 5(b) above are not subject to the 120-day grace period and must be submitted sufficiently in advance of the license expiration date to ensure continuity of licensure. Failure to submit a timely application is grounds for denial of a renewal pursuant to this subsection and may be grounds for discipline under OAR 584-020-0040.

(d) Failure to show significant progress is deemed to be an incomplete application for renewal.

(e) The Executive Director may grant an Emergency Teaching License upon failure to show progress if the circumstances preventing completion of progress are exceptional and extenuating. In such cases, the Emergency Teaching License may be issued following submission of a C-1 application, C-3 from the district, the appropriate full fee, and a complete description of the circumstances creating the emergency for an Emergency Teaching License. If issued, the Emergency Teaching License may be issued for the minimum period of time it takes to cure the renewal deficit. Any time extensions under this subsection will be deducted from the next renewal cycle.

(6) The Career and Technical Education I Teaching License is not renewable beyond three years. Holders of this license must finish their requirements for the CTE II Teaching License within three years from when the license is first issued, no exceptions. If the employment opportunity associated with first acquiring the license ceases, the license holder is encouraged to continue working toward completion of the CTE II Teaching License requirements.

(7) If the application and fee for the Career and Technical Education II Teaching License is received prior to the expiration of the Career and Technical Education I Teaching License, the license will remain valid for another 120 days following the expiration of the license.

(a) The applicant and co-applicant district must provide documentation that the requirements for the Career and Technical Education II Teaching License have been met prior to the expiration of the 120 days after the Career and Technical Education I Teaching License has expired to remain continuously licensed in this area.

(b) In the event the co-applicant district is unable to provide the documentation required in subsection (a) above, the ODE may certify that the applicant is qualified for the CTE II Teaching License.

(c) Applicants are encouraged to submit complete applications for the CTE II Teaching License at least 90 days prior to the expiration of the final CTE I Teaching License.

(8) In addition to the requirements for the CTE Professional Development Plan, the CTE licensee must meet all of the requirements for the CTE II Teaching License at the end of three years following the issuance of the CTE I.

Stat. Auth.: ORS 342

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

Hist.: TSPC 2-2010(Temp), f. & cert. ef. 3-5-10 thru 8-31-10; TSPC 6-2010, f. & cert. ef. 8-31-10; TSPC 2-2012, f. & cert. ef. 2-15-12; TSPC 6-2015(Temp), f. & cert. ef. 7-1-15 thru 12-27-15; TSPC 11-2015, f. 11-13-15, cert. ef. 1-1-16

584-042-0081
Career and Technical Education Restricted Substitute Teaching License

(1) Upon filing a correct and complete application in form and manner prescribed by the commission, a qualified applicant may be granted a Career and Technical Education Restricted Substitute Teaching License.

(a) This license, issued for three years and renewable, is valid to substitute teach for a total of 60 days a school year (September through June) in any Career and Technical Education endorsement area to replace a licensed CTE teacher in an ODE-approved Career and Technical Education program who is temporarily unable to work.

(b) The 60 days a year limit applies regardless if the holder of the license substitutes in multiple districts (which must co-apply with the applicant for the license).

(c) Districts who did not co-apply with the applicant may request permission to add the substitute to their district upon filing an additional application and fee.

(d) An assignment on this license may not exceed ten (10) days consecutively under any circumstances.

(e) This license is not eligible for substitute teaching in classrooms outside of ODE-approved CTE programs.

(2) To be eligible for a Career and Technical Education Restricted Substitute Teaching License, the applicant must:

(a) Submit evidence the applicant holds an associate's degree or higher from an accredited institution or an approved foreign equivalent, or obtain recommendation from the Oregon Department of Education for a waiver of the associate's degree (See OAR 584-042-0060 Waivers);

(b) Furnish fingerprints in the manner prescribed by the commission if the applicant has not been fingerprinted or has not held an active license issued by the commission in the past three years;

(c) Obtain a passing score on a commission-approved test of knowledge of U.S. and Oregon civil rights and professional ethics;

(d) Complete the appropriate Instructor Appraisal Committee evaluation as prescribed by ODE rule, be recommended for specific endorsements by the committee, and submit evidence of the following:

(A) Verification of a minimum of eighteen (18) quarter hours or twelve (12) semester hours of teacher preparation, in addition to three (3) quarter hours or two (2) semester hours each of math and language arts. (See required areas for preparation in OAR 584-042-0051 CTE Professional Development Plan.); and

(B) Verification of related work experience as specified by OAR 584-042-0070 Work Experience at a technical skill level within the last five years. (See required hours in OAR 584-042-0051 CTE Professional Development Plan.); and

(e) Provide a letter from the co-applicant district stating the need for the license.

(3) To be eligible for renewal of the Career and Technical Education Restricted Substitute Teaching License an applicant must file a correct and complete application in form and manner prescribed by the Commission.

(4) A district and co-applicant educator may apply for an Emergency Career and Technical Education Teaching License for the holder of a Career and Technical Education Restricted Substitute Teaching License if the district is unable to obtain a Career and Technical Education licensed teacher in any position in an ODE-approved Career and Technical Education program lasting more than three consecutive months.

(a) The Career and Technical Education Emergency Teaching License will allow the educator to teach for time beyond the allowed timelines stated in subsection (1) above.

(b) The Executive Director may approve the Career and Technical Education Emergency Teaching License upon proof of the district's emergency.

(5) A district and co-applicant educator who has held the CTE Restricted Substitute Teaching License may be eligible for and may apply for a Career and Technical Education I Teaching License for a position in an ODE-approved Career and Technical Education program related to the applicant's Career and Technical Education endorsement(s) without additional Instructor Appraisal Committee recommendations. Applicants interested in this option should contact ODE to check whether they are eligible to apply for a CTE I Teaching License through this avenue.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 – 342.430; 342.455 –342.496; 342.553
Hist.: TSPC 4-2010, f. & cert. ef. 7-15-10; TSPC 2-2012, f. & cert. ef. 2-15-12; TSPC 6-2015(Temp), f. & cert. ef. 7-1-15 thru 12-27-15; TSPC 11-2015, f. 11-13-15, cert. ef. 1-1-16

584-070-0012
Initial I School Counselor License

(1) Upon filing a correct and complete application in form and manner prescribed by the Commission, a qualified applicant may be granted an Initial I School Counselor License for three years plus time to the applicant's birthday.

(2) The Initial I School Counselor License is valid as designated for regular counseling at early childhood and elementary grade levels; at elementary and middle-level grade levels; or at middle and high school grade levels, or at all four levels.

(a) The license is also valid for substitute counseling at any level; and

(b) The license is also valid for substitute teaching at any level in any subject-matter area.

(3) To be eligible for an Initial I School Counselor License, an applicant must satisfy all of the following general preparation requirements:

(a) A master's or higher degree in counseling, education, or related behavioral sciences from a regionally accredited institution in the United States, or the foreign equivalent of such degree approved by the Commission and a bachelor's degree. 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;

(b) Admission to and completion of an Oregon or another U.S. jurisdiction, as part of the master's degree or separately, Commission-approved initial program in school counseling;

(c) Obtain a passing score on a Commission-adopted test of knowledge of U.S. and Oregon civil rights laws and professional ethics; and

(d) 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) The Initial I School Counselor License may be renewed two times for three years upon showing progress toward completion of the renewal requirements as described in OAR 584-070-0014 during the life of the Initial I School Counselor 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; and

(b) The educator must qualify for an Initial II School Counselor License upon expiration of nine years following the date the first Initial School Counselor License was issued; and

(c) If the Initial I School Counselor license was issued on the basis of an out-of-state nonprovisional license rather than completion of an Oregon-approved program; the educator must have completed any incomplete requirements in subsection (3) above.

(5) School counselor licenses are authorized for grade levels as follows: early childhood and elementary (ECE/ELE); or middle-level and high school (ML/HS).

(a) Early childhood and elementary authorization is valid up through grade eight in any school.

(b) Middle level and high school authorization is valid in grades five through twelve in any school.

(c) The Initial I School Counselor License is authorized for either two or four grade authorization levels on the basis of professional education, experience, previous licensure, and specialized academic course work verified by one of the following:

(A) Evidence verified by an Oregon-approved School Counseling Program; or

(B) An out-of-state non-provisional School Counselor License valid for all grade levels;

(6) On an Initial I School Counselor License authorized for only two levels, the remaining pair of levels can be added prior to attainment of the Initial II School Counselor or the Continuing School Counselor License. The remaining levels will be added upon acquisition of practical experience in one of two ways:

(a) A school counseling practicum of four (4) semester hours or six (6) quarter hours at either or both of the paired new grade authorization levels, entailing a minimum of 200 clock hours, in an institution approved to prepare for those grade authorization levels; or

(b) One academic year at either or both of the paired new grade authorization levels as permitted in subsection (7) below.

(7) A counselor authorized for only one of the paired grade authorization levels may counsel in the remaining unauthorized grade levels for a period of not more than three years while pursuing authorization at the other paired authorization grade levels upon request for a License for Conditional Assignment pursuant to OAR 584-210-0160.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 – 342.430; 342.455-342.495; 342.553

Hist.: TSPC 2-2007, f. & cert. ef. 4-23-07; TSPC 5-2008, f. & cert. ef. 6-13-08; TSPC 3-2009(Temp), f. & cert. ef. 5-15-09 thru 11-11-09; Administrative correction 11-19-09; TSPC 8-2009, f. & cert. ef. 12-15-09; TSPC 5-2013, f. & cert. ef. 11-14-13; TSPC 1-2014(Temp), f. & cert. ef. 3-15-14 thru 9-10-14; TSPC 5-2014, f. & cert. ef. 8-5-14; TSPC 6-2015(Temp), f. & cert. ef. 7-1-15 thru 12-27-15; TSPC 11-2015, f. 11-13-15, cert. ef. 1-1-16

584-070-0310
Limited Student Service License

(1) Upon filing a correct and complete application in form and manner prescribed by the Commission, a qualified applicant may be granted a Limited Student Service License. This license, issued for three years and renewable, is valid at any authorization level and designated for a specialized type of direct service to students for which the Commission at its discretion may not require a school counselor, school psychologist or school social worker license. It is not valid for substitute teaching of any kind.

(2) To be eligible for a Limited Student Service License the applicant must:

(a) Have 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, together with an equally valid master's degree or other specialized preparation related to the intended service role and ordinarily equivalent to one academic year of graduate study. Awarding of a higher degree in the arts and sciences or an advanced degree in the professions from a regionally accredited institution in the United States validates a non-regionally accredited bachelor's degree for licensure.

(b) Obtain a passing score on a Commission-approved test of knowledge of U.S. and Oregon civil rights and professional ethics; and

(c) Furnish fingerprints in the manner prescribed by the Commission and provide satisfactory responses to the character questions contained in the Commission's licensure application.

(3) The Limited Student Service License is restricted to use within a district that has applied for it jointly with the applicant, whose qualifications and job description are subject to Commission approval. Upon application, the co-applicant district must describe its particular need in relation to the co-applicant specialist's qualifications summarized on a submitted resume, agree to provide a mentor during the first year of the assignment, and attest that the role to be filled has been structured so as not to require a school counselor, school psychologist, or school social worker license.

(4) The holder of a Limited Student Service License shall use only the title specifically approved by the Commission and shall not use any unapproved title or imply any unapproved duties related to serving children. Titles such as "advisor" or "student service specialist" or "student assistance specialist" will more readily be approved. The following additional provisos apply:

(a) No holder of a limited student service license shall use a title containing words derived from "psychology" nor claim to be a psychologist or to render psychological services without obtaining a school psychologist license from the Commission unless licensed as a psychologist or psychologist associate by the Board of Psychologist Examiners. Under ORS 675.990(1)(b), a violation of this subsection is a Class A misdemeanor; and

(b) The Commission at its discretion may consider a title indicating a therapeutic student service role like counseling or social work, for a specialist who has a corresponding master's or doctor's degree, if the applicant is licensed by the Board of Licensed Professional Counselors and Therapists or the Board of Licensed Social Workers, respectively, and is demonstrably prevented from gaining admission to a graduate program in school counseling, school psychology or school social work.

(5) Renewal Requirements: To renew the Limited Student Service License, the applicant must:

(a) Complete professional development requirements in accordance with OAR 584, division 255; and

(b) Submit a complete and correct renewal application in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120—342.430; 342.455 - 342.495; 342.533
Hist.: TSPC 4-1999, f. & cert. ef. 8-2-99; TSPC 9-1999, f. & cert. ef. 11-22-99; TSPC 7-2008, f. & cert. ef. 8-20-08; TSPC 3-2009(Temp), f. & cert. ef. 5-15-09 thru 11-11-09; Administrative correction 11-19-09; TSPC 8-2009, f. & cert. ef. 12-15-09; TSPC 5-2010(Temp), f. & cert. ef. 8-13-10 thru 12-31-10; TSPC 9-2010, f. 12-15-10, cert. ef. 1-1-11; TSPC 1-2015, f. & cert. ef. 2-10-15; TSPC 6-2015(Temp), f. & cert. ef. 7-1-15 thru 12-27-15; TSPC 11-2015, f. 11-13-15, cert. ef. 1-1-16

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Rule Caption: Adopts rules related to teaching licensure redesign, including teaching licenses, professional development and endorsements.
Adm. Order No.: TSPC 12-2015
Filed with Sec. of State: 11-13-2015
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Subject: Adopts new rules related to teaching licenses, endorsements and professional development to implement new teaching license redesign.
Rules Coordinator: Victoria Chamberlain—(503) 378-6813

584-210-0010
Purpose of Oregon Teaching Licenses

(1) These rules establish a licensure structure that defines the requirements to teach in Oregon public schools pursuant to ORS 342.120 to 342.232.

(2) The grade levels of licensure align with developmental levels of students and provide assignment flexibility for the 21st Century Classroom. Allowing assignment across all grades in a pre-kindergarten through grade 12 teaching environment based on subject-matter expertise provides the best opportunity for implementation of personalized teaching and proficiency-based education models for Oregon students.

(3) The Commission's teaching licensure standards affirm the dignity and worth of all students and strive to ensure students from diverse economic, ability, cultural and ethnic backgrounds are provided all opportunities to achieve subject-matter proficiency for optimal college and career readiness.

(4) Oregon's licensure structure embraces and recognizes the value and worth of the professional educator. Professional teachers will direct their long-term career goals and choose the appropriate route to professional licensure.

(5) Oregon's licensure structure supports the growth and achievement of every Oregon 0-20 public school student. Honoring and celebrating the dignity and worth of our multicultural student population is a key centerpiece to Oregon's education enterprise and professional preparation.

(6) The preliminary and professional teaching licensure standards are based on the 2011 Interstate Teacher Assessment and Support Consortium Model Core Teaching standards.

(7) The Teacher Leader License is designed to recognize measured milestones in an accomplished professional educator's career, including but not limited to: National Board Certification, Teacher Leader development, Beginning Teacher Mentoring, advanced educational coursework and demonstration of advanced teaching proficiencies.

(8) Oregon's licensure regulations embrace the concept of interstate reciprocity and recognizes the value of previous competency, as reflected through another state's teaching preparation standards and non-provisional teaching licenses.

(9) Professional development is integral to the professional educator's career development. Professional development is required at all stages of professional licensure renewal.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.430, 342.455 - 342.495 & 342.553
Hist.: TSPC 12-2015, f. 11-13-15, cert. ef. 1-1-16

584-210-0020
Scope and Responsibilities of Teachers of Record

(1) A teacher of record performs one or more of the following tasks: plans instruction, establishes a classroom climate conducive to learning, implements plans for instruction, evaluates student achievement, and appropriately directs instructional assistants.

(2) Plans for Instruction. Examples of planning include, but are not limited to:

(a) Selects or writes learning goals that are based upon district objectives, Oregon Board of Education directives, and the physical, mental and emotional maturity of the students;

(b) Determines the current achievement level of each student with respect to the learning goals;

(c) Establishes objectives for a unit of instruction, formulates daily lessons and evaluates students' attainment of learning goals;

(d) Adapts appropriate unit and lesson plans for exceptional learners and for students from varying cultural, social, and linguistic backgrounds;

(e) Selects and organizes instructional materials and equipment for the units of instruction;

(f) Designs culturally responsive instructional activities for all students to achieve unit and lesson objectives; and

(g) Estimates the time required for direct instruction, students' practice and application, and evaluation of student learning.

(3) Establishes a classroom climate conducive to learning by all students. Examples of establishing conducive climate include, but are not limited to:

(a) Communicates classroom rules and behavioral expectations based upon the level of development of students and laws governing student rights and responsibilities;

(b) Applies principles of inclusivity, equity, racial justice, and least restrictive environment as appropriate for students;

(c) Recognizes the effects of the physical, social, and emotional climate of the students' homes, living arrangements and community on student motivation and behavior;

(d) Encourages appropriate behavior and provides meaningful reinforcement when it occurs;

(e) Monitors student conduct and takes appropriate action when misbehavior occurs, ensuring student safety and emotional well-being;

(f) Interacts thoughtfully, professionally and courteously with students, colleagues, and parents and resolves conflicts in an unbiased and equitable manner;

(g) Uses classroom time effectively to provide maximum time on learning tasks;

(h) Manages instructional transitions; and

(i) Coordinates the use of parent volunteers, student assistants, and other support personnel to achieve instructional objectives.

(4) Implements Plans for Instruction. Examples of instruction include, but are not limited to:

(a) Organizes students to engage in planned learning activities;

(b) Communicates learning outcomes to be achieved and focuses student interest on tasks to be accomplished;

(c) Provides instruction using a variety of instructional techniques to achieve planned objectives;

(d) Monitors the effectiveness of learning activities and modifies the pace and content of instruction as needed to achieve unit and lesson objectives; and

(e) Uses techniques that promote critical thinking and problem-solving and that encourage divergent as well as convergent thinking.

(5) Evaluates Student Achievement. Examples of evaluation include, but are not limited to:

(a) Selects and uses tests, observation, student interviews, and other formal and informal assessments to determine the extent to which each student has achieved the objectives of the lesson and unit of instruction;

(b) Grades and records students' progress, prepares anecdotal records, and reports achievement to students and parents;

(c) Summarizes the data on student achievement in relationship to instructional objectives;

(d) Uses data on student achievement to refine curriculum objectives and plan further instruction; and

(e) Documents teaching effectiveness through assembling and analyzing samples of students' work.

(6) Directs Instructional Assistants. Examples of directing instructional assistants include, but are not limited to:

(a) Delegates specific instructional tasks to be performed for individual students or groups of students, in accordance with the skills and abilities of each instructional assistant;

(b) Trains the assistant in the instructional tasks to be performed under the teacher's supervision;

(c) Supervises and assesses the performance of delegated instructional tasks and adjusts delegated tasks as necessary; and

(d) Assumes full accountability for effectiveness and safety of tasks delegated to instructional assistants.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.430, 342.455 - 342.495 & 342.553
Hist.: TSPC 12-2015, f. 11-13-15, cert. ef. 1-1-16

584-210-0030
Preliminary Teaching License

(1) Purpose of the License: The Preliminary Teaching License qualifies its holder to teach in prekindergarten through grade 12 Oregon public school districts, education service districts, and charter school assignments. The Preliminary Teaching License is issued to new teachers who have successfully completed a Commission-approved teacher preparation program or who have entered the state as a licensed beginning teacher. The Preliminary Teaching License signifies that the educator is a novice teacher who has not met the advanced competencies and experience requirements necessary to meet the qualifications of the Professional Teaching License.

(2) Term of Licensure: The Preliminary Teaching License is valid for three years and is renewable as provided in subsection (6) of this rule. The license may be renewed continuously until the applicant has met both the advanced competencies and experience requirements for the Professional Teaching License. The date of the first expiration of the license is three years from the date of issue plus time until the applicant's birthday.

(3) Assignment and Endorsement Authorization: The Preliminary Teaching License qualifies the teacher to accept:

(a) Any instructional assignment from prekindergarten through grade 12 within the scope of the subject-matter endorsement(s) on the Preliminary Teaching License. The scope of the endorsement shall be determined by the National Center for Educational Statistics (NCES) course codes associated with the endorsement as provided by the TSPC Licensure Guide; and

(b) Any substitute teaching assignments.

(4) Recency of Oregon Teacher Preparation: The Commission requires the applicant for the Preliminary Teaching License to have recent teacher preparation in accordance with the following provisions:

(a) If the applicant completed an Oregon-approved teacher preparation program within the six years preceding their first application for licensure, there are no additional recency requirements to qualify for the Preliminary Teaching License.

(b) If the applicant completed an Oregon-approved teacher preparation more than six years prior to their first application for licensure, the applicant must submit the following with the application:

(A) A recent passing score on the content test of knowledge for each endorsement the applicant is seeking to hold on their license. A passing score is recent if it has been obtained within the two years immediately preceding the application for licensure; and

(B) Evidence of completion of a pedagogy course. The pedagogy course must:

(i) Include the word pedagogy or methods in the course title;

(ii) Be at least three quarter hours or two semester hours;

(iii) Be related to the subject-matter endorsement area requested for the license;

(iv) Include official verification that the course was passed within the two years immediately preceding the application for the Preliminary Teaching License; and

(vi) Be verified by official sealed transcripts from a regionally accredited college or university.

(c) The Executive Director, or Director of Licensure, may accept alternative evidence of recent practice or professional development if the Executive Director, or Director of Licensure, determines the evidence sufficiently addresses the need for recent engagement in the content knowledge and pedagogy required for the Preliminary Teaching License.

(d) The recency requirements provided in this subsection do not apply to applicants moving from a Reciprocal Teaching License to a Preliminary Teaching License or qualified out-of-state licensed applicants moving directly to the Preliminary Teaching License.

(6) Out-of-state applicants: An out-of-state applicant may apply for the Preliminary Teaching License If the applicant:

(a) Holds a valid and active non-provisional teaching license from another National Association of State Directors of Teacher Education and Certification (NASDTEC) jurisdiction;

(b) Meets the requirements for the Preliminary Teaching License provided in this rule; and

(c) Meets the requirements for the Reciprocal Teaching License provided in OAR 584-210-0060.

(5) To be eligible to apply for a Preliminary 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;

(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 purposes;

(c)(A) Provide evidence of admission to and completion of an Oregon Preliminary Teaching License preparation program approved by the Commission;

(B) Provide evidence of completion of a teaching preparation program as provided in OAR 584-210-0060(8) (Reciprocal Teaching License) if applying from out-of-state;

(d) Obtain a passing score as currently specified by the Commission on each of one or more tests of subject mastery for subject-matter endorsement or otherwise complete endorsement requirements established by the Commission;

(e) Meet the recency of preparation requirements as provided in subsection (4) of this rule;

(f) Obtain a passing score on a Commission-approved test of knowledge of U.S. and Oregon civil rights laws and professional ethics;

(g) Complete a background clearance that includes furnishing fingerprints and providing satisfactory responses to character questions in the form and manner prescribed by the Commission; and

(h) Submit a complete and correct application in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.

(6) To be eligible to apply for renewal of the Preliminary Teaching License, an applicant must complete:

(a) 75 advanced professional development units as provided in OAR 584-200-0040 Professional Teaching License and OAR 584-255-0010 Professional Development Requirements; or

(b) 75 continuing professional development units as provided in OAR 584-255-0010 Professional Development Requirements.

(c) Submit a complete and correct renewal application in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.

(7) Upon qualifying for the advanced competencies and teaching experience requirements of the Professional Teaching License, an applicant will be promoted from the Preliminary Teaching License to the Professional Teaching License. Licensees may renew the Preliminary Teaching License until they have met all qualifications for the Professional Teaching License.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.430, 342.455 - 342.495 & 342.553
Hist.: TSPC 12-2015, f. 11-13-15, cert. ef. 1-1-16

584-210-0040
Professional Teaching License

(1) Purpose of the License: The Professional Teaching License is a license that qualifies its holder to teach in prekindergarten through grade 12 Oregon public school districts, education service districts, and charter school assignments. The Professional Teaching License signifies that the educator is an experienced teacher who has successfully demonstrated an advanced level of educator knowledge, skills and dispositions.

(2) Term of Licensure: The Professional Teaching License is valid for five years and is renewable as provided in subsection (8) of this rule. The date of the first expiration of the license is five years from the date of issue plus time until the applicant's birthday.

(3) Assignment and Endorsement Authorization: The Professional Teaching License qualifies the teacher to accept:

(a) Any instructional assignment from prekindergarten through grade 12 within the scope of the subject-matter endorsement(s) on the Professional Teaching License. The scope of the endorsement shall be determined by the National Center for Educational Statistics (NCES) course codes associated with the endorsement as provided by the TSPC Licensure Guide; and

(b) Any substitute teaching assignment.

(4) Pursuant to ORS 342.138, the Commission has approved the following advanced professional education programs to develop advanced level competencies required for promotion to the Professional Teaching License:

(a) Advanced Professional Development Program: The purpose of the Advanced Professional Development Program is to provide the individual teacher with the specific professional development needed to advance to a professional teacher level. The program is developed by the applicant in conjunction with the employing district and includes professional development specifically tailored to the performance goals of the novice teacher in accordance with ORS 342.815 to 342.856. To qualify as an Advanced Professional Development Program, the program must consist of:

(A) A teacher who holds the Preliminarily Teaching License and is employed in accordance with ORS 342.815 to 342.856; and

(B) A requirement to complete 150 advanced professional development units while holding a Preliminary Teaching License. To qualify as advanced professional development, the units must:

(i) Be completed in conjunction with the performance goals of the teacher established in accordance with ORS 342.815 to 342.856;

(ii) Be verified as advanced professional development by the employing district or charter school [Note: Districts and charter schools will verify the applicant completed the advanced professional development on the Professional Educator Experience Report (PEER) form]; and

(iii) Meet all other requirements provided in OAR 584-255-0010, Professional Development Requirements.

(b) Advanced Degree Programs: Admission to and completion of an education-related educational specialist, master's or doctoral degree program from a regionally-accredited provider;

(c) Endorsement Program: Admission to and completion of a Commission-approved subject-matter endorsement program;

(d) Specialization Program: Admission to and completion of a Commission-approved specialization program;

(e) Advanced Licensure: Admission to and completion of a Commission-approved advanced licensure program;

(f) National Board Certification: National Board of Professional Teaching Standards certification;

(g) Out-of-State Professional Certification: A professional certificate issued by the State of Washington or other equivalent out-of-state professional teaching licenses approved by the Commission; and

(h) Other acceptable advanced coursework or assessment approved by the Executive Director or the Director of Licensure as provided in OAR 584-200-0100 Waiver of Licensure Requirements by the Commission.

(5) All evidence of advanced professional education programs must be equal to at least 150 professional development units as calculated in OAR 584-255-0010(3) and must have been obtained by the applicant after the date of issuance of their first non-provisional teaching license in Oregon.

(6) Professional Teaching Experience Requirements: To qualify for the Professional Teaching License, an educator must obtain four full years of teaching experience subject to the following conditions:

(a) One full year of teaching experience is equal to 135 days of at least six hours per day of contracted classroom teaching within an academic year (July 1 to June 30). The full four years do not have to be earned consecutively.

(b) Substitute experience is not considered qualifying teaching experience under this subsection unless the educator is assigned to a single substitute assignment in accordance with subsection (6)(a) of this rule.

(c) The teaching experience must include direct instruction of students as provided in ORS 342.120 and must occur in one, or a combination of, the following employment settings:

(A) Public prekindergarten through grade 12 classroom;

(B) Private, regionally-accredited, prekindergarten through grade 12 classroom; or

(C) Alternative education, post-secondary or other similar teaching settings closely-related to prekindergarten through grade 12 classroom instruction as approved by the Director of Licensure.

(7) To be eligible to apply for a Professional 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;

(b) Meet or complete all requirements of the Preliminary, Initial I, Initial II, Basic, Continuing, Standard, or an equivalent teaching license issued previously by the Commission or issued by another National Association of State Directors of Teacher Education and Certification (NASDTEC) jurisdiction;

(c) Complete an advanced professional education program as provided in subsections (4) and (5) of this rule;

(d) Complete the teaching experience requirements as provided in subsection (6) of this rule;

(e) Complete a background clearance that includes furnishing fingerprints and providing satisfactory responses to character questions in the form and manner prescribed by the Commission; and

(f) Submit a complete and correct application in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.

(8) To be eligible to apply for renewal of the Professional Teaching License, the applicant must:

(a) Complete continuing professional development requirements as provided in OAR 584-255-0010 Professional Development Requirements and

(b) Submit a complete and correct renewal application in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.430, 342.455 - 342.495 & 342.553
Hist.: TSPC 12-2015, f. 11-13-15, cert. ef. 1-1-16

584-210-0050
Teacher Leader License

(1) Purpose of the License: The Teacher Leader is a professional teacher who contributes to the profession and larger community while consistently advancing student growth and achievement. The Teacher Leader License designates that the licensee is qualified to hold the title of Teacher Leader and to provide educational leadership that may include, but is not limited to: mentoring, curriculum development support, teacher preparation support and other leadership activities consistent with the Teacher Leader Standards adopted by the Commission.

(2) Teacher Leader Pilot Project: Effective July 1, 2015 the Commission commenced a two year pilot for implementation of this rule. The pilot is intended to gather sufficient information to ensure that future issuance of the license is based on an evaluation of evidence submitted and verified to be in alignment with the Teacher Leaders standards adopted by the Commission and statutory provisions adopted by the Oregon State Legislature. This rule is effective until June 30, 2017. Prior to this date, the Commission will adopt a revised Teacher Leader License rule based on the results of the pilot project.

(3) Term of Licensure: The Teacher Leader License is valid for five years and is renewable as provided in subsection (10) of this rule. The date of the first expiration of the license is five years from the date of issue plus time until the applicant's birthday.

(4) Assignment and Endorsement Authorization: The Teacher Leader License qualifies the teacher to accept:

(a) Any instructional assignment from preprimary through grade 12 within the scope of the subject-matter endorsements held on the Professional Teaching License;

(b) Any substitute teaching assignments; and

(c) Teacher leader activities, as agreed upon with any employing school district, as provided in subsection (1) of this rule.

(5) Evidence of Effectiveness: To be eligible to qualify for a Teacher Leader License, an applicant must be deemed to be effective or highly effective as provided in ORS 342.856. The applicant must:

(a) Must have two consecutive (employed) years of "effective" to "highly effective" evaluations within a summative evaluation cycle/s from an employing prekindergarten through grade 12 public school district, education service district or charter school while holding an Initial II, Continuing, Standard or Professional Teaching License.

(b) The evaluation evidence must include all summative evaluation rubrics completed during the summative evaluation cycles from which the evaluations in subsection 5(a) above are being submitted.

(c) The evaluations must have been completed within five years immediately preceding the application for the Teacher Leader license.

(d) "Effective" and "Highly Effective" equate to the top two differentiated levels established as provided in the Oregon Department of Education's "Oregon Matrix Model for Educator Evaluation." Similar evaluation terms may include, but are not limited to: proficient, exemplary, accomplished, or distinguished.

(6) Evidence of Current Professional Leadership Practices: To be eligible to qualify for a Teacher Leader License, an applicant must submit evidence of current professional leadership practices as provided in ORS 342.856.

(a) To submit an advanced portfolio of "current professional leadership practices" the evidence must:

(A) Align with the standards for the Teacher Leader License as provided in OAR 584-420-0040;

(B) Have occurred within the five years immediately prior to the application for the Teacher Leader License; and

(C) Meet the following criteria:

(i) The applicant must demonstrate through submitted documentation that they have fully met at least twelve (12) elements of the existing thirty-seven (37) elements under any of the seven (7) domains within the standards for the Teacher Leader License;

(ii) The evidence for each element submitted must be verified as valid by at least two professional colleagues, which may include coworkers, supervisors, or other professional peers; and

(iii) The evidence for each element submitted must be unique and separate. For example, an applicant may not reuse evidence from one element to support meeting another element.

(b) To submit National Board for Professional Teacher Standards Certification to demonstrate "current professional leadership practices" the evidence must:

(A) Show the national board certification occurred in the five years immediately prior to the application; and

(B) Documents how board certification and subsequent professional practice by the teacher meets at least twelve (12) elements of the existing thirty-seven (37) elements under any of the seven (7) domains within the standards for the Teacher Leader License.

(c) To submit admission to and completion of a Commission-approved teacher leader program to demonstrate "current professional leadership practices" evidence, the applicant must provide documentation that:

(A) The program was completed in the five years immediately prior to the application; and

(B) The completion of the Commission-approved teacher leader preparation program and subsequent professional practice by the teacher meets at least twelve (12) elements of the existing thirty-seven (37) elements under any of the seven (7) domains within the standards for the Teacher Leader License.

(7) To be eligible to apply for a Teacher Leader License, an applicant must:

(a) Possess the personal qualifications for licensure including attainment of at least eighteen (18) years of age and possessing good moral character and mental and physical health necessary for employment as an educator;

(b) Hold a valid Professional, Initial II, Continuing or Standard Teaching License;

(c) Have taught five full academic school years or more within the five years preceding application;

(d) Meet the "evidence of effectiveness" requirements as provided in subsection (5) of this rule;

(e) Meet the "evidence of current professional leadership practices" requirements as provided in subsection (6) of this rule;

(f) Submit the adopted Teacher Leader License rubric for evaluation, indicating the exact evidence the applicant is submitting to satisfy each of the elements they are fulfilling. There must be a clear indication on the evidence which of the elements the evidence is being submitted to support;

(g) If necessary, complete a background clearance that includes furnishing fingerprints and providing satisfactory responses to character questions in the form and manner prescribed by the Commission; and

(h) Submit a complete and correct application in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.

(8) All applications for the Teacher Leader License must be received in the TSPC office no later than one calendar month prior to the Commission meeting at which the applicant wishes to have their application evaluated.

(9) All current teaching licenses held prior the application for the Teacher Leader License will expire on the date the Teacher Leader License is issued regardless of the expiration date on the license.

(10) Renewal Requirements: To be eligible to apply for renewal of the Teacher Leader License, an applicant must:

(a) Provide documentation of ongoing teacher leader activities, including but not limited to, mentoring, curriculum development support, teacher preparation support and other educational leadership activities;

(b) Complete professional development units as provided in OAR 584-255-0010 Professional Development Requirements; and

(c) Submit a complete and correct renewal application in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.

(11) If an applicant does not meet the renewal requirements of subsection (10) of this rule or decides not to renew the Teacher Leader License, the applicant may apply for or will be issued a Professional Teaching License as provided in OAR 584-210-0040.

(12) Sunset Clause: This rule is effective until July 1, 2017.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120 - 342.430, 342.455 - 342.495 & 342.553
Hist.: TSPC 12-2015, f. 11-13-15, cert. ef. 1-1-16

584-210-0060
Reciprocal Teaching License

(1) Purpose of the License: The Reciprocal Teaching License is a license that qualifies its holder to teach prekindergarten through grade 12 Oregon public school district, education service districts, and charter school assignments. The Reciprocal Teaching License is issued to teachers who have completed an educator preparation program and hold an active and valid non-provisional initial or advanced teaching license in another National Association of State Directors of Teacher Education and Certification (NASDTEC) jurisdiction. The purpose of the Reciprocal Teaching License is to allow an out-of-state licensed teacher to transition smoothly into the Oregon licensure system based on the credentials they earned in the other jurisdiction.

(2) Out of State License Reciprocity: An out of state teaching license alone does not authorize a teacher to teach or work as a teacher in Oregon public schools. The out-of-state license is used only as a basis for qualifying for the Reciprocal Teaching License. The out-of-state licensed applicant must apply for and receive the Reciprocal Teaching License or another unrestricted teaching license for which the applicant qualifies prior to employment in any Oregon public school, charter school or education service district.

(3) Expired Out-of-State Teaching Licenses: If an applicant only has an expired teaching license from another NASDTEC jurisdiction, the applicant must first reinstate their license from the NASTDEC jurisdiction prior to qualifying for the Reciprocal Teaching License or any other non-provisional Oregon Teaching License.

(4) Fully qualified Out-of-State License Holders: If an applicant with a valid and active non-provisional out-of-state license fully qualifies for a Preliminary, Professional, Teacher Leader, Substitute or Legacy Teaching License, the applicant may bypass the Reciprocal Teaching License and apply immediately for the other license. In order to qualify for a non-provisional Oregon teaching license upon first application, the applicant must meet all of the requirements in subsections (8) and (9) of this rule.

(5) Term of Licensure: The Reciprocal Teaching License is valid for one year, is not renewable and expires one year from the date of issue. Upon expiration of the Reciprocal Teaching License, an applicant must qualify and apply for a Preliminary, Professional, Legacy, Substitute teaching license or a provisional teaching license as provided in subsection (9) of this rule.

(6) Assignment and Endorsement Authorization: The Reciprocal Teaching License qualifies the teacher to accept:

(a) Any instructional assignment from prekindergarten through grade 12 within the scope of the subject-matter endorsement(s) on the Reciprocal Teaching License. The scope of endorsements will be determined by the National Center for Educational Statistics (NCES) course codes associated with the endorsements as provided by the TSPC Licensure Guide; and

(b) Any substitute teaching assignments.

(7) Endorsements: Out-of-state applicants holding a valid and active non-provisional license issued by a NASDTEC jurisdiction will be granted endorsements on their new Oregon license based on their out-of-state license if a similar Commission-adopted endorsement exists.

(a) Endorsements not recognized by the Commission will not be added to the license.

(b) To maintain the endorsements when moving from the Reciprocal to the Preliminary or Professional teaching license, the applicant must provide acceptable evidence of content knowledge and pedagogy skills as provided in OAR 584-220-0015.

(8) To be eligible to apply for a Reciprocal Teaching License, an out-of-state applicant must:

(a) Have never held an Oregon educator license, Oregon charter school registration, or completed an Oregon educator preparation program;

(b) 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;

(c) 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. An education specialist degree, 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;

(d) Have completed a teacher preparation program from another National Association of State Directors of Teacher Education and Certification (NASDTEC) jurisdiction or a foreign program evaluated as satisfactory by the Commission. To meet the requirements of this subsection, an applicant must provide official sealed transcripts, verifying completion of the teacher education preparation program and evidence of the academic degrees held by the applicant. Completion of alternative route teaching programs resulting in licensure through school districts or other alternative routes are subject to the Executive Director's or Licensure Director's approval;

(e) Hold a valid and active non-provisional teaching license from another NASDTEC jurisdiction valid for unrestricted full time teaching assignments;

(f) Complete a background clearance that includes furnishing fingerprints and providing satisfactory responses to character questions in the form and manner prescribed by the Commission; and

(g) Submit a complete and correct application in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.

(9) Subsequent Licensure Requirements: Prior to the expiration of the Reciprocal Teaching License, an applicant must apply for and meet the requirements for a Preliminary, Professional or Legacy Teaching License in accordance with the following provisions:

(a) The applicant must qualify for a Commission-adopted endorsement by receiving a passing score as currently specified by the Commission on one or more of subject matter tests unless the applicant qualifies for reciprocity or waiver of subject matter tests as provided in OAR 584-220-0015; and

(b) The applicant must obtain a passing score on a Commission-approved test of knowledge of U.S. and Oregon civil rights laws and professional ethics.

(c) An Emergency Teaching License will not be issued if the holder of the Reciprocal Teaching License fails to meet the requirements of the Preliminary, Professional, or Legacy Teaching License or any Oregon non-provisional teaching license by the end of the one year term.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.430, 342.455 - 342.495 & 342.553
Hist.: TSPC 12-2015, f. 11-13-15, cert. ef. 1-1-16

584-210-0070
Legacy Teaching License

(1) Purpose of the License: The Legacy Teaching License is a license that qualifies its holder to teach in prekindergarten through grade 12 Oregon public school districts, education service districts, and charter school assignments. The Legacy Teaching License is issued to veteran teachers in order to recognize their long-term employment and experience in the public schools without obliging them to meet the advanced competency requirements of the Professional Teaching License.

(2) Assignment and Endorsement Authorization: The Legacy Teaching License qualifies the teacher to accept:

(a) Any instructional assignment prekindergarten through grade 12 within the scope of the subject-matter endorsement(s) on the Legacy Teaching License. The scope of the endorsement shall be determined by the National Center for Educational Statistics (NCES) course codes associated with the endorsement as provided by the TSPC Licensure Guide; and

(b) Any substitute teaching assignments.

(3) Term of Licensure: The Legacy Teaching License is valid for three years and is continuously renewable as provided in subsection (5) of this rule. For applicants who qualify for the license from out of state, the date of the first expiration of the license is three years from the date of issue plus time until the applicant's birthday.

(4) To be eligible to apply for a Legacy 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;

(b) Hold a Basic teaching license issued prior to January 1, 1999 or a Five Year teaching license issued prior to January 1, 1965;

(c) Hold a teaching license issued by a National Association of State Directors of Teacher Education and Certification (NASDTEC) jurisdiction prior to January 1, 1999;

(d) Hold a Substitute Teaching License based upon a Basic or Standard Teaching License issued prior to January 1, 1999;

(e) If necessary, complete a background clearance that includes furnishing fingerprints and providing satisfactory responses to character questions in the form and manner prescribed by the Commission; and

(f) Submit a complete and correct application in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.

(5) Renewal Requirements: To be eligible to apply for renewal of the Legacy Teaching License, the applicant must:

(a) Complete professional development requirements as provided in OAR 584-255-0010 Professional Development Requirements; and

(b) Submit a complete and correct renewal application in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.430, 342.455 - 342.495 & 342.553
Hist.: TSPC 12-2015, f. 11-13-15, cert. ef. 1-1-16

584-210-0080
American Indian Languages Teaching License

(1) Purpose of the License: The American Indian Languages Teaching License is a license that qualifies its holder to teach prekindergarten through grade 12 Oregon public school district, education service districts, and charter school assignments in the American Indian Language authorized by the license. The purpose of the American Indian Languages Teaching License is to provide the essential teaching of American Indian languages to American Indian children.

(2) Tribal Sponsorship: The American Indian Languages Teaching License requires sponsorship of a tribe, as provided in ORS 97.740, whose language will be taught. The sponsoring tribe must submit a letter that certifies that the applicant is qualified to teach the language of the tribe.

(3) Term of Licensure: The American Indian Languages Teaching License is valid for three years and is renewable as provided in subsection (7) of this rule. The date of the first expiration of the license is three years from the date of issue plus time until the applicant's birthday.

(4) Assignment and Endorsement Authorization: The American Indian Languages Teaching License qualifies the teacher to accept:

(a) Any instructional assignment from prekindergarten through grade 12 within the scope of the American Indian Language on the American Indian Languages Teaching License; and

(b) Substitute teaching assignments within the scope of American Indian Language on the American Indian Languages Teaching License.

(5) A holder of an American Indian Languages Teaching license who does not also have a teaching license or registration issued under ORS 342.125 may not teach any subject other than the American Indian language the holder approved to teach by the sponsoring tribe.

(6) To be eligible to apply for the American Indian Language Teaching License, the 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;

(b) Obtain a passing score on a Commission-approved test of knowledge of U.S. and Oregon civil rights and professional ethics;

(c) Complete a background clearance that includes furnishing fingerprints and providing satisfactory responses to character questions in the form and manner prescribed by the Commission; and

(d) Submit a complete and correct application in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.

(7) To be eligible to apply for renewal of the American Indian Language Teaching License, an applicant must:

(a) Submit a letter from the original sponsoring tribe verifying the educator's continued competency to teach the tribal language;

(b) Complete professional development as provided in Chapter 584, Division 255, Professional Development; and

(c) Submit a complete and correct renewal application in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.430, 342.455 - 342.495 & 342.553
Hist.: TSPC 12-2015, f. 11-13-15, cert. ef. 1-1-16

584-210-0090
International Visiting Teacher License

(1) Purpose of the License: The International Visiting Teaching License qualifies its holder to teach in a prekindergarten through grade 12 Oregon public school district, education service districts, and charter school assignments. The purpose of the International Visiting Teacher License is to provide up to a three-year cultural exchange of teachers and teaching strategies between Oregon and a participating country other than the United States.

(2) District Sponsorship: The International Visiting Teacher License requires district sponsorship. The sponsoring district must submit a letter:

(a) Specifying the grade level(s) and subject-matter endorsement area(s) the applicant has been hired to teach;

(b) Describing the district's plan for supervision of the teacher;

(c) Describing the district's plan to provide a mentor for the applicant. The plan must specifically identify the mentor;

(d) Assuring the Commission that the district will obtain the license for the educator prior to assignment within the district.

(e) Upon renewal of the International Visiting Teacher License, a district must provide a new letter of sponsorship that includes confirmation that:

(A) All assignments of the licensed teacher will remain within the scope the subject-matter endorsements on the license; and

(B) The plan for supervision and mentoring remains in place. The letter must update the name of the mentor if appropriate.

(3) Term of Licensure: The International Visiting Teacher License is valid for one year and is renewable up to two times in accordance with subsection (6) of this rule.

(4) Assignment and Endorsement Authorization: The International Visiting Teacher License qualifies the teacher to accept within the sponsoring district:

(a) Any instructional assignment from prekindergarten through grade 12 within the scope of the subject-matter endorsement(s) on the International Visiting Teaching License; and

(b) Substitute teaching assignments within the subject-matter endorsement areas authorized by the license.

(5) To be eligible to apply for the International Visiting Teacher License, the applicant must:

(a) Provide a letter from the sponsoring district in accordance with subsection (2) of this rule;

(b) Have not previously held any TSPC license;

(c) 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;

(d) Provide evidence that the applicant is not a resident of the United States and is working here under a J-1 Visa;

(e) Provide transcript evaluation or some other convincing evidence that the applicant holds the equivalent of a U.S. baccalaureate or higher degree and proof that the applicant has completed a professional teacher preparation program in their country. The transcript and other evidence submitted will be evaluated for subject-matter competency in the subject-area in which the license is being requested;

(f) Provide a copy of all the professional teaching credentials from a country other than the United States held by the applicant;

(g)(A) Provide evidence that the applicant has completed the equivalent of three full years (not less than 27 months) of teaching experience in the applicant's native country; or

(B) Provide proof of participation in the Cultural Exchange Program in a J-1 Visa status monitored by the Oregon Department of Education. Proof of participation must include verification from the Oregon Department of Education;

(h) Complete a background clearance that includes furnishing fingerprints and providing satisfactory responses to character questions in the form and manner prescribed by the Commission; and

(i) Submit a complete and correct application in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.

(6) To be eligible to apply for a one-year renewal of the International Visiting Teaching License, an applicant must submit:

(a) A PEER form verifying the applicant's assignment;

(b) A letter from the sponsoring district in accordance with subsection (2) of this rule; and

(c) A complete and correct renewal application in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.430, 342.455 - 342.495 & 342.553
Hist.: TSPC 12-2015, f. 11-13-15, cert. ef. 1-1-16

584-210-0100
Restricted Teaching License

(1) Purpose of the License: The Restricted Teaching License qualifies its holder to teach in a prekindergarten through grade 12 Oregon public school district, education service districts, and charter school assignments. The Restricted Teaching License is issued to persons who have at least a bachelor's degree and have substantial preparation in the subject matter endorsements on the license, but have not completed a teacher preparation

program. The recipient of the license is required to qualify for the Preliminary Teaching License within three years of the issuance of the Restricted Teaching License. The purpose of the Restricted Teaching License is to provide a school district with a licensed educator, on a restricted basis, if the school district demonstrates extenuating circumstances that merit the issuance of the restricted license in order to protect the district's programs or students.

(2) District Sponsorship: The Restricted Teaching License requires district sponsorship. The sponsoring district must submit a letter:

(a) Describing the extenuating circumstances preventing the district from hiring a teacher holding an unrestricted teaching license appropriate for the assignment and how the issuance of the restricted license will protect the district's programs or students;

(b) Explaining how the qualifications of the applicant will resolve the extenuating circumstances;

(c) Assuring the Commission that the district will obtain the license for the educator prior to assignment within the district;

(d) Describing the district's plan to provide a mentor for the teacher. The plan must specifically identify the mentor; and

(e) Describing the plan for how the teacher will make progress toward qualifying for non-provisional state licensure within the first term of the Restricted Teaching License.

(f) Upon application for a reissue of the Restricted Teaching License, a district must provide a new letter of sponsorship confirming that:

(A) The extenuating circumstances necessitating the Restricted Teaching License still exists;

(B) The applicant is still qualified and needed to remedy the situation;

(C) The plan for mentoring remains in place. The letter must update the name of the mentor, if appropriate; and

(D) The teacher is on track to meet the qualifications for the Preliminary Teaching License by the end of the final term (after second reissue) of the Restricted Teaching License.

(3) Terms of Licensure: The Restricted Teaching License is valid for one year and can be reissued up to two times for a total of three years (plus time to June 30 if needed) on the license. The license will expire on June 30 of the academic year following issuance of the license. Upon expiration of the final term (after second reissue) of the Restricted Teaching License, the educator must qualify for the Preliminary Teaching License.

(4) Assignment and Endorsement Authorization: The Restricted Teaching License qualifies the teacher to accept within the sponsoring district:

(a) Any instructional assignment from prekindergarten through grade 12 within the scope of the subject-matter endorsement(s) on the Restricted Teaching License; The scope of the endorsement shall be determined by the National Center for Educational Statistics (NCES) course codes associated with the endorsement as provided by the TSPC Licensure Guide; and

(b) Substitute teaching assignments within the subject-matter endorsement areas authorized by the license.

(5) To be eligible to apply for a Restricted Teaching License, the applicant must:

(a) Provide a letter from the sponsoring district in accordance with subsection (2) of this rule;

(b) Have never held any type of Restricted Teaching License;

(c) 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;

(d) Hold a bachelor's degree or higher from a regionally accredited institution or approved foreign equivalent. 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;

(e) Obtain a passing score on a Commission-approved test of knowledge of U.S. and Oregon civil rights and professional ethics;

(f) Show substantial preparation in the subject-matter area in which licensure is requested by submitting official sealed transcripts, and any other evidence required by the Commission, as proof of substantial completion of academic preparation or substantial work experience in the area in which the co-applicant educator is seeking licensure;

(g) Complete a background clearance that includes furnishing fingerprints and providing satisfactory responses to character questions in the form and manner prescribed by the Commission; and

(h) Submit a complete and correct application in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.

(6) Applicants who have failed to complete an Oregon program teacher preparation program are not eligible for the Restricted Teaching License under any circumstance.

(7) First Reissue: To be eligible to apply for the first reissue of a Restricted Teaching License, an applicant must submit:

(a) A letter from the sponsoring district in accordance with subsection (2) of this rule;

(b) Evidence of admission and enrollment, or pending enrollment, into a Commission-approved educator preparation program for licensure in the area in which the applicant is teaching;

(c) A complete and correct application in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.

(8) Second Reissue: To be eligible to apply for the second reissue a Restricted Teaching License, an applicant must submit:

(a) A letter from the sponsoring district in accordance with subsection (2) of this rule; and

(b) Evidence the educator has completed more than 50 percent of a Commission-approved educator preparation program to qualify for the Preliminary Teaching License requirements. The completion of more than 50 percent of the program must be verified by the educator preparation program in which the educator is enrolled; and

(c) A complete and correct application in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.

(9) Reissue Restrictions: The reissue of the Restricted Teaching License is subject to the following provisions:

(a) A Restricted Teaching License will expire on June 30 of the academic year in which the license was granted regardless of the term for licensure. Extending the license beyond the June 30 expiration date is at the discretion of the Executive Director after considering all extenuating circumstances.

(b) Reissue under these conditions is not subject to the 120-day grace period and must be submitted sufficiently in advance of the license expiration date to ensure continuity of licensure. Failure to submit a timely application is grounds for denial of a reissue pursuant to this subsection and may be grounds for discipline under OAR 584-020-0040 if the educator continues to teach without a valid license.

(c) The Executive Director may deny the application for reissue of the license upon failure to demonstrate progress in the licensure program needed for the Preliminary Teaching License.

(10) Upon expiration of the final term (after second reissue) of the Restricted Teaching License, recipients of this license must meet all the requirements of the Preliminary Teaching License.

(a) The educator may apply for the Preliminary Teaching License prior to the expiration of the final term of the Restricted Teaching License.

(b) If the educator does not meet the qualifications for the Preliminary Teaching License prior to the expiration of the final term of the Restricted Teaching License, the educator may apply for an Emergency Teaching License as provided in subsection (11) of this rule.

(11) Emergency Teaching License: When the Executive Director determines that extenuating circumstances have prevented the applicant from completing requirements for the Preliminary Teaching License within the required time, an extension for up to one year may be issued upon joint request from an educator and the sponsoring district.

(a) The Emergency Teaching License will be issued for the shortest amount of time needed to address the extenuating circumstances.

(b) The applicant must meet all the requirements for an Emergency Teaching License set forth in OAR 584-210-0130 and provide an explanation of the circumstances which make the request necessary. The sponsoring district must ensure the applicant will meet all requirements for the Preliminary Teaching License upon expiration of the Emergency Teaching License issued pursuant to this subsection.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.430, 342.455 - 342.495 & 342.553
Hist.: TSPC 12-2015, f. 11-13-15, cert. ef. 1-1-16

584-210-0110
Limited Teaching License

(1) Purpose of the License: The Limited Teaching License qualifies its holder to teach in a prekindergarten through grade 12 Oregon public school district, education service districts, and charter school assignments. The purpose of the Limited Teaching License is to provide a district with a licensed teacher for one or more highly specialized subjects of instruction for which the Commission does not issue a specific endorsement.

(2) District Sponsorship: The Limited Teaching License requires district sponsorship. The sponsoring district must submit a letter:

(a) Explaining the district's need for instruction in highly specialized subjects for which the Commission does not issue a specific endorsement;

(b) Describing how the applicant is qualified to teach the highly specialized subject;

(c) Assuring the Commission that the district will limit the assignment(s) of the applicant to the requested specialized subject;

(d) Upon renewal of the Limited Teaching License, the district must provide a new letter of sponsorship that confirms the applicant will continue to be assigned to the same highly specialized instruction areas.

(3) Term of Licensure: The Limited Teaching License is issued for three years and renewable as provided in subsection (7) of this rule.

(4) Assignment and Endorsement Authorization: The Limited Teaching License qualifies the teacher to accept within the sponsoring district:

(a) Any instructional assignment within the highly specialized subject-area authorized by the limited license; and

(b) Substitute teaching assignments only within the highly specialized subject-matter areas authorized by the limited license.

(5) Granting of License: The Executive Director has the authority to grant a Limited Teaching License for one or more discreet subjects within an established endorsement upon a showing of district need.

(6) To be eligible to apply for a Limited Teaching License, an applicant must:

(a) Provide a letter from the sponsoring district in accordance with subsection (2) of this rule;

(b)(A) Provide official sealed transcripts documenting an accredited associate's degree or its approved equivalent in objectively evaluated post-secondary education; or

(B) Provide evidence of experience related to the intended subject of instruction that is substantially equivalent to at least two years of post-secondary education;

(c) Obtain a passing score on a Commission-approved test of knowledge of U.S. and Oregon civil rights and professional ethics;

(d) Complete a background clearance that includes furnishing fingerprints and providing satisfactory responses to character questions in the form and manner prescribed by the Commission; and

(e) Submit a complete and correct application in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.

(7) To be eligible to apply for renewal of the Limited Teaching License, an applicant must:

(a) Provide a letter from the sponsoring district in accordance with subsection (2) of this rule;

(b) Complete professional development requirements as provided in OAR 584-255-0010 Professional Development Requirements; and

(c) Submit a complete and correct renewal application in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.430, 342.455 - 342.495 & 342.553
Hist.: TSPC 12-2015, f. 11-13-15, cert. ef. 1-1-16

584-210-0120
ESEA Alternative Route Teaching License

(1) Purpose of the License: The ESEA Alternative Route Teaching License is a license that permits a qualified individual to teach in Oregon prekindergarten through grade 12 Oregon public school district, education service districts, and charter school assignments with the restriction that the individual must obtain and maintain district sponsorship. The purpose of the ESEA Alternative Route Teaching License is to satisfy the federal requirements within the Elementary and Secondary Education Act related to "highly qualified" alternative routes to licensure. The recipient of the license is required to qualify for the Preliminary Teaching License within three years of the issuance of the ESEA Alternative Route Teaching License.

(2) District Sponsorship: The ESEA Alternative Route Teaching License requires district sponsorship. The sponsoring district must submit a letter:

(a) Describing how the teacher will receive high-quality professional development that is sustained, intensive and classroom-focused before and while teaching in the district;

(b) Describing the plan for how the teacher will make progress toward qualifying for a non-provisional state teaching license in the next three years;

(c) Assuring the Commission that the district has obtained the license prior to assignment within the district; and

(d) Acknowledging that if the teacher seeks to obtain another ESEA Alternative Route Teaching License with another district, the license with the new district is only valid for the remainder of the three years from the initial date of the first license issued as provided in this rule.

(3) Term of Licensure: The ESEA Alternative Route Teaching License is valid for three years from the date of issue and is not subject to the 120-day grace period. The license is not renewable and is not eligible for any extension.

(4) Assignment and Endorsement Authorization: The ESEA Alternative Route Teaching License qualifies the teacher to accept within the sponsoring district:

(a) Any instructional assignment within the highly qualified subject-area endorsement on the license. The scope of the endorsement shall be determined by the National Center for Educational Statistics (NCES) course codes associated with the endorsement as provided by the TSPC Licensure Guide; and

(b) Substitute teaching assignments only within the subject-matter endorsement areas authorized by the license.

(5) To be eligible to apply for an ESEA Alternative Route License, the applicant must:

(a) Provide a letter from the sponsoring district in accordance with subsection (2) of this rule;

(b) Hold a bachelor's degree or higher from a regionally accredited institution or approved foreign equivalent. 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;

(c) Obtain a passing score on a Commission-approved test of knowledge of U.S. and Oregon civil rights laws and professional ethics;

(d) Demonstrate core academic subject matter competency by:

(A) Obtaining a passing score as currently specified by the Commission on each of one or more tests of subject mastery for subject-matter endorsement or otherwise complete endorsement requirements established by the Commission;

(B) Holding an undergraduate major or coursework equivalent in the core academic subject area endorsement (does not apply to elementary multiple-subjects endorsement); or

(C) Holding a graduate degree in the core academic subject area endorsement (does not apply to elementary multiple-subjects endorsement).

(e) Complete a background clearance that includes furnishing fingerprints and providing satisfactory responses to character questions in the form and manner prescribed by the Commission; and

(f) Submit a complete and correct application in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.

(6) Per federal law:

(a) Teachers on the ESEA Alternative Route Teaching License are considered highly qualified for only three years; and

(b) The license is not renewable and is not eligible for any extension.

(7) Teachers who have taught on a Restricted Teaching License for one-year or less, upon application with a district may be eligible for the ESEA Alternative Route Teaching License provided the requirements of subsection (5) of this rule are met. The ESEA Alternative Route License will only be effective for three years from the date the Restricted Teaching License was first issued.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.430, 342.455 - 342.495 & 342.553
Hist.: TSPC 12-2015, f. 11-13-15, cert. ef. 1-1-16

584-210-0130
Emergency Teaching License

(1) Purpose of the License: An Emergency Teaching License qualifies its holder to teach in prekindergarten through grade 12 Oregon public school districts, education service districts, and charter school assignments. The Emergency Teaching License is issued to persons who demonstrated adequate qualifications to receive a teaching license on an emergency basis. The purpose of the Emergency Teaching License is to provide a school district with a licensed educator, on an emergency basis, if the school district demonstrates urgent circumstances that merit the issuance of the license in order to protect the district's programs or students. The Emergency Teaching License is designed for short-term licensure only and may not continue once the emergency situation has been remedied.

(2) District Sponsorship: The Emergency Teaching License requires district sponsorship. The sponsoring district must submit a letter:

(a) Explaining the urgent circumstances that constitute the emergency and how the qualifications of the applicant will resolve the emergency;

(b) Verifying the urgent circumstances that prevents hiring of a suitable teacher who holds an unrestricted teaching license appropriate for the assignment to be filled;

(c) Assuring the Commission that the district will obtain the license prior to assignment within the district; and

(d) Requesting and identifying the least amount of time necessary to meet the emergency needs of the district.

(3) Assignment Authorization: The Emergency Teaching License qualifies the teacher to accept within the sponsoring district any instructional assignment within the subject-area authorized by the emergency license. The scope of the endorsement shall be determined by the National Center for Educational Statistics (NCES) course codes associated with the endorsement as provided by the TSPC Licensure Guide.

(4) Granting of License: The Emergency Teaching License shall be issued solely at the discretion of the Executive Director, or the Director of Licensure, for any length of time deemed necessary to protect the district's programs or students.

(a) In most cases, an Emergency Teaching License will not exceed one year unless the educator or the district has presented unusual extenuating circumstances.

(b) The Executive Director, or the Director of Licensure may consider efforts the educator has made in meeting licensure requirements. Additionally, the Executive Director, or Director of Licensure, will consider academic preparation or experience the proposed educator has had in the area in which the district is requesting the license.

(c) Generally, failure to meet renewal requirements does not constitute an emergency or extenuating circumstances.

(d) In most cases, an Emergency Teaching License will expire on June 30 of the academic year in which the license was granted regardless of the term for licensure. Extending the license beyond the June 30 expiration date is at the discretion of the Executive Director after considering all extenuating circumstances.

(e) The Emergency Teaching License is not renewable and not subject to the 120 day grace period.

(f) It is the applicant's responsibility to apply for the subsequent license in a timely manner to ensure that the applicant remains properly licensed. The applicant must submit a new application, including all required fees, for the subsequent license.

(g) The following situations are not eligible for an Emergency Teaching License:

(A) Renewal applications within the 120 days grace period;

(B) New Oregon Applicants eligible for Fast-Track processing pursuant to OAR 584-010-0090; or

(C) Applications that include requests for Emergency Teaching Licenses due to the applicant's failure to meet renewal or upgrade requirements such as required coursework or professional development.

(5) To be eligible to apply for the Emergency Teaching License, an applicant must:

(a) Provide a letter from the sponsoring district in accordance with subsection (2) of this rule;

(b) Complete a background clearance that includes furnishing fingerprints and providing satisfactory responses to character questions in the form and manner prescribed by the Commission; and

(c) Submit a complete and correct application in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.

(d) An applicant may be asked to provide a resume, official transcripts or other evidence of qualifications if requested by the Executive Director.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.430, 342.455 - 342.495 & 342.553
Hist.: TSPC 12-2015, f. 11-13-15, cert. ef. 1-1-16

584-210-0140
Substitute Teaching License

(1) Purpose of the License: The Substitute Teaching License is a license that permits a qualified individual to substitute teach in a prekindergarten through grade 12 Oregon public school district, education service districts, and charter school assignments to replace a teacher who is temporarily unable to work.

(2) Term of Licensure: The Substitute Teaching License is valid for three years and may be renewed continuously as provided by subsection (6) of this rule. The date of the first expiration of the license is three years from the date of issue plus time to the applicant's birthday.

(3) Assignment Authorization: The Substitute Teaching License is valid for substitute teaching assignments in any Oregon school district, including education service districts. The length of the substitute teaching assignment is limited as follows:

(a) The length of any one assignment may not exceed one academic school year;

(b) If the length of any one assignment must exceed one academic school year, one of the following must occur:

(A) If the educator holding the Substitute Teaching License previously held a non-provisional license appropriate for the assignment, the previous license must be reinstated.

(B) If the educator holding the Substitute Teaching License did not previously hold a non-provisional license appropriate for the assignment, the applicant and sponsoring district may apply for an Emergency Teaching License as provided for in OAR 584-210-0130, Emergency Teaching License.

(i) The Executive Director may approve the Emergency Teaching License upon proof of the district's emergency and may only issue the license for the amount of time to cover the emergency.

(ii) The Emergency Teaching License may permit the educator to teach for time beyond the allowed timelines stated in subsection (3)(a) of this rule.

(iii) In all cases, the Emergency Teaching License may not extend beyond the end of the school year for which the Emergency Teaching License was issued.

(iv) Upon the expiration of the Emergency Teaching License as provided in this subsection, the applicant must qualify for a non-provisional teaching license with all required endorsements or may apply to reinstate the Substitute Teaching License if the educator is no longer working in a long-term assignment.

(4) Sanctions: The Commission may sanction the teacher or assigning administrator or both for failure to meet the following:

(a) The requirements for purpose of the Substitute Teaching License as provided in subsection (1) of this rule; or

(b) The requirements for length of assignment of the Substitute Teaching License as provided in subsection (3) of this rule.

(5) To be eligible to apply for a Substitute Teaching License, the 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;

(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;

(c) Provide documentation of one of the following:

(A) A valid and active non-provisional teaching license from another NASDTEC jurisdiction valid for unrestricted full time teaching assignments; or

(B) Admission to and completion of an Oregon teacher preparation program approved by the Commission that resulted in eligibility for a non-provisional Oregon teaching license;

(d) Obtain a passing score on a Commission-adopted test of knowledge of U.S. and Oregon civil rights and professional ethics;

(e) Complete a background clearance that includes furnishing fingerprints and providing satisfactory responses to character questions in the form and manner prescribed by the Commission; and

(f) Submit a complete and correct application in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.

(6) Renewal Requirements: To be eligible for renewal of the Substitute Teaching License, an applicant must submit a complete and correct application in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.

(7) Sunset Clause: This rule is effective until July 1, 2017. Prior to this date, the Commission must determine if the provisions of this rule related to long-term assignments and waiver of continuing professional development continue to be necessary to address substitute supply issues in Oregon.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.430, 342.455 - 342.495 & 342.553
Hist.: TSPC 12-2015, f. 11-13-15, cert. ef. 1-1-16

584-210-0150
Restricted Substitute Teaching License

(1) Purpose of the License: The Restricted Substitute Teaching License is a license that permits a qualified individual to substitute teach in prekindergarten through grade 12 Oregon public school district, education service districts, and charter school assignments with the restriction that the individual must obtain and maintain district sponsorship.

(2) District Sponsorship: The Restricted Substitute Teaching License requires district sponsorship. The sponsoring district must submit a letter:

(a) Explaining the district's need for the restricted substitute;

(b) Assuring the Commission that the district will obtain the license for the educator prior to assignment within the district;

(c) Upon renewal of the Restricted Teaching License, the sponsoring district must provide a new letter of sponsorship that confirms the continued need for the substitute.

(3) Assignment Authorization: The Restricted Substitute Teaching License is valid for substitute teaching assignments as follows:

(a) The Restricted Substitute Teaching License is valid for substitute teaching in any Oregon prekindergarten through grade 12 assignments to replace a teacher who is temporarily unable to work;

(b) The Restricted Substitute Teaching License is valid for substitute assignments in any Oregon school district, including education service districts; and

(c) Any single assignment on the Restricted Substitute Teaching License may not exceed 10 days consecutively under any circumstances.

(4) Term of Licensure: The Restricted Substitute Teaching License is valid in accordance wtih the following provisions:

(a) The first Restricted Substitute Teaching License is valid through June 30 of the school year for which it is issued. For applications received after January 1, the first Restricted Substitute Teaching License may be issued through June 30 of the following school year at the request of the applicant and sponsoring district;

(b) If the Restricted Substitute Teaching License is renewed with the same sponsoring district, the renewed Restricted Substitute Teaching License is valid for three years. The license will expire on June 30 of the third academic year following the issuance of the license. The Restricted Substitute Teaching License may be continuously renewed if the applicant maintains an active Restricted Substitute Teaching License with the original sponsoring district and meets the requirements of subsection (6) of this rule.

(c) If the Restricted Substitute Teaching License expires or the applicant obtains a new district sponsor, the applicant will be issued a first Restricted Substitute Teaching License as provided in subsection (4)(a) of this rule.

(5) To be eligible to apply for a Restricted Substitute Teaching License, an applicant must:

(a) Provide a letter from the sponsoring district in accordance with subsection (2) of this rule

(b) 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;

(c) Hold a bachelor's degree or higher from a regionally accredited institution or an approved foreign equivalent. Awarding of a higher degree in the arts and sciences or an advanced degree in the professions from a regionally accredited institution in the United States validates a non-regionally accredited bachelor's degree for licensure;

(d) Obtain a passing score on a Commission-approved test of knowledge of U.S. and Oregon civil rights and professional ethics;

(e) Complete a background clearance that includes furnishing fingerprints and providing satisfactory responses to character questions in the form and manner prescribed by the Commission; and

(f) Submit a complete and correct application in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.

(6) Renewal Requirements: To be eligible to apply for renewal of the Restricted Substitute Teaching License, an applicant must:

(a) Provide a letter from the original sponsoring district in accordance with subsection (2) of this rule; and

(b) Submit a complete and correct renewal application in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.

(7) Emergency Teaching License: A sponsoring district and co-applicant educator may apply for an Emergency Teaching License if the applicant has yet to obtain a passing score on the Commission-approved civil rights and ethics test. The Executive Director or Licensure Director may determine if the sponsoring district and applicant meet the requirements set forth in OAR 584-210-0130, Emergency Teaching License.

(8) Sunset Clause: This rule is effective until July 1, 2017. Prior to this date, the Commission must determine if the provisions of this rule related to assignments and waiver of continuing professional development continue to be necessary to address substitute supply issues in Oregon.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.430, 342.455 - 342.495 & 342.553
Hist.: TSPC 12-2015, f. 11-13-15, cert. ef. 1-1-16

584-210-0160
License for Conditional Assignment

(1) Purpose of License Conditional Assignment: An Oregon school district may request a License for Conditional Assignment (LCA) for any educator holding a Preliminary, Professional, Teacher Leader, Legacy or Reciprocal teaching license. The purpose of an LCA is to allow a school district to request misassignment for an educator to teach in an out-of-field subject-matter endorsement area for which the educator is not authorized to teach, while the educator completes requirements necessary either to add the subject-matter to the underlying license or to obtain a new license type.

(2) The LCA is required when teaching or working out-of-field under any of the following circumstances:

(a) Teaching assignments for more than 10 hours weekly in one subject-matter area without the appropriate subject-matter endorsement;

EXAMPLE: A physical education teacher without a health endorsement teaching health three periods of the day would require a LCA for health. If only teaching two periods a day; that would fall under the 10 hours per week threshold.

(b) Teaching in more than one unendorsed subject-matter endorsement area for any amount of time; or

EXAMPLE: If the physical education teacher above was teaching one period of health and one period of math; then an LCA would be required for both areas regardless of the 10 hours per week rule. The 10 hours per week rule applies to one subject only.

(c) Moving from one license to another.

EXAMPLE: A teacher moving to administration; an administrator moving to teaching (if the educator does not hold a valid teaching license); a teacher moving to school psychology.

(3) Term of License for Conditional Assignment: The LCA is a provisional license that provides temporary conditional approval to teach out-of-field under the following conditions:

(a) All LCAs will expire on June 30 following the date the LCA is issued;

(b) For endorsements that require only a test, experience or nine quarter hours or less of coursework, all endorsement requirements must be completed by June 30th following the date the LCA is issued;

(c) For endorsements requiring coursework exceeding nine quarter or six semester hours of coursework, the LCA will not exceed more than three academic years in total. The LCA for these endorsements will be issued as follows:

(A) The first LCA will expire on June 30th following the date the first LCA is issued;

(B) The second LCA will be reauthorized upon application by the educator and the school district upon evidence the educator has completed some coursework toward adding the endorsement and will expire on June 30th following the date the second LCA is issued;

(C) The third LCA will be reauthorized upon application by the educator and the school district and upon evidence the educator has substantially completed the coursework needed to add the endorsement or complete the new licensure program and will expire on June 30th following the date the third LCA is issued.

(4) The LCA will not be "back dated." Time spent on assignments where the district failed to request the LCA will be deducted from the allowable LCA total (either one year or three years).

(5) The LCA is not renewable and is not eligible for a 120 day grace period beyond its expiration date.

(6) The LCA is not a stand-alone or independent license. The underlying license must be kept current in order for the LCA to remain active. The LCA will not be issued for a duration that exceeds the expiration date of the underlying license. In cases where there is a lapse in the underlying license, the LCA may be re-activated for a time as determined by the Executive Director or Licensure Director upon reinstatement of the underlying license.

(7) The district applying for an LCA is assumed to have informed the educator for which the LCA is being requested. Failure to inform the educator may result in an invalid LCA upon a finding by the Commission that the educator did not grant the district permission to add the LCA to the educator's license.

(8) Licenses not eligible for an LCA include, but are not limited to the following provisional licenses:

(a) Any Restricted License;

(b) Limited Teaching License;

(c) American Indian Language;

(d) Teaching Associate License;

(e) Career and Technical Education Teaching License;

(f) ESEA Alternative Route License;

(g) Substitute Teaching License;

(h) Restricted Substitute Teaching License;

(i) Limited Student Services License;

(j) Exceptional Administrator License; or

(k) International Visiting Teaching License.

(9) Other Special LCA Limitations:

(a) An administrator, school counselor, or school psychologist who has never held a non-provisional teaching license in any state may not be issued an LCA to teach;

(b) Applicants seeking conditional assignment as an administrator must hold a master's degree educational specialist, or doctoral in education to be eligible for the LCA; [See, OAR 584-080-0153 Restricted Transitional Administrator License for other possible alternatives.]

(c) Applicants seeking conditional assignment in school counseling or school psychology must hold at least a bachelor's degree or master's, educational specialist, or doctoral degree in the respective field of counseling or psychology; and

(d) Applying educators must never have held any one of the following licenses or permits endorsed in the subject-matter area or licensure areas in which the educator is seeking to work out-of- field:

(A) Conditional assignment permit;

(B) Restricted Licenses;

(C) Transitional or out-of-state Initial Teaching License; or

(D) Out of state license in the out-of-field subject-area or grade-levels.

(10) The LCA is restricted to use within the district that has applied for it. A new district may request to transfer the LCA so long as there is time remaining since the date the LCA was first issued.

(11) A district must:

(a) Apply for an LCA by October 31 for the fall term; or thereafter, apply for the LCA within two weeks after the assignment has begun;

(b) Agree to provide professional assistance specific to the assignment for the educator during the first year of the conditional assignment; and

(c) Ensure that federal laws related to Highly Qualified Teachers are taken into account when applying for an LCA.

(12) After an LCA has expired, the educator must have completed all requirements necessary to add the appropriate endorsement or new licensure program in order to continue working in the area in which the educator held the LCA. Continuing to work in an out-of-field position on an expired LCA is a violation of licensure law and is unauthorized. In these cases, the license-holder or the assigning administrator or both may be subject to sanctions for gross neglect of duty by the Commission pursuant to OAR 584-020-0040(4).

Stat. Auth.: ORS 342

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

Hist.: TSPC 12-2015, f. 11-13-15, cert. ef. 1-1-16

584-210-0170

Atypical Assignments

(1) Atypical assignments are miscellaneous assignments that fall outside the currently established Commission endorsement areas and may be assigned to any licensed educator who has:

(a) A valid and active unrestricted non-provisional Oregon teaching license; and

(b) Any Commission-approved endorsement.

(2) Types of atypical assignments include but are not limited to:

(a) Discreet non-core academic assignments that do not fall within a Commission-approved endorsement area as provided in subsection (4) of this rule;

(b) Coaching assignments as provided in subsection (5) of this rule;

(c) Teachers on Special Assignment (TOSA) as provided in subsection (6) of this rule;

(d) Driver's Education Assignments as provided in subsection (7) of this rule;

(e) Public Alternative Education Assignments as provided in subsection (8) of this rule; or

(f) Public Charter Schools Assignments as provided in subsection (9) of this rule.

(3) Atypical assignments are subject to the following restrictions:

(a) Administrators and personnel service licensees who do not hold a teaching license may not be a teacher of record for atypical assignments as defined by this rule.

(b) Districts may not assign a licensed educator as the "Teacher of Record" for atypical assignments as defined by this rule unless the teacher of record is actively engaged in direct instruction of the students enrolled in the courses for which credit is granted. Failure to honor this provision may result in discipline related to the license pursuant to OAR 584-020-0040(4) Gross Neglect of Duty.

(c) Assignments in subjects which are a component of a broader endorsement require the broader endorsement or a Licensure for Conditional Assignment (See OAR 584-210-0160). Examples of component subject assignments include but are not limited to:

(A) Jazz band within music endorsement;

(B) Swimming assignment within physical education endorsement; and

(C) African History within Social Studies endorsement.

(4) Discreet, Non-core academic areas: Districts may assign an educator with a valid and active unrestricted teaching license with any endorsement to assignments in discreet, non-core academic areas that do not fall within any Commission-approved endorsement area. Discreet, non-core academic credit courses that meet the requirements of this subsection may include, but are not limited to:

(a) Computer education courses, including software programs;

(b) Personal finance;

(c) Outdoor education;

(d) World languages other than Chinese, French, German, Japanese, Latin, Russian, and Spanish;

(e) Study skills, essential skills, or tutoring;

(f) Talented and Gifted separate course offerings;

(g) Career and Technical Education (CTE) separate course offerings provided outside of a structured CTE program approved by the Oregon Department of Education pursuant to Chapter 581, Division 44;

(h) Observing occupations and related job duties such as supervising work study, work experience, or career education where credit is assigned;

(i) Photography;

(j) Leadership Class or Student Government; or

(k) SAT or ACT preparation, etc.

(5) Coaching Assignments: A district may assign an educator with a valid and active unrestricted teaching license with any endorsement to a coaching assignments. A coaching assignment requires a licensed educator if the coaching assignment:

(a) Occurs within the regular school day; and

(b) Involves any class time for which credit is obtained by the participating students.

(6) Teachers on Special Assignments (TOSA): A TOSA is defined as an assignment that involves leadership responsibilities, such as planning and development of curriculum, organization and maintenance of professional growth programs for licensed personnel, or improvement of instructional practices, but does not involve direct instruction.

(a) A district may assign an educator with a valid and active unrestricted teaching license with any endorsement to a teacher on special assignment (TOSA).

(b) A TOSA assignment is not valid to serve as an administrator if the duties include:

(A) Evaluation of licensed personnel;

(B) Discipline of licensed personnel; or

(C) Authorization of out-of-school suspension or expulsion of students.

(7) Driver's Education Assignments: A district may assign an educator with a valid and active unrestricted Oregon teaching license with any endorsement to a driver education assignment with the following restrictions:

(a) The educator must have the appropriate Oregon motor vehicle operator's license to serve as a driver education instructor for the classroom portion of the course.

(b) The educator who provides the behind-the-wheel portion of the course must meet requirements established by the Oregon Department of Transportation.

(8) Public Alternative Education Assignments: A district or school may assign any educator with a valid and active unrestricted Oregon license

with any endorsement to a public alternative education assignment as provided in ORS 336.615 to 336.675.

(9) Public Charter Schools Assignments: A public charter school assignment requires a valid and active unrestricted Oregon teaching license or valid and active charter school teaching registration with any endorsement subject to the following conditions:

(a) No person shall serve as a teacher as defined by ORS 342.120 and ORS 338.135 in a public charter school unless such person either holds a valid and active unrestricted Oregon license issued by TSPC or is registered with TSPC as a charter school teacher pursuant to ORS 338.135 in accordance with OAR 584-023-0005 and ORS 342.125(5);

(b) For non-virtual charter schools at least one-half of the total full-time equivalent (FTE) teaching and administrative staff at the public charter school must hold a Basic, Standard, Initial, Continuing, Preliminary, Professional or Teacher Leader teaching license issued by the Commission pursuant to ORS 338.135(7). For virtual charter schools, 95 percent of the teaching staff must hold a valid and active TSPC teaching license pursuant to 342.125 and the provisions of this subsection; and

(c) Licensed and registered charter school personnel may be assigned outside the scope of the endorsements on the license or registration without limitation. However, charter schools teachers are required to comply with the federal Elementary Secondary Education Act provisions related to "highly qualified teachers."

(10) Private Schools and Programs Assignments: A teaching license is not required to teach in a private regular or private alternative education program.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.430, 342.455 - 342.495 & 342.553
Hist.: TSPC 12-2015, f. 11-13-15, cert. ef. 1-1-16

584-210-0180
Online Teaching

(1) Any teacher employed by an Oregon school district to deliver an online course or program outside of the school district must hold a valid and active Oregon teaching license appropriate for the subject areas being taught.

(2) An out-of-state teacher employed by an Oregon public school district to deliver an online course or program in or outside of Oregon must provide verification satisfactory to the Commission that the teacher holds a valid and active non-provisional teaching license from any National Association of State Directors of Teacher Education and Certification (NASDTEC) jurisdiction appropriate for the grade level and subject matter of the online course or program.

(3) Any school district may contract with a post-secondary institution accredited by the Northwest Association of Colleges and Universities for online instruction in grades nine (9) through twelve (12) provided the provisions of ORS 342.173 have been met.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.430, 342.455 - 342.495 & 342.553
Hist.: TSPC 12-2015, f. 11-13-15, cert. ef. 1-1-16

584-210-0190
Reinstatement of Teaching Licenses

(1) Oregon teaching licenses may be reinstated upon application from the formerly licensed Oregon educator. The reinstatement must meet the Commission-adopted standards for reinstatement as provided in this rule.

(2) Initial and Initial I Teaching Licenses: Initial and Initial I Teaching Licenses may not be reinstated. Holders of these licenses must apply for reinstatement of the Preliminary Teaching License and must meet the requirements in subsection (9) of this rule.

(3) Initial II Teaching Licenses: Initial II Teaching Licenses may not be reinstated. Holders of these licenses must apply for reinstatement to the Preliminary Teaching License or Professional Teaching License and must meet the requirements in subsection (9) of this rule.

(4) Basic: Basic Teaching Licenses may not be in reinstated. Holders of these licenses must apply for reinstatement of the Professional, Preliminary, or Legacy Teaching License and must meet the requirements in subsection (9) of this rule.

(5) Standard, Continuing Teaching Licenses: Standard and Continuing Teaching Licenses may not be in reinstated. Holders of these licenses must apply for reinstatement of the Professional Teaching License and must meet the requirements in subsection (9) of this rule.

(6) Provisional Oregon Teaching Licenses: Most Oregon provisional teaching licenses may be reinstated upon payment of a reinstatement fee in addition to meeting the requirements for the license the applicant is seeking to reinstate in effect at the time of application.

(7) Teacher Leader: Teacher Leader licenses may not be reinstated. A holder of an expired Teacher Leader license may apply to reinstate a Professional or Legacy Teaching license. To obtain the Teacher Leader license after it has expired, the applicant may submit a new application for the Teacher Leader License.

(8) Only endorsements held on the previous expired license will be added to the reinstated license. If applicant wants to add new endorsements to their reinstated license, they must add the endorsement in accordance with Chapter 584, Division 220.

(9) To be eligible to apply for reinstatement of an Oregon Preliminary, Professional or Legacy Teaching License, an applicant must:

(a) Submit a complete and correct reinstatement application in the form and manner required by the Commission, including payment of the required reinstatement fee (which includes the application fee) as provided in OAR 584-200-0050; and

(b) Meet the renewal or advancement requirements that would have been required if the license had not lapsed. In addition, the applicant must submit proof of completion of 25 professional development units (PDUs) for each year the license as provided:

(A) Expired for less than one year: Must only meet the renewal or advancement requirements for the license.

(B) Expired for more than one year, but less than two years: Must meet the renewal or advancement requirements for the license plus 25 additional PDUs.

(C) Expired for more than two years but less than three years: Must meet the renewal or advancement requirements for the license plus 50 additional PDUs.

(D) Expired for more than three years but less than four years: Must meet the renewal or advancement requirements for the license plus 75 additional PDUs.

(E) Expired for more than four years but less than five years: Must meet the renewal or advancement requirements for the license plus 100 additional PDUs.

(F) Expired for more than five years but less than six years: Must meet the renewal or advancement requirements for the license plus 125 additional PDUs.

(G) Expired for more than six years: Must meet the renewal or advancement requirements for the license plus 150 additional PDUs.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.430, 342.455 - 342.495 & 342.553
Hist.: TSPC 12-2015, f. 11-13-15, cert. ef. 1-1-16

584-220-0010
Endorsement on Teaching Licenses: General Provisions

(1) Purpose of Teaching License Endorsements: The purpose of an endorsement on a teaching license is to indicate the subject areas (content knowledge) for which the educator is authorized to teach. New educators must meet the requirements for content and subject-specific pedagogical knowledge prior to receiving an endorsement. Experienced educators must meet the Commission-established requirements for content knowledge prior to receiving the endorsement. New endorsements may only be established through official Commission action at a meeting.

(2) Endorsements may be added to the following teaching licenses:

(a) Preliminary Teaching License;

(b) Professional Teaching License;

(c) Teacher Leader License; and

(d) Legacy Teaching License.

(3) Endorsements generally may not be added to the following teaching licenses, except as noted:

(a) American Indian Languages Teacher (May add another American Indian Language);

(b) ESEA Alternative Route Teaching (May add with testing);

(c) Reciprocal Teaching License;

(d) Restricted Teaching License;

(e) Emergency Teaching License;

(f) Limited Teaching License;

(g) Career and Technical Education Teaching License (May add Career and Technical Education endorsements);

(h) International Visiting Teaching License;

(i) Substitute Teaching License (Already valid to teach any subject); and

(j) Restricted Substitute Teaching License (Already valid to teach any subject);

(4) Scope of Endorsements: The scope of the endorsement shall be determined by the National Center for Educational Statistics (NCES) course codes associated with the endorsement as provided by the TSPC

Licensure Guide. An educator may only be assigned to teach courses within the scope of the endorsements on their license except as provided in OAR 584-210-0170, Atypical Assignments and OAR 584-210-0160, License on Conditional Assignment.

(5) Removing an Endorsement: An educator may request to remove an endorsement from their license. It is the responsibility of the educator to understand all employment issues related to the removal of the endorsement. To remove an endorsement from a license, an educator must submit a correct and complete application for removal of the endorsement in the manner and form required by the Commission, including all required fees as provided in OAR 584-200-0050. Once removed, the educator must meet all current endorsement requirements in order to add back the endorsement.

(6) The Commission approved general education endorsements for teaching licenses are:

(a) Advanced Mathematics;
(b) Agricultural Science;
(c) Art;
(d) Biology;
(e) Business: Generalist;
(f) Business: Marketing;
(g) Career Trades Generalist (formerly Technology Education);
(h) Chemistry;
(i) Drama;
(j) Elementary — Multiple Subjects (formerly Multiple Subjects Self-Contained);
(k) English Language Arts;
(l) English to Speakers of Other Languages (ESOL);
(m) Family and Consumer Studies;
(n) Foundational English Language Arts (formerly Middle School Language Arts);
(o) Foundational Mathematics (formerly Basic Math);
(p) Foundational Science (formerly Middle School Science);
(q) Foundational Social Studies (formerly Middle School Social Studies);
(r) Health;
(s) Integrated Science;
(t) Legacy Art;
(u) Legacy English to Speakers of Other Languages;
(v) Legacy Health;
(w) Legacy World Language;
(x) Legacy Family and Consumer Science;
(y) Legacy Career Trades Generalist Education;
(z) Legacy Library Media;
(aa) Legacy Music;
(bb) Legacy Physical Education;
(cc) Legacy Reading;
(dd) Legacy Five Year Elementary;
(ee) Legacy Five Year Secondary;
(ff) Library Media;
(gg) Music;
(hh) Physical Education;
(ii) Physics;
(jj) Reading Intervention (formerly Reading Specialist);
(kk) Social Studies;
(ll) Special Education: Generalist;
(mm) Special Education: Early Intervention;
(nn) Special Education: Deaf and Hard of Hearing;
(oo) Special Education: Vision Impaired;
(pp) Special Education: Communication Disorders;
(qq) Speech (Forensics);
(rr) World Language: Chinese;
(ss) World Language: French;
(tt) World Language: German;
(uu) World Language: Japanese;
(vv) World Language: Latin;
(ww) World Language: Russian; and
(xx) World Language: Spanish.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.430, 342.455 - 342.495 & 342.553
Hist.: TSPC 12-2015, f. 11-13-15, cert. ef. 1-1-16

584-220-0015
Evidence of Content Knowledge and Pedagogy Skills

(1) All applicants must provide evidence of content knowledge and pedagogy skills to in order have the endorsement on the license. Acceptable evidence of content knowledge and pedagogy skills includes:

(a) A passing score on Commission-approved subject matter licensure test;

(b) Completion of Commission-approved subject matter program or coursework; or

(c) Other evidence at the discretion of the Director of Licensure or designees.

(2) Validation of Subject-Matter Test: To verify a passing score on a Commission-approved subject-matter test, the applicant must provide:

(a) Either the original or an authentic facsimile paper score report;

(b) An electronic score report submitted directly to TSPC by the testing company that administers the test; or

(c) Other evidence documenting a passing score on a subject-matter test if compelling circumstances prohibit the applicant from providing an original score report.

(A) It is solely within the discretion of the Director of Licensure of designee to determine if the alternative documentation of the passing score is acceptable.

(B) The Director of Licensure may submit the evidence to the Commission if the Director determines the evidence requires Commission review.

(C) The Director of Licensure may require the applicant to produce authentic evidence of a passing score on any test the applicant wishes to submit for consideration for test waiver in accordance with subsection (4) of this rule.

(3) Acceptable Evidence of Endorsement Program or Coursework: If the Commission requires or accepts completion of a Commission-approved program or coursework to qualify for an endorsement, the applicant must submit verification of:

(a) Acceptance to and completion of the educator preparation program and official sealed transcripts (for Commission-approved programs); or

(b) Official sealed transcripts of the coursework (for Commission-approved coursework).

(4) The Commission may provide reciprocity for an out-of-state test if:

(a) The applicant provides evidence of a passing score on a subject-matter test approved by another National Association of State Directors of Teacher Education and Certification (NASDTEC) jurisdiction. The score report and evidence must demonstrate that the test and passing score is approved for licensure by the other jurisdiction in accordance with subsection (2) of this rule; and

(b) The Director of Licensure determines the content of the out-of-state test is more similar than not to the Oregon test.

(5) The Commission may provide a waiver of subject-matter testing requirements if the out-of-state applicant can provide evidence of:

(a) Academic preparation satisfactory to the Commission; and

(b) Five years of half-time or more teaching the specific subject matter while properly licensed and endorsed in the content area requested.

(A) The license must be valid for the assignment in a public school or regionally accredited private school in a National Association of State Directors of Teacher Education and Certification (NASDTEC) jurisdiction.

(B) Teaching experience submitted for waiver must have occurred prior to application for licensure in Oregon.

(C) Teaching experience without a valid license may count toward test waiver, at the discretion of the Director of Licensure.

(6) For situations not covered by the provisions of this rule, the Commission grants the Director of Licensure the discretion to determine whether test scores, licensure or experience submitted pursuant to this section meets the Commission's intent with regard to preventing redundancy in completing subject-matter testing requirements.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.430, 342.455 - 342.495 & 342.553
Hist.: TSPC 12-2015, f. 11-13-15, cert. ef. 1-1-16

584-220-0020
Advanced Mathematics

(1) Purpose: An Advanced Mathematics endorsement indicates that an educator is qualified to teach prekindergarten through grade 12 assignments in advanced mathematics as provided by the TSPC Licensure Guide for Advanced Mathematics.

(2) An Advanced Mathematics endorsement permits the holder to teach all levels of single subject mathematics, including foundational mathematics courses. (Foundational Mathematics courses are a subset of the full Advanced Mathematics endorsement.)

(3) An educator is not authorized to teach in the endorsed area unless and until the endorsement is officially added to the license, except as pro-

vided in as provided in OAR 584-210-0170, Atypical Assignments and 584-210-0160 License for Conditional Assignment.

(4) Adding to Preliminary Teaching License: To be eligible to add an Advanced Mathematics endorsement to an existing Preliminary Teaching License, an applicant must meet the following content and pedagogy requirements:

(a) Meet one of the following content knowledge requirements:

(A) Provide documentation of a passing score on the Commission-approved subject mastery test for Advanced Mathematics; or

(B) Complete Commission-approved advanced mathematics coursework of at least fifty-seven quarter or thirty-eight semester hours designed to develop competence in:

(i) Mathematical Processes and Number Sense:

(ii) Patterns, Algebra and Functions;

(iii) Measurement and Geometry;

(iv) Trigonometry and Calculus; and

(v) Statistics, Probability and Discreet Mathematics.

(C) At least fifty percent (50%) of the Advanced Mathematics coursework must have been completed within five years prior to the date of application for the endorsement.

(b) Meet one of the following Advanced Mathematics pedagogy requirements:

(A) Admission to and completion of a Commission-approved Advanced Mathematics preparation program as verified by the approved program in accordance with OAR 584-420-0300; or

(B) Complete an Advanced Mathematics pedagogy course of at least three quarter or two semester hours acceptable to the Commission. The course must include the word pedagogy or methods in the course title; or

(C) Complete a supervised Advanced Mathematics practicum in a public school setting. The practicum must include the following:

(i) A minimum of 60 clock hours of supervised teaching in an advanced mathematics assignment in a public school setting as verified by a school district Professional Educational Experience Report (PEER) form; and

(ii) An affidavit of satisfactory demonstration of the pedagogical skills required for the Advanced Mathematics endorsement from a supervising teacher holding a Professional, Teacher Leader or Legacy Teaching License with an Advanced Mathematics endorsement.

(iii) At the Executive Director's or Licensure Director's discretion, other Advanced Mathematics teaching experience such as teaching in at a post-secondary institution or in a private school setting may qualify to satisfy the practicum experience. In these settings, verification from the employer of satisfactory completion of the supervised teaching experience with at least 60 clock hours of Advanced Mathematics instruction is required to qualify as a suitable practicum to add the endorsement.

(c) Submit a complete and correct application to obtain the endorsement in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050. [Note: Adding the endorsement at the time of renewal will not require an additional cost to add the licensure renewal process.]

(5) Adding to Advanced Math to Other Licenses: To be eligible to add an Advanced Mathematics endorsement to a Professional, Teacher Leader or Legacy teaching license, an applicant must:

(a) Meet one of the following content knowledge requirements:

(A) Provide documentation of a passing score on the Commission-approved subject mastery test for Advanced Mathematics; or

(B) Complete Commission-approved advanced mathematics coursework of at least fifty-seven quarter or thirty-eight semester hours designed to develop competence in:

(i) Mathematical Processes and Number Sense:

(ii) Patterns, Algebra and Functions;

(iii) Measurement and Geometry;

(iv) Trigonometry and Calculus; and

(v) Statistic, Probability and Discreet Mathematics.

(C) At least fifty percent (50%) of the Advanced Mathematics coursework must have been completed within five years prior to the date of application for the endorsement.

(b) Submit a complete and correct application to obtain the endorsement in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.

Note: Adding the endorsement at the time of renewal will not require an additional cost to add the licensure renewal process.

Stat. Auth.: ORS 342

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

Hist.: TSPC 12-2015, f. 11-13-15, cert. ef. 1-1-16

584-220-0025

Agricultural Science

(1) Purpose: An Agricultural Science endorsement indicates that an educator is qualified to teach prekindergarten through grade 12 assignments in agricultural science as provided by the TSPC Licensure Guide for Agricultural Science.

(2) An educator is not authorized to teach in the endorsed area unless and until the endorsement is officially added to the license, except as provided in as provided in OAR 584-210-0170, Atypical Assignments and OAR 584-210-0160, License on Conditional Assignment.

(3) Adding to Preliminary Teaching License: An Agricultural Science endorsement may be added to an existing Preliminary Teaching license by demonstrating content knowledge and completing Agricultural Science pedagogy requirements as defined in this rule. To be eligible to add an Agricultural Science endorsement to an existing Preliminary Teaching License, an applicant must:

(a) Meet one of the following content knowledge requirements:

(A) Provide documentation of a passing score on the Commission-approved subject mastery test for Agricultural Science; or

(B) Complete Commission-approved coursework of at least sixty quarter or forty semester hours designed to develop competence in agriculture education, to include:

(i) Agribusiness management;

(ii) Agricultural mechanics;

(iii) Animal science;

(iv) Crop sciences;

(v) Soil science;

(vi) Horticulture; and

(vii) Program organization and administration, such as advisory committees, student organizations, and supervision of occupational experience.

(C) At least fifty percent (50%) of the Agricultural Science coursework must have been completed within five years prior to the date of application for the endorsement.

(b) Meet one of the following Agricultural Science pedagogy requirements:

(A) Admission to and Completion of a Commission-approved Agricultural Science preparation program; or

(B) Complete an Agricultural Science pedagogy course of at least three quarter or two semester hours acceptable to the Commission. The course must include the word pedagogy or methods in the course title; or

(C) Complete a supervised Agricultural Science practicum in a public school setting. The practicum must include the following:

(i) A minimum of 60 clock hours of supervised teaching in an Agricultural Science assignment in a public school setting as verified by a school district Professional Educational Experience Report (PEER) form; and

(ii) An affidavit of satisfactory demonstration of the pedagogical skills required for the Agricultural Science endorsement from a supervising teacher holding either a Professional, Teacher Leader or Legacy Teaching License with an Agricultural Science endorsement.

(iii) At the Executive Director's or Licensure Director's discretion, other Agricultural Science teaching experience such as teaching in at a post-secondary institution or in a private school setting may qualify to satisfy the practicum experience. In these settings, verification from the employer of satisfactory completion of the teaching experience with at least 60 clock hours of Agriculture instruction is required to qualify as a suitable practicum to add the endorsement.

(c) Submit a complete and correct application to obtain the endorsement in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050. [Note: Adding the endorsement at the time of renewal will not require an additional cost to add the licensure renewal process.]

(4) Adding Agriculture to Other Licenses: To be eligible to add an Agricultural Science endorsement to a Professional, Teacher Leader or Legacy teaching license, an applicant must:

(a) Meet one of the following content knowledge requirements:

(A) Provide documentation of a passing score on the Commission-approved subject mastery test for Agricultural Science; or

(B) Complete a Commission-approved Agricultural Science coursework of at least sixty quarter or forty semester hours designed to develop competence in agriculture education, to include:

(i) Agribusiness management;

(ii) Agricultural mechanics;

(iii) Animal science;

(iv) Crop sciences;

(v) Soil science;

(vi) Horticulture; and

(vii) Program organization and administration, such as advisory committees, student organizations, and supervision of occupational experience.

(C) At least fifty percent (50%) of the Agricultural Science coursework must have been completed within five years prior to the date of application for the endorsement.

(b) Submit a complete and correct application to obtain the endorsement in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.

Note: Adding the endorsement at the time of renewal will not require an additional cost to add the licensure renewal process.

Stat. Auth.: ORS 342

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

Hist.: TSPC 12-2015, f. 11-13-15, cert. ef. 1-1-16

584-220-0030

Art

(1) An Art endorsement indicates that an educator is qualified to teach prekindergarten to grade 12 Art assignments as provided by TSPC Licensure Guide for Art.

(2) An educator is not authorized to teach in the endorsed area unless and until the endorsement is officially added to the license, except as provided in OAR 584-210-0170, Atypical Assignments and OAR 584-210-0160, License on Conditional Assignment.

(3) Eligibility Requirements: To be eligible to add an Art endorsement to an existing Preliminary, Professional, Teacher Leader or Legacy teaching License, an applicant must:

(a) Be admitted to and complete a Commission-approved Art preparation program that meets the program standards pursuant to chapter 584, division 420; and

(b) Submit a complete and correct application to obtain the endorsement in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.

Note: Adding the endorsement at the time of renewal will not require an additional cost to add the licensure renewal process.

Stat. Auth.: ORS 342

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

Hist.: TSPC 12-2015, f. 11-13-15, cert. ef. 1-1-16

584-220-0035

Biology

(1) Purpose: A Biology endorsement indicates that an educator is qualified to teach prekindergarten through grade 12 assignments in Biology as provided by the TSPC Licensure Guide for Biology.

(2) An educator is not authorized to teach in the endorsed area unless and until the endorsement is officially added to the license, except as provided in OAR 584-210-0170 Atypical Assignments and OAR 584-210-0160 License for Conditional Assignment.

(3) Adding to Preliminary Teaching License: A Biology endorsement may be added to an existing Preliminary Teaching license by demonstrating content knowledge and completing Biology pedagogy requirements as defined in this rule. To be eligible to add a Biology endorsement to an existing Preliminary Teaching License, an applicant must:

(a) Meet one of the following content knowledge requirements:

(A) Provide documentation of a passing score on the Commission-approved subject mastery test for Biology; or

(B) Complete Commission-approved coursework of at least forty-five quarter or thirty semester hours designed to develop competency in Biology that includes:

(i) At least twenty-seven quarter or eighteen semester hours in biology science, including:

(I) Classical and molecular genetics;

(II) Evolution;

(III) General microbiology; and

(IV) Ecology; and

(ii) At least eighteen quarter or twelve semester hours in physical and earth science.

(C) At least fifty percent (50%) of the Biology coursework must have been completed within five years prior to the date of application for the endorsement.

(b) Meet one of the following Biology pedagogy requirements:

(A) Admission to and completion of a Commission-approved Biology preparation program; or

(B) Complete a Biology pedagogy course of at least three quarter or two semester hours acceptable to the Commission. The course must include the word pedagogy or methods in the course title; or

(C) Complete a supervised Biology practicum in a public school setting. The practicum must include the following:

(i) A minimum of 60 clock hours of supervised teaching in a Biology assignment in a public school setting as verified by a school district Professional Educational Experience Report (PEER) form; and

(ii) An affidavit of satisfactory demonstration of the pedagogical skills required for the Biology endorsement from a supervising teacher holding either a Professional, Teacher Leader, or Legacy Teaching License with a Biology endorsement.

(iii) At the Executive Director's or Licensure Director's discretion, other Biology teaching experience such as teaching in at a post-secondary institution or in a private school setting may qualify to satisfy the practicum experience. In these settings, verification from the employer of satisfactory completion of the teaching experience with at least 60 clock hours of Biology instruction is required to qualify as a suitable practicum to add the endorsement.

(c) Submit a complete and correct application to obtain the endorsement in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050. [Note: Adding the endorsement at the time of renewal will not require an additional cost to add the licensure renewal process.]

(4) Adding Biology to Other Licenses: To be eligible to add a Biology endorsement to a Professional, Teacher Leader or Legacy teaching license, an applicant must:

(a) Meet one of the following content knowledge requirements:

(A) Provide documentation of a passing score on the Commission-approved subject mastery test for Biology; or

(B) Complete Commission-approved coursework of at least forty-five quarter or thirty semester hours designed to develop competency in Biology that includes:

(i) At least twenty-seven quarter or eighteen semester hours in biology science, including:

(I) Classical and molecular genetics;

(II) Evolution;

(III) General microbiology; and

(IV) Ecology; and

(ii) At least eighteen quarter or twelve semester hours in physical and earth science,

(C) At least fifty percent (50%) of the Biology coursework must have been completed within five years prior to the date of application for the endorsement.

(b) Submit a complete and correct application to obtain the endorsement in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.

Note: Adding the endorsement at the time of renewal will not require an additional cost to add the licensure renewal process.

Stat. Auth.: ORS 342

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

Hist.: TSPC 12-2015, f. 11-13-15, cert. ef. 1-1-16

584-220-0040

Business: Generalist

(1) Purpose: A Business: Generalist endorsement indicates that an educator is qualified to teach prekindergarten through grade 12 assignments in General Business as provided by the TSPC Licensure Guide for Business: Generalist.

(2) An educator is not authorized to teach in the endorsed area unless and until the endorsement is officially added to the license, except as provided in OAR 584-210-0170 Atypical Assignments and OAR 584-210-0160 License for Conditional Assignment.

(3) Adding to Preliminary Teaching License: A Business: Generalist endorsement may be added to an existing Preliminary Teaching license by demonstrating content knowledge and completing Business: Generalist pedagogy requirements as defined in this rule. To be eligible to add a Business: Generalist endorsement to an existing Preliminary Teaching License, an applicant must:

(a) Meet one of the following content knowledge requirements:

(A) Provide documentation of a passing score on the Commission-approved subject mastery test for Business: Generalist; or

(B) Complete Commission-approved coursework of at least forty-eight quarter or thirty-two semester hours designed to develop competency in Business: Generalist that includes:

(i) Economics;

(ii) Business law;

(iii) Business communications;

(iv) Data and information processing;

(v) Accounting;

(vi) Keyboard operation;

(vii) Finance; and

(viii) Program organization and administration, such as advisory committees, student organizations, and supervision of occupational experience.

(C) At least fifty percent (50%) of the Business: Generalist coursework must have been completed within five years prior to the date of application for the endorsement.

(b) Meet one of the following Business: Generalist pedagogy requirements:

(A) Admission to and completion of a Commission-approved Business: Generalist preparation program; or

(B) Complete a Business: Generalist pedagogy course of at least three quarter or two semester hours acceptable to the Commission. The course must include the word pedagogy or methods in the course title; or

(C) Complete a supervised Business: Generalist practicum in a public school setting. The practicum must include the following:

(i) A minimum of 60 clock hours of supervised teaching in an Business: Generalist assignment in a public school setting as verified by a school district Professional Educational Experience Report (PEER) form; and

(ii) An affidavit of satisfactory demonstration of the pedagogical skills required for the Business: Generalist endorsement from a supervising teacher holding either a Professional, Teacher Leader or Legacy Teaching License with a Business: Generalist endorsement.

(iii) At the Executive Director's or Licensure Director's discretion, other Business: Generalist teaching experience such as teaching in at a post-secondary institution or in a private school setting may qualify to satisfy the practicum experience. In these settings, verification from the employer of satisfactory completion of the teaching experience with at least 60 clock hours of Business: Generalist instruction is required to qualify as a suitable practicum to add the endorsement.

(c) Submit a complete and correct application to obtain the endorsement in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050. [Note: Adding the endorsement at the time of renewal will not require an additional cost to add the licensure renewal process.]

(4) Adding Business: Generalist Endorsement to Other Licenses: To be eligible to add a Business: Generalist endorsement to a Professional, Teacher Leader or Legacy teaching license, an applicant must:

(a) Meet one of the following content knowledge requirements:

(A) Provide documentation of a passing score on the Commission-approved subject mastery test for Business: Generalist; or

(B) Complete Commission-approved coursework of at least forty-eight quarter or thirty-two semester hours designed to develop competency in Business: Generalist that includes:

(i) Economics;

(ii) Business law;

(iii) Business communications;

(iv) Data and information processing;

(v) Accounting;

(vi) Keyboard operation;

(vii) Finance; and

(viii) Program organization and administration, such as advisory committees, student organizations, and supervision of occupational experience.

(C) At least fifty percent (50%) of the Business: Generalist coursework must have been completed within five years prior to the date of application for the endorsement.

(b) Submit a complete and correct application to obtain the endorsement in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.

Note: Adding the endorsement at the time of renewal will not require an additional cost to add the licensure renewal process.

Stat. Auth.: ORS 342

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

Hist.: TSPC 12-2015, f. 11-13-15, cert. ef. 1-1-16

584-220-0045

Business: Marketing

(1) Purpose: A Business: Marketing endorsement indicates that an educator is qualified to teach prekindergarten through grade 12 assignments in Marketing as provided by the TSPC Licensure Guide for Business: Marketing.

(2) An educator is not authorized to teach in the endorsed area unless and until the endorsement is officially added to the license, except as provided in OAR 584-210-0170 Atypical Assignments and 584-210-0160 License for Conditional Assignment.

(3) Adding to Preliminary Teaching License: A Business: Marketing endorsement may be added to an existing Preliminary Teaching license by demonstrating content knowledge and completing Business: Marketing pedagogy requirements as defined in this rule. To be eligible to add a Business Marketing endorsement to an existing Preliminary Teaching License, an applicant must:

(a) Meet one of the following content knowledge requirements:

(A) Provide documentation of a passing score on the Commission-approved subject mastery test for Business: Marketing; or

(B) Complete Commission-approved coursework of at least forty-eight quarter or thirty two semester hours designed to develop competency in Business: Marketing that includes:

(i) Retail merchandising;

(ii) Marketing management;

(iii) Sales promotion;

(iv) Management and organizational behavior;

(v) Finance;

(vi) Accounting;

(vii) Economics;

(viii) Business law;

(ix) Business communications; and

(x) Program organization and administration, such as advisory committees, student organizations, and supervision of occupational experience. All or part of this credit may be granted by the preparing institution on the basis of formal evaluation of practical occupational experience or training.

(C) At least fifty percent (50%) of the Business: Marketing coursework must have been completed within five years prior to the date of application for the endorsement.

(b) Meet one of the following Business: Marketing pedagogy requirements:

(A) Admission to and Completion of a Commission-approved Business: Marketing preparation program; or

(B) Complete a Business: Marketing pedagogy course of at least three quarter or two semester hours acceptable to the Commission. The course must include the word pedagogy or methods in the course title; or

(C) Complete a supervised Business: Marketing practicum in a public school setting. The practicum must include the following:

(i) A minimum of 60 clock hours of supervised teaching in an Business: Marketing assignment in a public school setting as verified by a school district Professional Educational Experience Report (PEER) form; and

(ii) An affidavit of satisfactory demonstration of the pedagogical skills required for the Business: Marketing endorsement from a supervising teacher holding either a Professional, Teacher Leader or Legacy Teaching License with a Business: Marketing endorsement.

(iii) At the Executive Director's or Licensure Director's discretion, other Business: Marketing teaching experience such as teaching in at a post-secondary institution or in a private school setting may qualify to satisfy the practicum experience. In these settings, verification from the employer of satisfactory completion of the teaching experience with at least 60 clock hours of Business Marketing instruction is required to qualify as a suitable practicum to add the endorsement.

(c) Submit a complete and correct application to obtain the endorsement in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050. [Note: Adding the endorsement at the time of renewal will not require an additional cost to add the licensure renewal process.].

(4) Adding Business: Marketing to Other Licenses: To be eligible to add a Business: Marketing endorsement to a Professional, Teacher Leader or Legacy teaching license, an applicant must:

(a) Meet one of the following content knowledge requirements:

(A) Provide documentation of a passing score on the Commission-approved subject mastery test for Business: Marketing; or

(B) Complete Commission-approved coursework of at least forty-eight quarter or thirty-two semester hours designed to develop competency in Business: Marketing that includes:

(i) Retail merchandising;

(ii) Marketing management;

(iii) Sales promotion;

(iv) Management and organizational behavior;

(v) Finance;

(vi) Accounting;

(vii) Economics;

(viii) Business law;

(ix) Business communications; and

(x) Program organization and administration, such as advisory committees, student organizations, and supervision of occupational experience.

(C) At least fifty percent (50%) of the Business: Marketing coursework must have been completed within five years prior to the date of application for the endorsement.

(b) Submit a complete and correct application to obtain the endorsement in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.

Note: Adding the endorsement at the time of renewal will not require an additional cost to add the licensure renewal process.
Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.430, 342.455 - 342.495 & 342.553
Hist.: TSPC 12-2015, f. 11-13-15, cert. ef. 1-1-16

584-220-0050
Career Trades Generalist

(1) Purpose: A Career Trade Generalist endorsement indicates that an educator is qualified to teach prekindergarten through grade 12 assignments in Career Trade Generalist as provided by the TSPC Licensure Guide for Career Trade Generalist.

(2) An educator is not authorized to teach in the endorsed area unless and until the endorsement is officially added to the license, except as provided in OAR 584-210-0170 Atypical Assignments and OAR 584-210-0160 License for Conditional Assignment.

(3) Adding to Preliminary Teaching License: A Career Trade Generalist endorsement may be added to an existing Preliminary Teaching license by demonstrating content knowledge and completing Career Trade Generalist pedagogy requirements as defined in this rule. To be eligible to add a Career Trade Generalist endorsement to an existing Preliminary Teaching License, an applicant must:

(a) Provide documentation of a passing score on the Commission-approved subject mastery test for Career Trade Generalist; and

(b) Meet one of the following Career Trade Generalist pedagogy requirements:

(A) Admission to and completion of a Commission-approved Career Trade Generalist preparation program; or

(B) Complete a Career Trade Generalist pedagogy course of at least three quarter or two semester hours acceptable to the Commission. The course must include the word pedagogy or methods in the course title; or

(C) Complete a supervised Career Trade Generalist practicum in a public school setting. The practicum must include the following:

(i) A minimum of 60 clock hours of supervised teaching in an Career Trade Generalist assignment in a public school setting as verified by a school district Professional Educational Experience Report (PEER) form; and

(ii) An affidavit of satisfactory demonstration of the pedagogical skills required for the Career Trade Generalist endorsement from a supervising teacher holding either a Professional, Teacher Leader or Legacy Teaching License with a Career Trade Generalist endorsement.

(iii) At the Executive Director's or Licensure Director's discretion, other Career Trade Generalist teaching experience such as teaching in at a post-secondary institution or in a private school setting may qualify to satisfy the practicum experience. In these settings, verification from the employer of satisfactory completion of the teaching experience with at least 60 clock hours of Career Trade Generalist instruction is required to qualify as a suitable practicum to add the endorsement.

(c) Submit a complete and correct application to obtain the endorsement in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050. [Note: Adding the endorsement at the time of renewal will not require an additional cost to add the licensure renewal process.]

(4) Adding Career Trade Generalist Endorsement to Other Licenses: To be eligible to add a Career Trade Generalist endorsement to a Professional, Teacher Leader or Legacy teaching license, an applicant must:

(a) Provide documentation of a passing score on the Commission-approved subject mastery test for Career Trade Generalist; and

(b) Submit a complete and correct application to obtain the endorsement in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.

Note: Adding the endorsement at the time of renewal will not require an additional cost to add the licensure renewal process.
Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.430, 342.455 - 342.495 & 342.553
Hist.: TSPC 12-2015, f. 11-13-15, cert. ef. 1-1-16

584-220-0055
Chemistry

(1) Purpose: A Chemistry endorsement indicates that an educator is qualified to teach prekindergarten through grade 12 assignments in Chemistry as provided by the TSPC Licensure Guide for Chemistry.

(2) An educator is not authorized to teach in the endorsed area unless and until the endorsement is officially added to the license, except as provided in OAR 584-210-0170, Atypical Assignments and OAR 584-210-0160, License on Conditional Assignment.

(3) Adding to Preliminary Teaching License: A Chemistry endorsement may be added to an existing Preliminary Teaching license by demonstrating content knowledge and completing Chemistry pedagogy requirements as defined in this rule. To be eligible to add a Chemistry endorsement to an existing Preliminary Teaching License, an applicant must:

(a) Meet one of the following Chemistry content knowledge requirements:

(A) Provide documentation of a passing score on the Commission-approved subject mastery test for Chemistry; or

(B) Complete Commission-approved coursework of at least twenty seven quarter or eighteen semester hours designed to develop competency in Chemistry that includes organic and physical chemistry.

(C) At least fifty percent (50%) of the Chemistry coursework must have been completed within five years prior to the date of application for the endorsement.

(b) Meet one of the following Chemistry pedagogy requirements:

(A) Admission to and completion of a Commission-approved Chemistry preparation program; or

(B) Complete a Chemistry pedagogy course of at least three quarter or two semester hours acceptable to the Commission. The course must include the word pedagogy or methods in the course title; or

(C) Complete a supervised Chemistry practicum in a public school setting. The practicum must include the following:

(i) A minimum of 60 clock hours of supervised teaching in a Chemistry assignment in a public school setting as verified by a school district Professional Educational Experience Report (PEER) form; and

(ii) An affidavit of satisfactory demonstration of the pedagogical skills required for the Chemistry endorsement from a supervising teacher holding either a Professional, Teacher Leader or Legacy Teaching License with a Chemistry endorsement.

(iii) At the Executive Director's or Licensure Director's discretion, other Chemistry teaching experience such as teaching in at a post-secondary institution or in a private school setting may qualify to satisfy the practicum experience. In these settings, verification from the employer of satisfactory completion of the teaching experience with at least 60 clock hours of Chemistry instruction is required to qualify as a suitable practicum to add the endorsement.

(c) Submit a complete and correct application to obtain the endorsement in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050. [Note: Adding the endorsement at the time of renewal will not require an additional cost to add the licensure renewal process.]

(4) Adding Chemistry Endorsement to Other Licenses: To be eligible to add a Chemistry endorsement to a Professional, Teacher Leader or Legacy teaching license, an applicant must:

(a) Meet one of the following content knowledge requirements:

(A) Provide documentation of a passing score on the Commission-approved subject mastery test for Chemistry; or

(B) Complete Commission-approved coursework of at least twenty seven quarter or eighteen semester hours designed to develop competency in Chemistry that includes organic and physical chemistry.

(C) At least fifty percent (50%) of the Chemistry coursework must have been completed within five years prior to the date of application for the endorsement.

(b) Submit a complete and correct application to obtain the endorsement in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.

Note: Adding the endorsement at the time of renewal will not require an additional cost to add the licensure renewal process.
Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.430, 342.455 - 342.495 & 342.553
Hist.: TSPC 12-2015, f. 11-13-15, cert. ef. 1-1-16

584-210-0060
Drama

(1) A Drama endorsement indicates that an educator is qualified to teach prekindergarten to grade 12 Drama assignments as provided by TSPC Licensure Guide for Drama.

(2) An educator is not authorized to teach in the endorsed area unless and until the endorsement is officially added to the license, except as provided in OAR 584-210-0170, Atypical Assignments and OAR 584-210-0160, License on Conditional Assignment.

(3) Eligibility Requirements: To be eligible to add a Drama endorsement to an existing Preliminary, Professional, Teacher Leader or Legacy teaching License, an applicant must:

(a) Be admitted to and complete a Commission-approved Drama preparation program that meets the program standards pursuant to Chapter 584, Division 420; and

(b) Submit a complete and correct application to obtain the endorsement in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.

Note: Adding the endorsement at the time of renewal will not require an additional cost to add the licensure renewal process.
Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.430, 342.455 - 342.495 & 342.553
Hist.: TSPC 12-2015, f. 11-13-15, cert. ef. 1-1-16

584-220-0065
Elementary — Multiple Subjects

(1) Elementary-Multiple Subjects Endorsement: An Elementary-Multiple Subjects Endorsement signifies that an educator is qualified to teach prekindergarten through grade 12 assignments in Elementary-Multiple Subjects as provided by the TSPC Licensure Guide for Elementary-Multiple Subjects.

(2) An educator is not authorized to teach in the endorsed area unless and until the endorsement is officially added to the license, except as provided in OAR 584-210-0170, Atypical Assignments and OAR 584-210-0160, License on Conditional Assignment.

(3) Adding to an Elementary-Multiple Subjects Endorsement: To be eligible to add an Elementary-Multiple Subjects endorsement to an existing Preliminary, Professional or Teacher Leader, or Legacy Teaching license, an applicant must:

(a) Be admitted to and complete a Commission-approved Elementary-Multiple Subjects preparation program that meets the program standards pursuant to OAR 584-420-0200 Elementary Education: Multiple Subjects: Program Standards; and

(b) Submit a complete and correct application to obtain the endorsement in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.

Note: Adding the endorsement at the time of renewal will not require an additional cost to add the licensure renewal process.
Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.430, 342.455 - 342.495 & 342.553
Hist.: TSPC 12-2015, f. 11-13-15, cert. ef. 1-1-16

584-220-0070
English Language Arts

(1) Purpose: A English Language Arts endorsement indicates that an educator is qualified to teach prekindergarten through grade 12 assignments in English Language Arts as provided by the TSPC Licensure Guide for English Language Arts.

(2) An educator is not authorized to teach in the endorsed area unless and until the endorsement is officially added to the license, except as provided in OAR 584-210-0170, Atypical Assignments and OAR 584-210-0160, License on Conditional Assignment.

(3) Adding to Preliminary Teaching License: An English Language Arts endorsement may be added to an existing Preliminary Teaching license by demonstrating content knowledge and completing English Language Arts pedagogy requirements as defined in this rule. To be eligible to add an English Language Arts endorsement to an existing Preliminary Teaching License, an applicant must:

(a) Meet one of the following content knowledge requirements:

(A) Provide documentation of a passing score on the Commission-approved subject mastery test for English Language Arts; or

(B) Complete Commission-approved coursework of at least forty-five quarter or thirty semester hours designed to develop competency in English Language Arts that includes:

(i) American literature;
(ii) English literature;
(iii) World literature;
(iv) Advanced written expression;
(v) Oral expression; and
(vi) General and cultural linguistics.

(C) At least fifty percent (50%) of the English Language Arts coursework must have been completed within five years prior to the date of application for the endorsement.

(b) Meet one of the following English Language Arts pedagogy requirements:

(A) Admission to and completion of a Commission-approved English Language Arts preparation program; or

(B) Complete an English Language Arts pedagogy course of at least three quarter or two semester hours acceptable to the Commission. The course must include the word pedagogy or methods in the course title; or

(C) Complete a supervised English Language Arts practicum in a public school setting. The practicum must include the following:

(i) A minimum of 60 clock hours of supervised teaching in an English Language Arts assignment in a public school setting as verified by a school district Professional Educational Experience Report (PEER) form; and

(ii) An affidavit of satisfactory demonstration of the pedagogical skills required for the English Language Arts endorsement from a supervising teacher holding either a Professional, Teacher Leader or Legacy Teaching License with an English Language Arts endorsement.

(iii) At the Executive Director's or Licensure Director's discretion, other English Language Arts teaching experience such as teaching in at a post-secondary institution or in a private school setting may qualify to satisfy the practicum experience. In these settings, verification from the employer of satisfactory completion of the teaching experience with at least 60 clock hours of English Language Arts instruction is required to qualify as a suitable practicum to add the endorsement.

(c) Submit a complete and correct application to obtain the endorsement in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.

Note: Adding the endorsement at the time of renewal will not require an additional cost to add the licensure renewal process.

(4) Adding English Language Arts Endorsement to Other Licenses: To be eligible to add an English Language Arts endorsement to a Professional, Teacher Leader or Legacy teaching license, an applicant must:

(a) Meet one of the following content knowledge requirements:

(A) Provide documentation of a passing score on the Commission-approved subject mastery test for English Language Arts; or

(B) Complete Commission-approved coursework of at least forty-five quarter or thirty semester hours designed to develop competency in English Language Arts that includes:

(i) American literature;
(ii) English literature;
(iii) World literature;
(iv) Advanced written expression;
(v) Oral expression; and
(vi) General and cultural linguistics.

(C) At least fifty percent (50%) of the English Language Arts coursework must have been completed within five years prior to the date of application for the endorsement.

(b) Submit a complete and correct application to obtain the endorsement in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.

Note: Adding the endorsement at the time of renewal will not require an additional cost to add the licensure renewal process.
Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.430, 342.455 - 342.495 & 342.553
Hist.: TSPC 12-2015, f. 11-13-15, cert. ef. 1-1-16

584-220-0075
English to Speakers of Other Languages

(1) English to Speakers of Other Languages Endorsement: An English to Speakers of Other Languages Endorsement (ESOL) on a license indicates that the educator is licensed to teach prekindergarten through grade 12 assignments in ESOL as provided by the TSPC Licensure Guide for ESOL.

(2) An educator is not authorized to teach in the endorsed area unless and until the endorsement is officially added to the license, except as provided in OAR 584-210-0170, Atypical Assignments and OAR 584-210-0160, License on Conditional Assignment.

(3) Adding to an ESOL Endorsement: To be eligible to add an English to Speakers of Other Languages (ESOL) endorsement to an existing Preliminary, Professional or Teacher Leader, or Legacy Teaching license, an applicant must:

(a) Be admitted to and complete a Commission-approved ESOL program that meets the standards provided in OAR 584-420-0360 ESOL: Program Standards; and

(b) Submit a complete and correct application to obtain the endorsement in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.

Note: Adding the endorsement at the time of renewal will not require an additional cost to add the licensure renewal process.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.430, 342.455 - 342.495 & 342.553
Hist.: TSPC 12-2015, f. 11-13-15, cert. ef. 1-1-16

584-220-0080
Family and Consumer Studies

(1) Purpose: A Family and Consumer Studies endorsement indicates that an educator is qualified to teach prekindergarten through grade 12 assignments in Family and Consumer Studies as provided by the TSPC Licensure Guide for Family and Consumer Studies.

(2) An educator is not authorized to teach in the endorsed area unless and until the endorsement is officially added to the license, except as provided in OAR 584-210-0170, Atypical Assignments and OAR 584-210-0160, License on Conditional Assignment.

(3) Adding to Preliminary Teaching License: A Family and Consumer Studies endorsement may be added to an existing Preliminary Teaching license by demonstrating content knowledge and completing Family and Consumer Studies pedagogy requirements as defined in this rule. To be eligible to add a Family and Consumer Studies endorsement to an existing Preliminary Teaching License, an applicant must:

(a) Meet one of the following Family and Consumer Studies content knowledge requirements:

(A) Provide documentation of a passing score on the Commission-approved subject mastery test for Family and Consumer Studies; or

(B) Complete Commission-approved coursework of at least forty-eight quarter or thirty-two semester hours designed to develop competency in family and consumer studies that includes:

(i) Life-span development;

(ii) Clothing and textiles;

(iii) Family relationships;

(iv) Personal and family resource management;

(v) Foods and nutrition;

(vi) Housing; and

(vii) Program organization and administration, such as advisory committees, student organizations, and supervision of occupational experience.

(C) At least fifty percent (50%) of the Family and Consumer Studies coursework must have been completed within five years prior to the date of application for the endorsement.

(b) Meet one of the following Family and Consumer Studies pedagogy requirements:

(A) Admission to and completion of a Commission-approved Family and Consumer Studies preparation program; or

(B) Complete a Family and Consumer Studies pedagogy course of at least three quarter or two semester hours acceptable to the Commission. The course must include the word pedagogy or methods in the course title; or

(C) Complete a supervised Family and Consumer Studies practicum in a public school setting. The practicum must include the following:

(i) A minimum of 60 clock hours of supervised teaching in an Family and Consumer Studies assignment in a public school setting as verified by a school district Professional Educational Experience Report (PEER) form; and

(ii) An affidavit of satisfactory demonstration of the pedagogical skills required for the Family and Consumer Studies endorsement from a supervising teacher holding either a Professional, Teacher Leader or Legacy Teaching License with a Family and Consumer Studies endorsement.

(iii) At the Executive Director's or Licensure Director's discretion, other Family and Consumer Studies teaching experience such as teaching in at a post-secondary institution or in a private school setting may qualify to satisfy the practicum experience. In these settings, verification from the employer of satisfactory completion of the teaching experience with at least 60 clock hours of Family and Consumer Studies instruction is required to qualify as a suitable practicum to add the endorsement.(c) Submit a complete and correct application to obtain the endorsement in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.

Note: Adding the endorsement at the time of renewal will not require an additional cost to add the licensure renewal process.

(4) Adding Family and Consumer Studies Endorsement to Other Licenses: To be eligible to add a Family and Consumer Studies endorsement to a Professional, Teacher Leader or Legacy teaching license, an applicant must:

(a) Meet one of the following content knowledge requirements:

(A) Provide documentation of a passing score on the Commission-approved subject mastery test for Family and Consumer Studies;

(B) Complete Commission-approved coursework of at least forty-eight quarter or thirty-two semester hours designed to develop competency in Family and Consumer Studies that includes:

(i) Life-span development;

(ii) Clothing and textiles;

(iii) Family relationships;

(iv) Personal and family resource management;

(v) Foods and nutrition;

(vi) Housing; and

(vii) Program organization and administration, such as advisory committees, student organizations, and supervision of occupational experience.

(C) At least fifty percent (50%) of the Family and Consumer Studies coursework must have been completed within five years prior to the date of application for the endorsement.

(b) Submit a complete and correct application to obtain the endorsement in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.

Note: Adding the endorsement at the time of renewal will not require an additional cost to add the licensure renewal process.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.430, 342.455 - 342.495 & 342.553
Hist.: TSPC 12-2015, f. 11-13-15, cert. ef. 1-1-16

584-220-0085
Foundational English Language Arts

(1) Purpose: A Foundational English Language Arts endorsement indicates that an educator is qualified to teach prekindergarten through grade 12 assignments in Foundational English Language Arts as provided by the TSPC Licensure Guide for Foundational English Language Art.

(2) An educator is not authorized to teach in the endorsed area unless and until the endorsement is officially added to the license, except as provided in OAR 584-210-0170, Atypical Assignments and OAR 584-210-0160, License on Conditional Assignment.

(3) Adding to Preliminary Teaching License: A Foundational English Language Arts endorsement may be added to an existing Preliminary Teaching license by demonstrating content knowledge and completing Foundational English Language Arts pedagogy requirements as defined in this rule. To be eligible to add a Foundational English Language Arts endorsement to an existing Preliminary Teaching License, an applicant must:

(a) Provide documentation of a passing score on the Commission-approved subject mastery test for Foundational English Language Arts; and

(b) Meet one of the following Foundational English Language Arts pedagogy requirements:

(A) Admission to and completion of a Commission-approved Foundational English Language Arts preparation program; or

(B) Complete a Foundational English Language Arts pedagogy course of at least three quarter or two semester hours acceptable to the Commission. The course must include the word pedagogy or methods in the course title; or

(C) Complete a supervised Foundational English Language Arts practicum in a public school setting. The practicum must include the following:

(i) A minimum of 60 clock hours of supervised teaching in an Foundational English Language Arts assignment in a public school setting as verified by a school district Professional Educational Experience Report (PEER) form; and

(ii) An affidavit of satisfactory demonstration of the pedagogical skills required for the Foundational English Language Arts endorsement from a supervising teacher holding either a Professional, Teacher Leader or Legacy Teaching License with a Foundational English Language Arts endorsement.

(iii) At the Executive Director's or Licensure Director's discretion, other Foundational English Language Arts teaching experience such as teaching in at a post-secondary institution or in a private school setting may qualify to satisfy the practicum experience. In these settings, verification from the employer of satisfactory completion of the teaching experience with at least 60 clock hours of Foundational Language Arts instruction is required to qualify as a suitable practicum to add the endorsement.

(c) Submit a complete and correct application to obtain the endorsement in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.

Note: Adding the endorsement at the time of renewal will not require an additional cost to add the licensure renewal process.

(4) Adding Foundational English Language Arts Endorsement to Other Licenses: To be eligible to add a Foundational English Language Arts

endorsement to a Professional, Teacher Leader or Legacy teaching licenses teaching license, an applicant must:

(a) Provide documentation of a passing score on the Commission-approved subject mastery test for Foundational English Language Arts; and

(b) Submit a complete and correct application to obtain the endorsement in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.

Note: Adding the endorsement at the time of renewal will not require an additional cost to add the licensure renewal process.

Stat. Auth.: ORS 342

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

Hist.: TSPC 12-2015, f. 11-13-15, cert. ef. 1-1-16

584-220-0090

Foundational Mathematics

(1) Purpose: A Foundational Mathematics endorsement indicates that an educator is qualified to teach prekindergarten through grade 12 assignments in Foundational Mathematics as provided by the TSPC Licensure Guide for Foundational Mathematics.

(2) An educator is not authorized to teach in the endorsed area unless and until the endorsement is officially added to the license, except as provided in OAR 584-210-0170, Atypical Assignments and OAR 584-210-0160, License on Conditional Assignment.

(3) Adding to Preliminary Teaching License: A Foundational Mathematics endorsement may be added to an existing Preliminary Teaching license by demonstrating content knowledge and completing Foundational Mathematics pedagogy requirements as defined in this rule. To be eligible to add a Foundational Mathematics endorsement to an existing Preliminary Teaching License, an applicant must:

(a) Provide documentation of a passing score on the Commission-approved subject mastery test for Foundational Mathematics; and

(b) Meet one of the following Foundational Mathematics pedagogy requirements:

(A) Admission to and completion of a Commission-approved Foundational Mathematics preparation program; or

(B) Complete a Foundational Mathematics pedagogy course of at least three quarter or two semester hours acceptable to the Commission. The course must include the word pedagogy or methods in the course title; or

(C) Complete a supervised Foundational Mathematics practicum in a public school setting. The practicum must include the following:

(i) A minimum of 60 clock hours of supervised teaching in an Foundational Mathematics assignment in a public school setting as verified by a school district Professional Educational Experience Report (PEER) form; and

(ii) An affidavit of satisfactory demonstration of the pedagogical skills required for the Foundational Mathematics endorsement from a supervising teacher holding either a Professional, Teacher Leader or Legacy Teaching License with a Foundational Mathematics endorsement.

(iii) At the Executive Director's or Licensure Director's discretion, other Foundational Mathematics teaching experience such as teaching in at a post-secondary institution or in a private school setting may qualify to satisfy the practicum experience. In these settings, verification from the employer of satisfactory completion of the teaching experience with at least 60 clock hours of Foundational Mathematics instruction is required to qualify as a suitable practicum to add the endorsement.

(c) Submit a complete and correct application to obtain the endorsement in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.

Note: Adding the endorsement at the time of renewal will not require an additional cost to add the licensure renewal process.

(4) Adding Foundational Mathematics Endorsement to Other Licenses: To be eligible to add a Foundational Mathematics endorsement to a Professional, Teacher Leader or Legacy teaching license, an applicant must:

(a) Provide documentation of a passing score on the Commission-approved subject mastery test for Foundational Mathematics; and

(b) Submit a complete and correct application to obtain the endorsement in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.

Note: Adding the endorsement at the time of renewal will not require an additional cost to add the licensure renewal process.

Stat. Auth.: ORS 342

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

Hist.: TSPC 12-2015, f. 11-13-15, cert. ef. 1-1-16

584-220-0095

Foundational Science

(1) Purpose: A Foundational Science endorsement indicates that an educator is qualified to teach prekindergarten through grade 12 assignments in Foundational Science as provided by the TSPC Licensure Guide for Foundational Science.

(2) An educator is not authorized to teach in the endorsed area unless and until the endorsement is officially added to the license, except as provided in OAR 584-210-0170, Atypical Assignments and OAR 584-210-0160, License on Conditional Assignment.

(3) Adding to Preliminary Teaching License: A Foundational Science endorsement may be added to an existing Preliminary Teaching license by demonstrating content knowledge and completing Foundational Science pedagogy requirements as defined in this rule. To be eligible to add a Foundational Science endorsement to an existing Preliminary Teaching License, an applicant must:

(a) Provide documentation of a passing score on the Commission-approved subject mastery test for Foundational Science; and

(b) Meet one of the following Foundational Science pedagogy requirements:

(A) Admission to and completion of a Commission-approved Foundational Science preparation program; or

(B) Complete a Foundational Science pedagogy course of at least three quarter or two semester hours acceptable to the Commission. The course must include the word pedagogy or methods in the course title; or

(C) Complete a supervised Foundational Science practicum in a public school setting. The practicum must include the following:

(i) A minimum of 60 clock hours of supervised teaching in a Foundational Science assignment in a public school setting as verified by a school district Professional Educational Experience Report (PEER) form; and

(ii) An affidavit of satisfactory demonstration of the pedagogical skills required for the Foundational Science endorsement from a supervising teacher holding either a Professional, Teacher Leader or Legacy Teaching License with a Foundational Science endorsement.

(iii) At the Executive Director's or Licensure Director's discretion, other Foundational Science teaching experience such as teaching in at a post-secondary institution or in a private school setting may qualify to satisfy the practicum experience. In these settings, verification from the employer of satisfactory completion of the teaching experience with at least 60 clock hours of Foundational Science instruction is required to qualify as a suitable practicum to add the endorsement.

(c) Submit a complete and correct application to obtain the endorsement in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.

Note: Adding the endorsement at the time of renewal will not require an additional cost to add the licensure renewal process.

(4) Adding Foundational Science Endorsement to Other Licenses: To be eligible to add a Foundational Science endorsement to a Professional, Teacher Leader or Legacy teaching license, an applicant must:

(a) Provide documentation of a passing score on the Commission-approved subject mastery test for Foundational Science; and

(b) Submit a complete and correct application to obtain the endorsement in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.

Note: Adding the endorsement at the time of renewal will not require an additional cost to add the licensure renewal process.

Stat. Auth.: ORS 342

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

Hist.: TSPC 12-2015, f. 11-13-15, cert. ef. 1-1-16

584-220-0100

Foundational Social Studies

(1) Purpose: A Foundational Social Studies endorsement indicates that an educator is qualified to teach prekindergarten through grade 12 assignments in Foundational Social Studies as provided by the TSPC Licensure Guide for Foundational Social Studies.

(2) An educator is not authorized to teach in the endorsed area unless and until the endorsement is officially added to the license, except as provided in OAR 584-210-0170, Atypical Assignments and OAR 584-210-0160, License on Conditional Assignment.

(3) Adding to Preliminary Teaching License: A Foundational Social Studies endorsement may be added to an existing Preliminary Teaching license by demonstrating content knowledge and completing Foundational Social Studies pedagogy requirements as defined in this rule. To be eligible to add a Foundational Social Studies endorsement to an existing Preliminary Teaching License, an applicant must:

(a) Provide documentation of a passing score on the Commission-approved subject mastery test for Foundational Social Studies; and

(b) Meet one of the following Foundational Social Studies pedagogy requirements:

(A) Admission to and completion of a Commission-approved Foundational Social Studies preparation program as verified by the approved program in accordance with Chapter 584, Division 420; or

(B) Complete a Foundational Social Studies pedagogy course of at least three quarter or two semester hours acceptable to the Commission. The course must include the word pedagogy or methods in the course title; or

(C) Complete a supervised Foundational Social Studies practicum in a public school setting. The practicum must include the following:

(i) A minimum of 60 clock hours of supervised teaching in an Foundational Social Studies assignment in a public school setting as verified by a school district Professional Educational Experience Report (PEER) form; and

(ii) An affidavit of satisfactory demonstration of the pedagogical skills required for the Foundational Social Studies endorsement from a supervising teacher holding either a Professional, Teacher Leader or Legacy Teaching License with a Foundational Social Studies endorsement.

(iii) At the Executive Director's or Licensure Director's discretion, other Foundational Social Studies teaching experience such as teaching in at a post-secondary institution or in a private school setting may qualify to satisfy the practicum experience. In these settings, verification from the employer of satisfactory completion of the teaching experience with at least 60 clock hours of Foundational Social Studies instruction is required to qualify as a suitable practicum to add the endorsement.

(c) Submit a complete and correct application to obtain the endorsement in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.

Note: Adding the endorsement at the time of renewal will not require an additional cost to add the licensure renewal process.

(4) Adding Foundational Social Studies Endorsement to Other Licenses: To be eligible to add a Foundational Social Studies endorsement to a Professional, Teacher Leader or Legacy teaching license, an applicant must:

(a) Provide documentation of a passing score on the Commission-approved subject mastery test for Foundational Social Studies; and

(b) Submit a complete and correct application to obtain the endorsement in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.

Note: Adding the endorsement at the time of renewal will not require an additional cost to add the licensure renewal process.

Stat. Auth.: ORS 342

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

Hist.: TSPC 12-2015, f. 11-13-15, cert. ef. 1-1-16

584-220-0105
Health

(1) Purpose: A Health endorsement indicates that an educator is qualified to teach prekindergarten through grade 12 assignments in Health as provided by the TSPC Licensure Guide for Health.

(2) An educator is not authorized to teach in the endorsed area unless and until the endorsement is officially added to the license, except as provided in OAR 584-210-0170, Atypical Assignments and OAR 584-210-0160, License on Conditional Assignment.

(3) Adding to Preliminary Teaching License: A Health endorsement may be added to an existing Preliminary Teaching license by demonstrating content knowledge and completing Health pedagogy requirements as defined in this rule. To be eligible to add a Health endorsement to an existing Preliminary Teaching License, an applicant must:

(a) Meet one of the following Health content knowledge requirements:

(A) Provide documentation of a passing score on the Commission-approved subject mastery test for Health; or

(B) Complete Commission-approved coursework of at least forty-two quarter or twenty eight semester hours designed to develop competency in Health that includes:

(i) Personal health;

(ii) Environmental and consumer health;

(iii) Mental and social health;

(iv) Safe living and emergency care; and

(v) School health program.

(C) At least fifty percent (50%) of the Health coursework must have been completed within five years prior to the date of application for the endorsement.

(b) Meet one of the following Health pedagogy requirements:

(A) Admission to and completion of a Commission-approved Health preparation program; or

(B) Complete a Health pedagogy course of at least three quarter or two semester hours acceptable to the Commission. The course must include the word pedagogy or methods in the course title; or

(C) Complete a supervised Health practicum in a public school setting. The practicum must include the following:

(i) A minimum of 60 clock hours of supervised teaching in an Health assignment in a public school setting as verified by a school district Professional Educational Experience Report (PEER) form; and

(ii) An affidavit of satisfactory demonstration of the pedagogical skills required for the Health endorsement from a supervising teacher holding either a Professional, Teacher Leader or Legacy Teaching License with a Health endorsement.

(iii) At the Executive Director's or Licensure Director's discretion, other Health teaching experience such as teaching in at a post-secondary institution or in a private school setting may qualify to satisfy the practicum experience. In these settings, verification from the employer of satisfactory completion of the teaching experience with at least 60 clock hours of Health instruction is required to qualify as a suitable practicum to add the endorsement.

(c) Submit a complete and correct application to obtain the endorsement in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.

Note: Adding the endorsement at the time of renewal will not require an additional cost to add the licensure renewal process.

(4) Adding Health Endorsement to Other Licenses: To be eligible to add a Health endorsement to a Professional, Teacher Leader or Legacy teaching license, an applicant must:

(a) Meet one of the following content knowledge requirements:

(A) Provide documentation of a passing score on the Commission-approved subject mastery test for Health; or

(B) Complete Commission-approved coursework of at least forty-two quarter or twenty-eight semester hours designed to develop competency in Health that includes:

(i) Personal health;

(ii) Environmental and consumer health;

(iii) Mental and social health;

(iv) Safe living and emergency care; and

(v) School health program.

(C) At least fifty percent (50%) of the Health coursework must have been completed within five years prior to the date of application for the endorsement.

(b) Submit a complete and correct application to obtain the endorsement in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.

Note: Adding the endorsement at the time of renewal will not require an additional cost to add the licensure renewal process.

Stat. Auth.: ORS 342

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

Hist.: TSPC 12-2015, f. 11-13-15, cert. ef. 1-1-16

584-220-0110
Integrated Science

(1) Purpose: A Integrated Science endorsement indicates that an educator is qualified to teach prekindergarten through grade 12 assignments in Integrated Science as provided by the TSPC Licensure Guide for Integrated Science.

(2) An educator is not authorized to teach in the endorsed area unless and until the endorsement is officially added to the license, except as provided in OAR 584-210-0170, Atypical Assignments and 584-210-0160, License on Conditional Assignment.

(3) Adding to Preliminary Teaching License: An Integrated Science endorsement may be added to an existing Preliminary Teaching license by demonstrating content knowledge and completing Integrated Science pedagogy requirements as defined in this rule. To be eligible to add an Integrated Science endorsement to an existing Preliminary Teaching License, an applicant must:

(a) Meet one of the following Integrated Science content knowledge requirements:

(A) Provide documentation of a passing score on the Commission-approved subject mastery test for Integrated Science; or

(B) Complete Commission-approved coursework of at least forty-five quarter or thirty semester hours designed to develop competency in Integrated Science that includes:

(i) Astronomy;

(ii) Geology;
(iii) Meteorology;
(iv) Oceanography.
(I) Biology; and
(II) Chemistry or physics.
(C) At least fifty percent (50%) of the Integrated Science coursework must have been completed within five years prior to the date of application for the endorsement.
(b) Meet one of the following Integrated Science pedagogy requirements:
(A) Admission to and Completion of a Commission-approved Integrated Science preparation program; or
(B) Complete an Integrated Science pedagogy course of at least three quarter or two semester hours acceptable to the Commission. The course must include the word pedagogy or methods in the course title; or
(C) Complete a supervised Integrated Science practicum in a public school setting. The practicum must include the following:
(i) A minimum of 60 clock hours of supervised teaching in an Integrated Science assignment in a public school setting as verified by a school district Professional Educational Experience Report (PEER) form; and
(ii) An affidavit of satisfactory demonstration of the pedagogical skills required for the Integrated Science endorsement from a supervising teacher holding either a Professional, Teacher Leader or Legacy Teaching License with an Integrated Science endorsement.
(iii) At the Executive Director's or Licensure Director's discretion, other Integrated Science teaching experience such as teaching in at a post-secondary institution or in a private school setting may qualify to satisfy the practicum experience. In these settings, verification from the employer of satisfactory completion of the teaching experience with at least 60 clock hours of Integrated Science instruction is required to qualify as a suitable practicum to add the endorsement.
(c) Submit a complete and correct application to obtain the endorsement in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.
Note: Adding the endorsement at the time of renewal will not require an additional cost to add the licensure renewal process.
(4) Adding Integrated Science Endorsement to Other Licenses: To be eligible to add an Integrated Science endorsement to a Professional, Teacher Leader or Legacy teaching license, an applicant must:
(a) Meet one of the following content knowledge requirements:
(A) Complete Commission-approved coursework of at least forty-five quarter or thirty semester hours designed to develop competency in Integrated Science that includes:
(i) Astronomy;
(ii) Geology;
(iii) Meteorology;
(iv) Oceanography.
(I) Biology; and
(II) Chemistry or physics.
(B) At least fifty percent (50%) of the Integrated Science coursework must have been completed within five years prior to the date of application for the endorsement.
(b) Submit a complete and correct application to obtain the endorsement in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.
Note: Adding the endorsement at the time of renewal will not require an additional cost to add the licensure renewal process.
Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.430, 342.455 - 342.495 & 342.553
Hist.: TSPC 12-2015, f. 11-13-15, cert. ef. 1-1-16

584-220-0120
Legacy Teaching Endorsements
(1) Purpose: A Legacy teaching endorsement on a license indicates that the educator is eligible for prior-to secondary teaching assignments in prekindergarten through grade twelve as provided by the TSPC Licensure Guide for the specific legacy teaching endorsement provided in subsection (2) of this rule.
(2) The legacy teaching endorsements include the following endorsements:
(a) Legacy Art;
(b) Legacy English to Speakers of Other Languages;
(c) Legacy Health:
(d) Legacy World Language:
(e) Legacy Family and Consumer Science;
(f) Legacy Career Trades Generalist Education;
(g) Legacy Library Media;
(h) Legacy Music;
(i) Legacy Physical Education; and
(j) Legacy Reading.
(3) To be eligible to add a Legacy teaching endorsement to a Legacy, Preliminary, Professional or Teacher Leader Teaching license, an applicant must:
(a) Have held an Oregon Basic or Standard Teaching License prior to January 1, 2016 with a Basic Elementary or Standard Elementary endorsement;
(b) Have had four years of experience teaching the legacy endorsement's subject matter assignment as provided in subsection (2) of this rule in a prekindergarten through grade 8 environment obtained after January 1, 2011 and prior to January 1, 2016; and
(c) Submit a complete and correct application to obtain the endorsement in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.
Note: Adding the endorsement at the time of renewal will not require an additional cost to add the licensure renewal process.
(4)(a) If the educator held an Oregon Basic or Standard Teaching License with a Basic or Standard Elementary endorsement prior to January 1, 2016, but does not meet the employment requirements in subsection 3(b) of this rule, the educator may apply and be issued a Licensed for Conditional Assignment for the subject matter of the legacy endorsement to allow the educator time to meet qualifications for the non-legacy endorsement.
(b) Teaching assignments in accordance with the Basic or Standard Elementary endorsement may continue so long as the educator holds the Basic or Standard Elementary endorsement on their license. However, only experience obtained prior to January 2016 will count toward adding a Legacy Endorsement.
Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.430, 342.455 - 342.495 & 342.553
Hist.: TSPC 12-2015, f. 11-13-15, cert. ef. 1-1-16

584-220-0130
Legacy Five Year Elementary
(1) Purpose:
(a) A Legacy Five Year Elementary Endorsement on a license indicates that the educator is eligible for prior to secondary assignments in preprimary through grade twelve as provided by the TSPC Licensure Guide for the Elementary-Multiple Subjects teaching endorsement.
(b) A Legacy Five Year Elementary Endorsement is also valid to serve as a vice-principal or school counselor in an elementary, middle, or junior high school.
(c) These endorsements were issued prior to 1965 and are not included in the TSPC Licensure Guide.
(2) To be eligible to add a Legacy Five Year Elementary endorsement to a Legacy, Preliminary, Professional or Teacher Leader Teaching license, an applicant must:
(a) Have held an Oregon Five-Year Teaching License issued prior to January 1, 1965 with an Elementary endorsement; and
(b) Submit a complete and correct application to obtain the endorsement in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.
Note: Adding the endorsement at the time of renewal will not require an additional cost to add the licensure renewal process.
Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.430, 342.455 - 342.495 & 342.553
Hist.: TSPC 12-2015, f. 11-13-15, cert. ef. 1-1-16

584-220-0140
Legacy Five Year Secondary
(1) Purpose:
(a) A Legacy Five Year Secondary Endorsement on a license indicates that the educator is eligible for all secondary assignments in preprimary through grade twelve as provided by the TSPC Licensure Guide for any secondary single-subject endorsement.
(b) A Legacy Five Year Secondary Endorsement is also valid to serve as a vice-principal or school counselor in a middle, junior high or high school.
(c) These endorsements were issued prior to 1965 and are not included in the TSPC Licensure Guide.
(2) To be eligible to add a Legacy Five Year Secondary endorsement to a Legacy, Preliminary, Professional or Teacher Leader Teaching license, an applicant must:
(a) Have held an Oregon Five-Year Teaching License issued prior to January 1, 1965 with an Secondary endorsement; and

(b) Submit a complete and correct application to obtain the endorsement in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.

Note: Adding the endorsement at the time of renewal will not require an additional cost to add the licensure renewal process.
Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.430, 342.455 - 342.495 & 342.553
Hist.: TSPC 12-2015, f. 11-13-15, cert. ef. 1-1-16

584-220-0145
Library Media

(1) Purpose: A Library Media endorsement signifies that an educator is qualified to teach prekindergarten through grade 12 assignments in Library Media as provided by the TSPC Licensure Guide for Library Media.

(2) An educator is not authorized to teach in the endorsed area unless and until the endorsement is officially added to the license, except as provided in OAR 584-210-0170, Atypical Assignments and OAR 584-210-0160, License on Conditional Assignment.

(3) To be eligible to add a Library Media endorsement to an existing Preliminary, Professional, Teacher Leader or Legacy Teaching License, an applicant must:

(a) Be admitted to and complete a Commission-approved Library Media preparation program that meets the standards as provided in OAR 584-420-0415 Library Media Endorsement: Program Standards; and

(b) Submit a complete and correct application to obtain the endorsement in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.

Note: Adding the endorsement at the time of renewal will not require an additional cost to add the licensure renewal process.
Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.430, 342.455 - 342.495 & 342.553
Hist.: TSPC 12-2015, f. 11-13-15, cert. ef. 1-1-16

584-220-0150
Music

(1) Purpose: A music endorsement indicates that an educator is qualified to teach prekindergarten to grade 12 Music assignments as provided by TSPC Licensure Guide for Music.

(2) An educator is not authorized to teach in the endorsed area unless and until the endorsement is officially added to the license, except as provided in OAR 584-210-0170, Atypical Assignments and 584-210-0160, License on Conditional Assignment.

(3) Eligibility Requirements: To be eligible to add a Music endorsement to an existing Preliminary, Professional, Teacher Leader or Legacy teaching License, an applicant must:

(a) Be admitted to and complete a Commission-approved Music preparation program that meets the program standards pursuant to chapter 584, division 420;

(b) Submit a complete and correct application to obtain the endorsement in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.

Note: Adding the endorsement at the time of renewal will not require an additional cost to add the licensure renewal process.
Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.430, 342.455 - 342.495 & 342.553
Hist.: TSPC 12-2015, f. 11-13-15, cert. ef. 1-1-16

584-220-0155
Physical Education

(1) Purpose: A Physical Education endorsement indicates that an educator is qualified to teach prekindergarten to grade 12 Physical Education assignments as provided by TSPC Licensure Guide for Physical Education.

(2) An educator is not authorized to teach in the endorsed area unless and until the endorsement is officially added to the license, except as provided in OAR 584-210-0170, Atypical Assignments and OAR 584-210-0160, License on Conditional Assignment.

(3) Eligibility Requirements: To be eligible to add a Physical Education endorsement to an existing Preliminary, Professional, Teacher Leader or Legacy teaching License, an applicant must:

(a) Be admitted to and complete a Commission-approved Physical Education preparation program that meets the standards as provided in OAR 584-420-0425 Physical Education Endorsement: Program Standards; and

(b) Submit a complete and correct application to obtain the endorsement in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.

Note: Adding the endorsement at the time of renewal will not require an additional cost to add the licensure renewal process.
Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.430, 342.455 - 342.495 & 342.553
Hist.: TSPC 12-2015, f. 11-13-15, cert. ef. 1-1-16

584-220-0160
Physics

(1) Purpose: A Physics endorsement indicates that an educator is qualified to teach prekindergarten through grade 12 assignments in Physics as provided by the TSPC Licensure Guide for Physics.

(2) An educator is not authorized to teach in the endorsed area unless and until the endorsement is officially added to the license, except as provided in OAR 584-210-0170, Atypical Assignments and OAR 584-210-0160, License on Conditional Assignment.

(3) Adding to Preliminary Teaching License: An Physics endorsement may be added to an existing Preliminary Teaching license by demonstrating content knowledge and completing Physics pedagogy requirements as defined in this rule. To be eligible to add a Physics endorsement to an existing Preliminary Teaching License, an applicant must:

(a) Meet one of the following Physics content knowledge requirements:

(A) Provide documentation of a passing score on the Commission-approved subject mastery test for Physics; or

(B) Complete Commission-approved coursework of at least twenty-seven quarter or eighteen semester hours designed to develop competency in physics including advanced and modern physics.

(C) At least fifty percent (50%) of the Physics coursework must have been completed within five years prior to the date of application for the endorsement.

(b) Meet one of the following Physics pedagogy requirements:

(A) Admission to and completion of a Commission-approved Physics preparation program; or

(B) Complete a Physics pedagogy course of at least three quarter or two semester hours acceptable to the Commission. The course must include the word pedagogy or methods in the course title; or

(C) Complete a supervised Physics practicum in a public school setting. The practicum must include the following:

(i) A minimum of 60 clock hours of supervised teaching in an Physics assignment in a public school setting as verified by a school district Professional Educational Experience Report (PEER) form; and

(ii) An affidavit of satisfactory demonstration of the pedagogical skills required for the Physics endorsement from a supervising teacher holding either a Professional, Teacher Leader or Legacy Teaching License with a Physics endorsement.

(iii) At the Executive Director's or Licensure Director's discretion, other Physics teaching experience such as teaching in at a post-secondary institution or in a private school setting may qualify to satisfy the practicum experience. In these settings, verification from the employer of satisfactory completion of the teaching experience with at least 60 clock hours of Physics instruction is required to qualify as a suitable practicum to add the endorsement.

(c) Submit a complete and correct application to obtain the endorsement in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.

Note: Adding the endorsement at the time of renewal will not require an additional cost to add the licensure renewal process.

(4) Adding Physics Endorsement to Other Licenses: To be eligible to add a Physics endorsement to a Professional, Teacher Leader or Legacy teaching license, an applicant must:

(a) Meet one of the following content knowledge requirements:

(A) Provide documentation of a passing score on the Commission-approved subject mastery test for Physics; or

(B) Complete Commission-approved coursework of at least twenty-seven quarter or eighteen semester hours designed to develop competency in physics including advanced and modern physics.

(C) At least fifty percent (50%) of the Physics coursework must have been completed within five years prior to the date of application for the endorsement.

(b) Submit a complete and correct application to obtain the endorsement in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.

Note: Adding the endorsement at the time of renewal will not require an additional cost to add the licensure renewal process.
Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.430, 342.455 - 342.495 & 342.553
Hist.: TSPC 12-2015, f. 11-13-15, cert. ef. 1-1-16

584-220-0165
Reading Intervention

(1) Purpose: A Reading Intervention endorsement signifies that an educator is qualified to teach prekindergarten through grade 12 assignments in Reading Intervention as provided by the TSPC Licensure Guide for Reading Intervention.

(2) An educator is not authorized to teach in the endorsed area unless and until the endorsement is officially added to the license, except as provided in OAR 584-210-0170, Atypical Assignments and OAR 584-210-0160, License on Conditional Assignment.

(3) To be eligible to add a Reading Intervention endorsement to an existing Preliminary, Professional, Teacher Leader or Legacy Teaching License, an applicant must:

(a) Be admitted to and complete a Commission-approved Reading Intervention preparation program that meets the standards as provided in OAR 584-420-0440 Reading Intervention Endorsement: Program Standards; and

(b) Submit a complete and correct application to obtain the endorsement in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.

Note: Adding the endorsement at the time of renewal will not require an additional cost to add the licensure renewal process.
Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.430, 342.455 - 342.495 & 342.553
Hist.: TSPC 12-2015, f. 11-13-15, cert. ef. 1-1-16

584-220-0170
Social Studies

(1) Purpose: A Social Studies endorsement indicates that an educator is qualified to teach prekindergarten through grade 12 assignments in Social Studies as provided by the TSPC Licensure Guide for Social Studies.

(2) An educator is not authorized to teach in the endorsed area unless and until the endorsement is officially added to the license, except as provided OAR 584-210-0170 Atypical Assignments and OAR 584-210-0160, License on Conditional Assignment.

(3) Adding to Preliminary Teaching License: A Social Studies endorsement may be added to an existing Preliminary Teaching license by demonstrating content knowledge and completing Social Studies pedagogy requirements as defined in this rule. To be eligible to add a Social Studies endorsement to an existing Preliminary Teaching License, an applicant must:

(a) Meet one of the following Social Studies content knowledge requirements:

(A) Provide documentation of a passing score on the Commission-approved subject mastery test for Social Studies; or

(B) Complete Commission-approved coursework of at least fifty-four quarter or thirty-six semester hours designed to develop competence in social studies, distributed as follows:

(i) World history;
(ii) Geography;
(iii) Political science;
(iv) Sociology;
(v) Psychology;
(vi) Anthropology;
(vii) Economics; and
(viii) U.S. history.

(C) At least fifty percent (50%) of the Social Studies coursework must have been completed within five years prior to the date of application for the endorsement.

(b) Meet one of the following Social Studies pedagogy requirements:

(A) Admission to and Completion of a Commission-approved Social Studies preparation program; or

(B) Complete a Social Studies pedagogy course of at least three quarter or two semester hours acceptable to the Commission. The course must include the word pedagogy or methods in the course title; or

(C) Complete a supervised Social Studies practicum in a public school setting. The practicum must include the following:

(i) A minimum of 60 clock hours of supervised teaching in an Social Studies assignment in a public school setting as verified by a school district Professional Educational Experience Report (PEER) form; and

(ii) An affidavit of satisfactory demonstration of the pedagogical skills required for the Social Studies endorsement from a supervising teacher holding either a Professional, Teacher Leader or Legacy Teaching License with a Social Studies endorsement.

(iii) At the Executive Director's or Licensure Director's discretion, other Social Studies teaching experience such as teaching in at a post-secondary institution or in a private school setting may qualify to satisfy the practicum experience. In these settings, verification from the employer of satisfactory completion of the teaching experience with at least 60 clock hours of Social Studies instruction is required to qualify as a suitable practicum to add the endorsement.

(c) Submit a complete and correct application to obtain the endorsement in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.

Note: Adding the endorsement at the time of renewal will not require an additional cost to add the licensure renewal process.

(4) Adding Social Studies Endorsement to Other Licenses: To be eligible to add a Social Studies endorsement to a Professional, Teacher Leader or Legacy teaching license, an applicant must:

(a) Meet one of the following content knowledge requirements:

(A) Provide documentation of a passing score on the Commission-approved subject mastery test for Social Studies; or

(B) Complete Commission-approved coursework of at least fifty-four quarter or thirty-six semester hours designed to develop competence in social studies, distributed as follows:

(i) World history;
(ii) Geography;
(iii) Political science;
(iv) Sociology;
(v) Psychology,;
(vi) Anthropology;
(vii) Economics; and
(viii) U.S. history.

(C) At least fifty percent (50%) of the Social Studies coursework must have been completed within five years prior to the date of application for the endorsement.

(b) Submit a complete and correct application to obtain the endorsement in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.

Note: Adding the endorsement at the time of renewal will not require an additional cost to add the licensure renewal process.
Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.430, 342.455 - 342.495 & 342.553
Hist.: TSPC 12-2015, f. 11-13-15, cert. ef. 1-1-16

584-220-0175
Speech (Forensics)

(1) Purpose: A Speech (Forensics) endorsement indicates that an educator is qualified to teach prekindergarten through grade 12 assignments in Speech (Forensics) as provided by the TSPC Licensure Guide for Speech (Forensics).

(2) An educator is not authorized to teach in the endorsed area unless and until the endorsement is officially added to the license, except as provided in OAR 584-210-0170 Atypical Assignments and OAR 584-210-0160, License on Conditional Assignment.

(3) Adding to Preliminary Teaching License: A Speech (Forensics) endorsement may be added to an existing Preliminary Teaching license by demonstrating content knowledge and completing Speech (Forensics) pedagogy requirements as defined in this rule. To be eligible to add a Speech (Forensics) endorsement to an existing Preliminary Teaching License, an applicant must:

(a) Meet one of the following Speech (Forensics) content knowledge requirements:

(A) Provide documentation of a passing score on the Commission-approved subject mastery test for Speech (Forensics); or

(B) Complete Commission-approved coursework of at least twenty-four quarter or sixteen semester hours designed to develop competency in Speech (Forensics) that includes:

(i) Discussion techniques;
(ii) Oral interpretation;
(iii) Argumentative speech; and
(iv) Forensics.

(C) At least fifty percent (50%) of the Speech (Forensics) coursework must have been completed within five years prior to the date of application for the endorsement.

(b) Meet one of the following Speech (Forensics) pedagogy requirements:

(A) Admission to and completion of a Commission-approved Speech (Forensics) preparation program; or

(B) Complete a Speech (Forensics) pedagogy course of at least three quarter or two semester hours acceptable to the Commission. The course must include the word pedagogy or methods in the course title; or

(C) Complete a supervised Speech (Forensics) practicum in a public school setting. The practicum must include the following:

(i) A minimum of 60 clock hours of supervised teaching in an Speech (Forensics) assignment in a public school setting as verified by a school district Professional Educational Experience Report (PEER) form; and

(ii) An affidavit of satisfactory demonstration of the pedagogical skills required for the Speech (Forensics) endorsement from a supervising teacher holding either a Professional, Teacher Leader or Legacy Teaching License with a Speech (Forensics) endorsement.

(iii) At the Executive Director's or Licensure Director's discretion, other Speech (Forensics) teaching experience such as teaching in at a post-secondary institution or in a private school setting may qualify to satisfy the practicum experience. In these settings, verification from the employer of satisfactory completion of the teaching experience with at least 60 clock hours of Speech (Forensics) instruction is required to qualify as a suitable practicum to add the endorsement.

(c) Submit a complete and correct application to obtain the endorsement in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.

Note: Adding the endorsement at the time of renewal will not require an additional cost to add the licensure renewal process.

(4) Adding Speech (Forensics) Endorsement to Other Licenses: To be eligible to add a Speech (Forensics) endorsement to a Professional, Teacher Leader or Legacy teaching license, an applicant must:

(a) Meet one of the following content knowledge requirements:

(A) Provide documentation of a passing score on the Commission-approved subject mastery test for Speech (Forensics); or

(B) Complete Commission-approved coursework of at least twenty-four quarter or sixteen semester hours designed to develop competency in Speech (Forensics) that includes:

(i) Discussion techniques;

(ii) Oral interpretation;

(iii) Argumentative speech; and

(iv) Forensics.

(C) At least fifty percent (50%) of the Speech (Forensics) coursework must have been completed within five years prior to the date of application for the endorsement.

(b) Submit a complete and correct application to obtain the endorsement in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.

Note: Adding the endorsement at the time of renewal will not require an additional cost to add the licensure renewal process.

Stat. Auth.: ORS 342

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

Hist.: TSPC 12-2015, f. 11-13-15, cert. ef. 1-1-16

584-220-0180

Special Education: Generalist

(1) Purpose: A Special Education: Generalist endorsement indicates that an educator is qualified to teach prekindergarten to grade 12 assignments in Special Education: Generalist as provided by TSPC Licensure Guide for Special Education: Generalist.

(2) An educator is not authorized to teach in the endorsed area unless and until the endorsement is officially added to the license, except as provided in OAR 584-210-0170 Atypical Assignments and OAR 584-210-0160, License on Conditional Assignment.

(3) To be eligible to add a Special Education: Generalist endorsement to an existing Preliminary Professional, Teacher Leader or Legacy teaching license, an applicant must:

(a) Be admitted to and complete a Commission-approved Special Education: Generalist preparation program that meets the standards provided in OAR 584-420-0460 Special Education Endorsement: Program Standards.

(A) The Commission-approved elementary multiple subjects examination is not required to obtain the license;

(B) However, passage of the Commission-adopted Elementary--Multiple Subjects examination is required in order for special educators licensed to teach general education content in grades prekindergarten through 8 (elementary teachers) and to meet the federal definition of "highly qualified" teacher under the Elementary/Secondary Education Act (ESEA); and

(b) Submit a complete and correct application to obtain the endorsement in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.

Note: Adding the endorsement at the time of renewal will not require an additional cost to add the licensure renewal process.

Stat. Auth.: ORS 342

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

Hist.: TSPC 12-2015, f. 11-13-15, cert. ef. 1-1-16

584-220-0185

Special Education: Early Intervention

(1) Purpose: A Special Education: Early Intervention endorsement indicates that an educator is qualified to teach ages three to grade 12 assignments in Special Education: Early Intervention as provided by TSPC Licensure Guide for Special Education: Early Intervention.

(2) An educator is not authorized to teach in the endorsed area unless and until the endorsement is officially added to the license, except as provided in OAR 584-210-0170 Atypical Assignments and OAR 584-210-0160, License on Conditional Assignment.

(3) To be eligible to add a Special Education: Early Intervention endorsement to an existing Preliminary Professional, Teacher Leader or Legacy teaching license, an applicant must:

(a) Be admitted to and complete a Commission-approved Special Education: Early Intervention preparation program that meets the standards as provided in Chapter 584, Division 420; and

(b) Submit a complete and correct application to obtain the endorsement in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.

Note: Adding the endorsement at the time of renewal will not require an additional cost to the licensure renewal process.

Stat. Auth.: ORS 342

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

Hist.: TSPC 12-2015, f. 11-13-15, cert. ef. 1-1-16

584-220-0190

Special Education: Deaf and Hard of Hearing

(1) Purpose: A Special Education: Deaf and Hard of Hearing endorsement indicates that an educator is qualified to teach prekindergarten to grade 12 assignments in Special Education: Deaf and Hard of Hearing as provided by TSPC Licensure Guide for Special Education: Deaf and Hard of Hearing.

(2) An educator is not authorized to teach in the endorsed area unless and until the endorsement is officially added to the license, except as provided in OAR 584-210-0170 Atypical Assignments and OAR 584-210-0160, License on Conditional Assignment.

(3) To be eligible to add a Special Education: Deaf and Hard of Hearing endorsement to an existing Preliminary, Professional, Teacher Leader or Legacy teaching license, an applicant must:

(a) Be admitted to and complete a Commission-approved Special Education: Deaf and Hard of Hearing preparation program that meets the standards as provided in OAR 584-420-0475 Special Education: Deaf and Hard of Hearing: Program Standards; and

(b) Submit a complete and correct application to obtain the endorsement in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.

Note: Adding the endorsement at the time of renewal will not require an additional cost to add the licensure renewal process.

Stat. Auth.: ORS 342

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

Hist.: TSPC 12-2015, f. 11-13-15, cert. ef. 1-1-16

584-220-0195

Special Education: Vision Impaired

(1) Purpose: A Special Education: Vision Impaired endorsement indicates that an educator is qualified to teach prekindergarten to grade 12 assignments in Special Education: Vision Impaired as provided by TSPC Licensure Guide for Special Education: Vision Impaired.

(2) An educator is not authorized to teach in the endorsed area unless and until the endorsement is officially added to the license, except as provided in OAR 584-210-0170 Atypical Assignments and OAR 584-210-0160, License on Conditional Assignment.

(3) To be eligible to add a Special Education: Vision Impaired endorsement to an existing Preliminary, Professional, Teacher Leader or Legacy teaching license, an applicant must:

(a) Be admitted to and complete a Commission-approved Special Education: Vision Impaired preparation program that meet the standards provided in Chapter 584, Division 420; and

(b) Submit a complete and correct application to obtain the endorsement in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.

Note: Adding the endorsement at the time of renewal will not require an additional cost to add the licensure renewal process.

Stat. Auth.: ORS 342

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

Hist.: TSPC 12-2015, f. 11-13-15, cert. ef. 1-1-16

584-220-0200
World Language: Chinese

(1) A World Language: Chinese endorsement indicates that an educator is qualified to teach prekindergarten to grade 12 assignments in Chinese as provided by TSPC Licensure Guide for World Language: Chinese.

(2) An educator is not authorized to teach in the endorsed area unless and until the endorsement is officially added to the license, except as provided in OAR 584-210-0170, Atypical Assignments and OAR 584-210-0160, License on Conditional Assignment.

(3) To be eligible to add a World Language: Chinese endorsement to an existing Preliminary, Professional, Teacher Leader or Legacy teaching License, an applicant must:

(a) Be admitted to and complete a Commission-approved World Language: Chinese program in accordance with OAR 584-420-0440 World Language Endorsements: Program Standards; and

(b) Submit a complete and correct application to obtain the endorsement in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.

Note: Adding the endorsement at the time of renewal will not require an additional cost to the licensure renewal process.
Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.430, 342.455 - 342.495 & 342.553
Hist.: TSPC 12-2015, f. 11-13-15, cert. ef. 1-1-16

584-220-0205
World Language: French

(1) A World Language: French (French) endorsement indicates that an educator is qualified to teach prekindergarten to grade 12 assignments in French as provided by TSPC Licensure Guide for World Language: French (French).

(2) An educator is not authorized to teach in the endorsed area unless and until the endorsement is officially added to the license, except as provided in OAR 584-210-0170 Atypical Assignments and OAR 584-210-0160, License on Conditional Assignment.

(3) Adding to Preliminary Teaching License: A French endorsement may be added to an existing Preliminary Teaching license by demonstrating content knowledge and completing French pedagogy requirements as defined in this rule. To be eligible to add a French endorsement to an existing Preliminary Teaching License, an applicant must:

(a) Meet one of the following World Language: French content knowledge requirements:

(A) Provide documentation of a passing score on the Commission-approved subject mastery test French; or

(B) Be admitted to and complete a Commission-approved World Language: French preparation program in accordance with OAR 584-420-0440 World Language Endorsements: Program Standards.

(b) Meet one of the following World Language: French pedagogy requirements:

(A) Admission to and completion of a Commission-approved World Language: French preparation program as verified by the approved program in accordance with OAR 584-420-0440 World Language Endorsements: Program Standards; or

(B) Complete a French pedagogy course of at least three quarter or two semester hours acceptable to the Commission. The course must include the word pedagogy or methods in the course title; or

(C) Complete a supervised French practicum in a public school setting. The practicum must include the following:

(i) A minimum of 60 clock hours of supervised teaching in a French assignment in a public school setting as verified by a school district Professional Educational Experience Report (PEER) form; and

(ii) An affidavit of satisfactory demonstration of the pedagogical skills required for the World Language: French endorsement from a supervising teacher holding either a Professional, Teacher Leader or Legacy Teaching License with a World Language: French endorsement.

(iii) At the Executive Director's or Licensure Director's discretion, other World Language: French teaching experience such as teaching in at a post-secondary institution or in a private school setting may qualify to satisfy the practicum experience. In these settings, verification from the employer of satisfactory completion of the teaching experience with at least 60 clock hours of World Language: French instruction is required to qualify as a suitable practicum to add the endorsement.

(c) Submit a complete and correct application to obtain the endorsement in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.

Note: Adding the endorsement at the time of renewal will not require an additional cost to the licensure renewal process.

(4) Adding World Language: French Endorsement to Other Licenses: To be eligible to add a World Language: French endorsement to a Professional, Teacher Leader or Legacy teaching license, an applicant must:

(a) Meet one of the following World Language: French content knowledge requirements:

(A) Provide documentation of a passing score on the Commission-approved subject mastery test for World Language: French; or

(B) Be admitted to and complete a Commission-approved World Language: French preparation program in accordance with OAR 584-420-0440 World Language Endorsements: Program Standards.

(b) Submit a complete and correct application to obtain the endorsement in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.

Note: Adding the endorsement at the time of renewal will not require an additional cost to the licensure renewal process.
Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.430, 342.455 - 342.495 & 342.553
Hist.: TSPC 12-2015, f. 11-13-15, cert. ef. 1-1-16

584-220-0210
World Language: German

(1) A World Language: German (German) endorsement indicates that an educator is qualified to teach prekindergarten to grade 12 assignments in German as provided by TSPC Licensure Guide for World Language: German (German).

(2) An educator is not authorized to teach in the endorsed area unless and until the endorsement is officially added to the license, except as provided OAR 584-210-0170 Atypical Assignments and OAR 584-210-0160, License on Conditional Assignment.

(3) Adding to Preliminary Teaching License: A German endorsement may be added to an existing Preliminary Teaching license by demonstrating content knowledge and completing German pedagogy requirements as defined in this rule. To be eligible to add a German endorsement to an existing Preliminary Teaching License, an applicant must:

(a) Meet one of the following World Language: German content knowledge requirements:

(A) Provide documentation of a passing score on the Commission-approved subject mastery test for German; or

(B) Be admitted to and complete a Commission-approved World Language: German program in accordance with OAR 584-420-0440 World Language Endorsements: Program Standards.

(b) Meet one of the following World Language: German pedagogy requirements:

(A) Admission to and completion of a Commission-approved World Language: German preparation program as verified by the approved program in accordance with OAR 584-420-0440 World Language Endorsements: Program Standards; or

(B) Complete a German pedagogy course of at least three quarter or two semester hours acceptable to the Commission. The course must include the word pedagogy or methods in the course title; or

(C) Complete a supervised World Language: German practicum in a public school setting. The practicum must include the following:

(i) A minimum of 60 clock hours of supervised teaching in an German assignment in a public school setting as verified by a school district Professional Educational Experience Report (PEER) form; and

(ii) An affidavit of satisfactory demonstration of the pedagogical skills required for the German endorsement from a supervising teacher holding either a Professional, Teacher Leader or Legacy Teaching License with a German endorsement.

(iii) At the Executive Director's or Licensure Director's discretion, other German teaching experience such as teaching in at a post-secondary institution or in a private school setting may qualify to satisfy the practicum experience. In these settings, verification from the employer of satisfactory completion of the teaching experience with at least 60 clock hours of teaching is required to qualify as a suitable practicum to add the endorsement.

(c) Submit a complete and correct application to obtain the endorsement in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.

Note: Adding the endorsement at the time of renewal will not require an additional cost to add the licensure renewal process.

(4) Adding World Language: German Endorsement to Other Licenses: To be eligible to add a World Language: German endorsement to a Professional, Teacher Leader or Legacy teaching license, an applicant must:

(a) Meet one of the following German content knowledge requirements:

(A) Provide documentation of a passing score on the Commission-approved subject mastery test for German; or

(B) Be admitted to and complete a Commission-approved World Language: German preparation program in accordance with OAR 584-420-0440 World Language Endorsements: Program Standards; and

(b) Submit a complete and correct application to obtain the endorsement in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.

Note: Adding the endorsement at the time of renewal will not require an additional cost to the licensure renewal process.
Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.430, 342.455 - 342.495 & 342.553
Hist.: TSPC 12-2015, f. 11-13-15, cert. ef. 1-1-16

584-220-0215
World Language: Japanese

(1) A World Language: Japanese endorsement indicates that an educator is qualified to teach prekindergarten to grade 12 assignments in Japanese as provided by TSPC Licensure Guide for World Language: Japanese.

(2) An educator is not authorized to teach in the endorsed area unless and until the endorsement is officially added to the license, except as provided OAR 584-210-0170 Atypical Assignments and OAR 584-210-0160, License on Conditional Assignment.

(3) To be eligible to add a World Language: Japanese endorsement to an existing Preliminary, Professional, Teacher Leader or Legacy teaching license, an applicant must:

(a) Be admitted to and complete a Commission-approved World Language: Japanese preparation program in accordance with OAR 584-420-0440 World Language Endorsements: Program Standards; and

(b) Submit a complete and correct application to obtain the endorsement in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.

Note: Adding the endorsement at the time of renewal will not require an additional cost to the licensure renewal process.
Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.430, 342.455 - 342.495 & 342.553
Hist.: TSPC 12-2015, f. 11-13-15, cert. ef. 1-1-16

584-220-0220
World Language: Latin

(1) A World Language: Latin endorsement indicates that an educator is qualified to teach prekindergarten to grade 12 assignments in Latin as provided by TSPC Licensure Guide for World Language: Latin.

(2) An educator is not authorized to teach in the endorsed area unless and until the endorsement is officially added to the license, except as provided in OAR 584-210-0170 Atypical Assignments and OAR 584-210-0160, License on Conditional Assignment.

(3) To be eligible to add a World Language: Latin endorsement to an existing Preliminary, Professional, Teacher Leader or Legacy teaching license, an applicant must:

(a) Be admitted to and complete a Commission-approved World Language: Latin preparation program in accordance with OAR 584-420-0440 World Language Endorsements: Program Standards; and

(b) Submit a complete and correct application to obtain the endorsement in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.

Note: Adding the endorsement at the time of renewal will not require an additional cost to the licensure renewal process.
Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.430, 342.455 - 342.495 & 342.553
Hist.: TSPC 12-2015, f. 11-13-15, cert. ef. 1-1-16

584-220-0225
World Language: Russian

(1) A World Language: Russian endorsement indicates that an educator is qualified to teach prekindergarten to grade 12 assignments in Russian as provided by TSPC Licensure Guide for World Language: Russian.

(2) An educator is not authorized to teach in the endorsed area unless and until the endorsement is officially added to the license, except as provided in OAR 584-210-0170 Atypical Assignments and OAR 584-210-0160, License on Conditional Assignment.

(3) To be eligible to add a World Language: Russian endorsement to an existing Preliminary, Professional, Teacher Leader or Legacy teaching license, an applicant must:

(a) Be admitted to and complete a Commission-approved World Language: Russian preparation program in accordance with OAR 584-420-0440 World Language Endorsements: Program Standards; and

(b) Submit a complete and correct application to obtain the endorsement in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.

Note: Adding the endorsement at the time of renewal will not require an additional cost to the licensure renewal process.
Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.430, 342.455 - 342.495 & 342.553
Hist.: TSPC 12-2015, f. 11-13-15, cert. ef. 1-1-16

584-220-0230
World Language: Spanish

(1) A World Language: Spanish endorsement indicates that an educator is qualified to teach prekindergarten to grade 12 assignments in Spanish as provided by TSPC Licensure Guide for World Language: Spanish.

(2) An educator is not authorized to teach in the endorsed area unless and until the endorsement is officially added to the license, except as provided in OAR 584-210-0170 Atypical Assignments and OAR 584-210-0160, License on Conditional Assignment.

(3) Adding to Preliminary Teaching License: A Spanish endorsement may be added to an existing Preliminary Teaching license by demonstrating content knowledge and completing Spanish pedagogy requirements as defined in this rule. To be eligible to add a Spanish endorsement to an existing Preliminary Teaching License, an applicant must:

(a) Meet one of the following Spanish content knowledge requirements:

(A) Provide documentation of a passing score on the Commission-approved subject mastery test for Spanish; or

(B) Be admitted to and complete a Commission-approved World Language: Spanish preparation program in accordance with OAR 584-420-0440 World Language Endorsements: Program Standards; and

(b) Meet one of the following World Language: Spanish pedagogy requirements:

(A) Admission to and completion of a Commission-approved World Language: Spanish preparation program as verified by the approved program in accordance with OAR 584-420-0440 World Language Endorsements: Program Standards.; or

(B) Complete a Spanish pedagogy course of at least three quarter or two semester hours acceptable to the Commission. The course must include the word pedagogy or methods in the course title; or

(C) Complete a supervised World Language: Spanish practicum in a public school setting. The practicum must include the following:

(i) A minimum of 60 clock hours of supervised teaching in an Spanish assignment in a public school setting as verified by a school district Professional Educational Experience Report (PEER) form; and

(ii) An affidavit of satisfactory demonstration of the pedagogical skills required for the Spanish endorsement from a supervising teacher holding either a Professional, Teacher Leader or Legacy Teaching License with a Spanish endorsement.

(iii) At the Executive Director's or Licensure Director's discretion, other Spanish teaching experience such as teaching in at a post-secondary institution or in a private school setting may qualify to satisfy the practicum experience. In these settings, verification from the employer of satisfactory completion of the teaching experience with at least 60 clock hours of World Language: Spanish instruction is required to qualify as a suitable practicum to add the endorsement.

(c) Submit a complete and correct application to obtain the endorsement in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.

Note: Adding the endorsement at the time of renewal will not require an additional cost to add the licensure renewal process.

(4) Adding World Language: Spanish Endorsement to Other Licenses: To be eligible to add a World Language: Spanish endorsement to a Professional, Teacher Leader or Legacy teaching license, an applicant must:

(a) Meet one of the following Spanish content knowledge requirements:

(A) Provide documentation of a passing score on the Commission-approved subject mastery test for Spanish; or

(B) Be admitted to and complete a Commission-approved World Language: Spanish preparation program in accordance with OAR 584-420-0440 World Language Endorsements: Program Standards; and

(b) Submit a complete and correct application to obtain the endorsement in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.

Note: Adding the endorsement at the time of renewal will not require an additional cost to the licensure renewal process.
Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.430, 342.455 - 342.495 & 342.553
Hist.: TSPC 12-2015, f. 11-13-15, cert. ef. 1-1-16

584-255-0010
Professional Development Requirements

(1) The Commission believes that high quality and individualized professional development for educators is essential to promote:

(a) Effective educational practices;

(b) Supportive educational leadership; and

(c) Enriched student learning.

(2) The Commission requires the completion of advanced or continuing professional development units for:

(a) Promotion to the Professional Teaching License (Advanced PDUs);

(b) Renewal of most active educator licenses (Continuing PDUs); and

(c) Renewal of School Nurses Certificates (Continuing PDUs).

(3) Professional Development Units (PDUs) are calculated as follows:

(a) One (1) hour of advanced or continuing professional development activity equals one (1) PDU;

(b) One (1) semester hour of college credit equals thirty (30) PDUs; or

(c) One (1) quarter hour of college credit equals twenty (20) PDUs.

(4) Advanced Professional Development (APD): The Commission requires completion of an advanced professional education program for promotion to the Professional Teaching License. The Commission has approved the completion of an Advanced Professional Development Program as one method to meet the requirement for an advanced professional education program. An Advanced Professional Development Program must include 150 professional development units that are:

(a) Tailored to the performance goals of the teacher in accordance with ORS 342.815 to 342.856;

(b) Based on the core teaching standards as provided in OAR 584-255-0020, Standards for Professional Development; and

(c) Calculated as provided in subsection (3) of this rule.

Note: See OAR 584-210-0040 Professional Teaching License for other methods to meet the advanced professional program requirements to qualify for the Professional Teaching License.

(5) Continuing Professional Development: The Commission requires continuing professional development for renewal of most active licenses and certificates that do not require advancement to another license.

(a) To qualify for renewal of a license, the applicant must complete 25 Continuing PDUs per year of licensure term, as follows:

(A) 75 PDUs during the life of a three (3) year license; and

(B) 125 PDUs during the life of a five (5) year license.

(b) Completing any of the following advanced certifications will waive continuing professional development requirements only for the renewal period during which the certification is completed and the following licensure renewal cycle:

(A) National Board of Professional Teaching Standards (NBPTS) certification;

(B) National Association of School Psychologists (NASP) certification;

(C) National School Counselor Certification (NSCC);

(D) National Association of Social Workers (C-SSWS) certification; or

(E) Association of Speech, Hearing and Audiology (ASHA) certification.

(c) Licensed educators may carry-over 25 PDUs of excess Continuing PDUs obtained only in the previous reporting renewal period.

(d) Educators who hold dual licensure with other state professional licensing boards are encouraged to fulfill their continuing professional development requirements by completing the PDUs provided by those professional licensure areas (for example: Speech Language Pathologists).

(e) The requirement for continuing professional development applies to the renewal of the following teaching, administrative, and personnel service licenses:

(A) Preliminary Teaching License [Note: If the applicant is renewing the Preliminary Teaching License with Advanced PDUs, Continuing PDUs are not required];

(B) Professional Teaching License;

(C) Teacher Leader License;

(D) Legacy Teaching License;

(E) Limited Teaching License;

(F) American Indian Language Teaching License;

(G) Career and Technical Education II Teaching License;

(H) Professional Administrator License;

(I) Legacy Administrator;

(J) Distinguished Administrator;

(K) Exceptional Administrator;

(L) Legacy Personnel Service;

(M) Professional School Counselor;

(N) Professional School Psychologist;

(O) Limited Student Services; and

(P) Professional School Social Worker.

(6) Continuing Professional Development for School Nurse Certificates: To qualify for renewal of a School Nurse Certificate pursuant to OAR Chapter 584, Division 021, an applicant must:

(a) Meet the professional development requirements provided in OAR 584-021-0150 (Renewal of Professional School Nurse Certification); or

(b) Meet the professional development requirement provided in OAR 584-021-0155 (Emergency School Nurse Certification Renewal).

(7) It is the sole responsibility of the licensed educator to ensure accurate completion of professional development upon renewal or issue of a subsequent license. Generally, failure to complete advanced professional development or continuing professional development does not constitute an "emergency" for the purposes of receiving an Emergency License.

(8) If employed during the life of the license, the supervisor or professional development advisor will verify that the educator has successfully completed all continuing professional development requirements to the district superintendent or designee on the TSPC Professional Educational Experience Report (PEER) form prior to renewal of licensure.

(9) The following licenses do not have continuing professional development requirements because the licenses require the completion of additional specific coursework or other licensure requirements to move to the next stage license or the licenses do not require continuing professional development:

(a) Reciprocal Teaching license;

(b) All substitute licenses;

(c) Preliminary Administrator license;

(d) Preliminary School Counselor license;

(e) Preliminary School Psychologist license;

(f) Preliminary School Social Worker license;

(g) Career and Technical Education I Teaching license;

(h) All restricted licenses;

(i) All emergency licenses;

(j) License for Conditional Assignment;

(k) ESEA Alternative Route License; and

(l) Teacher Associate License.

(10) Substitute teaching licenses do not have continuing professional development requirements due to a shortage in the profession. The Commission has reserved the right to reconsider this continuing professional development waiver at any time in the future.

(11)(a) Educators holding a Career and Technical I Education teaching license may be subject to other continuing professional development requirements consistent with their formal professional development plan. See, OAR 584-042-0051 Career and Technical Education (CTE) Professional Development Plan to determine whether additional continuing professional development requirements apply upon licensure renewal.

(b) Educators holding a Five-Year Career and Technical Education Teaching License or a Career and Technical Education II Teaching License are subject to the continuing professional development requirements in subsection (5) of this rule.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.430, 342.455 - 342.495 & 342.553
Hist.: TSPC 12-2015, f. 11-13-15, cert. ef. 1-1-16

584-255-0020
Standards for Professional Development

(1) Standards for advanced professional development: To qualify as advanced professional development for purposes of promotion to the Professional Teaching License, the advanced professional development units must be aligned with OAR 584-420-0030 Professional Teaching License: Program Standards and ORS 342.856 Core Teaching Standards (InTASC).

(2) Standards for continuing professional development: To qualify as continuing professional development for licensure renewal, the continuing professional development units must conform to the following national standards adopted by Learning Forward (2011):

(a) Learning Communities: Professional learning that increases educator effectiveness and results for all students occurs within learning communities committed to continuous improvement, collective responsibility, and goal alignment.

(b) Leadership: Professional learning that increases educator effectiveness and results for all students requires skillful leaders who: develop capacity, advocate and create support systems for professional learning.

(c) Resources: Professional learning that increases educator effectiveness and results for all students requires prioritizing, monitoring, and coordinating resources for educator learning.

(d) Data: Professional learning that increases educator effectiveness and results for all students uses a variety of sources and types of student, educator, and system data to plan, assess, and evaluate professional learning.

(e) Learning Designs: Professional learning that increases educator effectiveness and results for all students integrates theories, research, and models of human learning to achieve its intended outcomes.

(f) Implementation: Professional learning that increases educator effectiveness and results for all students applies research on change and sustains support for implementation of professional learning for long term change.

(g) Outcomes: Professional learning that increases educator effectiveness and results for all students aligns its outcomes with educator performance and student curriculum standards.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.430, 342.455 - 342.495 & 342.553
Hist.: TSPC 12-2015, f. 11-13-15, cert. ef. 1-1-16

584-255-0030
Verification of Professional Development

(1) Licensed educators employed in a public school, education service district or public charter school must supply evidence to their employer that they have completed Advanced or Continuing professional development units (PDUs) in accordance with these rules.

(2) To verify Continuing PDUs for licensure renewal, educators must do one of the following:

(a) Educators who are employed at the time of renewal, under contract with a district, may supply evidence of completion of Continuing PDUs from their employing district. Districts will indicate compliance through acknowledgement on the Professional Educator Experience Report (PEER) form; or

(b) Educators who are not employed at the time of renewal, under contract with a district, or who are employed by a private school must supply evidence of their completion of Continuing PDUs to an education service district (ESD) participating in a professional development approval agreement with the Commission; or

(c) Educators who are employed, but are unable to obtain district or employer approval of Continuing PDUs obtained during the life of the license, may supply evidence of completion of Continuing PDUs to an ESD participating in a professional development approval agreement with the Commission.

(3) To verify Advanced PDUs for renewal of the Preliminary Teaching License or promotion to the Professional Teaching License, educators must:

(a) Obtain verification of the Advanced PDUs from their employing school district or charter school. Districts will indicate compliance through acknowledgement on the Professional Educator Experience Report (PEER) form; or

(b) Obtain verification of the Advanced PDUs from their employing Education Service District. Districts will indicate compliance through acknowledgement on the Professional Educator Experience Report (PEER) form. Educators may not obtain verification from an ESD unless they are directly employed by the ESD.

(4) To verify enrollment and completion of advanced professional education program for renewal of the Preliminary Teaching License or promotion to the Professional Teaching License, educators must provide:

(a) Official evidence of enrollment in a Commission-approved program; and

(b) Official transcripts.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.430, 342.455 - 342.495 & 342.553
Hist.: TSPC 12-2015, f. 11-13-15, cert. ef. 1-1-16

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Rule Caption: Adopts temporary rules related to licensure processing, general provisions, specializations and program standards.
Adm. Order No.: TSPC 13-2015(Temp)
Filed with Sec. of State: 11-13-2015
Certified to be Effective: 1-1-16 thru 6-28-16
Notice Publication Date:
Rules Adopted: 584-010-0120, 584-050-0150, 584-200-0005, 584-200-0010, 584-200-0020, 584-200-0030, 584-200-0040, 584-200-0050, 584-200-0060, 584-200-0070, 584-200-0080, 584-200-0090, 584-200-0100, 584-225-0010, 584-225-0020, 584-225-0030, 584-225-0040, 584-225-0050, 584-225-0060, 584-225-0070, 584-225-0090, 584-225-0100, 584-420-0010, 584-420-0020, 584-420-0030, 584-420-0040, 584-420-0300, 584-420-0345, 584-420-0360, 584-420-0365, 584-420-0375, 584-420-0390, 584-420-0415, 584-420-0425, 584-420-0440, 584-420-0460, 584-420-0475, 584-420-0490, 584-420-0600, 584-420-0610, 584-420-0620, 584-420-0630, 584-420-0640, 584-420-0650, 584-420-0660
Subject: Adopts temporary rules related to licensure processing, general provisions, specializations and program standards.
Rules Coordinator: Victoria Chamberlain—(503) 378-6813

584-010-0120
Waiver of Approved Program Requirements

(1) The liaison officer of Commission-approved educator preparation program may waive part or all of the approved program if a candidate demonstrates the competencies and knowledge the licensure program requirements are intended to develop.

(2) The candidate must present to the educator preparation program written evidence of knowledge and must demonstrate the competencies required in particular programs.

(3) Educator preparation programs will develop written policies and guidelines for evaluating waiver requests as part of their approved programs. Specific persons or committees shall be authorized by the program to examine requests and grant waivers. Persons from relevant college departments and school faculties shall be appropriately involved at all points.

(4) Educator preparation programs will maintain student records which include the evidence on which waivers are granted under the provisions of this rule. A record of all waivers must be documented annually in the unit's annual report to the Commission.

(b) Only the institution's liaison officer, or the unit's dean or director will be authorized to recommend to the Commission any waiver of academic requirements in instances where the applicant is making direct application for licensure or for an additional endorsement.

(5) The applicant may appeal unit waiver decisions to the Commission. However, prior to Commission consideration of an appeal, the applicant shall have exhausted all avenues of appeal within the approved educator preparation program.

(6) An applicant appealing a unit's waiver decision to the Commission must submit the following:

(a) Completed application form signed by the applicant;

(b) The evaluation fee payable to the Commission;

(c) Official transcripts of any preparation completed;

(d) A copy of the applicant's planned program at the institution leading to the license and endorsement requested;

(e) Resume of work experience applicable to the license and endorsement requested;

(f) Evidence that the applicant has exhausted all avenues of appeal within the approved educator preparation program; and

(g) A statement from the applicant indicating the reasons for appealing the matter to the Commission, identifying the requirement on which the waiver is requested, and the applicant's qualifications to be considered by the Commission.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.127, 342.135, 342.140, 342.143, 342.147, 342.165, 342.175 & 342.176
Hist.: TSPC 13-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-050-0150
Criminal Records and Professional Conduct Background Check

(1) An applicant must submit one fingerprint card for checking Oregon and Federal Bureau of Investigation criminal history records under the following conditions:

(a) First placement in a field experience once admitted to an Oregon approved educator-preparation program;

(b) First placement in a field experience in any Oregon public school if completing an educator preparation program by an out-of-state provider;

(c) First time Oregon licensure; or

(d) Reinstatement of a license that has been expired more than three years prior to the date the application form and full fee have been submitted for reinstatement.

(2) An applicant may only be fingerprinted through the process described in subsection (1) of this rule. A criminal background check conducted through fingerprints by any former employer, licensing board or by the Oregon Department of Education does not satisfy the requirements of this rule.

(3) Out of state applicants, or previously licensed Oregon educators returning from living outside of the state may also be subject to internet searches or previous employment checks.

Stat. Auth.: ORS 181 & 342
Stats. Implemented: ORS 181.525, 342.120 – 342.430, 342.455 – 342.495 & 342.533
Hist.: TSPC 13-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-200-0005
Transition to New Licensure System

(1) Effective January 1, 2016: All OAR Chapter 584 rule titles, numbers and provisions adopted on or after January 1, 2016 will supersede all OAR Chapter 584 rule numbers, titles and provisions adopted prior to this date. Any conflicting rule requirements within OAR Chapter 584 will be resolved according to the OAR Chapter 584 rule provisions effective on or after January 1, 2016.

(2) Endorsements:

(a) Effective July 1, 2015, the endorsements as provided in OAR 584-220-0010 will be placed on first-issue licenses and renewals.

(b) Effective July 1, 2015, all teaching licenses will be issued endorsement in accordance with division 220, Endorsements on Teaching Licenses and subsection (2)(c) of this rule.

(c) Multiple Subjects — Middle Level Endorsements: Effective July 1, 2015, the Multiple Subjects — Middle Level endorsement is abolished. The Multiple Subjects — Middle Level endorsement will not be added to or retained with an applicant's Initial, Initial I, Initial II, Continuing, Professional Teaching Licenses or any future licenses the applicant holds. Current holders of the Multiple Subjects — Middle Level endorsement will be subject to the following transition provisions:

(A) If the applicant has been assigned and taught multiple subjects (self-contained) for four full years or more, as evidenced by Professional Educational Experience Report (PEER) forms, the Elementary-Multiple Subjects endorsement may be added to the license. If the applicant has not taught four full years or more in an assignment that requires a multiple subjects (self-contained) endorsement, the Elementary-Multiple Subjects endorsement may not be added to the license. If necessary, the applicant and an Oregon school district may apply for an Emergency Teaching License pursuant to OAR 584-210-0130 or a License for Conditional Assignment (LCA) pursuant to OAR 584-210-0150 while the applicant is in the process of qualifying for an Elementary — Multiple Subjects or another valid endorsement.

(B) If the applicant has been assigned and taught Foundational Mathematics, Foundational Language Arts, Foundational Social Studies or Foundational Science for four full years or more, as evidenced by Professional Educational Experience Report (PEER) forms, the appropriate foundational single subject may be added to the license. If the applicant has not taught four full years in an assignment that requires a foundational subject matter endorsement, the foundational subject matter endorsement may not be added to or retained on the license. If necessary, the applicant and a district may apply for an Emergency Teaching License pursuant to OAR 584-210-0130 or a License for Conditional Assignment (LCA) pursuant to 584-210-0150 while the applicant is in the process of qualifying for a valid subject-matter endorsement.

(3) Grade-Level Authorizations:

(a) Effective July 1, 2015, grade-level authorizations for Initial, Initial I, Initial II, Continuing, Professional Teaching and Distinguished Teacher Leader licenses are abolished and regardless of the printed grade authorizations held on the license, all licenses in this subsection are authorized prekindergarten through grade 12 within the scope of the NCES course codes associated with the endorsements held on the license.

(b) Effective January 1, 2016, grade-level authorizations for Basic and Standard teaching licenses are abolished and regardless of the printed grade authorizations held on the license, all licenses are authorized prekindergarten through grade 12 within the scope of the NCES course codes associated with the endorsements held on the license.

(c) Effective July 1, 2015, licensees will no longer be advised that they must add a grade-level authorization program in order to expand the grade levels on their license.

(d) Licensees advised they were required to complete a grade-level authorization program will not be held for failure to complete that requirement.

(e) The Commission will make every effort to identify these licensees to alert them to the new grade-level authorization requirements.

(4) Initial I Teaching Licenses: (a) All applicants issued an Initial I Teaching License between July 1, 2015 and December 31, 2015 will be issued a renewal of their license in accordance with the Preliminary Teaching License adopted on January 1, 2016.

(b) Effective January 1 2016, the Initial I Teaching License will be administratively renamed to the Preliminary Teaching License.

(5) Initial I and Initial II Teaching Licenses Based on a MAT or Post-Baccalaureate Preparation Program issued prior to July 1, 2015: General Provisions: Effective July 1 2015, the completion of the advanced coursework of six (6) semester or nine (9) quarter graduate hours required to advance to the Initial II Teaching License satisfies the advanced professional education program requirements for the Professional Teaching License.

(6) Initial I Teaching Licenses Based on a Bachelor's Degree issued prior to July 1, 2015: General Provisions: Effective July 1, 2015, for Initial I Teaching Licenses based on a Bachelor's degree, the requirements to complete the master's degree or equivalent post-Initial I Teaching License are modified as follows:

(a) Admission to and completion of a master's degree or higher in education or in the arts and sciences from a regionally accredited institution, or the foreign equivalent of such degree approved by the Commission will satisfy the advanced professional education program requirements of the Professional Teaching License;

(b) Completion of thirty (30) semester hours or forty-five (45) quarter hours of graduate coursework will be considered "equivalent" to completion of a master's degree;

(c) Effective July 1, 2015, the requirement that "equivalent" graduate coursework must include equal amounts of pedagogy; content; and electives (ten (10) semester or fifteen (15) quarter graduate hours each) has been eliminated; and

(d) Applicants who do not wish to complete these requirements may qualify for promotion to the Professional Teaching License upon completion of the advanced program requirements as provided in OAR 584-0210-0040.

(7) Initial I Teaching Licenses Based on a MAT or Post-Baccalaureate Preparation Program Issued Between July 1, 2012 through June 30, 2015: First Renewal:

(a) Upon the first renewal of the Initial I Teaching License, applicants will be issued a new set of instructions for qualifying for the Professional Teaching License.

(b) Qualified applicants will be issued an Initial I Teaching license which will be administratively renamed to a Preliminary Teaching License after January 1, 2016.

(c) To qualify for first renewal of the Initial I Teaching License, an applicant subject to this subsection must:

(A) Meet the previously advised renewal requirements to show progress of 3 semester or 4.5 quarter hours (at least 90 professional development units); or

(B) Meet the new Preliminary Teaching License renewal requirements as provided in OAR 584-210-0030.

(d) If the applicant does not meet renewal requirements for either previously advised or new Preliminary Teaching License renewal options, the applicant may not renew the license. The applicant may apply to reinstate the Preliminary Teaching License upon completion of the renewal requirements in effect at the time of application for reinstatement. (See, OAR 584-210-0030 and 584-210-0190.)

(e) Failure to complete renewal requirements is not considered an eligible emergency for purposes of the Emergency Teaching License.

(8) Initial I Teaching Licenses Based on a Bachelor's Degree Issued Between July 1, 2012 through June 30, 2015: First Renewal: (a) Upon the first renewal of the Initial I Teaching License, applicants will be issued a new set of instructions for the requirements to qualify for the Professional Teaching License.

(b) Qualified applicants will be issued an Initial I Teaching license which will be administratively renamed to a Preliminary Teaching License after January 1, 2016.

(c) To qualify for first renewal of the Initial I Teaching License, an applicant subject to this subsection must:

(A) Meet the previously advised renewal requirements of 3 semester or 4.5 quarter hours (at least 90 professional development units); or

(B) Meet the new Preliminary Teaching License renewal requirements as provided in OAR 584-210-0030.

(d) If the applicant does not meet renewal requirements for either the previously advised renewal option or the new Preliminary Teaching License renewal option, the applicant may not renew the license. The applicant may apply to reinstate the Preliminary Teaching License upon completion of the renewal requirements in effect at the time of application for reinstatement.

(e) Generally, failure to complete renewal requirements is not considered an eligible emergency for purposes of the Emergency Teaching License.

(9) Initial I Teaching Licenses Based on a Bachelor's Degree First Issued Between July 1, 2009 through June 30 2012: Second Renewal:

(a) Upon second and final renewal of the Initial I Teaching License, applicants will be issued a new set of instructions for the requirements that must be completed in order to obtain the Professional Teaching License.

(b) Qualified applicants will be issued an Initial I Teaching license which will be administratively renamed to a Preliminary Teaching License after January 1, 2016.

(c) To qualify for second renewal of the Initial I Teaching License, an applicant subject to this subsection must:

(A) Meet the previously advised renewal requirements to show progress of 3 semester or 4.5 quarter hours (at least 90 professional development units); or

(B) Meet the new Preliminary Teaching License renewal requirements as provided in OAR 584-210-0030.

(d) If the applicant does not meet renewal requirements for either the previously advised renewal option or the new Preliminary Teaching License renewal option, the applicant may not renew the license. The applicant may apply to reinstate the Preliminary Teaching License upon completion of the renewal requirements in effect at the time of application for reinstatement.

(e) Generally, failure to complete renewal requirements is not considered an eligible emergency for purposes of the Emergency Teaching License.

(f) If an applicant is eligible for the Professional Teaching License as provided in OAR 584-210-0040, the applicant will be issued the Professional Teaching License.

(10) Initial I Teaching Licenses Based on a MAT or Post-Baccalaureate Preparation Program Issued Between July 1, 2009 through June 30, 2012:

(a) Qualified applicants who have completed the advanced professional education program requirements and the professional experience requirement as previously advised by the Commission will be issued the Professional Teaching License.

(b) To qualify for the Professional Teaching License, applicants subject to this subsection must:

(A) Meet previously advised advanced coursework requirement of six (6) semester or nine (9) quarter graduate hours; or

(B) Meet the new requirements for the Professional Teaching License as provided in OAR 584-210-0040. Under this option, the applicant may use any qualifying coursework earned during the first two terms of her or his Initial I Teaching License to satisfy the new advanced professional education program requirements.

(c) If an applicant is unable to meet requirements for the Professional Teaching License as provided in subsection (10)(b) of this rule, the applicant will be issued a renewal of the Preliminary Teaching License.

(d) To qualify for the Professional Teaching License, all applicants must also meet the professional experience requirements provided in OAR 584-210-0040, Professional Teaching License.

(11) Initial I Teaching Licenses Based on a Bachelor's Degree First Issued Between July 1, 2006 through June 30, 2009: No Further Renewals:

(a) Qualified applicants who have completed the advanced coursework requirements as previously advised by the Commission and the professional experience requirement will be issued the Professional Teaching License;

(b) To qualify for the Professional Teaching License, applicants subject to this subsection must:

(A) Meet previously advised advanced master's degree or equivalent coursework requirements for the Initial II Teaching License as modified by subsection (5) and (6) of this rule; or

(B) Meet the new requirements for the Professional Teaching License as provided in OAR 584-210-0040. Under this option, the applicant may use any qualifying coursework earned during the first two terms of her or his Initial I Teaching License to satisfy the new advanced professional education program requirements.

(c) If an applicant is unable to meet requirements for the Professional Teaching License provided in subsection (10)(b) of this rule, the applicant will be issued a renewal of the Preliminary Teaching License.

(d) To qualify for the Professional Teaching License, all applicants must also meet the professional experience requirements provided in OAR 584-210-0040, Professional Teaching License.

(12) Initial II Teaching Licenses Effective July 1, 2015:

(a) Effective July 1, 2015, the Initial II Teaching License will no longer be issued.

(b) Qualified applicants who were issued the Initial II Teaching License prior July 1, 2015 are considered to have satisfied all advanced professional education program requirements provided in OAR 584-210-0040, Professional Teaching License;

(c) Qualified applicants who have completed the teaching experience requirements provided in OAR 584-210-0040 will be issued the Professional Teaching License;

(d) Qualified applicants who do not have sufficient teaching experience to meet the requirements for OAR 584-210-0040, Professional Teaching License, will be issued a continuously renewable Preliminary Teaching License as provided in OAR 584-210-0030, Preliminary Teaching License.

(e) On January 1, 2016, the Initial I Teaching License will be administratively renamed to the Preliminary Teaching License.

(13) Continuing Teaching Licenses:

(a) Effective March 1, 2014, the Continuing Teaching License is no longer issued.

(b) Qualified Continuing Teaching License holders will be issued a Professional Teaching License with instructions on how to qualify and apply for the Teacher Leader License;

(14) Basic Teaching License Renewals:

(a) Effective January 1, 2016, the Basic Teaching License will no longer be issued.

(b) Qualified applicants who were issued the Basic Teaching License prior to December 31, 2015 are considered to have satisfied all advanced professional — education program requirements provided in OAR 584-210-0040, Professional Teaching License;

(c) Qualified applicants who have completed the teaching experience requirements provided in OAR 584-210-0040 will be issued the Professional Teaching License;

(d) Qualified applicants who do not have sufficient teaching experience to meet the requirements for OAR 584-210-0040, Professional Teaching License, will be issued the Legacy Teaching License unless the applicant requests to have the Preliminary Teaching License.

(15) Standard Teaching License Renewals:

(a) Effective January 1, 2016, the Standard Teaching License will no longer be issued.

(b) Qualified Standard Teaching License holders will be issued a Professional Teaching License.

(16) First Time Out of State Applicants:

(a) Effective January 1, 2016, the Initial Teaching License will no longer be issued.

(b) Qualified new out of state applicants will be issued a Reciprocal Teaching License as provided in OAR 584-210-0060.

(17) Five Year Teaching Licenses (Pre-1965 licenses) Renewals:

(a) Effective January 1, 2016, the pre-1965 Five Year Teaching Licenses will no longer be issued.

(b) Qualified Five Year Teaching License holders will be issued either the Professional Teaching License or the Legacy Teaching License.

(18) Teaching Licenses with Communication Disorder endorsements (speech language pathology):

(a) Effective January 1, 2016, all speech pathology related endorsements are retitled to Special Education: Communication Disorders.

(a) Until June 30, 2016, qualified applicants may be issued new non-provisional teaching licenses with special education: communications disorder endorsements.

(b) Effective July 1, 2016, new special education: communication disorder endorsements (speech language pathology) will no longer be issued.

(c) Effective July 1, 2016, licensed educators issued a non-provisional special education: communication disorder endorsements or other similar speech language pathology endorsements prior to June 30, 2016 are grandfathered into the licensure system and will be able to keep their special education: communication disorder endorsement. Grandfathered qualified applicants will be able to renew and reinstate teaching licenses with the special education: communication disorder endorsement. Applicants

may not reinstate a restricted teaching license with a communication disorder or other similar speech pathology endorsement.

(19) Administrative and Personnel Service License Title Name Changes: Effective January 1, 2016, administrative and personnel service educator licenses titles will be renamed as follows:

(a) Basic Administrator is retitled to Legacy Administrator;

(b) Standard Administrator is retitled to Professional Administrator;

(c) Initial Administrator is retitled to Preliminary Administrator;

(d) Continuing Administrator is retitled to Professional Administrator;

(e) Distinguished Administrator is retitled to Distinguished Administrator;

(f) Transitional Administrator is retitled to Reciprocal Administrator;

(g) Transitional Superintendent is retitled to Reciprocal Superintendent;

(h) Restricted Administrator is retitled to Restricted Administrator;

(i) Exceptional Administrator is retitled to Exceptional Administrator;

(j) Emergency Administrator is retitled to Emergency Administrator;

(k) Basic Personnel Service with a Basic or Standard Counselor endorsement is retitled to Legacy School Counselor;

(l) Basic Personnel Service with a Basic or Standard School Psychologist endorsement is retitled to Legacy School Psychologist;

(m) Standard Personnel Service with a Standard Counselor endorsement is retitled to Professional School Counselor;

(n) Standard Personnel Service with a Standard School Psychologist endorsement is retitled to Professional School Psychologist;

(o) Basic School Counselor is retitled to Legacy School Counselor;

(p) Standard School Counselor is retitled to Professional School Counselor;

(q) Initial I School Counselor is retitled to Preliminary School Counselor;

(r) Initial II School Counselor is retitled to Preliminary School Counselor;

(s) Continuing School Counselor is retitled to Professional School Counselor;

(t) Transitional School Counselor is retitled to Reciprocal School Counselor;

(u) Restricted School Counselor is retitled to Restricted School Counselor;

(v) Emergency School Counselor is retitled to Emergency School Counselor;

(w) Basic School Psychologist is retitled to Legacy School Psychologist;

(x) Standard School Psychologist is retitled to Professional School Psychologist;

(y) Initial I School Psychologist is retitled to Preliminary School Psychologist;

(z) Continuing School Psychologist is retitled to Professional School Psychologist;

(aa) Transitional School Psychologist is retitled to Reciprocal School Psychologist;

(bb) Emergency School Psychologist is retitled to Emergency School Psychologist;

(cc) Limited Student Services is retitled to Limited Student Services;

(dd) Initial I School Social Worker is retitled to Preliminary School Social Worker;

(ee) Continuing School Social Worker is retitled to Professional School Social Worker;

(ff) Transitional School Social Worker is retitled to Reciprocal School Social Worker;

(gg) Restricted School Social Worker is retitled to Restricted School Social Worker; and

(hh) Emergency School Social Worker is retitled to Emergency School Social Worker.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.430, 342.455 - 342.495 & 342.553
Hist.: TSPC 13-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-200-0010
Definitions for Licensure, Certification and Registration

(1) "Application:" A request for an Oregon license authorizing service in public schools or a request for reinstatement or renewal of such license.

(2) "Appropriately Assigned:" Assignments for administrator, teacher, school counselor, school psychologist, school social worker or school nurse duties for which the person involved holds the proper license, certificate or endorsements. (See OAR 584-210-0150 for License for Conditional Assignment.)

(3) "Approved Institution:" A U.S. regionally accredited institution of higher education approved to prepare education-licensed personnel by a U.S. governmental jurisdiction in which the institution is located.

(4) "Approved Programs:" An Oregon program of educator preparation approved by TSPC and offered by a regionally accredited Oregon institution or other legally approved provider. As it applies to out-of-state programs, a program approved by the licensure body of any U.S. governmental jurisdiction or member of the National Association of State Directors of Teacher Education and Certification (NASDTEC) authorized to approve educator preparation programs.

(5) "Completion of Approved Program:" The applicant has met the institution's academic requirements and any additional state or federal requirements and has obtained the institution's recommendation for licensure.

(6) "Endorsement:" The subject matter or specialty education field in which the individual is licensed to teach.

(7) "National Board for Professional Teaching Standards (NBPTS):" A professional board established to award a National Teaching Certificate or National Teacher Leader Certificate to qualified educators.

(8) "Out of State Licenses or Certificates:" A certificate or license valid for full-time nonprovisional employment which is at least equivalent to the Oregon license being requested and is issued by one of the United States, a U.S. jurisdiction (American Samoa, Commonwealth of Northern Marianas, District of Columbia, Guam, Puerto Rico, and Virgin Islands), a Canadian province that is a member of the National Association of State Director of Teacher Education and Certification (NASDTEC) or the U.S. Department of Defense.

(9) "Personal Qualifications:" 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.

(10) "Private Schools:" A privately funded school, preprimary through grade twelve, approved, regionally accredited or registered by another U.S. jurisdiction or government.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.430, 342.455 - 342.495 & 342.553
Hist.: TSPC 13-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-200-0020
Personnel Required to Hold Licenses or Charter School Registrations

(1) Except as provided by subsection (3) of this rule, an educator must hold a license or registration issued by the Commission if she or he is:

(a) Employed by an Oregon public school; and

(b) Compensated for their services from public funds.

(2) Licenses or registrations are required for:

(a) Teachers;

(b) Substitute Teachers;

(c) Principals;

(d) School counselors;

(e) School psychologists;

(f) Supervisors;

(g) Program directors, including: special education and career and technical directors;

(h) District administrators who evaluate or discipline licensed personnel, or who authorize out-of-school suspensions or expulsions of students;

(i) Superintendents and Assistant or Deputy Superintendents;

(j) Athletic coaches who coach during the school day in courses or activities for which students receive academic credit;

(k) Charter school teachers (registrations);

(l) Charter school administrators (registrations); and

(m) Other personnel performing the above duties regardless of title.

(3) School districts may provide related services for children identified as requiring special education services by employing a public agency, such as a community mental health program, or by employing professionals who are licensed within their own specialties by the State of Oregon. These personnel are not required to hold licensure from the Commission. See also ORS 343.221.

(4) Notwithstanding ORS 342.173, community college faculty who provide instruction in cooperation with a school district for academic career and technical education, school-to-work or other work-related programs under ORS Chapter 329 will not be required to have teaching licenses. See also ORS 341.535. Both full-time and part-time faculty employed under this section are subject to criminal history records checks by the Oregon

State Police and the Federal Bureau of Investigation. See also ORS 326.603 and OAR 581-022-1730.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.430, 342.455 - 342.495 & 342.553
Hist.: TSPC 13-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-200-0030
Application Processing Requirements and Procedures

(1) All applicants must create an online user account and use the online system for applications for licenses, endorsements, renewals, specializations, and reinstatements.

(2) All applicants must pay for fees through the online system. Check and cash payments are not permitted.

(3) Expiration of License: A license, certificate or registration is expired and invalid on the expiration date on the license, certificate or registration except as follows:

(a) 120 Grace Period: Most licenses will continue to be valid for 120 day grace period after the expiration date of the license as provided in ORS 342.127 and 342.173 if the educator has made a timely application, as determined by the Commission, for renewal prior to the expiration date on the license.

(b) If the applicant does not apply for and pay all required fees prior to the expiration date of the 120 grace period, the license becomes expired and invalid on the 121 day after the expiration. The applicant must apply for reinstatement of the license.

(c) The following licenses are not eligible for 120 grace period because they are not eligible for renewal:

(A) Emergency Teaching License;

(B) Restricted Teaching License; (Eligible for Reissue)

(C) Restricted Substitute License if issued for one-year term; (Eligible for Reissue)

(C) ESEA Teaching License; and

(D) License for Conditional Assignment. (Eligible for Reauthorization)

(d) If the applicant has applied for renewal and paid all required fees prior to the expiration date on the license, certificate or registration, the license will remain valid until the new license is issued. The date of issue of the renewal may be after the date of expiration of the license.

(4) Requirement for Complete Application: The Commission will only process complete applications for new licenses, endorsements, renewals, specializations and reinstatements.

(a) An application is incomplete if the applicant has not submitted a correct and complete application, all required fee payments, and all supporting documentation required to evaluate the application.

(b) The applicant shall be allowed 90 days after the date the application and payment of all required fees to correct any deficiencies or incomplete items in an application without incurring additional fees. If corrections to the incomplete application are made after the 90 day period expires, the applicant may incur late fee charges in accordance with OAR 584-200-0050 with the following exceptions:

(A) If the applicant is not notified about the incomplete application within one calendar week of the submission of the application and payment of all required fees, the 90 days period will be extended by an amount of time equal to the number of days the Commission delayed notifying the applicant of incomplete items.

(B) If the license is not issued within 90 days due to licensure processing backlog, the applicant will not be charged late fees for renewal.

(5) Late fees will be imposed if the application and all required fee payments are submitted after the expiration date on the license and for up to six months after the expiration date. Late fees will be assessed in accordance with OAR 584-200-0050 Fees.

(6) If an applicant allows their license, registration or certificate to lapse for more than six months, the applicant will be required to reinstate the license, registration, or certificate. The fee for reinstatement is in addition to other required licensed fees.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.430, 342.455 - 342.495 & 342.553
Hist.: TSPC 13-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-200-0040
Expedited Service for Licensure, Registration and Certificate Applications

(1) Pursuant to ORS 342.125, expedited service is defined as the priority processing of a license, registration or certificate within two working days after receiving a correct and complete application.

(2) Expedited service is only available in the following circumstances:

(a) District requests for the issuance of a license, registration or certificate in an urgent situation; and

(b) Military Spouse or Military Domestic Partner Applications pursuant to ORS 342.195(2).

(3) Except as provided in subsection (6) of this rule, only a district may request an expedited service of a license, registration or certificate application. To request an expedited service on an application, a district must provide:

(a) A request to expedite service on the application.

(A) A request for expedited service will not be accepted until a correct and complete application is received. A correct and complete application must include:

(i) Evidence of meeting all requirements for the license, certification or registration associated with the application;

(ii) A background clearance; and

(iii) Payment of all required fees as provided in OAR 584-200-0050.

(B) If the district requests an expedited service prior to the application being correct and complete, the request will be considered null and void. The district must resubmit the request after a correct and complete application is received;

(b) A Statement of Need describing the urgent situation requiring the expedited service. The district may be required to provide evidence to support the Statement of Need; and

(c) The expedited service fee pursuant to OAR 584-200-0050.

(4) Upon receipt of a request for expedited service on a correct and complete application, the license will be issued within two working days. The two working day provision does not apply to incomplete applications or incomplete requests for expedited service.

[Note: An application is not complete until all background clearance protocols and items within the Executive Director's discretion are finalized.]

(5) The following applications are not eligible for expedited service:

(a) Renewal applications within the 120 days grace period, unless the renewal application:

(A) Was submitted too late to allow processing within the 120 period following the expiration date on the license; and

(B) All late and expedited fees have been paid.

(b) New Oregon applicants eligible for Fast-Track processing pursuant to OAR 584-010-0090;

(6) To be eligible for expedited service of a military spouse or military domestic partner application pursuant to ORS 342.195(2), an applicant must:

(a) Hold a current license from another state;

(b) Be a military spouse or domestic partner of an active member of the Armed Forces of the United States who has been subject to a military transfer to Oregon within the 12 months prior to the application of the license;

(c) Submit a complete application as provided in OAR chapter 584, divisions 210, 70 or 80, including evidence of the spousal or domestic relationship and evidence of the recent military transfer; and

(d) Submit the fees for an out-of-state evaluation and for the expedited service.

(7) A qualifying applicant for an expedited military spouse or domestic partner of an active member of the Armed Forces of the United States will only be eligible for an equivalent license issued by the Commission if:

(a) The applicant has met all the requirements of the license for which the applicant is applying; and

(b) The applicant has not been subject to discipline in another state against any educator certificate, license or charter school registration. For this section, discipline is defined as any discipline for conduct that would bar an applicant from licensure as an educator in the state of Oregon.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.430, 342.455 - 342.495 & 342.553
Hist.: TSPC 13-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-200-0050
Fees

(1) Pursuant to ORS 342.127, the Commission has established fees for the processing of applications.

(2) All fees are non-refundable.

(3) The fees for evaluating and processing an Oregon initial application for licensure, registration or certification are as follows:

(a) Preliminary: $140

(b) Professional: $140

(c) Teacher Leader: $140

(d) Substitute Teacher: $140

(e) American Indian Language: $140
(f) International Visiting Teacher: $140
(g) Career and Technical Education: $140
(h) Exceptional: $140
(i) Restricted: $140
(j) Limited: $140
(k) Emergency: $140
(l) License for Conditional Assignment: $140
(m) Charter School Registration: $140
(n) School Nurse: $140
(o) Teacher Associate: $140; and
(p) Background Clearance: $57;

(4) Out-of-State Applications for Licenses, Certifications, and Registrations: $190

(5) Renewals of Licenses, Certificates, and Registrations: $140 except as follows:

(a) International Visiting Teacher License: $50; and
(b) Career and Technical Education I Teaching License: $50.

(6) Miscellaneous Fees:

(a) Adding or removing an endorsement outside of the regular renewal application process: $140;
(b) Adding a specialization outside of the regular renewal application process: $140;
(c) Reinstatement of an expired license (does not include application fee): $200;
(d) Expedited service: $149;
(e) Gold-seal paper license: $50; [Note: Gold seal paper license are only available for current licenses.]
(f) Extensions to provisional license: $50;
(g) Reauthorization of License for Conditional Assignment: $50;
(h) Reissue of Restricted Teaching, Administrator, School Counselor, and School Social Work licenses: $50;
(j) Non-Sufficient Funds (NSF): $25;
(k) Reinstatement of suspended license, not including background clearance fee (includes application fee): $290;
(l) Reinstatement of revoked license, not including background clearance fee (includes application fee): $340; and
(m) Background clearance: $57.

(7) Late Fees: Pursuant to ORS 342.127, the Commission has established the following late fee process:

(a) An applicant will pay $40 per month late fee for each portion of a month following expiration of the license, registration or certificate for a maximum of $200.
(b) Late fees are in addition to the application fee for renewal of $140.

(8) Online Application Fee: In addition to the Commission-established fees under this subsection, applicants must pay a fee associated with accessing the online application system that is collected by the operators of the online system. This fee is collected and assessed according to agreements with the Commission, Department of Administrative Services and the operators of the online application system.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.430, 342.455 - 342.495 & 342.553
Hist.: TSPC 13-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-200-0060
Addresses and Uses of Addresses

(1) The Commission will use the most recent mailing and email address on the licensee's or applicant's account to provide information to the licensee or applicant.

(2) A license, registration or certificate holder must report changes of residential, mailing and email addresses within 90 days of the change;

(3) All licenses, registrations, certificates, or correspondence will be sent to the last known email address on file for the educator. Notices and gold-seal paper licenses will be sent to the last known residential or mailing address on file for the educator.

(4) If the educator fails to notify the Commission of a new mailing or email address, the applicant may not receive all information related to their license, registration or certificate. In these cases, the Commission is not responsible for any consequence or action resulting from the applicant's failure to receive important information related to licensure, registration, certification or discipline.

(5) The Commission may send notice for opportunity for a hearing pursuant to ORS 342.175 (notice of charges related to discipline) or ORS 183.430 (notice of denial of renewal) to an educator at the address the educator provides in writing to the Commission. The Commission may complete service of notice under ORS 342.143(4), 342.176(5) or 183.430, by mailing the notice through certified or registered mail addressed to the educator's address on file with the Commission and such mailing will be deemed conclusive evidence of service.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.430, 342.455 - 342.495 & 342.553
Hist.: TSPC 13-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-200-0070
Name Changes

(1) An applicant must notify the TSPC agency of an official name change within 90 days of the name change becoming effective by:

(a) Notification of a name change in writing and sending the required documentation of the official name change by mail to the TSPC offices;
(b) Notification of a name change through their TSPC user account and uploading the required documentation to the account

(2) All notifications of name changes must include the educator's former and new names, user account ID number, date of birth and one of the following documents:

(a) Employing superintendent's signature on the Professional Educational Experience Report Form verifying the change of name;
(b) Official sealed transcripts from a regionally accredited institution in the United States;
(c) An official passport issued by the United States;
(d) An official government-issued marriage certificate/license (signed by a government official and including a filed date, stamp, seal or other notation showing that the document has been filed with a government agency);
(e) A record of Domestic Partnership issued by Oregon Vital Statistics signed by a government official with a stamp or seal showing the document has been recorded with the State Registrar;
(f) An out-of-state government issued record of Domestic Partnership signed by a government official with a stamp or seal showing the document was filed with the city, county or state agency responsible for registering Domestic Partnerships in that state;
(g) A U.S. city, county or state court-issued divorce decree, judgment of dissolution of marriage, annulment of marriage decree, judgment of dissolution of domestic partnership, or annulment of domestic partnership;
(h) A government-issued death certificate of spouse, that includes a connection to your current full legal name (signed by a government official and including a stamp to show that the document has been filed);
(i) A U.S. city, county or state court-issued legal name change decree;
(j) Oregon Driver License, Instruction Permit or ID Card;
(k) Military ID card, Common Access card and Uniform Services ID & Privilege card (including all branches of military personnel and dependents, not including Merchant Marines);
(l) Other U.S. state, U.S. territory, District of Columbia, Canadian or U.S. Department of State driver license, instruction permit or identification card;
(m) Oregon Concealed Weapon permit/Concealed Handgun license; or
(n) Tribal identification card issued by a federally recognized tribe.

(3) If the educator reverts to a name previously established with the Commission, the notification must be in writing and must include the educator's previously established name and the new names and TSPC Account ID. Documentation from a court is not required, but other evidence that the educator is using the former name must be supplied.

(4) If a new paper gold seal license is requested bearing the new name, an application and gold seal paper license fee are required.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.430, 342.455 - 342.495 & 342.553
Hist.: TSPC 13-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-200-0080
Preparation in Another Jurisdiction

(1) First Oregon License: If an applicant has completed an educator preparation program from another jurisdiction, the candidate must hold or obtain an active and valid license from that jurisdiction prior to application for licensure in Oregon.

(2) Applicants holding a non-provisional educator license or certificate issued by another state that is substantially equivalent to an Oregon educator non-provisional license may be eligible for an unrestricted Oregon equivalent license under the terms and conditions associated with that license.

(3) Applicants prepared outside the state of Oregon, who have completed all of the requirements for any Oregon educator license, may qualify upon first application for that license.

(4) Applicants applying to add an endorsement or applying to complete licensure requirements related to any Oregon non-provisional license, do not need to hold or earn an out-of-state licensure equivalent, but may request that the Commission evaluate their transcripts to determine whether the program or other academic work meets the Commission's requirements.

(5) If the applicant does not meet requirements for an unrestricted non-provisional license, the Commission may issue any other license for which the applicant qualifies.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.430, 342.455 - 342.495 & 342.553
Hist.: TSPC 13-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-200-0090
Preparation in Another Country

(1) An applicant with one or more academic degrees valid in Oregon and professional preparation from outside the United States may request evaluation of their qualifications by the Commission. The Commission may waive part or all of approved licensure requirements as authorized in 584-200-0100.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.430, 342.455 - 342.495 & 342.553
Hist.: TSPC 13-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-200-0100
Waiver of Licensure Requirements by the Commission

(1) The Executive Director may waive all, or in part, the requirements for teaching, administrative and personnel service licenses if the applicant provides evidence of academics skills, experience and knowledge demonstrating mastery of the Commission-adopted standards for the license.

(a) To receive a waiver under this subsection, an applicant must specifically and substantially demonstrate the knowledge and skills required to perform the duties of the position as measured by the Commission adopted standards for the license.

(b) The Executive Director, or designee, will evaluate all evidence and make the determination on the waiver. It is solely within the discretion of the Executive Director, or designee, to grant waivers under this subsection.

(c) The Commission will monitor any waivers granted under this subsection and will receive reports on such waivers from the Executive Director.

(2) To be considered for a waiver, an applicant must submit:

(a) Complete and correct application with all required fees and supportive substantive documentation such as: official sealed transcripts, job descriptions, and other credible evidence of academic achievement or experience demonstrating mastery of the standards for the license;

(b) A written statement from the applicant including type of license requested, requirements requested for waiver and alternative qualifications to be considered;

(c) The applicant's resume and a statement indicating reasons for referring the matter to the Executive Director.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.430, 342.455 - 342.495 & 342.553
Hist.: TSPC 13-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-225-0010
Purpose of Specialization on a License

(1) A specialization on a TSPC-issued license is an optional indication of specialized expertise or preparation in an area the Commission recognizes as "added value" on a license. A specialization indicates the educator has demonstrated exceptional knowledge, skills and related abilities in that area. A specialization must meet standards or requirements set by the Commission.

(2) A specialization is distinguished from an endorsement in that a specialization is not required to teach or work in the specialized area, whereas an endorsement is required to work in the subject-matter area.

(3) The specialization will be indicated as follows on the license: Example: Specialization: Autism Spectrum Disorder.

(4) An educator may not be labeled as a specialist or call themselves a specialist in any area recognized by the Commission as requiring additional and exceptional preparation without actually holding a specialization on the license.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120–342.430, 342.455-342.495 & 342.553
Hist.: TSPC 13-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-225-0020
Adaptive Physical Education Specialization

(1) Purpose: An Adaptive Physical Education specialization indicates that an educator has obtain additional and specialized preparation to teach prekindergarten through grade 12 assignments in Adaptive Physical Education.

(2) A specialization is an optional indication of specialized expertise or preparation in an area the Commission recognizes as "added value" on a license. A specialization indicates the educator has demonstrated exceptional knowledge, skills and related abilities in that area. A specialization must meet standards set by the Commission. A specialization is not required to teach in the specialization area indicated on the license.

(3) Eligibility Requirements: To be eligible to add an Adaptive Physical Education specialization to a Preliminary, Professional, Teacher Leader or Legacy Teaching License, an applicant must:

(a) Possess a valid Oregon teaching license with a Physical Education endorsement;

(b) Complete a Commission-approved Adaptive Physical Education specialization program in accordance with 584-420-0610.

(c) At least fifty percent (50%) of the Adaptive Physical Education coursework must have been completed within five years prior to the date of application for the specialization unless the applicant has ever held the Adaptive Physical Education endorsement on an Oregon Teaching License; and

(d) Submit a complete and correct application to obtain the specialization in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.

Note: Adding the specialization at the time of renewal will not require an additional cost to the licensure renewal process.

(4) An adaptive physical education specialization may not be added to a provisional license.

(5) The specialization will appear on a license as follows: Specialization: Adaptive Physical Education.

(6) Once the specialization is noted on a license, it may only be removed at the educator's request.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120–342.430, 342.455-342.495 & 342.553
Hist.: TSPC 13-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-225-0030
American Sign Language Specialization

(1) Purpose: An American Sign Language specialization indicates that an educator has obtained additional and specialized training to communicate and teach prekindergarten through grade 12 students in American Sign Language learning environments.

(2) A specialization is an optional indication of specialized expertise or preparation in an area the Commission recognizes as "added value" on a license. A specialization indicates the educator has demonstrated exceptional knowledge, skills and related abilities in that area. A specialization must meet standards set by the Commission. A specialization is not required to teach in the specialization area indicated on the license.

(3) Eligibility Requirements: To be eligible to add an American Sign Language specialization to any TSPC-issued license, an applicant must:

(a) Hold an American Sign Language Teacher Association (ASLTA) Provisional, Qualified or Professional Certification;

(b) Complete a Bachelor's degree or equivalent in teaching American Sign Language or equivalent preparation that meets the competency standards set forth in this rule. The Executive Director or Director of Licensure will make the determination if applicant's equivalent preparation is sufficient to meet the competency standards.

(c) Provide evidence of American Sign Language Proficiency Interview (ASLPI) rating of 3 or better; or, an ASLPI rating of Advanced Plus; and

(d) Complete a Commission-approved program for American Sign Language (ASL) specialization as provided in OAR 584-420-0600 or equivalent preparation that meets the competency standards set forth in this rule. The Executive Director or Director of Licensure will make the determination if an applicant's equivalent preparation is sufficient to meet the competency standards.

(e) Submit a complete and correct application to obtain the specialization in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.

Note 2: Adding the specialization at the time of renewal will not require an additional cost to the licensure renewal process.

(4) The specialization will be indicated as follows on the license: World Language Specialization: American Sign Language

(5) Except for a Limited Teaching License, a World Language: American Sign Language (ASL) specialization may not be added to a provisional license;

(6) Once the specialization is noted on a license, it may only be removed at the educator's request.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120–342.430, 342.455-342.495 & 342.553
Hist.: TSPC 13-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-225-0040
Autism Spectrum Disorder (ASD) Specialist

(1) Purpose: An Autism Spectrum Disorder (ASD) Specialist specialization indicates that an educator has obtained additional and specialized preparation to teach prekindergarten through grade 12 students with Autism Spectrum Disorder learning variances.

(2) A specialization is an optional indication of specialized expertise or preparation in an area the Commission recognizes as "added value" on a license. A specialization indicates the educator has demonstrated exceptional knowledge, skills and related abilities in that area. A specialization must meet standards set by the Commission. A specialization is not required to teach in the specialization area indicated on the license.

(3) Eligibility Requirements: To be eligible to add an Autism Spectrum Disorder (ASD) Specialist specialization to a Preliminary, Professional, Teacher Leader or Legacy Teaching License, an applicant must:

(a) Possess a valid Oregon teaching license with any special education endorsement;

(b) Complete a Commission-approved Autism Spectrum Disorder (ASD) Specialist specialization program in accordance with OAR 584-420-0640.

(c) At least fifty percent (50%) of the Autism Spectrum Disorder coursework must have been completed within five years prior to the date of application for the specialization; and

(d) Submit a complete and correct application to obtain the specialization in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.

Note: Adding the specialization at the time of renewal will not require an additional cost to the licensure renewal process.

(4) An Autism Spectrum Disorder (ASD) Specialist specialization may not be added to a provisional license.

(5) The specialization will appear on a license as follows: Specialization: Autism Spectrum Disorder (ASD) Specialist.

(6) Once the specialization is indicated on a license, it may only be removed at the educator's request.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120–342.430, 342.455-342.495 & 342.553
Hist.: TSPC 13-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-225-0050
Bilingual Specialization

(1) Purpose: A Bilingual specialization indicates that an educator has met the oral proficiency interview (OPI) assessment standards by a certified American Council on the Teaching of Foreign Languages (ACTFL) OPI tester.

(2) A specialization is an optional indication of specialized expertise or preparation in an area the Commission recognizes as "added value" on a license. A specialization indicates the educator has demonstrated exceptional knowledge, skills and related abilities in that area. A specialization must meet standards set by the Commission. A specialization is not required to teach in the specialization area indicated on the license.

(3) Eligibility Requirements: To be eligible to add any Bilingual specialization to any TSPC-issued license except as provided in subsection (4) of this rule, an applicant must:

(a) Submit an original copy of the Official ACTFL Oral Proficiency Certificate stating the applicant has qualified for the Advanced Mid or higher proficiency level in the language the applicant is seeking to add to the license.

(b) Submit a complete and correct application to obtain the specialization in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.

Note 1: The Commission will return the original certification to the applicant upon request when applying for the license or specialization.
Note 2: Adding the specialization at the time of renewal will not require an additional cost to the licensure renewal process.

(4) A Bilingual specialization may not be added to the following licenses:

(a) ESEA Alternative Route;

(b) CTE Restricted Teaching License

(c) Charter School Registry (teacher and administrator);

(d) Emergency teacher, administrator, school counselor, or school nurse;

(e) Restricted substitute, teacher, administrator, or school counselor;

(f) Restricted transitional administrator, superintendent, school psychologist, or school social worker;

(g) Transitional administrator, superintendent, school counselor, school psychologist, or school social worker; and

(h) Teacher Associate;

(5) The Bilingual Specialization will be indicated as follows on the license: Bilingual Specialization: (Proficient Language), for example: Bilingual Specialization: Spanish.

(6) Once the specialization is indicated on a license, it may only be removed at the educator's request.

(7) All licensees issued an ESOL/Bilingual endorsement prior to January 1, 2016 will be provided with a Bilingual specialization upon renewal of their teaching license.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120–342.430, 342.455-342.495 & 342.553
Hist.: TSPC 13-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-225-0060
Dual Language Specialization

(1) Purpose: A Dual Language specialization indicates that an educator has obtained additional and specialized preparation to teach prekindergarten through grade 12 students in dual language learning environments.

(2) A specialization is an optional indication of specialized expertise or preparation in an area the Commission recognizes as "added value" on a license. A specialization indicates the educator has demonstrated exceptional knowledge, skills and related abilities in that area. A specialization must meet standards set by the Commission. A specialization is not required to teach in the specialization area indicated on the license.

(3) Eligibility Requirements: To be eligible to add a Dual Language specialization to a Preliminary, Professional, Teacher Leader or Legacy Teaching License, an applicant must:

(a) Possess a valid Oregon teaching license with a World Language endorsement;

(b) Complete a Commission-approved Dual Language specialization program in accordance with 584-420-0630.

(c) At least fifty percent (50%) of the Dual Language program coursework must have been completed within five years prior to the date of application for the specialization; and

(d) Submit a complete and correct application to obtain the specialization in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.

Note: Adding the specialization at the time of renewal will not require an additional cost to the licensure renewal process.

(4) A Dual Language specialization may not be added to a provisional license.

(5) The specialization will appear on a license as follows: Specialization: Dual Language.

(6) Once the specialization is indicated on a license, it may only be removed at the educator's request.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120–342.430, 342.455-342.495 & 342.553
Hist.: TSPC 13-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-225-0070
Early Childhood Education Specialization

(1) Purpose: An Early Childhood Education specialization indicates that an educator has obtained additional and specialized preparation to teach in Early Childhood learning environments in grades pre-kindergarten through grade 3.

(2) A specialization is an optional indication of specialized expertise or preparation in an area the Commission recognizes as "added value" on a license. A specialization indicates the educator has demonstrated exceptional knowledge, skills and related abilities in that area. A specialization must meet standards set by the Commission. A specialization is not required to teach in the specialization area indicated on the license.

(3) Eligibility Requirements: To be eligible to add an Early Childhood Education specialization to a Preliminary, Professional, Teacher Leader or Legacy Teaching License, an applicant must:

(a) Possess a valid Oregon teaching license with an Elementary-Multiple Subjects endorsement;

(b) Complete a Commission-approved Early Childhood Education specialization program in accordance with 584-420-0620. At least fifty percent (50%) of the Early Childhood Education coursework must have been completed within five years prior to the date of application for the specialization unless the applicant has previously held the Early Childhood authorization or Early Childhood endorsement on any license; and

(d) Submit a complete and correct application to obtain the specialization in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.

Note: Adding the specialization at the time of renewal will not require an additional cost to the licensure renewal process.

(4) An Early Childhood Education specialization may not be added to a provisional license.

(5) The specialization will appear on a license as follows: Specialization: Early Childhood Education

(6) Once the specialization is indicated on a license, it may only be removed at the educator's request.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120–342.430, 342.455-342.495 & 342.553
Hist.: TSPC 13-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-225-0090
Elementary Mathematics Instructional Leader Specialization

(1) Purpose: A Elementary Mathematics Instructional Leader specialization indicates that an educator has obtained additional and specialized preparation to assist other teachers with mathematic content and pedagogy skills for teaching mathematics in grades prekindergarten through grade 8.

(2) A specialization is an optional indication of specialized expertise or preparation in an area the Commission recognizes as "added value" on a license. A specialization indicates the educator has demonstrated exceptional knowledge, skills and related abilities in that area. A specialization must meet standards set by the Commission. A specialization is not required to teach in the specialization area indicated on the license.

(3) Eligibility Requirements: To be eligible to add an Elementary Mathematics Instructional Leader specialization to a Preliminary, Professional, Teacher Leader or Legacy Teaching License, an applicant must:

(a) Possess a valid Oregon teaching license with an Elementary-Multiple Subjects endorsement;

(b) Possess three years of grade k-8 mathematics experience as verified by a Professional Educator Experience Form (PEER) or other verifiable experience if the experience is obtained out of state; and

(c) Complete a Commission-approved Elementary Mathematics Instructional Leader specialization program in accordance with 584-420-0650. At least fifty percent (50%) of the Elementary Mathematics Instructional Leader program coursework must have been completed within five years prior to the date of application for the specialization; and

(d) Submit a complete and correct application to obtain the specialization in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.

Note: Adding the specialization at the time of renewal will not require an additional cost to the licensure renewal process.

(4) An Elementary Mathematics Instructional Leader specialization may not be added to a provisional license.

(5) The specialization will appear on a license as follows: Specialization: Elementary Mathematics Instructional Leader.

(6) Once the specialization is indicated on a license, it may only be removed at the educator's request.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120–342.430, 342.455-342.495 & 342.553
Hist.: TSPC 13-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-225-0100
Talented and Gifted Specialization

(1) Purpose: A Talented and Gifted specialization indicates that an educator has obtained additional and specialized preparation to teach prekindergarten through grade 12 students with identified as Talented and Gifted learners.

(2) A specialization is an optional indication of specialized expertise or preparation in an area the Commission recognizes as "added value" on a license. A specialization indicates the educator has demonstrated exceptional knowledge, skills and related abilities in that area. A specialization must meet standards set by the Commission. A specialization is not required to teach in the specialization area indicated on the license.

(3) Eligibility Requirements: To be eligible to add a Talented and Gifted specialization to a Preliminary, Professional, Teacher Leader or Legacy Teaching License, an applicant must:

(a) Complete a Commission-approved Talented and Gifted specialization program in accordance with 584-420-0660. At least fifty percent (50%) of the Talented and Gifted program coursework must have been completed within five years prior to the date of application for the specialization; and

(d) Submit a complete and correct application to obtain the specialization in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.

Note: Adding the specialization at the time of renewal will not require an additional cost to the licensure renewal process.

(4) A Talented and Gifted specialization may not be added to a provisional license.

(5) The specialization will appear on a license as follows: Specialization: Talented and Gifted.

(6) Once the specialization is noted on a license, it may only be removed at the educator's request.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120–342.430, 342.455-342.495 & 342.553
Hist.: TSPC 13-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-420-0010
English Language Learner (ELL): Standards for All Licensure, Endorsement and Specialization Programs

(1) Purpose of the Standards: It is the Commission's policy that every p-12 educator has a responsibility to meet the needs of Oregon's English Language Learner students. As such, accreditation and educator preparation requirements must support the demand for well-prepared educators to work with second language learners of all ages.

(2) These standards apply to pre-service candidates working to become teachers, administrators, personnel service educators and educator preparation program (EPP) faculty.

(3) The ELL Knowledge, Skills, Abilities and Dispositions:

(a) Language: Candidates, and higher education faculty know, understand, and use the major concepts, theories, and research related to the nature and acquisition of language to construct learning environments that support English Language Learners (ELL) and bilingual students' language and literacy development and content area achievement. Candidates and higher education faculty:

(A) Understand concepts related to academic versus social language, oracy versus literacy, and grammatical forms and linguistic functions;

(B) Are familiar with characteristics of students at different stages of second language acquisition and English Language Proficiency (ELP) levels;

(C) Recognize the role of first language (L1) in learning the second language (L2); and

(D) Are aware of personal, affective and social variables influencing second language acquisition.

(b) Culture: Candidates, and higher education faculty know and understand the major concepts, principles, theories, and research related to the nature and role of culture and cultural groups to construct learning environments that support ELL students' cultural identities, language and literacy development, and content area achievement. Candidates, and higher education faculty:

(A) Understand the impact of culture on language learning;

(B) Recognize and combat deficit perspectives and views on second language learner students;

(C) Understand that learners' skills, knowledge and experiences should be used as resources for learning; and

(D) Understand how one's own culture impacts one's teaching practice.

(c) Planning, Implementing, and Managing Instruction: Candidates and higher education faculty know and understand the use of standards-based practices and strategies related to planning, implementing, and managing ESL and content instruction, including classroom organization, teaching strategies for developing and integrating language skills, and choosing and adapting classroom resources. Candidates and higher education faculty:

(A) Are familiar with different ELL program models for language acquisition English Language Development (ELD) and content pedagogy (sheltered & bilingual models);

(B) Incorporate basic sheltered strategies (e.g., visuals, grouping strategies, frontloading, and explicit vocabulary) appropriate to learners at different levels of English language proficiency within a gradual release of responsibility model;

(C) Are familiar with state-adopted English Language Proficiencies standards, and are able to develop lessons that include both content and language objectives related to those standards; and

(D) Incorporate primary language support within instruction.

(d) Assessment: Candidates and higher education faculty understand issues of assessment and use standards-based assessment measures with ELL and bilingual learners of all ages. Candidates and higher education faculty:

(A) Understand the role of language in content assessments; and

(B) Implement multiple and varied assessments that allow learners to demonstrate knowledge of content regardless of language proficiency level.

(e) Professionalism: Candidates and higher education faculty demonstrate knowledge of the history of ESL teaching. Candidates keep current with new instructional techniques, research results, advances in the ESL field, and public policy issues. Candidates use such information to reflect upon and improve their instructional practices. Candidates provide support and advocate for ELL and bilingual students and their families and work collaboratively to improve the learning environment. Candidates and higher education faculty:

(A) Understand the importance of fostering family and school partnerships; and

(B) Understand the importance of collaborating and consulting with English Language Development specialists.

(f) Technology: Candidates and higher education faculty use information technology to enhance learning and to enhance personal and professional productivity. Candidates and higher education faculty:

(A) Demonstrate knowledge of current technologies and application of technology with ELL students;

(B) Design, develop, and implement student learning activities that integrate information technology; and

(C) Use technologies to communicate, network, locate resources, and enhance continuing professional development.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 – 342.430; 342.455-342.495 & 342.553
Hist.: TSPC 13-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-420-0020
Preliminary Teaching License: Licensure Program Standards

(1) Candidates who are prepared for the Preliminary Teaching License will demonstrate the knowledge, skills, professional dispositions and cultural competencies necessary to promote the academic, career, personal and social development of pre-kindergarten to grade 12 students within the endorsement areas on the license.

(2) The Commission may provide approval to an educator preparation program that prepares candidates for a Preliminary Teaching License only if it includes:

(a) Content that will enable candidates to gain the knowledge, skills, abilities, professional dispositions, and cultural competencies to meet the standards set forth in this rule and the TSPC Program Review and Standards Handbook;

(b) A requirement for students to complete the edTPA teacher performance prior to recommending the candidate for licensure;

(c) Field experiences that include supervised teaching or internships; and

(d) Integration of principles of cultural competency and equitable practice in each competency standard through the entire Preliminary Teaching License program.

(3) Standard 1: The Learner and Learning:

(a) Learner Development: The teacher understands how children learns grow and develop, recognizing that patterns of learning and development vary individually within and across the cognitive, linguistic, social, emotional, and physical areas, and designs and implements developmentally appropriate and challenging learning experiences. [InTASC Standard #1]

(b) Learning Differences: The teacher uses understanding of individual differences and diverse cultures and communities to ensure inclusive learning environments that enable each learner to meet high standards. [InTASC Standard #2]

(c) Learning Environments: The teacher works with others to create environments that support individual and collaborative learning, and that encourage positive social interaction, active engagement in learning, and self motivation. [InTASC Standard #3]

(4) Standard 2: Content

(a) Content Knowledge: The teacher understands the central concepts, tools of inquiry, and structures of the discipline(s) he or she teaches and creates learning experiences that make these aspects of the discipline accessible and meaningful for learners to assure mastery of the content. [InTASC Standard #4]

(b) Application of Content: The teacher understands how to connect concepts and use differing perspectives to engage learners in critical thinking, creativity, and collaborative problem solving related to authentic local and global issues. [InTASC Standard #5]

(5) Standard 3: Instructional Practice

(a) Assessment: The teacher understands and uses multiple methods of assessment to engage learners in their own growth, to monitor learner progress, and to guide the teacher's and learner's decision making. [InTASC Standard #6]

(b) Planning for Instruction: The teacher plans instruction that supports every student in meeting rigorous learning goals by drawing upon knowledge of content areas, curriculum, cross-disciplinary skills and pedagogy, as well as learners and the community context. [InTASC Standard #7]

(c) Instructional Strategies: The teacher understands and uses a variety of instructional strategies to encourage learners to develop deep understanding of content areas and their connections, and to build skills to apply knowledge in meaningful ways. [InTASC Standard #8]

(6) Standard 4: Professional Responsibility

(a) Professional Learning and Ethical Practice: The teacher engages in ongoing professional learning and uses evidence to continually evaluate his or her practice, particularly the effects of his/her choices and actions on others (learners, families, other professionals, and the community), and adapts practice to meet the needs of each learner. [InTASC Standard #9]

(b) Leadership and Collaboration: The teacher demonstrates leadership by taking responsibility for student learning and by collaborating with learners, families, colleagues, other school professionals, and community members to ensure learner growth and development, learning, and well-being. [InTASC Standard #10]

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 – 342.430; 342.455-342.495 & 342.553
Hist.: TSPC 13-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-420-0030
Professional Teaching License: Program Standards

(1) On March 1, 2016, the Commission rescinds state approval of all Continuing Teaching License programs. If an educator preparation program would like to convert its Continuing Teaching License program to a Professional Teaching License program, it must resubmit its program for Commission approval in accordance with the standards of this rule and in the manner required by the Commission.

(2) Candidates who are prepared for the Professional Teaching License will demonstrate an advanced level of knowledge, skills, professional dispositions and cultural competencies necessary to promote the academic, career, personal and social development of pre-kindergarten to grade 12 students within the endorsement areas on the license.

(3) The Commission may provide approval to an educator preparation program that prepares candidates for a Professional Teaching License only if it includes:

(a) Content that will enable candidates to gain an advanced level of knowledge, skills, abilities, professional dispositions, and cultural competencies to meet the standards set forth in this rule and the TSPC Program Review and Standards Handbook;

(c) Field experiences that include supervised teaching or internships; and

(d) Integration of principles of cultural competency and equitable practice in each competency standard through the entire Professional Teaching License program.

(4) Standard 1: The Learner and Learning (Advanced Level):

(a) Learner Development: The teacher understands how children learns grow and develop, recognizing that patterns of learning and development vary individually within and across the cognitive, linguistic, social, emotional, and physical areas, and designs and implements developmentally appropriate and challenging learning experiences. [InTASC Standard #1]

(b) Learning Differences: The teacher uses understanding of individual differences and diverse cultures and communities to ensure inclusive learning environments that enable each learner to meet high standards. [InTASC Standard #2]

(c) Learning Environments: The teacher works with others to create environments that support individual and collaborative learning, and that encourage positive social interaction, active engagement in learning, and self motivation. [InTASC Standard #3]

(5) Standard 2: Content (Advanced Level)

(a) Content Knowledge: The teacher understands the central concepts, tools of inquiry, and structures of the discipline(s) he or she teaches and creates learning experiences that make these aspects of the discipline accessible and meaningful for learners to assure mastery of the content. [InTASC Standard #4]

(b) Application of Content: The teacher understands how to connect concepts and use differing perspectives to engage learners in critical thinking, creativity, and collaborative problem solving related to authentic local and global issues. [InTASC Standard #5]

(6) Standard 3: Instructional Practice (Advanced Level)

(a) Assessment: The teacher understands and uses multiple methods of assessment to engage learners in their own growth, to monitor learner progress, and to guide the teacher's and learner's decision making. [InTASC Standard #6]

(b) Planning for Instruction: The teacher plans instruction that supports every student in meeting rigorous learning goals by drawing upon knowledge of content areas, curriculum, cross-disciplinary skills and pedagogy, as well as learners and the community context. [InTASC Standard #7]

(c) Instructional Strategies: The teacher understands and uses a variety of instructional strategies to encourage learners to develop deep understanding of content areas and their connections, and to build skills to apply knowledge in meaningful ways. [InTASC Standard #8]

(7) Standard 4: Professional Responsibility (Advanced Level)

(a) Professional Learning and Ethical Practice: The teacher engages in ongoing professional learning and uses evidence to continually evaluate his or her practice, particularly the effects of his/her choices and actions on others (learners, families, other professionals, and the community), and adapts practice to meet the needs of each learner. [InTASC Standard #9]

(b) Leadership and Collaboration: The teacher demonstrates leadership by taking responsibility for student learning and by collaborating with learners, families, colleagues, other school professionals, and community members to ensure learner growth and development, learning, and well-being. [InTASC Standard #10]

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 – 342.430; 342.455-342.495 & 342.553
Hist.: TSPC 13-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-420-0040
Teacher Leader: Program Standards

(1) Candidates in Teacher Leader programs will be prepared to meet the following (7) domains of Teacher Leader knowledge and skills. The completion of the program does not qualify a teacher for the Teacher Leader license. The teacher must qualify for the license under the educational leadership requirements of the Teacher Leader License as provided in OAR 584-210-0050.

(2) Domain 1: Understanding Adults as Learners to Support Professional Learning Communities: The teacher leader understands how adults acquire and apply knowledge and uses this information to promote a culture of shared accountability for school outcomes that maximizes teacher effectiveness, promotes collaboration, enlists colleagues to be part of a leadership team, and drives continuous improvement in instruction and student learning.

(3) Domain 2: Accessing and Using Research to Improve Practice and Student Learning: The teacher leader understands how research creates new knowledge, informs policies and practices and improves teaching and learning. The teacher leader models and facilitates the use of systematic inquiry as a critical component of teachers' ongoing learning and development.

(4) Domain 3: Promoting Professional Learning for Continuous Improvement: The teacher leader understands the constantly evolving nature of teaching and learning, established and emerging technologies, and the school community. The teacher leader uses this knowledge to promote, design, and facilitate job-embedded professional learning aligned with school improvement goals.

(5) Domain 4: Facilitating Improvements in Instruction and Student Learning: The teacher leader demonstrates a deep understanding of the teaching and learning processes and uses this knowledge to advance the professional skills of colleagues by being a continuous learner, modeling reflective practice based on student results, and working collaboratively with colleagues to ensure instructional practices are aligned to a shared vision, mission, and goals.

(6) Domain 5: Using Assessments and Data for School and District Improvement: The teacher leader is knowledgeable about current research on assessment methods, designing and/or selecting effective formative and summative assessment practices and use of assessment data to make informed decisions that improve student learning; and uses this knowledge to promote appropriate strategies that support continuous and sustainable organizational improvement.

(7) Domain 6: Improving Outreach and Collaboration with Families and Community: The teacher leader understands that families, cultures, and communities have a significant impact on educational processes and student achievement and uses this knowledge to promote frequent and more effective outreach with families, community members, business and community leaders and other stakeholders in the education system.

(8) Domain 7: Advocating for Student Learning and the Profession. The teacher leader understands how educational policy is made at the local, state, and national level as well as the roles of school leaders, boards of education, legislators, and other stakeholders in formulating those policies; and uses this knowledge to advocate for student needs and for practices that support effective teaching and increase student learning and to serve as an individual of influence and respect within the school, community and profession.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 – 342.430; 342.455-342.495 & 342.553
Hist.: TSPC 13-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-420-0300
Advanced Mathematics Endorsement: Program Standards

(1) Candidates who are prepared for the Advanced Mathematics endorsement will demonstrate the knowledge, skills, professional dispositions and cultural competencies necessary to promote the academic, career, personal and social development of students in Advanced Mathematics learning environments.

(2) The Commission may provide approval to an educator preparation program that prepares candidates for an Advanced Mathematics endorsement only if it includes:

(a) Content that will enable candidates to gain the knowledge, skills, abilities, professional dispositions, and cultural competencies to meet the standards set forth in this rule and the TSPC Program Review and Standards Handbook;

(b) A requirement for students to complete the Commission's test for Advanced Mathematics;

(c) A requirement for students to complete a teacher performance assessment in accordance with OAR OAR 584-017-1100 Teacher Candidate Performance Assessments if the candidate is being recommended for Preliminary Teaching License; and

(d) Field experiences that include supervised teaching or internships in Advanced Mathematics classrooms; and

(e) Integration of principles of cultural competency and equitable practice in each competency standard through the entire Advanced Mathematics endorsement program.

(3) Standard 1: Candidates demonstrate knowledge in numbers, operations and algebra, geometry, functions, discrete mathematics and computer science, probability and statistics, calculus, limits of sequences and series and demonstrate the convergence or divergence of series.

(4) Standard 2: Candidates demonstrate the ability to facilitate mathematical inquiry through understanding a problem, exploring, recognizing patterns, conjecturing, experimenting and justifying.

(5) Standard 3: Candidates demonstrate knowledge and skill In Mathematics pedagogy and assessments. Stat. Auth.: ORS 342

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 – 342.430; 342.455-342.495 & 342.553
Hist.: TSPC 13-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-420-0345
Elementary Education: Multiple Subjects Endorsement: Program Standards

(1) Candidates who are prepared for the Elementary Education: Multiple Subjects endorsement will demonstrate the knowledge, skills, professional dispositions and cultural competencies necessary to promote the academic, career, personal and social development of students in elementary education learning environments.

(2) The Commission may provide approval to an educator preparation program that prepares candidates for an Elementary Education: Multiple Subjects endorsement only if it includes:

(a) Content that will enable candidates to gain the knowledge, skills, abilities, professional dispositions, and cultural competencies to meet the standards set forth in this rule and the TSPC Program Review and Standards Handbook;

(b) Content courses and pedagogy courses especially designed to ensure that the educator is able to provide high quality reading instruction that enables pupils to meet or exceed third-grade reading standards adopted by the State Board of Education to become proficient readers by the end of the third grade;

(c) Instruction on dyslexia that is consistent with the knowledge and practice standards of an international organization on dyslexia;

(d) A requirement for students to complete the Commission's test for Elementary-Multiple Subjects;

(e) A requirement for students to complete a teacher performance assessment in accordance with OAR 584-017-1100 Teacher Candidate Performance Assessments if the candidate is being recommended for Preliminary Teaching License; and

(f) Field experiences that include supervised teaching or internships in elementary education classrooms; and

(g) Integration of principles of cultural competency and equitable practice in each competency standard through the entire Elementary Education: Multiple Subjects Endorsement program.

(3) DEVELOPMENT, LEARNING, AND MOTIVATION. Standard 1: Development, Learning, and Motivation — Candidates know, understand, and use the major concepts, principles, theories, and research related to development of children and young adolescents to construct learning opportunities that support individual students' development, acquisition of knowledge, and motivation.

(4) CURRICULUM. Standard 2: Reading, Writing, and Oral Language — Candidates demonstrate a high level of competence in use of English language arts and they know, understand, and use concepts from reading, language and child development, to teach reading, writing, speaking, viewing, listening, and thinking skills and to help students successfully apply their developing skills to many different situations, materials, and ideas;

(5) Standard 3: Science — Candidates know, understand, and use fundamental concepts of physical, life, and earth/space sciences. Candidates can design and implement age-appropriate inquiry lessons to teach science, to build student understanding for personal and social applications, and to convey the nature of science;

(6) Standard 4: Mathematics — Candidates know, understand, and use the major concepts and procedures that define number and operations, algebra, geometry, measurement, and data analysis and probability. In doing so they consistently engage problem solving, reasoning and proof, communication, connections, and representation;

(7) Standard 5: Social studies — Candidates know, understand, and use the major concepts and modes of inquiry from the social studies — the integrated study of history, geography, the social sciences, and other related areas — to promote elementary students' abilities to make informed decisions as citizens of a culturally diverse democratic society and interdependent world;

(8) Standard 6: The arts — Candidates know, understand, and use — as appropriate to their own understanding and skills — the content, functions, and achievements of the performing arts (dance, music, theater) and the visual arts as primary media for communication, inquiry, and engagement among elementary students;

(9) Standard 7: Health education — Candidates know, understand, and use the major concepts in the subject matter of health education to create opportunities for student development and practice of skills that contribute to good health;

(10) Standard 8: Physical education — Candidates know, understand, and use — as appropriate to their own understanding and skills—human movement and physical activity as central elements to foster active, healthy life styles and enhanced quality of life for elementary students.

(11) INSTRUCTION. Standard 9: Integrating and applying knowledge for instruction — Candidates plan and implement instruction based on knowledge of students, learning theory, connections across the curriculum, curricular goals, and community;

(12) Standard 10: Adaptation to diverse students — Candidates understand how elementary students differ in their development and approaches to learning, and create instructional opportunities that are adapted to diverse students;

(13) Standard 11: Development of critical thinking and problem solving — Candidates understand and use a variety of teaching strategies that encourage elementary students' development of critical thinking and problem solving;

(14) Standard 12: Active engagement in learning — Candidates use their knowledge and understanding of individual and group motivation and behavior among students at the K–6 level to foster active engagement in learning, self motivation, and positive social interaction and to create supportive learning environments;

(15) Standard 13: Communication to foster collaboration — Candidates use their knowledge and understanding of effective verbal, nonverbal, and media communication techniques to foster active inquiry, collaboration, and supportive interaction in the elementary classroom.

(16) ASSESSMENT. Standard 14: Assessment for instruction — Candidates know, understand, and use formal and informal assessment strategies to plan, evaluate and strengthen instruction that will promote continuous intellectual, social, emotional, and physical development of each elementary student.

PROFESSIONALISM

(17) Standard 15: Professional growth, reflection, and evaluation — Candidates are aware of and reflect on their practice in light of research on teaching, professional ethics, and resources available for professional learning; they continually evaluate the effects of their professional decisions and actions on students, families and other professionals in the learning community and actively seek out opportunities to grow professionally.

(18) Standard 16: Collaboration with families, colleagues, and community agencies — Candidates know the importance of establishing and maintaining a positive collaborative relationship with families, school colleagues, and agencies in the larger community to promote the intellectual, social, emotional, physical growth and well-being of children.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 – 342.430; 342.455-342.495 & 342.553
Hist.: TSPC 13-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-420-0360
English for Speakers of Other Languages Endorsement (ESOL): Program Standards

(1) Candidates who are prepared for the ESOL endorsement will demonstrate the knowledge, skills, professional dispositions and cultural competencies necessary to promote the academic, career, personal and social development of students in ESOL learning environments.

(2) The Commission may provide approval to an educator preparation program that prepares candidates for an ESOL endorsement only if it includes:

(a) Content that will enable candidates to gain the knowledge, skills, abilities, professional dispositions, and cultural competencies to meet the standards set forth in this rule and the TSPC Program Review and Standards Handbook;

(b) A requirement for students to complete the Commission's test for ESOL;

(c) A requirement for students to complete a teacher performance assessment in accordance with OAR 584-017-1100 Teacher Candidate Performance Assessments if the candidate is being recommended for Preliminary Teaching License; and

(d) Field experiences that include supervised teaching or internships in ESOL classrooms; and

(e) Integration of principles of cultural competency and equitable practice in each competency standard through the entire ESOL endorsement program.

(3) Standard 1: Candidates demonstrate understanding of language as a system and demonstrate a high level of competence in helping ESOL and bilingual students acquire and use English in listening, speaking, reading, and writing for social and academic purposes.

(4) Standard 2: Candidates demonstrate the ability to know, understand, and use the major concepts, principles, theories, and research related to the nature and role of culture and cultural groups to construct learning environments that support ESOL and bilingual students' cultural identities, language and literacy development, and content area achievement.

(5) Standard 3: Candidates demonstrate the ability to know, understand, and use standards-based practices and strategies related to planning, implementing, and managing ESOL and content instruction, including classroom organization, teaching strategies for developing and integrating language skills, and choosing and adapting classroom resources.

(6) Standard 4: Candidates understand issues of assessment and use standards-based assessment measures with ESOL and bilingual students.

(7) Standard 5: Candidates demonstrate knowledge of the history of ESOL teaching.

(8) Standard 6: Candidates demonstrate the ability to serve as professional resources, advocate for ESOL and bilingual students, build partnerships with students' families and collaborate with and are prepared to serve as a resource to all staff, including paraprofessionals, to improve learning for all ESOL and bilingual students.

(9) Standard 7: Candidates use information technology to enhance learning and to enhance personal and professional productivity.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 – 342.430; 342.455-342.495 & 342.553
Hist.: TSPC 13-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-420-0365
Drama: Program Standards

(1) Candidates who are prepared for the Drama endorsement will demonstrate the knowledge, skills, professional dispositions and cultural competencies necessary to promote the academic, career, personal and social development of students in drama education learning environments.

(2) The Commission may provide approval to a program that prepares candidates for a Drama endorsement only if it includes:

(a) At least twenty-four quarter hours designed to develop competence in Drama education that includes:

(A) Acting;

(B) Directing; and

(C) Technical theater

(b) A requirement for students to complete a teacher performance assessment in accordance with OAR 584-017-1100 Teacher Candidate Performance Assessments if the candidate is being recommended for Preliminary Teaching License; and

(c) Integration of principles of cultural competency and equitable practice in each competency standard through the entire Drama Education endorsement program.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 – 342.430; 342.455-342.495 & 342.553
Hist.: TSPC 13-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-420-0375
Foundational Math Endorsement: Program Standards

(1) Candidates who are prepared for the Foundational Mathematics endorsement will demonstrate the knowledge, skills, professional dispositions and cultural competencies necessary to promote the academic, career, personal and social development of students in Foundational Mathematics learning environments.

(2) The Commission may provide approval to an educator preparation program that prepares candidates for a Foundational Mathematics endorsement only if it includes:

(a) Content that will enable candidates to gain the knowledge, skills, abilities, professional dispositions, and cultural competencies to meet the standards set forth in this rule and the TSPC Program Review and Standards Handbook;

(b) A requirement for students to complete the Commission's test for Foundational Mathematics;

(c) A requirement for students to complete a teacher performance assessment in accordance with OAR 584-017-1100 Teacher Candidate Performance Assessments if the candidate is being recommended for Preliminary Teaching License; and

(d) Field experiences that include supervised teaching or internships in Foundational Mathematics classrooms; and

(e) Integration of principles of cultural competency and equitable practice in each competency standard through the entire Foundational Mathematics endorsement program.

(3) Standard 1: Candidates demonstrate knowledge of numbers, operations, algebra, functions, geometry, measurement, data analysis, probability and statistic and calculus;

(4) Standard 2: Candidate demonstrate the ability to create mathematical inquiry through understanding a problem, exploring, conjecturing, experimenting and justifying.

(5) Standard 3: Candidate demonstrate the ability to use multiple forms of representation including concrete models, pictures, diagrams, tables and graphs; and

(6) Standard 4: Candidates demonstrate the ability to understand how mathematical ideas interconnect and build on one another to produce a coherent whole;

(7) Standard 5: Candidates demonstrate the ability to set high expectations and provide strong support for all students to learn mathematics.

(8) Standard 6: Candidates demonstrate the ability to create classroom environment conducive to mathematical learning:

(9) Standard 7: Candidates demonstrate the ability to use assessments.

(10) Standard 8: Candidates demonstrate knowledge and skill in instructional technology.

(11) Standard 9: Candidates demonstrate knowledge related to the historical and cultural influences in mathematics including contributions of underrepresented groups.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 – 342.430; 342.455-342.495 & 342.553
Hist.: TSPC 13-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-420-0390
Health: Program Standards

(1) Candidates who are prepared for the Health endorsement will demonstrate the knowledge, skills, professional dispositions and cultural competencies necessary to promote the academic, career, personal and social development of students in Health learning environments.

(2) The Commission may provide approval to an educator preparation program that prepares candidates for a Health Education endorsement only if it includes:

(a) Content that will enable candidates to gain the knowledge, skills, abilities, professional dispositions, and cultural competencies to meet the standards set forth in this rule and the TSPC Program Review and Standards Handbook;

(b) A requirement for students to complete the Commission's test for Health;

(c) A requirement for students to complete a teacher performance assessment in accordance with OAR OAR 584-017-1100 Teacher Candidate Performance Assessments if the candidate is being recommended for Preliminary Teaching License; and

(d) Field experiences that include supervised teaching or internships in Health Education classrooms; and

(e) Integration of principles of cultural competency and equitable practice in each competency standard through the entire Health endorsement program.

(3) Standard 1: Candidates demonstrate the ability to assess individual and community needs for health education.

(4) Standard 2: Candidates demonstrate the ability to develop and implement health Education programs.

(5) Standard 3: Candidates demonstrate the ability to coordinate provision of health education programs and services among health educators, other teachers and appropriate school staff.

(6) Standard 4: Candidates demonstrate the ability to communicate health and health education needs, concerns, and resources.

(7) Standard 5: Candidates demonstrate the ability to apply appropriate research principles and methods in health education.

(8) Standard 6: Candidates demonstrate the ability to administer Health Education programs.

(9) Standard 7: Candidates demonstrate the ability to advance the Profession of Health Education.

(10) Standard 8: Candidates demonstrate the ability to differentiate instruction.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 – 342.430; 342.455-342.495 & 342.553
Hist.: TSPC 13-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-420-0415
Library Media: Program Standards

(1) Candidates who are prepared for the Library Media endorsement will demonstrate the knowledge, skills, professional dispositions and cultural competencies necessary to promote the academic, career, personal and social development of students in Library Media learning environments.

(2) The Commission may provide approval to an educator preparation program that prepares candidates for a Library Media endorsement only if it includes:

(a) Content that will enable candidates to gain the knowledge, skills, abilities, professional dispositions, and cultural competencies to meet the standards set forth in this rule and the TSPC Program Review and Standards Handbook;

(b) A requirement for students to complete the Commission's test for Library Media;

(c) A requirement for students to complete a teacher performance assessment in accordance with OAR OAR 584-017-1100 Teacher Candidate Performance Assessments if the candidate is being recommended for Preliminary Teaching License; and

(d) Field experiences that include supervised teaching or internships in Library Media classrooms; and

(e) Integration of principles of cultural competency and equitable practice in each competency standard through the entire Library Media endorsement program.

(3) Standard 1: Candidates demonstrate the ability to encourage reading and lifelong learning by stimulating interests and fostering competencies in the effective use of ideas and information.

(4) Standard 2: Candidates demonstrate the ability to promote efficient and ethical information-seeking behavior as part of the school library program and its services.

(5) Standard 3: Candidates demonstrate the ability to create a positive educational environment which promotes reading, literacy, and use of appropriate technology for diverse learners.

(6) Standard 4: Candidates demonstrate the ability to work with classroom teachers to co-plan, co-teach, and co-assess information skills i.

(7) Standard 5: Candidates demonstrate the ability to support the learning of all students and other members of the learning community, including those with diverse learning styles, abilities and needs..

(8) Standard 6: Candidates demonstrate the ability to develop professional collaboration and leadership.

(9) Standard 7: Candidates demonstrate the ability to articulate the relationship of the library media program with current educational trends and important issues.

(10) Standard 8: Candidates demonstrate the ability to administer the library media program in order to support the mission of the school, and according to the principles of best practice in library science and program administration.

(11) Standard 9: Candidates demonstrate the ability to adhere to the principles of the school library profession which include selecting, organizing, managing, and developing procedures and policies for print and electronic information resources.

(12) Standard 10: Candidates demonstrate the ability to assess and manage financial, physical, and human resources.

(13) Standard 11: Candidates demonstrate the ability to use instructional technology.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 – 342.430; 342.455-342.495 & 342.553
Hist.: TSPC 13-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-420-0425
Physical Education: Program Standards

(1) Candidates who are prepared for the Physical Education Endorsement will demonstrate the knowledge, skills, professional dispositions and cultural competencies necessary to promote the academic, career, personal and social development of students in Physical Education learning environments.

(2) The Commission may provide approval to an educator preparation program or course of study that prepares candidates for a Physical Education Endorsement only if it includes:

(a) Content that will enable candidates to meet the competency standards set forth in this rule and the TSPC Program Review and Standards Handbook;

(b) Field experiences that include supervised teaching or internships in Physical Education classroom settings; and

(c) Integration of principles of cultural competency and equitable practice in each competency standard through the entire Physical Education Endorsement program.

(3) Standard 1: Candidates demonstrate an understanding of physical education content, disciplinary concepts, and tools of inquiry related to the development of a physically educated person.

(4) Standard 2: Candidates demonstrate an understanding of how individuals learn and develop, and can provide opportunities that support their physical, cognitive, social and emotional development.

(5) Standard 3: Candidates demonstrate the ability to use differentiated instruction for diverse learners by demonstrating an understanding of how individuals differ in their approaches to learning and create appropriate instruction opportunities adapted to individual differences.

(6) Standard 4: Candidates demonstrate the ability to understand individual and group motivation and behavior to create a learning environment that encourages positive social interaction, active engagement in learning and self-motivation.

(7) Standard 5: Candidates demonstrate the ability to use effective verbal, nonverbal and media communication techniques to foster inquiry, collaboration and engagement in physical activity settings

(8) Standard 6: Candidates demonstrate the ability to use a variety of developmentally appropriate instructional strategies to develop physically educated individuals.

(9) Standard 7: Candidates demonstrate the ability to use formal and informal assessment strategies to foster physical, cognitive, social and emotional development of learners in physical activity.

(10) Standard 8: Candidates demonstrate the ability to reflect and evaluate the effects of her or his actions on others.

(11) Standard 9: Candidates demonstrate the ability to use information technology to enhance learning and to enhance personal and professional productivity.

(12) Standard 10 Candidates demonstrate the ability to foster relationships with colleagues, parents and guardians and community agencies to support learners' growth and well-being.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 – 342.430; 342.455-342.495 & 342.553
Hist.: TSPC 13-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-420-0440
Reading Interventionist: Program Standards

(1) Candidates who are prepared for the Reading Interventionist endorsement will demonstrate the knowledge, skills, professional dispositions and cultural competencies necessary to promote the academic, career, personal and social development of students in a reading invention learning environment.

(2) The Commission may provide approval to an educator preparation program that prepares candidates for a Reading Interventionist endorsement only if it includes:

(a) Content that will enable candidates to gain the knowledge, skills, abilities, professional dispositions, and cultural competencies to meet the standards set forth in this rule and the TSPC Program Review and Standards Handbook;

(b) Content courses and pedagogy courses especially designed to ensure that the educator is able to provide high quality reading instruction that enables pupils to meet or exceed third-grade reading standards adopted by the State Board of Education to become proficient readers by the end of the third grade;

(c) Instruction on dyslexia that is consistent with the knowledge and practice standards of an international organization on dyslexia;

(d) A requirement for students to complete the Commission's test for Reading Interventionists;

(e) A requirement for students to complete the edTPA teacher performance assessment if candidate is being recommended for the Preliminary Teaching License.

(f) Field experiences that include supervised teaching or internships in reading intervention learning environments; and

(g) Integration of principles of cultural competency and equitable practice in each competency standard through the entire Reading Interventionist Endorsement program.

(3) Standard 1: Candidates demonstrate the knowledge and skills related to foundational reading knowledge and dispositions.

(4) Standard 2: Candidates demonstrate the knowledge and skills related to Instructional reading Strategies and Curriculum Materials,

(5) Standard 3: Candidates demonstrate the knowledge and skills related to reading assessment, diagnosis and evaluation.

(6) Standard 4: Candidates demonstrate the ability and understand the importance of creating a Literate Environment

(7) Standard 5: Candidates understand the importance on participation in professional development related to reading instructional skills.

(8) Standard 6: Candidates demonstrate the ability to provide leadership, guidance and supervision of paraprofessionals.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 – 342.430; 342.455-342.495 & 342.553
Hist.: TSPC 13-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-420-0460
Special Education: Program Standards

(1) Candidates who are prepared for the Special Education endorsements will demonstrate the knowledge, skills, professional dispositions and cultural competencies necessary to promote the academic, career, personal and social development of students in the Special Education population.

(2) The Commission may provide approval to an educator preparation program or course of study that prepares candidates for a Special Education endorsement only if it includes:

(a) Content that will enable candidates to gain the knowledge, skills, abilities, professional dispositions, and cultural competencies to meet the standards set forth in this rule and the TSPC Program Review and Standards Handbook;

(b) Instruction on dyslexia and that the instruction be consistent with the knowledge and practice standards of an international organization on dyslexia;

(c) A requirement for students to complete the Commission-approved subject-matter test for World Languages;

(d) Field experiences that include supervised teaching or internships in classroom environments with students who are "individuals with exceptionalities" across the full range of disabilities. Field and clinical experiences must be supervised by qualified professionals who are either licensed as special educators or eligible for licensure as special educators; and

(e) Integration of principles of cultural competency, cultural responsive pedagogy and equitable practices are imbedded in each competency standard through the entire Special Education endorsement program.

(3) The Commission-approved elementary multiple subjects examination is not required to obtain the license. However, passage of the Commission-adopted Elementary-- Multiple Subjects examination is required in order for special educators licensed to teach general education content in grades prekindergarten through 8 (elementary teachers) and to meet the federal definition of "highly qualified" teacher under the Elementary/Secondary Education Act (ESEA).

(4) Standard 1: Candidates demonstrate the ability to understand how exceptionalities may interact with development and learning and use this knowledge to provide meaningful and challenging learning experiences for individuals with exceptionalities.

(5) Standard 2: Candidates demonstrate the ability to create safe, inclusive, culturally responsive learning environments so that individuals with exceptionalities become active and effective learners and develop emotional well-being, positive social interactions, and self-determination

(6) Standard 3: Candidates demonstrate the ability to use knowledge of general and specialized curricula to individualize learning for individuals with exceptionalities

(7) Standard 4: Candidates demonstrate the ability to use multiple methods of assessment and data-sources in making educational decisions.

(8) Standard 5: Candidates demonstrate the ability to select, adapt, and use a repertoire of evidence-based instructional strategies to advance learning of individuals with exceptionalities.

(9) Standard 6: Candidates demonstrate the ability to use foundational knowledge of the field and the their professional Ethical Principles and Practice Standards to inform special education practice, to engage in lifelong learning, and to advance the profession.

(10) Standard 7: Candidates demonstrate the ability to collaborate with families, other educators, related service providers, individuals with exceptionalities, and personnel from community agencies in culturally responsive ways to address the needs of individuals with exceptionalities across a range of learning experiences.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 – 342.430; 342.455-342.495 & 342.553
Hist.: TSPC 13-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-420-0475
Special Education: Deaf and Hard of Hearing: Program Standards

(1) Candidates who are prepared for the Special Education: Deaf and Hard of Hearing endorsement will demonstrate the knowledge, skills, professional dispositions and cultural competencies necessary to promote the academic, career, personal and social development of students in the deaf and hard of hearing population.

(2) The Commission may provide approval to an educator preparation program or course of study that prepares candidates for a Special Education: Deaf and Hard of Hearing endorsement only if it includes:

(a) Content that will enable candidates to meet the standards set forth in this rule and the TSPC Program Review and Standards Handbook;

(b) Field experiences that include supervised teaching or internships in classrooms with deaf and hard of hearing learners; and

(c) Integration of principles of cultural competency and equitable practice in each competency standard through the entire Deaf and Hard of Hearing Endorsement program.

(3) Standard 1: American Sign Language Competency: Candidates can demonstrate proficiency in American Sign Language to meet the rating of 3.0 or above on the American Sign Language Proficiency Interview (ASLPI), or the rating of Advanced on the Sign Language Proficiency Interview (SLPI).

(4) Standard 2: Candidates demonstrate knowledge and skills related to philosophical, historical, and legal foundations of special education for individuals who are deaf or hard of hearing and be able to incorporate this knowledge within the context of the educational system.

(5) Standard 3: Candidates demonstrate knowledge and skills related to models of practice, and growth and improvement indicators for students who are deaf or hard of hearing.

(6) Standard 4: Candidates demonstrate knowledge and skills related to the impact that disabilities have on the cognitive, physical, emotional, social, and communication development of an individual and to create opportunities that support the communication, intellectual, social, and personal development of all students.

(7) Standard 5: Candidates demonstrate knowledge and skills related to the educational assessment process and to utilize various assessment strategies to support the continuous development of all students.

(8) Standard 6: Candidates demonstrate knowledge and skills related to how students differ in their approaches to learning and to create instructional opportunities that are adapted to diverse learners.

(9) Standard 7: Candidates demonstrate knowledge and skills related to proficiency in the languages used for instructing students who are deaf or hard of hearing;

(10) Standard 8: Candidates demonstrate knowledge and skills related to individual and group motivation and behavior to create a learning environment that encourages positive social interaction, active engagement in learning, and self-motivation.

(11) Standard 7: Candidates demonstrate the ability to interact in a variety of communication situations.

(12) Standard 8: Candidates demonstrate the ability to use effective written, verbal, nonverbal, and visual communication techniques to foster active inquiry, collaboration, and supportive interaction among professionals, parents, paraprofessionals, and students.

(13) Standard 9: Candidates demonstrate knowledge related to the teaching profession, standards of professional conduct, and to providing leadership to improve student learning and well-being.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 – 342.430; 342.455-342.495 & 342.553
Hist.: TSPC 13-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-420-0490
World Language: Program Standards

(1) Candidates who are prepared for the World Language endorsement will demonstrate the knowledge, skills, professional dispositions and cultural competencies necessary to promote the academic, career, personal and social development of students in World Language learning environments.

(2) The Commission may provide approval to an educator preparation program that prepares candidates for a World Language endorsement only if it includes:

(a) Content that will enable candidates to meet the standards set forth in this rule and the TSPC Program Review and Standards Handbook;

(b) A requirement for students to complete the Commission-approved subject-matter test for World Languages;

(c) A requirement for students to complete a teacher performance assessment in accordance with OAR OAR 584-017-1100 Teacher Candidate Performance Assessments if the candidate is being recommended for Preliminary Teaching License; and

(d) Field experiences that include supervised teaching or internships in World Language classroom through one of the followings;

(A) Field experiences prior to student teaching that include experiences in world language classrooms; (B) Field experiences, including student teaching, that are supervised by a qualified world language educator who is knowledgeable about current instructional approaches and issues in the field of world language education; and

(C) Opportunities for candidates to participate in a structured study abroad program or intensive immersion experience in a target language community.

(e) Integration of principles of cultural competency and equitable practice in each competency standard through the entire World Language endorsement program.

(3) Standard 1: Candidates must demonstrate knowledge and skills related to technology-enhanced instruction and the use of technology in their own teaching.

(4) Standard 2: Candidates must demonstrate knowledge and skills related to language, linguistics and comparison.

(5) Standard 3: Candidates must demonstrate knowledge and skills related to cultures, literatures, and cross-disciplinary concepts.

(6) Standard 4: Candidates must demonstrate knowledge and skills related to language acquisition theories and instructional practices.

(7) Standard 5: Candidates must demonstrate knowledge and skills related to integration of standards into curriculum and instruction.

(8) Standard 6: Candidates must demonstrate knowledge and skills related to assessment of languages and cultures.

(9) Standard 7: Candidates must demonstrate knowledge and skills related to professionalism, cultural competency, and community advocacy.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 – 342.430; 342.455-342.495 & 342.553
Hist.: TSPC 13-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-420-0600
American Sign Language Specialization: Program Standards

(1) Candidates who are prepared for the American Sign Language specialization will demonstrate the knowledge, skills, professional dispositions and cultural competencies necessary to promote the academic, career, personal and social development of students in American Sign Language learning environments.

(2) The Commission may provide approval to an educator preparation program or course of study that prepares candidates for a World Language: American Sign Language specialization only if it includes:

(a) Content that will enable candidates to meet the competency standards set forth in this rule and the TSPC Program Review and Standards Handbook;

(b) Field experiences that include supervised teaching or internships in classrooms with American Sign Language learners; and

(c) Integration of principles of cultural competency and equitable practice in each competency standard through the entire American Sign Language Specialization program.

(3) Standard 1: Candidates demonstrate knowledge and skills related to first and second language acquisition;

(4) Standard 2: Candidates demonstrate knowledge and skills related to linguistics of American Sign Language;

(5) Standard 3: Candidates demonstrate knowledge and skills related to aspects of the deaf culture and community;

(6) Standard 4: Candidates demonstrate knowledge and skills related to Methods of teaching American Sign Language;

(7) Standard 5: Candidates demonstrate knowledge and skills related to American Sign Language Literature.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 – 342.430; 342.455-342.495 & 342.553
Hist.: TSPC 13-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-420-0610
Adaptive Physical Education Specialization: Program Standards

(1) Candidates who are prepared for the Adaptive Physical Education specialization will demonstrate the knowledge, skills, professional dispositions and cultural competencies necessary to promote the academic, career, personal and social development of students in adaptive physical education learning environments.

(2) The Commission may provide approval to an Adaptive Physical Education specialization that prepares candidates for a talented and gifted specialization only if it includes:

(a) Content that will enable candidates to meet the competency standards set forth in this rule and the TSPC Program Review and Standards Handbook;

(b) Field experiences that include supervised teaching or internships in classrooms with adaptive physical education learners; and

(c) Integration of principles of cultural competency and equitable practice in each competency standard through the entire Adaptive Physical Education specialization program.

(3) Standard 1: Candidates demonstrate knowledge and skills related to specific teaching methodology for students with disabilities;

(4) Standard 2: Candidates demonstrate knowledge and skills related to assessment and evaluation of students with disabilities in physical education;

(5) Standard 3: Candidates demonstrate knowledge and skills related to adapting instruction, behavior management techniques in physical education for students with disabilities;

(6) Standard 4: Candidates demonstrate knowledge and skills related to utilizing community resources to improve program effectiveness.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 – 342.430; 342.455-342.495 & 342.553
Hist.: TSPC 13-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-420-0620
Early Childhood Education Specialization: Program Standards

(1) Candidates who are prepared for the Early Childhood Education specialization will demonstrate the knowledge, skills, professional dispositions and cultural competencies necessary to promote the academic, career, personal and social development of students in early childhood education learning environments.

(2) The Commission may provide approval to an Early Childhood Education specialization that prepares candidates for an early childhood education specialization only if it includes:

(a) Content that will enable candidates to meet the competency standards set forth in this rule and the TSPC Program Review and Standards Handbook;

(b) Field experiences that include supervised teaching or internships in classrooms with Early Childhood Education learners; and

(c) Integration of principles of cultural competency and equitable practice in each competency standard through the entire Early Childhood Education Specialization program.

(3) Standard 1: Candidates demonstrate knowledge and skills related to human development with special emphasis on cognitive, physical, language, social, emotional, and aesthetic development from birth through age eight;

(4) Standard 2: Candidates demonstrate knowledge and skills related to foundations of early childhood education, to include familial, social, and cultural contexts and diversity;

(5) Standard 3: Candidates demonstrate knowledge and skills related to curriculum for young children, to include developmentally appropriate objectives, teaching materials, and learning experiences for integrating instruction in language, mathematics, science, social studies, health, safety, nutrition, art, music, drama, and movement;

(6) Standard 4: Candidates demonstrate knowledge and skills related to instruction on dyslexia that is consistent with the knowledge and practice standards of an international organization on dyslexia;

(7) Standard 5: Candidates demonstrate knowledge and skills related to classroom management to meet the individual needs of young children, to include children with disabilities and special abilities;

(8) Standard 6: Candidates demonstrate knowledge and skills related to observation and evaluation of children's behavior and achievement and use of these data in planning instruction, guiding children, and collaborating with parents and resource persons;

(9) Standard 7: Candidates demonstrate knowledge and skills related to instruction on communicating and conferencing with parents, regular and special educators, and other professional resources to achieve educational objectives with each child; and

(10) Standard 8: Candidates demonstrate knowledge and skills related to supervised practicum integrated with instruction in all of the above, to include experiences in prekindergarten and kindergarten programs.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 – 342.430; 342.455-342.495 & 342.553
Hist.: TSPC 13-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-420-0630
Dual Language Specialization: Program Standards

(1) Candidates who are prepared for the Dual Language specialization will demonstrate the knowledge, skills, professional dispositions and cultural competencies necessary to promote the academic, career, personal and social development of students in Dual Language learning environments.

(a) Content that will enable candidates to meet the competency standards set forth in this rule and the TSPC Program Review and Standards Handbook;

(b) Field experiences that include supervised teaching or internships in classrooms with talented and gifted learners; and

(c) Integration of principles of cultural competency and equitable practice in each competency standard through the entire Dual Language Specialization program.

(2) Standard 1: Language: The dual language teacher knows, understands, and applies theories of first and second language acquisition to their practice and communicates in two languages at a highly proficiency level.

(3) Standard 2: Culture: The dual language teacher knows, understands, and uses major concepts, principles, theories, and research related to the role of culture, cultural groups, and identity to construct a supportive learning environment for all dual language students. The dual language teacher:

(4) Standard 3: Planning, Implementing, and Managing Instruction: The dual language teacher knows, understands, and uses evidence-based practices and strategies related to planning, implementing, and managing instruction in dual language classrooms.

(5) Standard 4 Assessment: The dual language teacher should understand the complexity of assessment to inform instruction for students' learning in multiple languages. Dual language teachers know how to assess language skills, literacy and content in both languages of instruction.

(6) Standard 5: Professionalism: The dual language teacher knows and understands current and emerging trends in educational research. The dual language teacher acts as a resource and advocate for multilingualism and collaborates with students, their families, the school community and educational professionals in order to meet the needs of multilingual students. The dual language teacher:

(7) Standard 6: Community & Family Engagement: The dual language teacher knows, understands and uses principles, theories, research and applications related to the role of family and community engagement to construct a supportive and inclusive learning environment for all students.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 – 342.430; 342.455-342.495 & 342.553
Hist.: TSPC 13-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-420-0640
Autism Spectrum Disorder: Program Standards

(1) Candidates who are prepared for the Autism Spectrum Disorder specialization will demonstrate the knowledge, skills, professional dispositions and cultural competencies necessary to promote the academic, career,

personal and social development of students in Autism Spectrum Disorder learning environments.

(a) Content that will enable candidates to gain the knowledge, skills, abilities, professional dispositions, and cultural competencies to meet the competency standards set forth in this rule and the TSPC Program Review and Standards Handbook;

(b) Field experiences that include supervised teaching or internships in classrooms with talented and gifted learners; and

(c) Integration of principles of cultural competency and equitable practice in each competency standard through the entire Early Childhood Education Specialization program.

(2) Standard 1: Candidates indicate knowledge of autism spectrum disorders including development and characteristics of learners.

(3) Standard 2: Candidates demonstrate knowledge of ASD Assessments for Development and Educational Impact on ASD service needs.

(4) Standard 3: Candidates demonstrate knowledge of system-wide considerations.

(5) Standard 4: Candidates demonstrate knowledge of evidence-based interventions to promote focused, engaged time for learners with ASD.

(6) Standard 5: Candidates demonstrate knowledge and skills related to training and coaching of adults serving individuals with ASD;

(7) Standard 6: Candidates demonstrate knowledge and skills related to professional practices for ASD Specialists.

(8) Standard 7: Candidates demonstrate knowledge and skills related to effective collaboration with families and communities.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 – 342.430; 342.455-342.495 & 342.553
Hist.: TSPC 13-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-420-0650
Elementary Mathematics Instructional Leader Specialization: Program Standards

(1) Candidates who are prepared for the Elementary Mathematics Instruction Leader will demonstrate the knowledge, skills, professional dispositions and cultural competencies necessary to promote the academic, career, personal and social development of students in drama education learning environments.

(2) The Commission may provide approval to an Early Childhood Education specialization that prepares candidates for a talented and gifted specialization only if it includes:

(a) Twenty-four quarter or sixteen semester hours of a TSPC-approved Elementary Mathematics Instructional Leader program that includes content that will enable candidates to meet the competency standards set forth in this rule and the TSPC Program Review and Standards Handbook.

(b) An EMIL practicum working with a range of students and teachers; and

(c) Integration of principles of cultural competency and equitable practice in each competency standard through the entire Elementary Mathematics Instructions Leader Specialization program.

(3) Standard 1: Content Knowledge: EMIL professionals must know and understand deeply the mathematics of elementary school as well as how mathematics concepts and skills develop through middle school. This knowledge includes specialized knowledge that teachers need in order to understand and support student learning of elementary mathematics.

(4) Standard 2: Pedagogical Knowledge for Teaching Mathematic: EMIL professionals are expected to have a foundation in pedagogical content knowledge (PCK) (Ball, Thames, & Phelps, 2008). This section is informed by and draws upon the 2003 NCATE/NCTM Program Standards: Standards for Elementary Mathematics Specialists.

(5) Standard 3: Leadership Knowledge and Skills: EMIL professionals need to be prepared to take on collegial non-evaluative leadership roles within their schools and districts. They must have a broad view of many aspects and resources needed to support and facilitate effective instruction and professional growth.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 – 342.430; 342.455-342.495 & 342.553
Hist.: TSPC 13-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

584-420-0660
Talented and Gifted Specialization: Program Standards

(1) Candidates who are prepared for the Talented and Gifted Specialization will demonstrate the knowledge, skills, professional dispositions and cultural competencies necessary to promote the academic, career, personal and social development of students in drama education learning environments.

(2) The Commission may provide approval to a Talented and Gifted specialization that prepares candidates for a talented and gifted specialization only if it includes:

(a) Content that will enable candidates to meet the competency standards set forth in this rule and the TSPC Program Review and Standards Handbook;

(b) Field experiences that include supervised teaching or internships in classrooms with talented and gifted learners; and

(c) Integration of principles of cultural competency and equitable practice in each competency standard through the entire Talented and Gifted Specialization program.

(3) Standard 1: Learner Development and Individual Learning Differences: Talented and Gifted Specialists understand the variations in learning and development in cognitive and affective areas between and among Talented and Gifted Learners and apply this understanding to provide meaningful and challenging learning experiences for children identified as Talented and Gifted.

(4) Standard 2: Learning Environments: Talented and Gifted Specialists create safe, inclusive, and culturally responsive learning environments so that Talented and Gifted Learners become effective learners and develop social and emotional well-being.

(5) Standard 3: Curricular Content Knowledge: Talented and Gifted Specialists use knowledge of general and specialized curricula to advance learning for Talented and Gifted Learners.

(6) Standard 4: Cultural Competency and Equity in the Classroom: Talented and Gifted Specialists demonstrate the cultural competency and proficiencies necessary to provide equitable outcomes for all students.

(7) Standard 5: Assessment: Talented and Gifted Specialists use multiple methods of assessment and data sources in making educational decisions about identification of Talented and Gifted Learners and student learning.

(8) Standard 6: Instructional Planning and Strategies: Talented and Gifted Specialists select, adapt, and use a repertoire of evidence-based instructional strategies to advance the learning of Talented and Gifted Learners.

(9) Standard 7: Professional Learning and Ethical Practices: Talented and Gifted Specialists use foundational knowledge of the field and professional ethical principles and programming standards to inform gifted education practice, to engage in lifelong learning, and to advance the profession.

(10) Standard 8: Collaboration: Talented and Gifted Specialists collaborate with families, other educators, related service providers, Talented and Gifted Learners, and personnel from community agencies in culturally responsive ways to address the needs of Talented and Gifted Learners across a range of learning experiences.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 – 342.430; 342.455-342.495 & 342.553
Hist.: TSPC 13-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16

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Veterinary Medical Examining Board
Chapter 875

Rule Caption: Implements HB2474 (facility registration) and HB2475 (Citation and Fine Authority).
Adm. Order No.: VMEB 1-2015
Filed with Sec. of State: 11-13-2015
Certified to be Effective: 11-13-15
Notice Publication Date: 8-1-2015
Rules Adopted: 875-010-0031, 875-011-0012
Rules Amended: 875-005-0005, 875-010-0065, 875-011-0010, 875-015-0005
Subject: Implements HB2474, Facility Registration. Allows Board to regulate veterinary premises for compliance with minimum standards for facilities.

Implements HB2474, Citation and Fine Authority. Allows Board to issue non-disciplinary citation and fine not to exceed $100 for minor violations of the Veterinary Practice Act.
Rules Coordinator: Lori V. Makinen—(971) 673-0224

875-005-0005
Definitions

(1) "Agency": Any animal control department, humane society, or facility which contracts with a public agency or arranges to provide animal sheltering services and is registered by the Oregon State Board of Pharmacy.

(2) "Board": The Oregon State Veterinary Medical Examining Board.

(3) "Board of Pharmacy": The Oregon State Board of Pharmacy.

(4) "Certified Euthanasia Technician or "CET". A person who is employed by or a volunteer at a humane society or animal control agency and is certified by the Board pursuant to ORS 475.190(4). Any person who was trained prior to October 15, 1983 in euthanasia methods, in the course provided by Multnomah County Animal Control and the Oregon Humane Society, and who has been subsequently certified by the Board.

(5) "Client": An entity, person, group or corporation that has entered into an agreement with a veterinarian for the purpose of obtaining veterinary medical services.

(6) "Comprehensive": Pertaining to all animal species.

(7) "Conviction of Cruelty to Animals": for purposes of ORS 686.130(11) is defined to include but not limited to animal abuse in the first or second degree, aggravated animal abuse in the first degree, and animal neglect in the first degree.

(8) "Designated Agent": A CET who is responsible for the withdrawal and return of sodium pentobarbital from the drug storage cabinet.

(9) "Good Standing and Repute": As used in ORS 686.045(1), means:

(a) A university accredited by the American Veterinary Medical Association (AVMA); or

(b) A foreign school listed by the AVMA whose graduates are eligible to apply for a certificate through the Educational Commission for Foreign Veterinary Graduates (ECFVG) committee of the AVMA, or other programs approved by the Board.

(10) "Herd or Flock Animal": Animals managed as a group only for economic gain including but not limited to breeding, sale, show, food production, or racing.

(11) "Mobile Clinic": A vehicle, including but not limited to a camper, motor home, trailer, or mobile home, used as a veterinary medical facility. A mobile clinic is not required for house calls or farm calls.

(12) Surgery Procedure:

(a) "Aseptic Surgery": Aseptic surgical technique exists when everything that comes in contact with the surgical field is sterile and precautions are taken to ensure sterility during the procedure.

(b) "Antiseptic Surgery": Antiseptic surgical technique exists when care is taken to avoid bacterial contamination.

(c) Any injection or implant of a small permanent identification device is considered surgery.

(13) "Supervision" means that each act shall be performed by any employee or volunteer in the practice only after receiving specific directions from a licensed veterinarian.

(a) "Direct" supervision under this provision means both the certified veterinary technician and the licensed veterinarian are on the premises at the same time;

(b) "Immediate" supervision under this provision means that the supervising veterinarian is in the immediate vicinity of where the work is being performed and is actively engaged in supervising this work throughout the entire period it is being performed;

(c) "Indirect" supervision under this provision means that a CVT may, after receiving specific direction from an Oregon-licensed veterinarian, perform duties permitted under OAR 875-030-0040 at a client's home or other location where the animal is kept. A valid VCPR must exist in order for a CVT to perform duties under indirect supervision.

(14) "Veterinary Client Patient Relationship (VCPR)": Except where the patient is a wild or feral animal or its owner is unknown; a VCPR shall exist when the following conditions exist: The veterinarian must have sufficient knowledge of the animal to initiate at least a general or preliminary diagnosis of the medical condition of the animal. This means that the veterinarian has seen the animal within the last year and is personally acquainted with the care of the animal by virtue of a physical examination of the animal or by medically appropriate and timely visits to the premises where the animal is kept.

(15) "Veterinary Medical Facility": Any premises, unit, structure or vehicle where any animal is received and/or confined and veterinary medicine is practiced, except when used for the practice of veterinary medicine pursuant to an exemption under ORS 686.040.

(16) "Veterinary Technician": a person licensed by the Board as a Certified Veterinary Technician.

(17) "Facility Registration": A registration issued by the Board to operate a veterinary medical facility when the premises meet minimum standards established by the Board.

(a) "Premises": Any veterinary facility where a licensed veterinarian practices or where the practice of veterinary medicine occurs. Premises include buildings, land, equipment, supplies, pharmaceuticals and the policies and practices that relate to minimum facility standards.

(b) "Facility Owner": Any person, corporation or other similar organization, private, or not-for-profit, holding title to a facility where a licensed veterinarian practices or where the practice of veterinary medicine occurs.

(c) "Managing Veterinarian": An Oregon veterinarian licensed in good standing who has been designated by the facility owner to be accountable to the Board for the facility's compliance with the laws and rules governing the practice of veterinary medicine in this state. Designation of a Managing Veterinarian shall be according to the procedures in OAR 875-010-0031(3).

Stat. Auth.: ORS 686.210

Stats. Implemented: ORS 475.190, 609.405, 686.130, 686.255 & 686.510

Hist.: VMEB 1-2006, f. & cert. ef. 2-8-06; VMEB 2-2006, f. & cert. ef. 5-11-06; VMEB 1-2008, f. & cert. ef. 2-11-08; VMEB 6-2008, f. & cert. ef. 5-21-08; VMEB 7-2008, f. & cert. ef. 7-22-08; VMEB 5-2011(Temp), f. & cert. ef. 12-12-11 thru 6-9-12; Administrative correction, 6-27-12; VMEB 1-2012, f. & cert. ef. 6-25-12; VMEB 3-2012, f. & cert. ef. 8-28-12; VMEB 1-2014, f. & cert. ef. 1-17-14; VMEB 1-2015, f. & cert. ef. 11-13-15

875-010-0031

Registration of Veterinary Facilities; Managing Veterinarian; Registration Denial, Suspension, Revocation; Inspection

(1) Each veterinary medical facility in Oregon as defined in 875-005-0005 must register with the Board and designate a Managing Veterinarian with the following exceptions:

(a) Any facilities owned and operated by a local, regional, state or federal government agency

(b) Facilities where privately owned animals are housed and where mobile veterinarians or mobile veterinary clinics may routinely come to provide veterinary services, e.g., private barn, home, boarding stable or animal event location

(c) Locations where animals are undergoing a medical crisis and conditions preclude transport to a veterinary facility (accident site)

(d) Temporary facilities established under a declared emergency

(e) Teaching facilities as established by AVMA-accredited schools of veterinary science or veterinary technology.

(2) Requirements for registered Veterinary Facilities

(a) Each facility registration expires on December 31st or upon a change in facility ownership.

(b) Each facility identified by a separate physical address will be considered a separate facility requiring registration.

(c) Mobile facilities, unless operated as a satellite of a registered fixed facility, will require individual registration.

(d) Temporary facilities, providing only spay/neuter, vaccinations, micro-chipping and examinations may operate up to 15 days per year at any one location under the registration of an Oregon fixed-location facility and under the oversight of the fixed-location's Managing Veterinarian, unless otherwise approved by the Board.

(3) Requirements for the Managing Veterinarian.

(a) Provide the Board with documented authority from the facility owner to maintain the facility within the standards set forth by this chapter.

(b) Ensure facilities maintain and post a valid facility registration issued by the Board.

(c) Ensure timely provision of medical record copies from the facility when requested.

(d) A veterinary intern (OAR 875-010-0026) may not be designated as Managing Veterinarian.

(e) A licensee with a relevant disciplinary history or who has been or currently is under a disciplinary order of the Board may be denied designation as Managing Veterinarian.

(f) No one veterinarian may act as the Managing Veterinarian for more than four separate facilities at any one time. If designated as Managing Veterinarian for more than two separate facilities, none of the facilities may be more than 100 miles apart.

(g) The Managing Veterinarian must be physically present at each of their facilities at least five days out of any thirty-day period and be available to provide continuous oversight to all facilities.

(4) Procedures for any change in the Managing Veterinarian. The Managing Veterinarian on record with the Board as responsible for a facility remains responsible for that facility until one of the following occurs:

(a) The Board is notified in writing of a new Managing Veterinarian that has accepted responsibility.

(b) The Board is notified in writing that the Managing Veterinarian wishes to be relieved of the position and associated responsibilities.

(c) The Managing Veterinarian is incapacitated to the extent that they cannot provide oversight of any facility.

(5) Applicants for facility registration must complete an application form available from the Board.

(6) A completed application will include payment of $150 registration fee, inspector's or self-certification of compliance with minimum standards of OAR 875-015-0020 and 875-015-0030, and designation of a Managing Veterinarian as defined in 875-015-0065.

(7) Denial of Facility Registration Application. The Board may deny an application for facility registration or renewal if:

(a) The application is incomplete or the registration fee is not submitted.

(b) The facility fails to meet minimum standards or fails to correct deficiencies within an appropriate time frame following inspection.

(c) The designated Managing Veterinarian fails meet the minimum facility standards listed in OAR 875-015-0020 and OAR 875-015-0030.

(d) No Managing Veterinarian, meeting all requirements of this chapter, has been designated.

(8) Suspension or Revocation of a Facility Registration. The Board may withhold, suspend or revoke a facility registration if:

(a) No Managing Veterinarian is designated for the facility for more than 15 consecutive days. An interim Managing Veterinarian may be designated for a period not to exceed 30 days total.

(b) When it has been determined by the Board that the managing Veterinarian has failed to meet all the minimum facility standards as provided for in the rules of this act.

(c) Investigation or inspection has revealed unresolved public health and safety risks or other conditions noncompliant with OAR 875-015-0020 and OAR 875-015-0030.

(9) All Facility Registrations terminate upon a change in the facility owner.

(10) Inspection of Facilities: The purpose of inspection is to ensure that public health and safely is maintained by meeting the minimum facility standards listed in OAR 875-015-0020 and 875-015-0030. The Board may designate or employ qualified persons to do the inspections and may delegate inspections to other state or federal agency regulators. Prior to January 2017 the Board may accept self-certification of compliance by the Managing Veterinarian in-lieu-of inspection. This self-certification shall be submitted using a form provided by the Board.

(a) The Board may inspect each veterinary facility:

(A) Before a new facility receives an initial facility registration

(B) Periodically, at least once every three years

(b) The board may inspect any veterinary facility:

(A) At any time upon receipt of a complaint or if it has cause to believe the facility is noncompliant with OAR 875-015-0020 or 875-015-0030.

(B) Upon a change in ownership or a change in the Managing Veterinarian

(C) As follow-up at any time after an inspection has found non-compliant conditions.

(c) Initial and periodic facility inspections may be waived for facilities holding a current American Animal Hospital Association (AHAA) certification.

(d) Inspections may be documented in writing and by audio, video and still picture recording.

(e) Upon an inspection finding of non-compliance with OAR 875-015-0020 or 875-015-0030, the Board or its representative may do any or all of the following:

(A) Establish a reasonable time line for bringing the facility into compliance

(B) Issue a civil penalty or citation

(C) Restrict facility operations when the failure to meet minimum facility standards poses an unresolved risk to public health and safety or other conditions noncompliant with OAR 875-015-0020 or 875-015-0030.

Stat. Auth.: ORS 686.210
Stats. Implemented: ORS 686.130
Hist.: VMEB 1-2015, f. & cert. ef. 11-13-15

875-010-0065
License and Facility Registration Renewal Procedures

(1) The annual renewal fee for all veterinary licenses shall be $150.

(2) A renewal application is timely if the completed application together with the correct renewal fee is postmarked or electronically filed by December 31st of the current license year. The licensee has the burden of proving that the application was mailed or filed timely. If the renewal application is not timely, the applicant must pay delinquent fees of $50 for each month or part of a month after December 31st, up to a maximum of $150.

(a) In the event a licensee's renewal application is not received by January 31st, notice from the Board will be sent by April 1st, advising the licensee of his or her delinquency and that practicing veterinary medicine in Oregon without a valid license is a violation of ORS 686.020. It is the licensee's responsibility to provide the Board with a current address;

(b) If the delinquency in license renewal exceeds three months, the Board may require the applicant to appear before the Board and/or may attach other conditions to the renewal, e.g. community service, additional continuing education, etc.;

(c) If the delinquency in license renewal exceeds 21 months, the Board may assess an extended delinquency renewal fee, and/or require re-qualification by examination.

(3) Board staff will review renewal applications. If the application is complete with the following requirements, staff will issue a license which expires on December 31st of the next calendar year:

(a) The renewal application is completed;

(b) The renewal fee is enclosed;

(c) Any delinquent fees are enclosed;

(d) Continuing Education (CE) requirements must have been met; and

(e) The license is not suspended, revoked or otherwise encumbered under the provisions of ORS 686.120 and 686.130.

(4) Board staff will refer for Board review any license renewal that fails to respond fully to questions in the application.

(5) A veterinarian who submits a completed renewal application postmarked or electronically filed no later than December 31st, and has complied with all requirements under section (3) of this rule, may continue to practice veterinary medicine in Oregon pending notification of renewal or notification that the application is incomplete. A veterinarian who submits a renewal application postmarked after December 31st, or who knows the application is incomplete, or has not fulfilled the continuing education requirement, will be subject to delinquent fees and may not lawfully continue to practice veterinary medicine in Oregon until notified that the license has been renewed.

(6) If the veterinarian's license lapses, a 21-month grace period begins. The veterinarian may renew the license within the 21-month period by paying the maximum delinquent fee and the current annual license fee, and by providing documentation of veterinary activities, including completed Continuing Education, during the interim. After 21 months, the license may be revoked and the veterinarian may have to re-qualify for licensure by taking an examination determined by the Board.

(7) The annual facility registration fee shall be $150. Facility owners shall renew each facility registration by December 31st of the current license year. Failure to renew a facility registration may be grounds for the Board to suspend practice of veterinary medicine in the facility.

Stat. Auth.: ORS 686.210
Stats. Implemented: ORS 686.110 & 686.255
Hist.: VME 3-1986(Temp), f. & ef. 10-23-86; VME 1-1987, f. & ef. 12-22-87; VME 2-1989, f. 8-29-89, cert. ef. 10-1-89; VME 3-1991, f. & cert. ef. 12-9-91; VME 1-1992, f. & cert. ef. 10-9-92; VME 2-1994, f. & cert. ef. 11-30-94; VMEB 1-2006, f. & cert. ef. 2-8-06; VMEB 2-2006, f. & cert. ef. 5-11-06; VMEB 1-2013, f. & cert. ef. 10-4-13; VMEB 1-2015, f. & cert. ef. 11-13-15

875-011-0010
Unprofessional or Dishonorable Conduct

The Board interprets "unprofessional or dishonorable conduct" to include, but is not limited to the following:

(1) Gross negligence in the practice of veterinary medicine.

(2) A pattern, practice or continuous course of negligence, ignorance, incompetence or inefficiency in the practice of veterinary medicine. The incidents may be dissimilar.

(3) Performing surgery, taking a radiograph or attempting a treatment without first obtaining the client's permission, except in emergency circumstances. Permission may be reasonably implied under some circumstances.

(4) Failure without good cause to perform a specific surgery or treatment in a timely manner, after agreeing to perform the surgery or treatment.

(5) Failure to properly prepare an animal for surgery or treatment.

(6) Failure to use sterile instruments and equipment when performing surgery, when the circumstances require the use of sterile instruments and equipment.

(7) Failure to use generally accepted diagnostic procedures and treatments, without good cause.

(8) Failure to obtain the client's written permission before using unorthodox or non-standard methods of diagnosis or treatment. Acupuncture, chiropractic or herbal medicine is not considered unorthodox or non-standard.

(9) Failure to advise a client of home care or follow-up treatment required after a particular diagnosis or treatment.

(10) Handling animals in an inhumane manner or, except when the veterinarian reasonably believes it to be necessary, handling animals with great force.

(11) Charging for services not rendered.

(12) Failure to maintain records which show, at a minimum, the name of the client, identification of the patient, its condition upon presentation, the tentative diagnosis, treatment performed, drug administered, amount of drug, any prescription, and the date of treatment. For companion animals, identification of the patient should include species, breed, name, age, sex, color, and distinctive markings, where practical.

(13) Failure to provide to a client in a timely manner, upon request, an accurate copy or synopsis of the patient's medical records including a copy of radiographs, if requested. A reasonable copying fee may be charged.

(14) Failure to provide records or radiographs in a timely manner to another veterinarian retained by the client, upon request of the client or client's veterinarian.

(15) Failure to mark or label a container of prescription or legend drugs with the date, name of drug, dosage frequency, identification of animal (if appropriate), and withdrawal time (if appropriate). Excludes legend drugs dispensed or ordered in original, unopened manufacturer's packaging for herd use.

(16) Failure to comply with federal law concerning packaging and labeling of prescription or legend drugs.

(17) Violation of any state or federal law relating to controlled substances, as defined in ORS 475.005(6), which the veterinarian obtained under the authority of the veterinary license.

(18) Non-veterinary prescribing, use, theft or diversion of legend or controlled drugs.

(19) Failure to respond in writing to a written request from the Board within the time indicated in the request letter, without good cause; or failure to appear in person before the Board upon written request, without good cause.

(20) Failure to comply with any rule or Order of the Board or as required by OAR 875-005-0010.

(21) Making false or misleading representations to the Board or its representative or altering or providing altered medical records.

(22) Making a misrepresentation or omission on a license renewal application.

(23) Violations of veterinary laws in other states that would constitute violations of Oregon law.

(24) Violations of other laws that relate to the practice of veterinary medicine, including violations of the Oregon Racing Commission statutes and administrative rules.

(25) Failure to meet minimum facility standards as defined in OAR 875-015-0020 or 875-015-0030 following inspection and findings of noncompliance.

(26) Failure to post valid facility registration in a place conspicuous to the public.

(27) Failure without good cause to notify the Board within 10 days of any change in facility ownership.

(28) Failure without good cause to notify the Board within 15 days of any change in Managing Veterinarian. An interim Managing Veterinarian may be designated.

(29) Practicing veterinary medicine in a facility without a valid registration.

(30) Failure to report uncorrected noncompliant facility conditions if registered as a Managing Veterinarian.

(31) Providing false, misleading or deceptive information to the Board or its designated inspector as part of a facility inspection or investigation.

(32) A Managing Veterinarian shall not be held liable for noncompliant facility conditions demonstrably beyond the control of the Managing Veterinarian.

Stat. Auth.: ORS 686.210
Stats. Implemented: ORS 686.130
Hist.: VMEB 1-2006, f. & cert. ef. 2-8-06; VMEB 3-2008, f. & cert. ef. 3-19-08; VMEB 8-2008, f. & cert. ef. 7-22-08; VMEB 2-2009, f. & cert. ef. 10-15-09; VMEB 1-2015, f. & cert. ef. 11-13-15

875-011-0012
Citation and Fine

If an investigation or inspection reveals noncompliance with any requirements of OARs 875-005-0010, 875-010-0020, 875-010-0050, 875-015-005, 875-015-00 or 875-015-002030 that do not relate to risk of harm to animals or the public, the Board may propose a non-disciplinary citation and fine not to exceed $100 for each noncompliant instance.

Stat. Auth.: ORS 686.210
Stats. Implemented: ORS 686.130
Hist.: VMEB 1-2015, f. & cert. ef. 11-13-15

875-015-0005
Responsibilities for Veterinary Medical Practices

(1) Each doctor who holds any interest in a veterinary medical practice, unless exempted by ORS 686.040, shall be jointly and severally professionally responsible for all aspects of all activities conducted at and conditions of each veterinary medical facility at which the doctor's practice is conducted, including all acts and omissions of all the doctor's partners, joint venturers, fellow shareholders, employees, representatives, agents and contractors, unless the doctor can establish:

(a) In the case of a non-complying condition, that the condition was under the sole control of one or more other licensed partners, joint venturers, Managing Veterinarians or shareholders, and was not utilized by the first doctor directly, or indirectly by someone under the first doctor's supervision or direction; and

(b) In the case of a non-complying activity, that the act or omission was committed by one or more other licensed employees, contractors, partners, joint venturers, Managing Veteirnarians or shareholders, and the first doctor exercised no supervision or direction over the act or omission of the other licensed employee, contractor, partner, joint venturer or shareholder, and the first doctor had no duty to supervise.

(2) A licensed doctor shall not be relieved of responsibility for his or her own acts and omissions because another person also has some responsibility.

(3) Each facility owner who has any interest in a veterinary medical practice shall provide to the Board, upon request, the following information:

(a) The name and address (or vehicle license number) of each veterinary medical facility in which they have any ownership interest or responsibility;

(b) The name and address of each person having any legal or equitable interest in each of the veterinary medical facilities, and the form and amount of each interest;

(c) The name and address of each person having any interest in the ownership, operation, management or control of the veterinary medical practice conducted in each veterinary medical facility and the form and amount of each interest;

(d) A description of the services provided at or from each veterinary medical facility;

(e) The names and titles of each licensed professional employed or retained as a contractor at each veterinary medical facility;

(f) The names of each shareholder and officer of each professional corporation having any interest in the veterinary medical practice; and

(g) Any other relevant information which the Board representative requests.

(6) The Board considers that:

(a) Any person who violates section (1) or (2) of this rule thereby violates ORS 686.020(1), unlicensed practice of veterinary medicine; and

(b) Any licensee who participates in the same veterinary medical practice thereby commits unprofessional or dishonorable conduct in violation of ORS 686.130(6), having a professional connection with an illegal practitioner.

Stat. Auth.: ORS 686.210
Stats. Implemented: ORS 686.040, 686.020 & 686.130
Hist.: VME 5-1992, f. & cert. ef. 12-10-92; VME 2-1996, f. & cert. ef. 11-6-96; VMEB 1-1998, f. & cert. ef. 7-1-98; VMEB 1-2015, f. & cert. ef. 11-13-15

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125-246-0330	1-1-2015	Amend	2-1-2015
125-246-0333	1-1-2015	Amend	2-1-2015
125-246-0350	1-1-2015	Amend	2-1-2015
125-246-0351	1-1-2015	Amend	2-1-2015
125-247-0110	1-1-2015	Amend	2-1-2015
125-247-0200	1-1-2015	Amend	2-1-2015
125-247-0287	1-1-2015	Amend	2-1-2015

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125-247-0805	1-1-2015	Amend	2-1-2015
125-248-0100	1-1-2015	Amend	2-1-2015
125-248-0270	1-1-2015	Adopt	2-1-2015
137-005-0050	5-26-2015	Amend(T)	7-1-2015
137-005-0050	10-27-2015	Amend	12-1-2015
137-005-0050(T)	10-27-2015	Repeal	12-1-2015
137-005-0052	5-26-2015	Adopt(T)	7-1-2015
137-005-0052	10-27-2015	Adopt	12-1-2015
137-005-0052(T)	10-27-2015	Repeal	12-1-2015
137-005-0054	5-26-2015	Adopt(T)	7-1-2015
137-005-0054	10-27-2015	Adopt	12-1-2015
137-005-0054(T)	10-27-2015	Repeal	12-1-2015
137-010-0005	7-1-2015	Amend	8-1-2015
137-010-0010	7-1-2015	Amend	8-1-2015
137-010-0015	7-1-2015	Amend	8-1-2015
137-010-0020	7-1-2015	Amend	8-1-2015
137-010-0025	7-1-2015	Amend	8-1-2015
137-010-0032	7-1-2015	Adopt	8-1-2015
137-010-0033	7-1-2015	Amend	8-1-2015
137-010-0034	7-1-2015	Amend	8-1-2015
137-010-0040	7-1-2015	Amend	8-1-2015
137-010-0041	7-1-2015	Amend	8-1-2015
137-010-0042	7-1-2015	Repeal	8-1-2015
137-046-0130	2-3-2015	Amend	3-1-2015
137-047-0260	2-3-2015	Amend	3-1-2015
137-047-0265	2-3-2015	Amend	3-1-2015
137-047-0270	2-3-2015	Amend	3-1-2015
137-047-0300	2-3-2015	Amend	3-1-2015
137-047-0450	2-3-2015	Amend	3-1-2015
137-047-0560	2-3-2015	Amend	3-1-2015
137-048-0130	2-3-2015	Amend	3-1-2015
137-048-0210	2-3-2015	Amend	3-1-2015
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137-049-0640	2-3-2015	Amend	3-1-2015
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137-049-0660	2-3-2015	Amend	3-1-2015
137-049-0690	2-3-2015	Amend	3-1-2015
137-049-0820	2-3-2015	Amend	3-1-2015
137-050-0740	2-4-2015	Amend(T)	3-1-2015
137-050-0740	3-30-2015	Amend	5-1-2015
137-050-0740(T)	3-30-2015	Repeal	5-1-2015
137-055-1090	1-5-2015	Amend	2-1-2015
137-055-2160	3-30-2015	Amend	5-1-2015
137-055-3495	3-30-2015	Adopt	5-1-2015
137-055-3500	3-30-2015	Amend	5-1-2015
137-055-5030	3-30-2015	Amend	5-1-2015
137-055-5110	3-30-2015	Amend	5-1-2015
137-078-0000	10-8-2015	Amend	11-1-2015
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137-078-0015	10-8-2015	Amend	11-1-2015
137-078-0035	10-8-2015	Amend	11-1-2015
137-078-0041	10-8-2015	Amend	11-1-2015
137-078-0045	10-8-2015	Amend	11-1-2015
137-078-0051	10-8-2015	Amend	11-1-2015
137-085-0060	10-2-2015	Adopt(T)	11-1-2015
137-085-0070	10-2-2015	Adopt(T)	11-1-2015
137-085-0080	10-2-2015	Adopt(T)	11-1-2015
137-085-0090	10-2-2015	Adopt(T)	11-1-2015
137-130-0001	2-23-2015	Adopt	4-1-2015
137-130-0001	9-8-2015	Adopt	10-1-2015
137-130-0001(T)	2-23-2015	Repeal	4-1-2015
137-130-0005	2-23-2015	Adopt	4-1-2015
137-130-0005	9-8-2015	Adopt	10-1-2015
137-130-0005(T)	2-23-2015	Repeal	4-1-2015
137-130-0010	2-23-2015	Adopt	4-1-2015
137-130-0010	9-8-2015	Adopt	10-1-2015
137-130-0010(T)	2-23-2015	Repeal	4-1-2015
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137-130-0110	9-8-2015	Adopt	10-1-2015
137-130-0110(T)	2-23-2015	Repeal	4-1-2015
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137-130-0210	9-8-2015	Adopt	10-1-2015
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137-140-0020	9-1-2015	Adopt	10-1-2015
137-140-0030	9-1-2015	Adopt	10-1-2015
137-140-0040	9-1-2015	Adopt	10-1-2015
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141-075-0015	12-1-2015	Repeal	12-1-2015
141-075-0020	12-1-2015	Repeal	12-1-2015
141-075-0030	12-1-2015	Repeal	12-1-2015
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141-075-0170	12-1-2015	Repeal	12-1-2015
141-075-0175	12-1-2015	Repeal	12-1-2015
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141-075-0255	12-1-2015	Repeal	12-1-2015
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141-075-0480	12-1-2015	Repeal	12-1-2015
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141-075-0550	12-1-2015	Repeal	12-1-2015
141-075-0555	12-1-2015	Repeal	12-1-2015
141-075-0560	12-1-2015	Repeal	12-1-2015
141-075-0565	12-1-2015	Repeal	12-1-2015
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141-088-0006	6-1-2015	Amend	6-1-2015
141-088-0007	6-1-2015	Amend	6-1-2015
141-088-0008	6-1-2015	Amend	6-1-2015
141-088-0195	6-1-2015	Adopt	6-1-2015
141-088-0200	6-1-2015	Adopt	6-1-2015
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141-125-0120	12-1-2015	Amend	12-1-2015
141-125-0140	12-1-2015	Amend	12-1-2015
141-125-0160	12-1-2015	Amend	12-1-2015
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150-305.265(11)	1-1-2015	Amend	2-1-2015
150-306.265	1-1-2015	Amend	2-1-2015
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150-307.145	1-1-2015	Adopt	2-1-2015
150-308.057	1-1-2015	Amend	2-1-2015
150-308.059-(A)	1-1-2015	Amend	2-1-2015
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150-314.515(2)	1-1-2015	Amend	2-1-2015
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150-457.440(9)-(B)	1-1-2015	Adopt	2-1-2015
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161-002-0000	1-1-2016	Amend(T)	12-1-2015
161-006-0025	1-1-2015	Amend	2-1-2015
161-006-0025	7-20-2015	Amend(T)	7-1-2015
161-006-0025	7-24-2015	Amend	9-1-2015
161-006-0155	1-1-2015	Amend	2-1-2015
161-006-0160	1-1-2015	Amend	2-1-2015
161-008-0010	1-1-2015	Amend	2-1-2015
161-010-0010	1-1-2015	Amend	2-1-2015
161-010-0035	1-1-2015	Amend	2-1-2015
161-010-0045	1-1-2015	Amend	2-1-2015
161-010-0065	1-1-2015	Amend	2-1-2015
161-010-0080	1-1-2015	Amend	2-1-2015
161-010-0085	1-1-2015	Amend	2-1-2015
161-015-0000	1-1-2015	Amend	2-1-2015
161-015-0010	1-1-2015	Amend	2-1-2015
161-015-0015	1-1-2015	Adopt	2-1-2015
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161-015-0030	1-1-2015	Amend	2-1-2015
161-020-0005	1-1-2015	Amend	2-1-2015
161-020-0015	1-1-2015	Amend	2-1-2015
161-020-0035	1-1-2015	Amend	2-1-2015
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161-020-0055	1-1-2015	Amend	2-1-2015
161-020-0065	1-1-2015	Amend	2-1-2015
161-020-0070	1-1-2015	Amend	2-1-2015
161-020-0090	1-1-2015	Repeal	2-1-2015
161-020-0110	1-1-2015	Amend	2-1-2015
161-020-0120	1-1-2015	Amend	2-1-2015
161-020-0130	1-1-2015	Amend	2-1-2015
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161-025-0005	1-1-2015	Amend	2-1-2015
161-025-0010	1-1-2015	Amend	2-1-2015
161-025-0025	1-1-2015	Amend	2-1-2015
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161-040-0000	1-1-2015	Amend	2-1-2015
161-050-0000	1-1-2015	Amend	2-1-2015
161-530-0020	1-1-2015	Amend	2-1-2015
161-570-0030	1-1-2015	Amend	2-1-2015
162-001-0000	8-19-2015	Amend	10-1-2015
162-010-0000	8-19-2015	Amend	10-1-2015
162-010-0020	8-19-2015	Amend	10-1-2015
162-010-0030	8-19-2015	Amend	10-1-2015
162-010-0050	8-19-2015	Amend	10-1-2015
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162-010-0150	8-19-2015	Repeal	10-1-2015
162-010-0230	8-19-2015	Amend	10-1-2015
162-010-0260	8-19-2015	Amend	10-1-2015
162-010-0295	8-19-2015	Amend	10-1-2015
162-010-0320	8-19-2015	Amend	10-1-2015
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162-040-0050	8-19-2015	Repeal	10-1-2015
162-040-0054	8-19-2015	Amend	10-1-2015
162-040-0055	8-19-2015	Amend	10-1-2015
162-040-0060	8-19-2015	Amend	10-1-2015
162-040-0065	8-19-2015	Repeal	10-1-2015
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166-200-0200	1-27-2015	Amend	3-1-2015
166-200-0235	1-27-2015	Amend	3-1-2015
166-200-0260	1-27-2015	Amend	3-1-2015
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166-200-0375	1-27-2015	Amend	3-1-2015
166-200-0380	1-27-2015	Amend	3-1-2015
166-500-0005	8-3-2015	Amend	9-1-2015
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170-061-0015	7-10-2015	Amend	8-1-2015
170-062-0000	7-10-2015	Amend	8-1-2015
177-010-0003	10-1-2015	Amend	11-1-2015
177-040-0050	10-1-2015	Amend	11-1-2015
177-040-0051	10-1-2015	Amend	11-1-2015
177-046-0020	10-1-2015	Amend	11-1-2015
177-046-0110	10-1-2015	Amend	11-1-2015
177-050-0024	10-1-2015	Amend	11-1-2015
177-050-0025	10-1-2015	Amend	11-1-2015
177-050-0027	10-1-2015	Amend	11-1-2015
177-052-0060	10-1-2015	Amend	11-1-2015
177-070-0025	10-1-2015	Amend	11-1-2015
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177-085-0035	10-7-2015	Amend	11-1-2015
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213-060-0080	1-1-2015	Adopt	1-1-2015
213-060-0095	1-1-2015	Adopt	1-1-2015
213-060-0130	1-1-2015	Adopt	1-1-2015
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230-001-0005	2-9-2015	Amend	3-1-2015
230-001-0010	2-9-2015	Amend	3-1-2015
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250-010-0230	5-1-2015	Adopt	6-1-2015
250-010-0235	5-1-2015	Adopt	6-1-2015
250-010-0270	5-1-2015	Adopt	6-1-2015
250-011-0005	7-1-2015	Am. & Ren.	8-1-2015
250-011-0010	7-1-2015	Am. & Ren.	8-1-2015
250-011-0015	7-1-2015	Am. & Ren.	8-1-2015
250-011-0020	7-1-2015	Adopt	8-1-2015
250-011-0030	7-1-2015	Adopt	8-1-2015
250-011-0040	7-1-2015	Adopt	8-1-2015
250-012-0001	7-1-2015	Repeal	8-1-2015
250-012-0003	7-1-2015	Am. & Ren.	8-1-2015
250-012-0005	7-1-2015	Am. & Ren.	8-1-2015
250-012-0010	7-1-2015	Am. & Ren.	8-1-2015
250-012-0015	7-1-2015	Am. & Ren.	8-1-2015
250-012-0020	7-1-2015	Am. & Ren.	8-1-2015
250-012-0025	7-1-2015	Am. & Ren.	8-1-2015
250-012-0030	7-1-2015	Am. & Ren.	8-1-2015
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250-012-0050	7-1-2015	Renumber	8-1-2015
250-013-0001	7-1-2015	Repeal	8-1-2015
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250-013-0010	7-1-2015	Am. & Ren.	8-1-2015
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250-016-0020	7-1-2015	Amend	8-1-2015
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250-016-0050	7-1-2015	Amend	8-1-2015
250-020-0032	5-1-2015	Amend	6-1-2015
250-020-0033	5-1-2015	Amend	6-1-2015
250-020-0041	5-1-2015	Amend	6-1-2015
250-020-0043	5-1-2015	Amend	6-1-2015
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250-020-0062	5-1-2015	Amend	6-1-2015
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250-020-0091	10-19-2015	Amend(T)	12-1-2015
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250-020-0102	8-10-2015	Amend(T)	9-1-2015
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250-020-0151	5-1-2015	Amend	6-1-2015
250-020-0161	5-1-2015	Amend	6-1-2015
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250-020-0202	5-1-2015	Amend	6-1-2015
250-020-0203	5-1-2015	Amend	6-1-2015
250-020-0204	5-1-2015	Amend	6-1-2015
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250-020-0323	5-1-2015	Amend	6-1-2015
250-020-0350	5-1-2015	Amend	6-1-2015
250-020-0360	5-1-2015	Amend	6-1-2015
250-020-0385	5-1-2015	Amend	6-1-2015
250-021-0030	7-1-2015	Amend	8-1-2015
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255-085-0040	8-27-2015	Adopt(T)	10-1-2015
255-085-0050	8-27-2015	Adopt(T)	10-1-2015
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259-008-0005	3-24-2015	Amend	5-1-2015
259-008-0005	7-1-2015	Amend	8-1-2015
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259-008-0010	3-24-2015	Amend	5-1-2015
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259-008-0040	7-1-2015	Amend	8-1-2015
259-008-0060	1-5-2015	Amend	2-1-2015
259-008-0060	3-24-2015	Amend	5-1-2015
259-008-0060	7-1-2015	Amend	8-1-2015
259-008-0060(T)	1-5-2015	Repeal	2-1-2015
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259-009-0005	10-22-2015	Amend	12-1-2015
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259-009-0059	6-23-2015	Amend	8-1-2015
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259-013-0270	7-23-2015	Amend	9-1-2015
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259-060-0060	3-24-2015	Amend	5-1-2015
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259-060-0450	3-24-2015	Amend	5-1-2015
259-061-0005	1-5-2015	Amend	2-1-2015
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291-013-0070	7-9-2015	Amend(T)	8-1-2015
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291-013-0104(T)	10-26-2015	Repeal	12-1-2015
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291-013-0110	10-26-2015	Amend	12-1-2015
291-013-0110(T)	10-26-2015	Repeal	12-1-2015
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291-016-0020	7-1-2015	Amend(T)	8-1-2015
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291-016-0020(T)	12-3-2014	Repeal	1-1-2015
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291-016-0120	12-3-2014	Adopt	1-1-2015
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291-022-0160(T)	10-26-2015	Repeal	12-1-2015
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291-022-0170	10-26-2015	Amend	12-1-2015
291-022-0170(T)	10-26-2015	Repeal	12-1-2015
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291-022-0180	10-26-2015	Amend	12-1-2015
291-022-0180(T)	10-26-2015	Repeal	12-1-2015
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291-022-0200	10-26-2015	Amend	12-1-2015
291-022-0200(T)	10-26-2015	Repeal	12-1-2015
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291-034-0010	10-20-2015	Amend	12-1-2015
291-034-0015	10-20-2015	Amend	12-1-2015
291-034-0020	10-20-2015	Amend	12-1-2015
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291-052-0035	10-20-2015	Repeal	12-1-2015
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291-055-0010	12-29-2014	Amend	2-1-2015
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291-055-0014	12-29-2014	Amend	2-1-2015
291-055-0014(T)	12-29-2014	Repeal	2-1-2015
291-055-0019	12-29-2014	Amend	2-1-2015
291-055-0019(T)	12-29-2014	Repeal	2-1-2015
291-055-0020	12-29-2014	Amend	2-1-2015
291-055-0020	3-20-2015	Amend(T)	5-1-2015
291-055-0020	8-21-2015	Amend	10-1-2015
291-055-0020(T)	12-29-2014	Repeal	2-1-2015
291-055-0020(T)	8-21-2015	Repeal	10-1-2015
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291-055-0031(T)	12-29-2014	Repeal	2-1-2015
291-055-0040	12-29-2014	Amend	2-1-2015
291-055-0040(T)	12-29-2014	Repeal	2-1-2015
291-055-0045	12-29-2014	Amend	2-1-2015
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291-078-0020(T)	2-25-2015	Repeal	4-1-2015
291-078-0026	2-25-2015	Amend	4-1-2015
291-078-0026(T)	2-25-2015	Repeal	4-1-2015
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291-082-0100	1-6-2015	Amend(T)	2-1-2015
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291-082-0100(T)	5-21-2015	Repeal	7-1-2015
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291-082-0105(T)	5-21-2015	Repeal	7-1-2015
291-082-0110	1-6-2015	Amend(T)	2-1-2015
291-082-0110	5-21-2015	Amend	7-1-2015
291-082-0110(T)	5-21-2015	Repeal	7-1-2015
291-082-0115	1-6-2015	Amend(T)	2-1-2015
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291-082-0115(T)	5-21-2015	Repeal	7-1-2015
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291-082-0120	5-21-2015	Amend	7-1-2015
291-082-0120(T)	5-21-2015	Repeal	7-1-2015
291-082-0130	1-6-2015	Amend(T)	2-1-2015
291-082-0130	5-21-2015	Amend	7-1-2015
291-082-0130(T)	5-21-2015	Repeal	7-1-2015
291-082-0135	1-6-2015	Amend(T)	2-1-2015
291-082-0135	5-21-2015	Amend	7-1-2015
291-082-0135(T)	5-21-2015	Repeal	7-1-2015
291-082-0140	1-6-2015	Amend(T)	2-1-2015
291-082-0140	5-21-2015	Amend	7-1-2015
291-082-0140(T)	5-21-2015	Repeal	7-1-2015
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291-082-0145(T)	5-21-2015	Repeal	7-1-2015
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291-104-0111(T)	5-21-2015	Repeal	7-1-2015
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291-104-0135(T)	5-21-2015	Repeal	7-1-2015
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291-109-0140	11-19-2014	Amend	1-1-2015
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291-109-0160	11-19-2014	Amend	1-1-2015
291-109-0170	11-19-2014	Amend	1-1-2015
291-109-0180	11-19-2014	Amend	1-1-2015
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291-130-0006	1-1-2015	Amend(T)	2-1-2015
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309-019-0170	3-25-2015	Amend(T)	5-1-2015
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309-112-0035	10-21-2015	Amend(T)	12-1-2015
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309-114-0010	4-24-2015	Amend(T)	6-1-2015
309-114-0010	8-28-2015	Amend	10-1-2015
309-114-0015	4-24-2015	Amend(T)	6-1-2015
309-114-0015	8-28-2015	Amend	10-1-2015
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325-015-0015	7-10-2015	Amend	8-1-2015
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325-015-0025	7-10-2015	Amend	8-1-2015
325-015-0030	7-10-2015	Amend	8-1-2015
325-015-0035	7-10-2015	Amend	8-1-2015
325-015-0040	7-10-2015	Amend	8-1-2015
325-015-0045	7-10-2015	Amend	8-1-2015
325-015-0050	7-10-2015	Amend	8-1-2015
325-015-0055	7-10-2015	Amend	8-1-2015
325-015-0060	7-10-2015	Amend	8-1-2015
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325-020-0025	7-10-2015	Amend	8-1-2015
325-020-0026	7-10-2015	Amend	8-1-2015
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325-025-0030	7-10-2015	Amend	8-1-2015
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325-030-0035	7-10-2015	Amend	8-1-2015
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330-200-0040	9-1-2015	Amend	10-1-2015
330-210-0040	9-1-2015	Amend	10-1-2015
330-220-0040	9-1-2015	Amend	10-1-2015

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331-410-0050	12-1-2014	Amend	1-1-2015
331-440-0000	7-8-2015	Amend	8-1-2015
331-601-0010	7-1-2015	Amend	8-1-2015
331-800-0010	1-1-2015	Amend	1-1-2015
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331-810-0010	1-1-2015	Adopt	1-1-2015
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331-810-0025	1-1-2015	Adopt	1-1-2015
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331-810-0040	1-1-2015	Amend	1-1-2015
331-810-0050	1-1-2015	Repeal	1-1-2015
331-810-0055	1-1-2015	Amend	1-1-2015
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333-007-0210	1-1-2016	Adopt(T)	12-1-2015
333-007-0220	1-1-2016	Adopt(T)	12-1-2015
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333-007-0350	1-1-2016	Adopt(T)	12-1-2015
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333-007-0380	1-1-2016	Adopt(T)	12-1-2015
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333-007-0470	1-1-2016	Adopt(T)	12-1-2015
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333-014-0090	12-17-2014	Adopt	2-1-2015
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333-106-0055	1-1-2015	Amend	2-1-2015
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333-119-0050	1-1-2015	Amend	2-1-2015
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333-119-0070	1-1-2015	Amend	2-1-2015
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333-120-0200	1-1-2015	Amend	2-1-2015
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333-700-0120	2-1-2015	Amend	3-1-2015
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334-001-0012	7-1-2015	Amend	4-1-2015
334-001-0055	7-1-2015	Amend	4-1-2015
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334-001-0060	7-1-2015	Amend	4-1-2015
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337-021-0070	1-1-2016	Amend	12-1-2015
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340-224-0520	4-16-2015	Adopt	6-1-2015
340-224-0530	4-16-2015	Adopt	6-1-2015
340-224-0540	4-16-2015	Adopt	6-1-2015
340-225-0010	4-16-2015	Amend	6-1-2015
340-225-0020	4-16-2015	Amend	6-1-2015
340-225-0030	4-16-2015	Amend	6-1-2015
340-225-0040	4-16-2015	Amend	6-1-2015
340-225-0045	4-16-2015	Amend	6-1-2015
340-225-0050	4-16-2015	Amend	6-1-2015
340-225-0060	4-16-2015	Amend	6-1-2015
340-225-0070	4-16-2015	Amend	6-1-2015
340-225-0090	4-16-2015	Repeal	6-1-2015
340-226-0005	4-16-2015	Adopt	6-1-2015
340-226-0010	4-16-2015	Amend	6-1-2015
340-226-0100	4-16-2015	Amend	6-1-2015
340-226-0110	4-16-2015	Amend	6-1-2015
340-226-0120	4-16-2015	Amend	6-1-2015
340-226-0130	4-16-2015	Amend	6-1-2015
340-226-0140	4-16-2015	Amend	6-1-2015
340-226-0200	4-16-2015	Repeal	6-1-2015
340-226-0210	4-16-2015	Amend	6-1-2015
340-226-0310	4-16-2015	Amend	6-1-2015
340-226-0320	4-16-2015	Amend	6-1-2015
340-226-0400	4-16-2015	Amend	6-1-2015
340-226-8010	4-16-2015	Adopt	6-1-2015
340-228-0010	4-16-2015	Amend	6-1-2015
340-228-0020	4-16-2015	Amend	6-1-2015
340-228-0100	4-16-2015	Amend	6-1-2015
340-228-0110	4-16-2015	Amend	6-1-2015
340-228-0120	4-16-2015	Amend	6-1-2015
340-228-0130	4-16-2015	Amend	6-1-2015
340-228-0200	4-16-2015	Amend	6-1-2015
340-228-0210	4-16-2015	Amend	6-1-2015
340-228-0300	4-16-2015	Amend	6-1-2015
340-228-0400	4-16-2015	Repeal	6-1-2015
340-228-0410	4-16-2015	Repeal	6-1-2015
340-228-0420	4-16-2015	Repeal	6-1-2015
340-228-0430	4-16-2015	Repeal	6-1-2015
340-228-0440	4-16-2015	Repeal	6-1-2015
340-228-0450	4-16-2015	Repeal	6-1-2015
340-228-0460	4-16-2015	Repeal	6-1-2015
340-228-0470	4-16-2015	Repeal	6-1-2015
340-228-0480	4-16-2015	Repeal	6-1-2015
340-228-0490	4-16-2015	Repeal	6-1-2015
340-228-0500	4-16-2015	Repeal	6-1-2015
340-228-0510	4-16-2015	Repeal	6-1-2015
340-228-0520	4-16-2015	Repeal	6-1-2015
340-228-0530	4-16-2015	Repeal	6-1-2015
340-230-0010	4-17-2015	Amend	6-1-2015
340-230-0020	4-17-2015	Amend	6-1-2015
340-230-0030	4-17-2015	Amend	6-1-2015
340-230-0415	4-17-2015	Adopt	6-1-2015
340-230-0500	4-17-2015	Adopt	6-1-2015
340-232-0010	4-16-2015	Amend	6-1-2015
340-232-0020	4-16-2015	Amend	6-1-2015
340-232-0030	4-16-2015	Amend	6-1-2015
340-232-0040	4-16-2015	Amend	6-1-2015
340-232-0050	4-16-2015	Amend	6-1-2015
340-232-0060	4-16-2015	Amend	6-1-2015
340-232-0080	4-16-2015	Amend	6-1-2015
340-232-0090	4-16-2015	Amend	6-1-2015
340-232-0100	4-16-2015	Amend	6-1-2015
340-232-0110	4-16-2015	Amend	6-1-2015
340-232-0130	4-16-2015	Amend	6-1-2015
340-232-0140	4-16-2015	Amend	6-1-2015
340-232-0150	4-16-2015	Amend	6-1-2015
340-232-0160	4-16-2015	Amend	6-1-2015

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340-232-0170	4-16-2015	Amend	6-1-2015
340-232-0180	4-16-2015	Amend	6-1-2015
340-232-0190	4-16-2015	Amend	6-1-2015
340-232-0200	4-16-2015	Amend	6-1-2015
340-232-0210	4-16-2015	Amend	6-1-2015
340-232-0220	4-16-2015	Amend	6-1-2015
340-232-0230	4-16-2015	Amend	6-1-2015
340-234-0005	4-16-2015	Adopt	6-1-2015
340-234-0010	4-16-2015	Amend	6-1-2015
340-234-0100	4-16-2015	Amend	6-1-2015
340-234-0140	4-16-2015	Amend	6-1-2015
340-234-0200	4-16-2015	Amend	6-1-2015
340-234-0210	4-16-2015	Amend	6-1-2015
340-234-0220	4-16-2015	Amend	6-1-2015
340-234-0240	4-16-2015	Amend	6-1-2015
340-234-0250	4-16-2015	Amend	6-1-2015
340-234-0270	4-16-2015	Amend	6-1-2015
340-234-0300	4-16-2015	Repeal	6-1-2015
340-234-0310	4-16-2015	Repeal	6-1-2015
340-234-0320	4-16-2015	Repeal	6-1-2015
340-234-0330	4-16-2015	Repeal	6-1-2015
340-234-0340	4-16-2015	Repeal	6-1-2015
340-234-0350	4-16-2015	Repeal	6-1-2015
340-234-0360	4-16-2015	Repeal	6-1-2015
340-234-0400	4-16-2015	Repeal	6-1-2015
340-234-0410	4-16-2015	Repeal	6-1-2015
340-234-0420	4-16-2015	Repeal	6-1-2015
340-234-0430	4-16-2015	Repeal	6-1-2015
340-234-0500	4-16-2015	Amend	6-1-2015
340-234-0510	4-16-2015	Amend	6-1-2015
340-234-0520	4-16-2015	Amend	6-1-2015
340-234-0530	4-16-2015	Amend	6-1-2015
340-234-0540	4-16-2015	Adopt	6-1-2015
340-236-0005	4-16-2015	Adopt	6-1-2015
340-236-0010	4-16-2015	Amend	6-1-2015
340-236-0100	4-16-2015	Repeal	6-1-2015
340-236-0110	4-16-2015	Repeal	6-1-2015
340-236-0120	4-16-2015	Repeal	6-1-2015
340-236-0130	4-16-2015	Repeal	6-1-2015
340-236-0140	4-16-2015	Repeal	6-1-2015
340-236-0150	4-16-2015	Repeal	6-1-2015
340-236-0200	4-16-2015	Repeal	6-1-2015
340-236-0210	4-16-2015	Repeal	6-1-2015
340-236-0220	4-16-2015	Repeal	6-1-2015
340-236-0230	4-16-2015	Repeal	6-1-2015
340-236-0310	4-16-2015	Amend	6-1-2015
340-236-0320	4-16-2015	Amend	6-1-2015
340-236-0330	4-16-2015	Amend	6-1-2015
340-236-0400	4-16-2015	Amend	6-1-2015
340-236-0410	4-16-2015	Amend	6-1-2015
340-236-0420	4-16-2015	Amend	6-1-2015
340-236-0430	4-16-2015	Repeal	6-1-2015
340-236-0440	4-16-2015	Amend	6-1-2015
340-236-0500	4-16-2015	Amend	6-1-2015
340-236-8010	4-16-2015	Adopt	6-1-2015
340-238-0040	4-17-2015	Amend	6-1-2015
340-238-0060	4-17-2015	Amend	6-1-2015
340-238-0090	4-17-2015	Amend	6-1-2015
340-240-0010	4-16-2015	Amend	6-1-2015
340-240-0020	4-16-2015	Amend	6-1-2015
340-240-0030	4-16-2015	Amend	6-1-2015
340-240-0050	4-16-2015	Adopt	6-1-2015
340-240-0100	4-16-2015	Amend	6-1-2015
340-240-0110	4-16-2015	Amend	6-1-2015
340-240-0120	4-16-2015	Amend	6-1-2015
340-240-0130	4-16-2015	Amend	6-1-2015
340-240-0140	4-16-2015	Amend	6-1-2015
340-240-0150	4-16-2015	Amend	6-1-2015
340-240-0160	4-16-2015	Amend	6-1-2015
340-240-0170	4-16-2015	Repeal	6-1-2015
340-240-0180	4-16-2015	Amend	6-1-2015
340-240-0190	4-16-2015	Amend	6-1-2015
340-240-0210	4-16-2015	Amend	6-1-2015
340-240-0220	4-16-2015	Amend	6-1-2015
340-240-0230	4-16-2015	Repeal	6-1-2015
340-240-0250	4-16-2015	Amend	6-1-2015
340-240-0300	4-16-2015	Amend	6-1-2015
340-240-0310	4-16-2015	Repeal	6-1-2015
340-240-0320	4-16-2015	Amend	6-1-2015
340-240-0330	4-16-2015	Amend	6-1-2015
340-240-0340	4-16-2015	Amend	6-1-2015
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340-240-0360	4-16-2015	Amend	6-1-2015
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340-240-0430	4-16-2015	Amend	6-1-2015
340-240-0440	4-16-2015	Amend	6-1-2015
340-240-0510	4-16-2015	Amend	6-1-2015
340-240-0550	4-16-2015	Amend	6-1-2015
340-240-0560	4-16-2015	Amend	6-1-2015
340-240-0610	4-16-2015	Amend	6-1-2015
340-242-0400	4-16-2015	Amend	6-1-2015
340-242-0410	4-16-2015	Amend	6-1-2015
340-242-0420	4-16-2015	Amend	6-1-2015
340-242-0430	4-16-2015	Amend	6-1-2015
340-242-0440	4-16-2015	Amend	6-1-2015
340-242-0500	4-16-2015	Amend	6-1-2015
340-242-0510	4-16-2015	Amend	6-1-2015
340-242-0520	4-16-2015	Amend	6-1-2015
340-242-0600	4-16-2015	Amend	6-1-2015
340-242-0610	4-16-2015	Amend	6-1-2015
340-242-0620	4-16-2015	Amend	6-1-2015
340-242-0630	4-16-2015	Amend	6-1-2015
340-242-0700	4-16-2015	Repeal	6-1-2015
340-242-0710	4-16-2015	Repeal	6-1-2015
340-242-0720	4-16-2015	Repeal	6-1-2015
340-242-0730	4-16-2015	Repeal	6-1-2015
340-242-0740	4-16-2015	Repeal	6-1-2015
340-242-0750	4-16-2015	Repeal	6-1-2015
340-242-0760	4-16-2015	Repeal	6-1-2015
340-242-0770	4-16-2015	Repeal	6-1-2015

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340-242-0780	4-16-2015	Repeal	6-1-2015
340-242-0790	4-16-2015	Repeal	6-1-2015
340-244-0020	4-17-2015	Amend	6-1-2015
340-244-0030	4-17-2015	Amend	6-1-2015
340-244-0040	4-16-2015	Amend	6-1-2015
340-244-0220	4-17-2015	Amend	6-1-2015
340-244-0232	4-16-2015	Amend	6-1-2015
340-244-0234	4-16-2015	Amend	6-1-2015
340-244-0236	4-16-2015	Amend	6-1-2015
340-244-0238	4-16-2015	Amend	6-1-2015
340-244-0239	4-16-2015	Amend	6-1-2015
340-244-0240	4-16-2015	Amend	6-1-2015
340-244-0242	4-16-2015	Amend	6-1-2015
340-244-0244	4-16-2015	Amend	6-1-2015
340-244-0246	4-16-2015	Amend	6-1-2015
340-244-0248	4-16-2015	Amend	6-1-2015
340-244-0250	4-16-2015	Amend	6-1-2015
340-246-0230	4-16-2015	Amend	6-1-2015
340-250-0030	10-16-2015	Amend	12-1-2015
340-253-0000	2-1-2015	Amend	2-1-2015
340-253-0040	2-1-2015	Amend	2-1-2015
340-253-0060	2-1-2015	Amend	2-1-2015
340-253-0100	2-1-2015	Amend	2-1-2015
340-253-0200	2-1-2015	Amend	2-1-2015
340-253-0250	2-1-2015	Amend	2-1-2015
340-253-0310	2-1-2015	Amend	2-1-2015
340-253-0320	2-1-2015	Amend	2-1-2015
340-253-0330	2-1-2015	Amend	2-1-2015
340-253-0340	2-1-2015	Amend	2-1-2015
340-253-0400	2-1-2015	Amend	2-1-2015
340-253-0450	2-1-2015	Amend	2-1-2015
340-253-0500	2-1-2015	Amend	2-1-2015
340-253-0600	2-1-2015	Amend	2-1-2015
340-253-0620	2-1-2015	Adopt	2-1-2015
340-253-0630	2-1-2015	Amend	2-1-2015
340-253-0650	2-1-2015	Amend	2-1-2015
340-253-1000	2-1-2015	Amend	2-1-2015
340-253-1010	2-1-2015	Amend	2-1-2015
340-253-1020	2-1-2015	Amend	2-1-2015
340-253-1030	2-1-2015	Amend	2-1-2015
340-253-1050	2-1-2015	Adopt	2-1-2015
340-253-2000	2-1-2015	Adopt	2-1-2015
340-253-2100	2-1-2015	Adopt	2-1-2015
340-253-2200	2-1-2015	Adopt	2-1-2015
340-253-3010	2-1-2015	Am. & Ren.	2-1-2015
340-253-3020	2-1-2015	Am. & Ren.	2-1-2015
340-253-3030	2-1-2015	Am. & Ren.	2-1-2015
340-253-3040	2-1-2015	Am. & Ren.	2-1-2015
340-253-3050	2-1-2015	Am. & Ren.	2-1-2015
340-253-8010	2-1-2015	Adopt	2-1-2015
340-253-8020	2-1-2015	Adopt	2-1-2015
340-253-8050	2-1-2015	Adopt	2-1-2015
340-262-0450	4-16-2015	Amend	6-1-2015
340-264-0010	4-16-2015	Amend	6-1-2015
340-264-0020	4-16-2015	Amend	6-1-2015
340-264-0030	4-16-2015	Amend	6-1-2015
340-264-0040	4-16-2015	Amend	6-1-2015
340-264-0050	4-16-2015	Amend	6-1-2015
340-264-0060	4-16-2015	Amend	6-1-2015
340-264-0070	4-16-2015	Amend	6-1-2015
340-264-0075	4-16-2015	Amend	6-1-2015
340-264-0078	4-16-2015	Amend	6-1-2015
340-264-0080	4-16-2015	Amend	6-1-2015
340-264-0100	4-16-2015	Amend	6-1-2015
340-264-0110	4-16-2015	Amend	6-1-2015
340-264-0120	4-16-2015	Amend	6-1-2015
340-264-0130	4-16-2015	Amend	6-1-2015
340-264-0140	4-16-2015	Amend	6-1-2015
340-264-0150	4-16-2015	Amend	6-1-2015
340-264-0160	4-16-2015	Amend	6-1-2015
340-264-0170	4-16-2015	Amend	6-1-2015
340-264-0175	4-16-2015	Amend	6-1-2015
340-264-0180	4-16-2015	Amend	6-1-2015
340-264-0190	4-16-2015	Repeal	6-1-2015
340-268-0010	4-16-2015	Amend	6-1-2015
340-268-0020	4-16-2015	Amend	6-1-2015
340-268-0030	4-16-2015	Amend	6-1-2015
345-001-0005	10-20-2015	Amend	12-1-2015
345-001-0010	10-20-2015	Amend	12-1-2015
345-021-0010	10-20-2015	Amend	12-1-2015
345-022-0000	5-18-2015	Amend	7-1-2015
345-023-0030	10-20-2015	Amend	12-1-2015
345-024-0720	10-20-2015	Amend	12-1-2015
345-027-0023	10-20-2015	Amend	12-1-2015
345-027-0070	5-18-2015	Amend	7-1-2015
407-007-0210	12-1-2014	Amend	1-1-2015
407-007-0220	12-1-2014	Amend	1-1-2015
407-007-0230	12-1-2014	Amend	1-1-2015
407-007-0240	12-1-2014	Amend	1-1-2015
407-007-0250	12-1-2014	Amend	1-1-2015
407-007-0275	12-1-2014	Amend	1-1-2015
407-007-0277	12-1-2014	Amend	1-1-2015
407-007-0280	12-1-2014	Amend	1-1-2015
407-007-0290	12-1-2014	Amend	1-1-2015
407-007-0290	2-3-2015	Amend(T)	3-1-2015
407-007-0290	8-1-2015	Amend	9-1-2015
407-007-0290(T)	8-1-2015	Repeal	9-1-2015
407-007-0300	12-1-2014	Amend	1-1-2015
407-007-0315	12-1-2014	Amend	1-1-2015
407-007-0330	12-1-2014	Amend	1-1-2015
407-007-0335	12-1-2014	Amend	1-1-2015
407-007-0340	12-1-2014	Amend	1-1-2015
407-007-0350	12-1-2014	Amend	1-1-2015
407-007-0600	12-1-2014	Adopt	1-1-2015
407-007-0610	12-1-2014	Adopt	1-1-2015
407-007-0620	12-1-2014	Adopt	1-1-2015
407-007-0630	12-1-2014	Adopt	1-1-2015
407-007-0640	12-1-2014	Adopt	1-1-2015
407-025-0000	2-11-2015	Amend(T)	3-1-2015
407-025-0000	8-9-2015	Amend	9-1-2015
407-025-0000(T)	8-9-2015	Repeal	9-1-2015
407-025-0010	2-11-2015	Amend(T)	3-1-2015

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407-025-0010	8-9-2015	Amend	9-1-2015
407-025-0010(T)	8-9-2015	Repeal	9-1-2015
407-025-0020	2-11-2015	Amend(T)	3-1-2015
407-025-0020	8-9-2015	Amend	9-1-2015
407-025-0020(T)	8-9-2015	Repeal	9-1-2015
407-025-0030	2-11-2015	Amend(T)	3-1-2015
407-025-0030	8-9-2015	Amend	9-1-2015
407-025-0030(T)	8-9-2015	Repeal	9-1-2015
407-025-0040	2-11-2015	Amend(T)	3-1-2015
407-025-0040	8-9-2015	Amend	9-1-2015
407-025-0040(T)	8-9-2015	Repeal	9-1-2015
407-025-0050	2-11-2015	Amend(T)	3-1-2015
407-025-0050	8-9-2015	Amend	9-1-2015
407-025-0050(T)	8-9-2015	Repeal	9-1-2015
407-025-0060	2-11-2015	Amend(T)	3-1-2015
407-025-0060	8-9-2015	Amend	9-1-2015
407-025-0060(T)	8-9-2015	Repeal	9-1-2015
407-025-0070	2-11-2015	Amend(T)	3-1-2015
407-025-0070	8-9-2015	Amend	9-1-2015
407-025-0070(T)	8-9-2015	Repeal	9-1-2015
407-025-0080	2-11-2015	Amend(T)	3-1-2015
407-025-0080	8-9-2015	Amend	9-1-2015
407-025-0080(T)	8-9-2015	Repeal	9-1-2015
407-025-0090	2-11-2015	Amend(T)	3-1-2015
407-025-0090	8-9-2015	Amend	9-1-2015
407-025-0090(T)	8-9-2015	Repeal	9-1-2015
407-025-0100	2-11-2015	Amend(T)	3-1-2015
407-025-0100	8-9-2015	Amend	9-1-2015
407-025-0100(T)	8-9-2015	Repeal	9-1-2015
407-025-0110	2-11-2015	Amend(T)	3-1-2015
407-025-0110	8-9-2015	Amend	9-1-2015
407-025-0110(T)	8-9-2015	Repeal	9-1-2015
407-025-0115	8-9-2015	Adopt	9-1-2015
407-025-0120	8-9-2015	Repeal	9-1-2015
407-070-0000	9-1-2015	Adopt	10-1-2015
407-120-1505	6-18-2015	Amend	8-1-2015
409-022-0010	7-1-2015	Amend	8-1-2015
409-022-0020	7-1-2015	Amend	8-1-2015
409-022-0030	7-1-2015	Repeal	8-1-2015
409-022-0040	7-1-2015	Repeal	8-1-2015
409-022-0050	7-1-2015	Repeal	8-1-2015
409-022-0060	7-1-2015	Amend	8-1-2015
409-022-0070	7-1-2015	Amend	8-1-2015
409-022-0080	7-1-2015	Repeal	8-1-2015
409-024-0000	9-24-2015	Amend	11-1-2015
409-024-0110	9-24-2015	Amend	11-1-2015
409-024-0120	9-24-2015	Amend	11-1-2015
409-024-0130	9-24-2015	Amend	11-1-2015
409-027-0010	11-5-2015	Adopt(T)	12-1-2015
409-027-0020	11-5-2015	Adopt(T)	12-1-2015
409-027-0030	11-5-2015	Adopt(T)	12-1-2015
409-030-0110	7-1-2015	Amend	8-1-2015
409-030-0140	7-1-2015	Amend	8-1-2015
409-030-0150	7-1-2015	Amend	8-1-2015
409-030-0160	7-1-2015	Amend	8-1-2015
409-030-0170	7-1-2015	Amend	8-1-2015
409-030-0180	7-1-2015	Amend	8-1-2015
409-030-0190	7-1-2015	Amend	8-1-2015
409-030-0210	7-1-2015	Amend	8-1-2015
409-030-0220	7-1-2015	Amend	8-1-2015
409-030-0230	7-1-2015	Amend	8-1-2015
409-035-0020	2-1-2015	Amend	2-1-2015
409-035-0020	9-22-2015	Amend(T)	11-1-2015
409-035-0040	2-1-2015	Amend	2-1-2015
409-040-0100	8-21-2015	Repeal	10-1-2015
409-040-0105	8-21-2015	Repeal	10-1-2015
409-040-0110	8-21-2015	Repeal	10-1-2015
409-040-0115	8-21-2015	Repeal	10-1-2015
409-055-0010	2-1-2015	Amend	3-1-2015
409-055-0030	2-1-2015	Amend	3-1-2015
409-055-0040	2-1-2015	Amend	3-1-2015
409-055-0045	2-1-2015	Adopt	3-1-2015
410-050-0700	10-1-2015	Amend	11-1-2015
410-050-0710	10-1-2015	Amend	11-1-2015
410-050-0720	10-1-2015	Amend	11-1-2015
410-050-0730	10-1-2015	Amend	11-1-2015
410-050-0740	10-1-2015	Amend	11-1-2015
410-050-0750	10-1-2015	Amend	11-1-2015
410-050-0760	10-1-2015	Amend	11-1-2015
410-050-0770	10-1-2015	Amend	11-1-2015
410-050-0780	10-1-2015	Amend	11-1-2015
410-050-0790	10-1-2015	Amend	11-1-2015
410-050-0800	10-1-2015	Amend	11-1-2015
410-050-0810	10-1-2015	Amend	11-1-2015
410-050-0820	10-1-2015	Amend	11-1-2015
410-050-0830	10-1-2015	Amend	11-1-2015
410-050-0840	10-1-2015	Amend	11-1-2015
410-050-0850	10-1-2015	Amend	11-1-2015
410-050-0860	10-1-2015	Amend	11-1-2015
410-050-0861	12-1-2014	Amend	1-1-2015
410-050-0861	10-1-2015	Amend	11-1-2015
410-050-0861(T)	12-1-2014	Repeal	1-1-2015
410-050-0870	10-1-2015	Amend	11-1-2015
410-120-0000	2-10-2015	Amend	3-1-2015
410-120-0000	5-29-2015	Amend	7-1-2015
410-120-0000	10-1-2015	Amend	11-1-2015
410-120-0006	3-19-2015	Amend(T)	4-1-2015
410-120-0006	7-1-2015	Amend	8-1-2015
410-120-0006	10-1-2015	Amend	10-1-2015
410-120-0006(T)	7-1-2015	Repeal	8-1-2015
410-120-0025	7-1-2015	Amend	8-1-2015
410-120-1280	7-1-2015	Amend	8-1-2015
410-120-1280	10-1-2015	Amend	11-1-2015
410-120-1340	1-1-2015	Amend(T)	2-1-2015
410-120-1340	3-4-2015	Amend	4-1-2015
410-120-1340(T)	3-4-2015	Repeal	4-1-2015
410-120-1360	7-1-2015	Amend	8-1-2015
410-120-1510	7-1-2015	Amend	8-1-2015
410-120-1560	7-1-2015	Amend	8-1-2015
410-120-1960	7-1-2015	Amend	8-1-2015
410-121-0030	12-12-2014	Amend	1-1-2015
410-121-0030	12-12-2014	Amend(T)	1-1-2015

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410-121-0030	1-1-2015	Amend(T)	2-1-2015
410-121-0030	3-3-2015	Amend(T)	4-1-2015
410-121-0030	4-18-2015	Amend(T)	6-1-2015
410-121-0030	6-26-2015	Amend	8-1-2015
410-121-0030	7-1-2015	Amend(T)	8-1-2015
410-121-0030	10-1-2015	Amend(T)	11-1-2015
410-121-0030	11-3-2015	Amend(T)	12-1-2015
410-121-0030	11-6-2015	Amend(T)	12-1-2015
410-121-0030(T)	12-12-2014	Repeal	1-1-2015
410-121-0030(T)	6-26-2015	Repeal	8-1-2015
410-121-0040	12-12-2014	Amend	1-1-2015
410-121-0040	12-12-2014	Amend(T)	1-1-2015
410-121-0040	1-1-2015	Amend(T)	2-1-2015
410-121-0040	2-3-2015	Amend(T)	3-1-2015
410-121-0040	4-18-2015	Amend(T)	6-1-2015
410-121-0040	6-26-2015	Amend	8-1-2015
410-121-0040	7-1-2015	Amend(T)	8-1-2015
410-121-0040	8-7-2015	Amend(T)	9-1-2015
410-121-0040	8-25-2015	Amend(T)	10-1-2015
410-121-0040	10-9-2015	Amend(T)	11-1-2015
410-121-0040(T)	12-12-2014	Repeal	1-1-2015
410-121-0040(T)	6-26-2015	Repeal	8-1-2015
410-121-0185	10-1-2015	Amend	11-1-2015
410-121-2000	2-18-2015	Renumber	4-1-2015
410-121-2005	2-18-2015	Renumber	4-1-2015
410-121-2010	2-18-2015	Renumber	4-1-2015
410-121-2020	2-18-2015	Renumber	4-1-2015
410-121-2030	2-18-2015	Renumber	4-1-2015
410-121-2050	2-18-2015	Renumber	4-1-2015
410-121-2065	2-18-2015	Renumber	4-1-2015
410-122-0020	10-1-2015	Amend	11-1-2015
410-122-0040	11-1-2015	Amend	12-1-2015
410-122-0080	1-1-2015	Amend	2-1-2015
410-122-0187	1-29-2015	Adopt(T)	3-1-2015
410-122-0187	4-15-2015	Adopt	5-1-2015
410-122-0187(T)	4-15-2015	Repeal	5-1-2015
410-122-0202	1-1-2015	Amend	2-1-2015
410-122-0205	10-1-2015	Amend	11-1-2015
410-122-0209	3-1-2015	Amend	4-1-2015
410-122-0330	10-1-2015	Amend	11-1-2015
410-122-0400	10-1-2015	Amend	11-1-2015
410-122-0520	1-1-2015	Amend	2-1-2015
410-122-0630	11-1-2015	Amend	12-1-2015
410-122-0658	11-1-2015	Amend	12-1-2015
410-122-0660	11-1-2015	Amend	12-1-2015
410-122-0662	10-1-2015	Amend	11-1-2015
410-123-1220	2-17-2015	Amend(T)	4-1-2015
410-123-1220	5-1-2015	Amend	6-1-2015
410-123-1220	10-1-2015	Amend(T)	10-1-2015
410-123-1220	12-1-2015	Amend	12-1-2015
410-123-1220(T)	5-1-2015	Repeal	6-1-2015
410-123-1220(T)	12-1-2015	Repeal	12-1-2015
410-123-1240	10-1-2015	Amend(T)	10-1-2015
410-123-1260	2-17-2015	Amend(T)	4-1-2015
410-123-1260	5-1-2015	Amend	6-1-2015
410-123-1260	10-1-2015	Amend	11-1-2015
410-123-1260	10-1-2015	Amend(T)	10-1-2015
410-123-1260	12-1-2015	Amend	12-1-2015
410-123-1260(T)	5-1-2015	Repeal	6-1-2015
410-123-1260(T)	12-1-2015	Repeal	12-1-2015
410-123-1620	10-1-2015	Amend	11-1-2015
410-124-0000	10-1-2015	Amend	11-1-2015
410-124-0020	10-1-2015	Amend	11-1-2015
410-124-0060	10-1-2015	Amend	11-1-2015
410-124-0063	10-1-2015	Amend	11-1-2015
410-124-0065	10-1-2015	Amend	11-1-2015
410-124-0070	10-1-2015	Amend	11-1-2015
410-124-0080	10-1-2015	Amend	11-1-2015
410-124-0090	10-1-2015	Amend	11-1-2015
410-124-0100	10-1-2015	Amend	11-1-2015
410-124-0105	10-1-2015	Amend	11-1-2015
410-124-0120	10-1-2015	Amend	11-1-2015
410-125-0045	10-1-2015	Amend	11-1-2015
410-125-0141	10-1-2015	Amend	11-1-2015
410-125-1080	10-1-2015	Amend	11-1-2015
410-125-2020	10-1-2015	Amend	11-1-2015
410-127-0040	10-1-2015	Amend	11-1-2015
410-129-0060	10-1-2015	Amend	11-1-2015
410-130-0160	1-1-2015	Amend(T)	1-1-2015
410-130-0160	4-1-2015	Amend	5-1-2015
410-130-0160	10-1-2015	Amend	11-1-2015
410-130-0160(T)	4-1-2015	Repeal	5-1-2015
410-130-0190	10-1-2015	Amend	11-1-2015
410-130-0200	3-10-2015	Amend	4-1-2015
410-130-0200(T)	3-10-2015	Repeal	4-1-2015
410-130-0220	12-24-2014	Amend(T)	2-1-2015
410-130-0220	3-10-2015	Amend	4-1-2015
410-130-0220	5-29-2015	Amend(T)	7-1-2015
410-130-0220	11-1-2015	Amend	12-1-2015
410-130-0220(T)	3-10-2015	Repeal	4-1-2015
410-130-0220(T)	11-1-2015	Repeal	12-1-2015
410-130-0240	1-1-2015	Amend	1-1-2015
410-130-0562	10-1-2015	Amend	11-1-2015
410-130-0585	10-1-2015	Amend	11-1-2015
410-131-0080	10-1-2015	Amend	11-1-2015
410-132-0020	8-25-2015	Amend	10-1-2015
410-132-0030	8-25-2015	Amend	10-1-2015
410-132-0050	8-25-2015	Repeal	10-1-2015
410-132-0060	8-25-2015	Amend	10-1-2015
410-132-0070	8-25-2015	Amend	10-1-2015
410-132-0080	8-25-2015	Amend	10-1-2015
410-132-0100	8-25-2015	Amend	10-1-2015
410-132-0120	8-25-2015	Amend	10-1-2015
410-132-0180	8-25-2015	Amend	10-1-2015
410-132-0200	8-25-2015	Amend	10-1-2015
410-133-0040	10-1-2015	Amend	11-1-2015
410-140-0040	10-1-2015	Amend	11-1-2015
410-140-0120	10-1-2015	Amend	11-1-2015
410-140-0260	10-1-2015	Amend	11-1-2015
410-141-0000	10-1-2015	Amend	11-1-2015
410-141-0060	1-1-2015	Amend(T)	1-1-2015
410-141-0060	3-1-2015	Amend	4-1-2015

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410-141-0060	10-1-2015	Amend(T)	11-1-2015
410-141-0060(T)	3-1-2015	Repeal	4-1-2015
410-141-0280	4-1-2015	Amend	5-1-2015
410-141-0280	4-15-2015	Amend	5-1-2015
410-141-0280	4-15-2015	Amend	5-1-2015
410-141-0300	4-1-2015	Amend	5-1-2015
410-141-0300	4-15-2015	Amend	5-1-2015
410-141-0300	4-15-2015	Amend	5-1-2015
410-141-0420	1-1-2015	Amend	1-1-2015
410-141-0420(T)	1-1-2015	Repeal	1-1-2015
410-141-0480	10-1-2015	Amend	11-1-2015
410-141-0520	12-31-2014	Amend	2-1-2015
410-141-0520	1-1-2015	Amend(T)	2-1-2015
410-141-0520	4-1-2015	Amend	5-1-2015
410-141-0520	10-1-2015	Amend(T)	10-1-2015
410-141-0520(T)	12-31-2014	Repeal	2-1-2015
410-141-0520(T)	4-1-2015	Repeal	5-1-2015
410-141-3040	7-1-2015	Adopt(T)	8-1-2015
410-141-3040	11-6-2015	Adopt(T)	12-1-2015
410-141-3060	12-27-2014	Amend(T)	1-1-2015
410-141-3060	1-1-2015	Amend	1-1-2015
410-141-3060	1-1-2015	Amend(T)	1-1-2015
410-141-3060	3-1-2015	Amend	4-1-2015
410-141-3060	10-1-2015	Amend(T)	11-1-2015
410-141-3060(T)	1-1-2015	Repeal	1-1-2015
410-141-3060(T)	3-1-2015	Repeal	4-1-2015
410-141-3065	9-1-2015	Repeal	10-1-2015
410-141-3066	9-1-2015	Adopt	10-1-2015
410-141-3150	8-13-2015	Adopt(T)	9-1-2015
410-141-3267	7-1-2015	Adopt(T)	8-1-2015
410-141-3268	4-1-2015	Amend	5-1-2015
410-141-3269	1-1-2015	Adopt(T)	2-1-2015
410-141-3269	5-1-2015	Adopt	5-1-2015
410-141-3269(T)	5-1-2015	Repeal	5-1-2015
410-141-3280	4-1-2015	Amend	5-1-2015
410-141-3280	4-15-2015	Amend	5-1-2015
410-141-3280	4-15-2015	Amend	5-1-2015
410-141-3300	4-1-2015	Amend	5-1-2015
410-141-3300	4-15-2015	Amend	5-1-2015
410-141-3300	4-15-2015	Amend	5-1-2015
410-141-3420	1-1-2015	Amend	1-1-2015
410-141-3420(T)	1-1-2015	Repeal	1-1-2015
410-143-0020	3-10-2015	Repeal	4-1-2015
410-143-0040	3-10-2015	Repeal	4-1-2015
410-143-0060	3-10-2015	Repeal	4-1-2015
410-146-0040	10-1-2015	Amend	11-1-2015
410-146-0085	10-1-2015	Amend	11-1-2015
410-147-0040	10-1-2015	Amend	11-1-2015
410-147-0120	10-1-2015	Amend	11-1-2015
410-147-0500	10-1-2015	Amend	11-1-2015
410-148-0020	10-1-2015	Amend	11-1-2015
410-165-0000	2-3-2015	Amend(T)	3-1-2015
410-165-0000	4-8-2015	Amend	5-1-2015
410-165-0000(T)	4-8-2015	Repeal	5-1-2015
410-165-0020	2-3-2015	Amend(T)	3-1-2015
410-165-0020	4-8-2015	Amend	5-1-2015
410-165-0020(T)	4-8-2015	Repeal	5-1-2015
410-165-0040	2-3-2015	Amend(T)	3-1-2015
410-165-0040	4-8-2015	Amend	5-1-2015
410-165-0040(T)	4-8-2015	Repeal	5-1-2015
410-165-0060	2-3-2015	Amend(T)	3-1-2015
410-165-0060	4-8-2015	Amend	5-1-2015
410-165-0060(T)	4-8-2015	Repeal	5-1-2015
410-165-0080	2-3-2015	Amend(T)	3-1-2015
410-165-0080	4-8-2015	Amend	5-1-2015
410-165-0080(T)	4-8-2015	Repeal	5-1-2015
410-165-0100	2-3-2015	Amend(T)	3-1-2015
410-165-0100	4-8-2015	Amend	5-1-2015
410-165-0100(T)	4-8-2015	Repeal	5-1-2015
410-170-0110	8-11-2015	Amend(T)	9-1-2015
410-172-0000	1-1-2015	Suspend	2-1-2015
410-172-0000	6-26-2015	Repeal	8-1-2015
410-172-0010	1-1-2015	Suspend	2-1-2015
410-172-0010	6-26-2015	Repeal	8-1-2015
410-172-0020	1-1-2015	Suspend	2-1-2015
410-172-0020	6-26-2015	Repeal	8-1-2015
410-172-0030	1-1-2015	Suspend	2-1-2015
410-172-0030	6-26-2015	Repeal	8-1-2015
410-172-0040	1-1-2015	Suspend	2-1-2015
410-172-0040	6-26-2015	Repeal	8-1-2015
410-172-0050	1-1-2015	Suspend	2-1-2015
410-172-0050	6-26-2015	Repeal	8-1-2015
410-172-0060	1-1-2015	Suspend	2-1-2015
410-172-0060	6-26-2015	Repeal	8-1-2015
410-172-0070	1-1-2015	Suspend	2-1-2015
410-172-0070	6-26-2015	Repeal	8-1-2015
410-172-0080	1-1-2015	Suspend	2-1-2015
410-172-0080	6-26-2015	Repeal	8-1-2015
410-172-0090	1-1-2015	Suspend	2-1-2015
410-172-0090	6-26-2015	Repeal	8-1-2015
410-172-0100	1-1-2015	Suspend	2-1-2015
410-172-0100	6-26-2015	Repeal	8-1-2015
410-172-0110	1-1-2015	Suspend	2-1-2015
410-172-0110	6-26-2015	Repeal	8-1-2015
410-172-0120	1-1-2015	Suspend	2-1-2015
410-172-0120	6-26-2015	Repeal	8-1-2015
410-172-0130	1-1-2015	Suspend	2-1-2015
410-172-0130	6-26-2015	Repeal	8-1-2015
410-172-0140	1-1-2015	Suspend	2-1-2015
410-172-0140	6-26-2015	Repeal	8-1-2015
410-172-0150	1-1-2015	Suspend	2-1-2015
410-172-0150	6-26-2015	Repeal	8-1-2015
410-172-0160	1-1-2015	Suspend	2-1-2015
410-172-0160	6-26-2015	Repeal	8-1-2015
410-172-0170	1-1-2015	Suspend	2-1-2015
410-172-0170	6-26-2015	Repeal	8-1-2015
410-172-0180	1-1-2015	Suspend	2-1-2015
410-172-0180	6-26-2015	Repeal	8-1-2015
410-172-0190	1-1-2015	Suspend	2-1-2015
410-172-0190	6-26-2015	Repeal	8-1-2015
410-172-0200	1-1-2015	Suspend	2-1-2015
410-172-0200	6-26-2015	Repeal	8-1-2015

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410-172-0210	1-1-2015	Suspend	2-1-2015
410-172-0210	6-26-2015	Repeal	8-1-2015
410-172-0220	1-1-2015	Suspend	2-1-2015
410-172-0220	6-26-2015	Repeal	8-1-2015
410-172-0230	1-1-2015	Suspend	2-1-2015
410-172-0230	6-26-2015	Repeal	8-1-2015
410-172-0240	1-1-2015	Suspend	2-1-2015
410-172-0240	6-26-2015	Repeal	8-1-2015
410-172-0250	1-1-2015	Suspend	2-1-2015
410-172-0250	6-26-2015	Repeal	8-1-2015
410-172-0260	1-1-2015	Suspend	2-1-2015
410-172-0260	6-26-2015	Repeal	8-1-2015
410-172-0270	1-1-2015	Suspend	2-1-2015
410-172-0270	6-26-2015	Repeal	8-1-2015
410-172-0280	1-1-2015	Suspend	2-1-2015
410-172-0280	6-26-2015	Repeal	8-1-2015
410-172-0290	1-1-2015	Suspend	2-1-2015
410-172-0290	6-26-2015	Repeal	8-1-2015
410-172-0300	1-1-2015	Suspend	2-1-2015
410-172-0300	6-26-2015	Repeal	8-1-2015
410-172-0310	1-1-2015	Suspend	2-1-2015
410-172-0310	6-26-2015	Repeal	8-1-2015
410-172-0320	1-1-2015	Suspend	2-1-2015
410-172-0320	6-26-2015	Repeal	8-1-2015
410-172-0330	1-1-2015	Suspend	2-1-2015
410-172-0330	6-26-2015	Repeal	8-1-2015
410-172-0340	1-1-2015	Suspend	2-1-2015
410-172-0340	6-26-2015	Repeal	8-1-2015
410-172-0350	1-1-2015	Suspend	2-1-2015
410-172-0350	6-26-2015	Repeal	8-1-2015
410-172-0360	1-1-2015	Suspend	2-1-2015
410-172-0360	6-26-2015	Repeal	8-1-2015
410-172-0370	1-1-2015	Suspend	2-1-2015
410-172-0370	6-26-2015	Repeal	8-1-2015
410-172-0380	1-1-2015	Suspend	2-1-2015
410-172-0380	6-26-2015	Repeal	8-1-2015
410-172-0390	1-1-2015	Suspend	2-1-2015
410-172-0390	6-26-2015	Repeal	8-1-2015
410-172-0400	1-1-2015	Suspend	2-1-2015
410-172-0400	6-26-2015	Repeal	8-1-2015
410-172-0410	1-1-2015	Suspend	2-1-2015
410-172-0410	6-26-2015	Repeal	8-1-2015
410-172-0420	1-1-2015	Suspend	2-1-2015
410-172-0420	6-26-2015	Repeal	8-1-2015
410-172-0430	1-1-2015	Suspend	2-1-2015
410-172-0430	6-26-2015	Repeal	8-1-2015
410-172-0440	1-1-2015	Suspend	2-1-2015
410-172-0440	6-26-2015	Repeal	8-1-2015
410-172-0450	1-1-2015	Suspend	2-1-2015
410-172-0450	6-26-2015	Repeal	8-1-2015
410-172-0460	1-1-2015	Suspend	2-1-2015
410-172-0460	6-26-2015	Repeal	8-1-2015
410-172-0470	1-1-2015	Suspend	2-1-2015
410-172-0470	6-26-2015	Repeal	8-1-2015
410-172-0480	1-1-2015	Suspend	2-1-2015
410-172-0480	6-26-2015	Repeal	8-1-2015
410-172-0490	1-1-2015	Suspend	2-1-2015
410-172-0490	6-26-2015	Repeal	8-1-2015
410-172-0500	1-1-2015	Suspend	2-1-2015
410-172-0500	6-26-2015	Repeal	8-1-2015
410-172-0510	1-1-2015	Suspend	2-1-2015
410-172-0510	6-26-2015	Repeal	8-1-2015
410-172-0600	1-1-2015	Adopt(T)	2-1-2015
410-172-0600	6-26-2015	Adopt	8-1-2015
410-172-0600(T)	6-26-2015	Repeal	8-1-2015
410-172-0610	1-1-2015	Adopt(T)	2-1-2015
410-172-0610	6-26-2015	Adopt	8-1-2015
410-172-0620	1-1-2015	Adopt(T)	2-1-2015
410-172-0620	6-26-2015	Adopt	8-1-2015
410-172-0620(T)	6-26-2015	Repeal	8-1-2015
410-172-0630	1-1-2015	Adopt(T)	2-1-2015
410-172-0630	6-26-2015	Adopt	8-1-2015
410-172-0630(T)	6-26-2015	Repeal	8-1-2015
410-172-0640	1-1-2015	Adopt(T)	2-1-2015
410-172-0640	6-26-2015	Adopt	8-1-2015
410-172-0640(T)	6-26-2015	Repeal	8-1-2015
410-172-0650	1-1-2015	Adopt(T)	2-1-2015
410-172-0650	6-26-2015	Adopt	8-1-2015
410-172-0650(T)	6-26-2015	Repeal	8-1-2015
410-172-0660	1-1-2015	Adopt(T)	2-1-2015
410-172-0660	6-26-2015	Adopt	8-1-2015
410-172-0660(T)	6-26-2015	Repeal	8-1-2015
410-172-0670	1-1-2015	Adopt(T)	2-1-2015
410-172-0670	6-26-2015	Adopt	8-1-2015
410-172-0670(T)	6-26-2015	Repeal	8-1-2015
410-172-0680	1-1-2015	Adopt(T)	2-1-2015
410-172-0680	6-26-2015	Adopt	8-1-2015
410-172-0680(T)	6-26-2015	Repeal	8-1-2015
410-172-0690	1-1-2015	Adopt(T)	2-1-2015
410-172-0690	6-26-2015	Adopt	8-1-2015
410-172-0690(T)	6-26-2015	Repeal	8-1-2015
410-172-0700	1-1-2015	Adopt(T)	2-1-2015
410-172-0700	6-26-2015	Adopt	8-1-2015
410-172-0700(T)	6-26-2015	Repeal	8-1-2015
410-172-0710	1-1-2015	Adopt(T)	2-1-2015
410-172-0710	6-26-2015	Adopt	8-1-2015
410-172-0710(T)	6-26-2015	Repeal	8-1-2015
410-172-0720	1-1-2015	Adopt(T)	2-1-2015
410-172-0720	6-26-2015	Adopt	8-1-2015
410-172-0720(T)	6-26-2015	Repeal	8-1-2015
410-172-0730	1-1-2015	Adopt(T)	2-1-2015
410-172-0730	6-26-2015	Adopt	8-1-2015
410-172-0730(T)	6-26-2015	Repeal	8-1-2015
410-172-0740	1-1-2015	Adopt(T)	2-1-2015
410-172-0740	6-26-2015	Adopt	8-1-2015
410-172-0740(T)	6-26-2015	Repeal	8-1-2015
410-172-0750	1-1-2015	Adopt(T)	2-1-2015
410-172-0750	6-26-2015	Adopt	8-1-2015
410-172-0750(T)	6-26-2015	Repeal	8-1-2015
410-172-0760	1-1-2015	Adopt(T)	2-1-2015
410-172-0760	6-26-2015	Adopt	8-1-2015
410-172-0760(T)	6-26-2015	Repeal	8-1-2015

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410-172-0770	1-1-2015	Adopt(T)	2-1-2015
410-172-0770	6-26-2015	Adopt	8-1-2015
410-172-0770(T)	6-26-2015	Repeal	8-1-2015
410-172-0780	1-1-2015	Adopt(T)	2-1-2015
410-172-0780	6-26-2015	Adopt	8-1-2015
410-172-0780(T)	6-26-2015	Repeal	8-1-2015
410-172-0790	1-1-2015	Adopt(T)	2-1-2015
410-172-0790	6-26-2015	Adopt	8-1-2015
410-172-0790(T)	6-26-2015	Repeal	8-1-2015
410-172-0800	1-1-2015	Adopt(T)	2-1-2015
410-172-0800	6-26-2015	Adopt	8-1-2015
410-172-0800(T)	6-26-2015	Repeal	8-1-2015
410-172-0810	1-1-2015	Adopt(T)	2-1-2015
410-172-0810	6-26-2015	Adopt	8-1-2015
410-172-0810(T)	6-26-2015	Repeal	8-1-2015
410-172-0820	1-1-2015	Adopt(T)	2-1-2015
410-172-0820	6-26-2015	Adopt	8-1-2015
410-172-0820(T)	6-26-2015	Repeal	8-1-2015
410-172-0830	1-1-2015	Adopt(T)	2-1-2015
410-172-0830	6-26-2015	Adopt	8-1-2015
410-172-0830(T)	6-26-2015	Repeal	8-1-2015
410-172-0840	1-1-2015	Adopt(T)	2-1-2015
410-172-0840	6-26-2015	Adopt	8-1-2015
410-172-0840(T)	6-26-2015	Repeal	8-1-2015
410-172-0850	1-1-2015	Adopt(T)	2-1-2015
410-172-0850	6-26-2015	Adopt	8-1-2015
410-172-0850(T)	6-26-2015	Repeal	8-1-2015
410-172-0860	6-26-2015	Adopt	8-1-2015
410-200-0010	1-30-2015	Amend	3-1-2015
410-200-0010(T)	1-30-2015	Repeal	3-1-2015
410-200-0015	1-30-2015	Amend	3-1-2015
410-200-0015(T)	1-30-2015	Repeal	3-1-2015
410-200-0100	1-30-2015	Amend	3-1-2015
410-200-0100(T)	1-30-2015	Repeal	3-1-2015
410-200-0105	1-30-2015	Amend	3-1-2015
410-200-0105(T)	1-30-2015	Repeal	3-1-2015
410-200-0110	1-30-2015	Amend	3-1-2015
410-200-0110(T)	1-30-2015	Repeal	3-1-2015
410-200-0111	1-30-2015	Amend	3-1-2015
410-200-0111(T)	1-30-2015	Repeal	3-1-2015
410-200-0115	1-30-2015	Amend	3-1-2015
410-200-0115(T)	1-30-2015	Repeal	3-1-2015
410-200-0120	1-30-2015	Amend	3-1-2015
410-200-0120(T)	1-30-2015	Repeal	3-1-2015
410-200-0125	1-30-2015	Amend	3-1-2015
410-200-0125(T)	1-30-2015	Repeal	3-1-2015
410-200-0130	1-30-2015	Amend	3-1-2015
410-200-0130(T)	1-30-2015	Repeal	3-1-2015
410-200-0135	1-30-2015	Amend	3-1-2015
410-200-0135(T)	1-30-2015	Repeal	3-1-2015
410-200-0140	1-30-2015	Amend	3-1-2015
410-200-0140(T)	1-30-2015	Repeal	3-1-2015
410-200-0145	1-30-2015	Amend	3-1-2015
410-200-0145(T)	1-30-2015	Repeal	3-1-2015
410-200-0146	1-30-2015	Amend	3-1-2015
410-200-0146(T)	1-30-2015	Repeal	3-1-2015
410-200-0200	1-30-2015	Amend	3-1-2015
410-200-0200(T)	1-30-2015	Repeal	3-1-2015
410-200-0205	1-30-2015	Amend	3-1-2015
410-200-0205(T)	1-30-2015	Repeal	3-1-2015
410-200-0210	1-30-2015	Amend	3-1-2015
410-200-0210(T)	1-30-2015	Repeal	3-1-2015
410-200-0215	1-30-2015	Amend	3-1-2015
410-200-0215(T)	1-30-2015	Repeal	3-1-2015
410-200-0220	1-30-2015	Amend	3-1-2015
410-200-0220(T)	1-30-2015	Repeal	3-1-2015
410-200-0225	1-30-2015	Amend	3-1-2015
410-200-0225(T)	1-30-2015	Repeal	3-1-2015
410-200-0230	1-30-2015	Amend	3-1-2015
410-200-0230(T)	1-30-2015	Repeal	3-1-2015
410-200-0235	1-30-2015	Amend	3-1-2015
410-200-0235(T)	1-30-2015	Repeal	3-1-2015
410-200-0240	1-30-2015	Amend	3-1-2015
410-200-0240(T)	1-30-2015	Repeal	3-1-2015
410-200-0305	1-30-2015	Amend	3-1-2015
410-200-0305(T)	1-30-2015	Repeal	3-1-2015
410-200-0310	1-30-2015	Amend	3-1-2015
410-200-0310(T)	1-30-2015	Repeal	3-1-2015
410-200-0315	1-30-2015	Amend	3-1-2015
410-200-0315	3-1-2015	Amend(T)	3-1-2015
410-200-0315	4-22-2015	Amend	6-1-2015
410-200-0315(T)	1-30-2015	Repeal	3-1-2015
410-200-0315(T)	4-22-2015	Repeal	6-1-2015
410-200-0400	1-30-2015	Amend	3-1-2015
410-200-0400(T)	1-30-2015	Repeal	3-1-2015
410-200-0405	1-30-2015	Amend	3-1-2015
410-200-0405(T)	1-30-2015	Repeal	3-1-2015
410-200-0410	1-30-2015	Amend	3-1-2015
410-200-0410(T)	1-30-2015	Repeal	3-1-2015
410-200-0415	1-30-2015	Amend	3-1-2015
410-200-0415(T)	1-30-2015	Repeal	3-1-2015
410-200-0420	1-30-2015	Amend	3-1-2015
410-200-0420(T)	1-30-2015	Repeal	3-1-2015
410-200-0425	1-30-2015	Amend	3-1-2015
410-200-0425(T)	1-30-2015	Repeal	3-1-2015
410-200-0435	1-30-2015	Amend	3-1-2015
410-200-0435(T)	1-30-2015	Repeal	3-1-2015
410-200-0440	1-30-2015	Amend	3-1-2015
410-200-0440	4-2-2015	Amend(T)	5-1-2015
410-200-0440	6-16-2015	Amend(T)	8-1-2015
410-200-0440	9-25-2015	Amend	11-1-2015
410-200-0440(T)	1-30-2015	Repeal	3-1-2015
410-200-0440(T)	9-25-2015	Repeal	11-1-2015
410-200-0500	1-30-2015	Amend	3-1-2015
410-200-0500(T)	1-30-2015	Repeal	3-1-2015
410-200-0505	1-30-2015	Amend	3-1-2015
410-200-0505(T)	1-30-2015	Repeal	3-1-2015
410-200-0510	1-30-2015	Amend	3-1-2015
410-200-0510(T)	1-30-2015	Repeal	3-1-2015
411-015-0100	1-1-2015	Amend(T)	2-1-2015
411-015-0100	4-3-2015	Amend	5-1-2015
411-015-0100(T)	4-3-2015	Repeal	5-1-2015

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411-020-0000	1-1-2015	Amend	1-1-2015
411-020-0002	1-1-2015	Amend	1-1-2015
411-020-0010	1-1-2015	Amend	1-1-2015
411-020-0015	1-1-2015	Amend	1-1-2015
411-020-0020	1-1-2015	Amend	1-1-2015
411-020-0025	1-1-2015	Amend	1-1-2015
411-020-0030	1-1-2015	Amend	1-1-2015
411-020-0040	1-1-2015	Amend	1-1-2015
411-020-0060	1-1-2015	Amend	1-1-2015
411-020-0080	1-1-2015	Amend	1-1-2015
411-020-0085	1-1-2015	Amend	1-1-2015
411-020-0090	1-1-2015	Amend	1-1-2015
411-020-0100	1-1-2015	Amend	1-1-2015
411-020-0110	1-1-2015	Amend	1-1-2015
411-020-0120	1-1-2015	Amend	1-1-2015
411-020-0123	1-1-2015	Amend	1-1-2015
411-020-0130	1-1-2015	Amend	1-1-2015
411-027-0005	9-21-2015	Amend(T)	11-1-2015
411-027-0170	9-21-2015	Adopt(T)	11-1-2015
411-030-0020	9-21-2015	Amend(T)	11-1-2015
411-030-0040	1-1-2015	Amend(T)	2-1-2015
411-030-0040	4-3-2015	Amend	5-1-2015
411-030-0040(T)	4-3-2015	Repeal	5-1-2015
411-030-0068	9-21-2015	Adopt(T)	11-1-2015
411-030-0070	9-21-2015	Amend(T)	11-1-2015
411-030-0080	9-21-2015	Amend(T)	11-1-2015
411-030-0100	9-21-2015	Amend(T)	11-1-2015
411-032-0050	12-28-2014	Adopt	2-1-2015
411-032-0050	7-1-2015	Amend(T)	8-1-2015
411-032-0050(T)	12-28-2014	Repeal	2-1-2015
411-035-0010	3-9-2015	Amend	4-1-2015
411-035-0010(T)	3-9-2015	Repeal	4-1-2015
411-035-0015	1-1-2015	Amend(T)	2-1-2015
411-035-0015	4-3-2015	Amend	5-1-2015
411-035-0015(T)	4-3-2015	Repeal	5-1-2015
411-035-0025	1-1-2015	Amend(T)	2-1-2015
411-035-0025	4-3-2015	Amend	5-1-2015
411-035-0025(T)	4-3-2015	Repeal	5-1-2015
411-035-0040	1-1-2015	Amend(T)	2-1-2015
411-035-0040	4-3-2015	Amend	5-1-2015
411-035-0040(T)	4-3-2015	Repeal	5-1-2015
411-035-0055	1-1-2015	Amend(T)	2-1-2015
411-035-0055	4-3-2015	Amend	5-1-2015
411-035-0055(T)	4-3-2015	Repeal	5-1-2015
411-035-0070	1-1-2015	Amend(T)	2-1-2015
411-035-0070	4-3-2015	Amend	5-1-2015
411-035-0070(T)	4-3-2015	Repeal	5-1-2015
411-035-0085	1-1-2015	Amend(T)	2-1-2015
411-035-0085	4-3-2015	Amend	5-1-2015
411-035-0085(T)	4-3-2015	Repeal	5-1-2015
411-050-0602	1-1-2015	Amend(T)	2-1-2015
411-050-0602	6-28-2015	Amend	8-1-2015
411-050-0602(T)	6-28-2015	Repeal	8-1-2015
411-050-0610	6-28-2015	Amend	8-1-2015
411-050-0615	6-28-2015	Amend	8-1-2015
411-050-0620	6-28-2015	Amend	8-1-2015
411-050-0625	1-1-2015	Amend(T)	2-1-2015
411-050-0625	6-28-2015	Amend	8-1-2015
411-050-0625(T)	6-28-2015	Repeal	8-1-2015
411-050-0632	6-28-2015	Amend	8-1-2015
411-050-0635	6-28-2015	Amend	8-1-2015
411-050-0640	1-1-2015	Amend(T)	2-1-2015
411-050-0640	6-28-2015	Amend	8-1-2015
411-050-0640(T)	6-28-2015	Repeal	8-1-2015
411-050-0645	1-1-2015	Amend(T)	2-1-2015
411-050-0645	6-28-2015	Amend	8-1-2015
411-050-0645(T)	6-28-2015	Repeal	8-1-2015
411-050-0650	6-28-2015	Amend	8-1-2015
411-050-0655	1-1-2015	Amend(T)	2-1-2015
411-050-0655	6-28-2015	Amend	8-1-2015
411-050-0655(T)	6-28-2015	Repeal	8-1-2015
411-050-0660	6-28-2015	Amend	8-1-2015
411-050-0662	6-28-2015	Amend	8-1-2015
411-050-0665	1-1-2015	Amend(T)	2-1-2015
411-050-0665	6-28-2015	Amend	8-1-2015
411-050-0665(T)	6-28-2015	Repeal	8-1-2015
411-054-0005	1-15-2015	Amend	2-1-2015
411-054-0012	1-15-2015	Amend	2-1-2015
411-054-0090	1-15-2015	Amend	2-1-2015
411-054-0093	1-15-2015	Amend	2-1-2015
411-054-0120	1-29-2015	Amend(T)	3-1-2015
411-054-0120	6-28-2015	Amend	8-1-2015
411-054-0120(T)	6-28-2015	Repeal	8-1-2015
411-054-0200	1-15-2015	Amend	2-1-2015
411-054-0200	6-24-2015	Amend	8-1-2015
411-054-0300	1-15-2015	Amend	2-1-2015
411-070-0005	3-9-2015	Amend	4-1-2015
411-070-0027	3-9-2015	Amend	4-1-2015
411-070-0035	3-9-2015	Amend	4-1-2015
411-070-0043	3-9-2015	Amend	4-1-2015
411-070-0091	3-9-2015	Amend	4-1-2015
411-085-0005	1-1-2015	Amend(T)	2-1-2015
411-085-0005	6-28-2015	Amend	8-1-2015
411-085-0005(T)	6-28-2015	Repeal	8-1-2015
411-085-0010	1-1-2015	Amend(T)	2-1-2015
411-085-0010	6-28-2015	Amend	8-1-2015
411-085-0010(T)	6-28-2015	Repeal	8-1-2015
411-085-0013	1-1-2015	Amend(T)	2-1-2015
411-085-0013	6-28-2015	Amend	8-1-2015
411-085-0013(T)	6-28-2015	Repeal	8-1-2015
411-085-0015	1-1-2015	Amend(T)	2-1-2015
411-085-0015	6-28-2015	Amend	8-1-2015
411-085-0015(T)	6-28-2015	Repeal	8-1-2015
411-085-0030	1-1-2015	Amend(T)	2-1-2015
411-085-0030	6-28-2015	Amend	8-1-2015
411-085-0030(T)	6-28-2015	Repeal	8-1-2015
411-085-0040	1-1-2015	Amend(T)	2-1-2015
411-085-0040	6-28-2015	Amend	8-1-2015
411-085-0040(T)	6-28-2015	Repeal	8-1-2015
411-085-0060	1-1-2015	Amend(T)	2-1-2015
411-085-0060	6-28-2015	Amend	8-1-2015
411-085-0060(T)	6-28-2015	Repeal	8-1-2015

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411-085-0310	1-1-2015	Amend(T)	2-1-2015
411-085-0310	6-28-2015	Amend	8-1-2015
411-085-0310(T)	6-28-2015	Repeal	8-1-2015
411-085-0350	1-1-2015	Amend(T)	2-1-2015
411-085-0350	6-28-2015	Amend	8-1-2015
411-085-0350(T)	6-28-2015	Repeal	8-1-2015
411-085-0360	1-1-2015	Amend(T)	2-1-2015
411-085-0360	6-28-2015	Amend	8-1-2015
411-085-0360(T)	6-28-2015	Repeal	8-1-2015
411-085-0370	1-1-2015	Amend(T)	2-1-2015
411-085-0370	6-28-2015	Amend	8-1-2015
411-085-0370(T)	6-28-2015	Repeal	8-1-2015
411-088-0050	3-2-2015	Amend(T)	4-1-2015
411-088-0050	8-10-2015	Amend	9-1-2015
411-088-0050(T)	8-10-2015	Repeal	9-1-2015
411-088-0060	3-2-2015	Amend(T)	4-1-2015
411-088-0060	8-10-2015	Amend	9-1-2015
411-088-0060(T)	8-10-2015	Repeal	9-1-2015
411-089-0010	1-1-2015	Amend(T)	2-1-2015
411-089-0010	6-28-2015	Amend	8-1-2015
411-089-0010(T)	6-28-2015	Repeal	8-1-2015
411-089-0020	1-1-2015	Amend(T)	2-1-2015
411-089-0020	6-28-2015	Amend	8-1-2015
411-089-0020(T)	6-28-2015	Repeal	8-1-2015
411-089-0030	1-1-2015	Amend(T)	2-1-2015
411-089-0030	6-28-2015	Amend	8-1-2015
411-089-0030(T)	6-28-2015	Repeal	8-1-2015
411-089-0040	1-1-2015	Amend(T)	2-1-2015
411-089-0040	6-28-2015	Amend	8-1-2015
411-089-0040(T)	6-28-2015	Repeal	8-1-2015
411-089-0050	1-1-2015	Amend(T)	2-1-2015
411-089-0050	6-28-2015	Amend	8-1-2015
411-089-0050(T)	6-28-2015	Repeal	8-1-2015
411-089-0070	1-1-2015	Amend(T)	2-1-2015
411-089-0070	6-28-2015	Amend	8-1-2015
411-089-0070(T)	6-28-2015	Repeal	8-1-2015
411-089-0075	1-1-2015	Amend(T)	2-1-2015
411-089-0075	6-28-2015	Amend	8-1-2015
411-089-0075(T)	6-28-2015	Repeal	8-1-2015
411-089-0100	1-1-2015	Amend(T)	2-1-2015
411-089-0100	6-28-2015	Amend	8-1-2015
411-089-0100(T)	6-28-2015	Repeal	8-1-2015
411-089-0110	1-1-2015	Amend(T)	2-1-2015
411-089-0110	6-28-2015	Amend	8-1-2015
411-089-0110(T)	6-28-2015	Repeal	8-1-2015
411-089-0120	1-1-2015	Amend(T)	2-1-2015
411-089-0120	6-28-2015	Amend	8-1-2015
411-089-0120(T)	6-28-2015	Repeal	8-1-2015
411-089-0130	1-1-2015	Amend(T)	2-1-2015
411-089-0130	6-28-2015	Amend	8-1-2015
411-089-0130(T)	6-28-2015	Repeal	8-1-2015
411-089-0140	1-1-2015	Amend(T)	2-1-2015
411-089-0140	6-28-2015	Amend	8-1-2015
411-089-0140(T)	6-28-2015	Repeal	8-1-2015
411-300-0100	2-16-2015	Amend	3-1-2015
411-300-0110	2-16-2015	Amend	3-1-2015
411-300-0110(T)	2-16-2015	Repeal	3-1-2015
411-300-0120	2-16-2015	Amend	3-1-2015
411-300-0120	3-12-2015	Amend	4-1-2015
411-300-0120	4-10-2015	Amend(T)	5-1-2015
411-300-0120	10-6-2015	Amend	11-1-2015
411-300-0120(T)	2-16-2015	Repeal	3-1-2015
411-300-0120(T)	10-6-2015	Repeal	11-1-2015
411-300-0130	2-16-2015	Amend	3-1-2015
411-300-0130(T)	2-16-2015	Repeal	3-1-2015
411-300-0140	2-16-2015	Repeal	3-1-2015
411-300-0150	2-16-2015	Amend	3-1-2015
411-300-0150(T)	2-16-2015	Repeal	3-1-2015
411-300-0155	2-16-2015	Amend	3-1-2015
411-300-0165	2-16-2015	Adopt	3-1-2015
411-300-0165(T)	2-16-2015	Repeal	3-1-2015
411-300-0170	2-16-2015	Amend	3-1-2015
411-300-0170(T)	2-16-2015	Repeal	3-1-2015
411-300-0175	2-16-2015	Adopt	3-1-2015
411-300-0190	2-16-2015	Amend	3-1-2015
411-300-0190(T)	2-16-2015	Repeal	3-1-2015
411-300-0200	2-16-2015	Amend	3-1-2015
411-300-0200(T)	2-16-2015	Repeal	3-1-2015
411-300-0205	2-16-2015	Amend	3-1-2015
411-300-0205(T)	2-16-2015	Repeal	3-1-2015
411-300-0210	2-16-2015	Repeal	3-1-2015
411-300-0220	2-16-2015	Repeal	3-1-2015
411-308-0010	12-28-2014	Amend	2-1-2015
411-308-0010	1-29-2015	Amend	3-1-2015
411-308-0020	12-28-2014	Amend	2-1-2015
411-308-0020	1-29-2015	Amend	3-1-2015
411-308-0020(T)	12-28-2014	Repeal	2-1-2015
411-308-0030	12-28-2014	Amend	2-1-2015
411-308-0030	1-29-2015	Amend	3-1-2015
411-308-0030(T)	12-28-2014	Repeal	2-1-2015
411-308-0040	12-28-2014	Amend	2-1-2015
411-308-0040	1-29-2015	Amend	3-1-2015
411-308-0050	12-28-2014	Amend	2-1-2015
411-308-0050	1-29-2015	Amend	3-1-2015
411-308-0050(T)	12-28-2014	Repeal	2-1-2015
411-308-0060	12-28-2014	Amend	2-1-2015
411-308-0060	1-29-2015	Amend	3-1-2015
411-308-0060(T)	12-28-2014	Repeal	2-1-2015
411-308-0070	12-28-2014	Amend	2-1-2015
411-308-0070	1-29-2015	Amend	3-1-2015
411-308-0070(T)	12-28-2014	Repeal	2-1-2015
411-308-0080	12-28-2014	Amend	2-1-2015
411-308-0080	1-29-2015	Amend	3-1-2015
411-308-0080(T)	12-28-2014	Repeal	2-1-2015
411-308-0090	12-28-2014	Amend	2-1-2015
411-308-0090	1-29-2015	Amend	3-1-2015
411-308-0100	12-28-2014	Amend	2-1-2015
411-308-0100	1-29-2015	Amend	3-1-2015
411-308-0100(T)	12-28-2014	Repeal	2-1-2015
411-308-0110	12-28-2014	Amend	2-1-2015
411-308-0110	1-29-2015	Amend	3-1-2015
411-308-0120	12-28-2014	Amend	2-1-2015

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411-308-0120	1-29-2015	Amend	3-1-2015
411-308-0120(T)	12-28-2014	Repeal	2-1-2015
411-308-0130	12-28-2014	Amend	2-1-2015
411-308-0130	1-29-2015	Amend	3-1-2015
411-308-0130(T)	12-28-2014	Repeal	2-1-2015
411-308-0135	12-28-2014	Adopt	2-1-2015
411-308-0135	1-29-2015	Amend	3-1-2015
411-308-0135(T)	12-28-2014	Repeal	2-1-2015
411-308-0140	12-28-2014	Amend	2-1-2015
411-308-0140	1-29-2015	Amend	3-1-2015
411-308-0150	12-28-2014	Amend	2-1-2015
411-308-0150	1-29-2015	Amend	3-1-2015
411-317-0000	12-28-2014	Adopt	2-1-2015
411-317-0000(T)	12-28-2014	Repeal	2-1-2015
411-318-0000	12-28-2014	Adopt	2-1-2015
411-318-0000(T)	12-28-2014	Repeal	2-1-2015
411-318-0005	12-28-2014	Adopt	2-1-2015
411-318-0005(T)	12-28-2014	Repeal	2-1-2015
411-318-0010	12-28-2014	Adopt	2-1-2015
411-318-0010(T)	12-28-2014	Repeal	2-1-2015
411-318-0015	12-28-2014	Adopt	2-1-2015
411-318-0015(T)	12-28-2014	Repeal	2-1-2015
411-318-0020(T)	12-28-2014	Repeal	2-1-2015
411-318-0025	12-28-2014	Adopt	2-1-2015
411-318-0025(T)	12-28-2014	Repeal	2-1-2015
411-318-0030	12-28-2014	Adopt	2-1-2015
411-318-0030(T)	12-28-2014	Repeal	2-1-2015
411-320-0020	12-28-2014	Amend	2-1-2015
411-320-0020(T)	12-28-2014	Repeal	2-1-2015
411-320-0040	12-28-2014	Amend	2-1-2015
411-320-0040(T)	12-28-2014	Repeal	2-1-2015
411-320-0060	12-28-2014	Amend	2-1-2015
411-320-0060(T)	12-28-2014	Repeal	2-1-2015
411-320-0070	12-28-2014	Amend	2-1-2015
411-320-0080	12-28-2014	Amend	2-1-2015
411-320-0080(T)	12-28-2014	Repeal	2-1-2015
411-320-0090	12-28-2014	Amend	2-1-2015
411-320-0090(T)	12-28-2014	Repeal	2-1-2015
411-320-0100	12-28-2014	Amend	2-1-2015
411-320-0100(T)	12-28-2014	Repeal	2-1-2015
411-320-0110	12-28-2014	Amend	2-1-2015
411-320-0110(T)	12-28-2014	Repeal	2-1-2015
411-320-0120	12-28-2014	Amend	2-1-2015
411-320-0120(T)	12-28-2014	Repeal	2-1-2015
411-320-0130	12-28-2014	Amend	2-1-2015
411-320-0130(T)	12-28-2014	Repeal	2-1-2015
411-320-0160	12-28-2014	Amend	2-1-2015
411-320-0170	12-28-2014	Amend	2-1-2015
411-320-0170(T)	12-28-2014	Repeal	2-1-2015
411-320-0175	12-28-2014	Amend	2-1-2015
411-320-0175(T)	12-28-2014	Repeal	2-1-2015
411-320-0190	12-28-2014	Amend	2-1-2015
411-320-0200	12-28-2014	Amend	2-1-2015
411-323-0010	12-28-2014	Amend	2-1-2015
411-323-0010(T)	12-28-2014	Repeal	2-1-2015
411-323-0020	12-28-2014	Amend	2-1-2015
411-323-0020(T)	12-28-2014	Repeal	2-1-2015
411-323-0030	12-28-2014	Amend	2-1-2015
411-323-0030(T)	12-28-2014	Repeal	2-1-2015
411-323-0035	12-28-2014	Amend	2-1-2015
411-323-0035(T)	12-28-2014	Repeal	2-1-2015
411-323-0040	12-28-2014	Amend	2-1-2015
411-323-0050	12-28-2014	Amend	2-1-2015
411-323-0050(T)	12-28-2014	Repeal	2-1-2015
411-323-0060	12-28-2014	Amend	2-1-2015
411-323-0060(T)	12-28-2014	Repeal	2-1-2015
411-323-0070	12-28-2014	Amend	2-1-2015
411-323-0070(T)	12-28-2014	Repeal	2-1-2015
411-325-0020	12-28-2014	Amend	2-1-2015
411-325-0020(T)	12-28-2014	Repeal	2-1-2015
411-325-0060	12-28-2014	Amend	2-1-2015
411-325-0060(T)	12-28-2014	Repeal	2-1-2015
411-325-0110	12-28-2014	Amend	2-1-2015
411-325-0110(T)	12-28-2014	Repeal	2-1-2015
411-325-0120	12-28-2014	Amend	2-1-2015
411-325-0120(T)	12-28-2014	Repeal	2-1-2015
411-325-0180	12-28-2014	Amend	2-1-2015
411-325-0185	12-28-2014	Amend	2-1-2015
411-325-0230	12-28-2014	Amend	2-1-2015
411-325-0300	12-28-2014	Amend	2-1-2015
411-325-0300(T)	12-28-2014	Repeal	2-1-2015
411-325-0320	12-28-2014	Repeal	2-1-2015
411-325-0330	12-28-2014	Repeal	2-1-2015
411-325-0360	12-28-2014	Amend	2-1-2015
411-325-0390	12-28-2014	Amend	2-1-2015
411-325-0390(T)	12-28-2014	Repeal	2-1-2015
411-325-0400	12-28-2014	Repeal	2-1-2015
411-325-0430	12-28-2014	Amend	2-1-2015
411-325-0430(T)	12-28-2014	Repeal	2-1-2015
411-325-0460	12-28-2014	Amend	2-1-2015
411-325-0460(T)	12-28-2014	Repeal	2-1-2015
411-328-0550	12-28-2014	Amend	2-1-2015
411-328-0560	12-28-2014	Amend	2-1-2015
411-328-0560(T)	12-28-2014	Repeal	2-1-2015
411-328-0570	12-28-2014	Amend	2-1-2015
411-328-0620	12-28-2014	Amend	2-1-2015
411-328-0630	12-28-2014	Amend	2-1-2015
411-328-0640	12-28-2014	Amend	2-1-2015
411-328-0650	12-28-2014	Amend	2-1-2015
411-328-0660	12-28-2014	Amend	2-1-2015
411-328-0680	12-28-2014	Amend	2-1-2015
411-328-0690	12-28-2014	Amend	2-1-2015
411-328-0700	12-28-2014	Amend	2-1-2015
411-328-0700(T)	12-28-2014	Repeal	2-1-2015
411-328-0710	12-28-2014	Amend	2-1-2015
411-328-0715	12-28-2014	Amend	2-1-2015
411-328-0720	12-28-2014	Amend	2-1-2015
411-328-0720(T)	12-28-2014	Repeal	2-1-2015
411-328-0740	12-28-2014	Repeal	2-1-2015
411-328-0750	12-28-2014	Amend	2-1-2015
411-328-0750(T)	12-28-2014	Repeal	2-1-2015
411-328-0760	12-28-2014	Amend	2-1-2015

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411-328-0760(T)	12-28-2014	Repeal	2-1-2015
411-328-0770	12-28-2014	Amend	2-1-2015
411-328-0770(T)	12-28-2014	Repeal	2-1-2015
411-328-0780	12-28-2014	Amend	2-1-2015
411-328-0790	12-28-2014	Amend	2-1-2015
411-328-0790(T)	12-28-2014	Repeal	2-1-2015
411-328-0800	12-28-2014	Repeal	2-1-2015
411-330-0020	12-28-2014	Amend	2-1-2015
411-330-0020(T)	12-28-2014	Repeal	2-1-2015
411-330-0030	12-28-2014	Amend	2-1-2015
411-330-0030(T)	12-28-2014	Repeal	2-1-2015
411-330-0040	12-28-2014	Amend	2-1-2015
411-330-0040(T)	12-28-2014	Repeal	2-1-2015
411-330-0050	12-28-2014	Amend	2-1-2015
411-330-0050(T)	12-28-2014	Repeal	2-1-2015
411-330-0060	12-28-2014	Amend	2-1-2015
411-330-0060(T)	12-28-2014	Repeal	2-1-2015
411-330-0065	12-28-2014	Amend	2-1-2015
411-330-0070	12-28-2014	Amend	2-1-2015
411-330-0070(T)	12-28-2014	Repeal	2-1-2015
411-330-0080	12-28-2014	Amend	2-1-2015
411-330-0080(T)	12-28-2014	Repeal	2-1-2015
411-330-0090	12-28-2014	Amend	2-1-2015
411-330-0090(T)	12-28-2014	Repeal	2-1-2015
411-330-0100	12-28-2014	Amend	2-1-2015
411-330-0100(T)	12-28-2014	Repeal	2-1-2015
411-330-0110	12-28-2014	Amend	2-1-2015
411-330-0110(T)	12-28-2014	Repeal	2-1-2015
411-330-0130	12-28-2014	Amend	2-1-2015
411-330-0130(T)	12-28-2014	Repeal	2-1-2015
411-330-0140	12-28-2014	Amend	2-1-2015
411-340-0020	12-28-2014	Amend	2-1-2015
411-340-0020(T)	12-28-2014	Repeal	2-1-2015
411-340-0050	12-28-2014	Amend	2-1-2015
411-340-0060	12-28-2014	Amend	2-1-2015
411-340-0060(T)	12-28-2014	Repeal	2-1-2015
411-340-0080	12-28-2014	Amend	2-1-2015
411-340-0090	12-28-2014	Amend	2-1-2015
411-340-0100	12-28-2014	Amend	2-1-2015
411-340-0100(T)	12-28-2014	Repeal	2-1-2015
411-340-0110	12-28-2014	Amend	2-1-2015
411-340-0110(T)	12-28-2014	Repeal	2-1-2015
411-340-0120	12-28-2014	Amend	2-1-2015
411-340-0120(T)	12-28-2014	Repeal	2-1-2015
411-340-0125	12-28-2014	Amend	2-1-2015
411-340-0130	12-28-2014	Amend	2-1-2015
411-340-0130(T)	12-28-2014	Repeal	2-1-2015
411-340-0135	12-28-2014	Adopt	2-1-2015
411-340-0135(T)	12-28-2014	Repeal	2-1-2015
411-340-0140	12-28-2014	Amend	2-1-2015
411-340-0150	12-28-2014	Amend	2-1-2015
411-340-0150(T)	12-28-2014	Repeal	2-1-2015
411-340-0160	12-28-2014	Amend	2-1-2015
411-340-0160(T)	12-28-2014	Repeal	2-1-2015
411-340-0170	12-28-2014	Amend	2-1-2015
411-340-0170(T)	12-28-2014	Repeal	2-1-2015
411-340-0180	12-28-2014	Amend	2-1-2015
411-345-0010	12-28-2014	Amend	2-1-2015
411-345-0010(T)	12-28-2014	Repeal	2-1-2015
411-345-0020	12-28-2014	Amend	2-1-2015
411-345-0020(T)	12-28-2014	Repeal	2-1-2015
411-345-0025	12-28-2014	Amend	2-1-2015
411-345-0025(T)	12-28-2014	Repeal	2-1-2015
411-345-0027	12-28-2014	Adopt	2-1-2015
411-345-0027(T)	12-28-2014	Repeal	2-1-2015
411-345-0030	12-28-2014	Amend	2-1-2015
411-345-0030(T)	12-28-2014	Repeal	2-1-2015
411-345-0050	12-28-2014	Amend	2-1-2015
411-345-0050(T)	12-28-2014	Repeal	2-1-2015
411-345-0085	12-28-2014	Adopt	2-1-2015
411-345-0085(T)	12-28-2014	Repeal	2-1-2015
411-345-0090	12-28-2014	Amend	2-1-2015
411-345-0090(T)	12-28-2014	Repeal	2-1-2015
411-345-0095	12-28-2014	Amend	2-1-2015
411-345-0095(T)	12-28-2014	Repeal	2-1-2015
411-345-0100	12-28-2014	Repeal	2-1-2015
411-345-0110	12-28-2014	Amend	2-1-2015
411-345-0110(T)	12-28-2014	Repeal	2-1-2015
411-345-0130	12-28-2014	Amend	2-1-2015
411-345-0130(T)	12-28-2014	Repeal	2-1-2015
411-345-0140	12-28-2014	Amend	2-1-2015
411-345-0140(T)	12-28-2014	Repeal	2-1-2015
411-345-0160	12-28-2014	Amend	2-1-2015
411-345-0160(T)	12-28-2014	Repeal	2-1-2015
411-345-0170	12-28-2014	Amend	2-1-2015
411-345-0170(T)	12-28-2014	Repeal	2-1-2015
411-345-0180	12-28-2014	Amend	2-1-2015
411-345-0180(T)	12-28-2014	Repeal	2-1-2015
411-345-0190	12-28-2014	Amend	2-1-2015
411-345-0190(T)	12-28-2014	Repeal	2-1-2015
411-345-0200	12-28-2014	Amend	2-1-2015
411-345-0200(T)	12-28-2014	Repeal	2-1-2015
411-345-0230	12-28-2014	Amend	2-1-2015
411-345-0230(T)	12-28-2014	Repeal	2-1-2015
411-345-0240	12-28-2014	Amend	2-1-2015
411-345-0240(T)	12-28-2014	Repeal	2-1-2015
411-345-0250	12-28-2014	Amend	2-1-2015
411-345-0250(T)	12-28-2014	Repeal	2-1-2015
411-345-0260	12-28-2014	Amend	2-1-2015
411-345-0260(T)	12-28-2014	Repeal	2-1-2015
411-345-0270	12-28-2014	Amend	2-1-2015
411-345-0270(T)	12-28-2014	Repeal	2-1-2015
411-346-0110	12-28-2014	Amend	2-1-2015
411-346-0110(T)	12-28-2014	Repeal	2-1-2015
411-346-0150	12-28-2014	Amend	2-1-2015
411-346-0150(T)	12-28-2014	Repeal	2-1-2015
411-346-0180	12-28-2014	Amend	2-1-2015
411-346-0180(T)	12-28-2014	Repeal	2-1-2015
411-346-0190	12-28-2014	Amend	2-1-2015
411-346-0190(T)	12-28-2014	Repeal	2-1-2015
411-346-0210	12-28-2014	Amend	2-1-2015
411-350-0010	2-16-2015	Amend	3-1-2015

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411-350-0020	2-16-2015	Amend	3-1-2015
411-350-0020(T)	2-16-2015	Repeal	3-1-2015
411-350-0030	2-16-2015	Amend	3-1-2015
411-350-0030	3-12-2015	Amend	4-1-2015
411-350-0030	4-10-2015	Amend(T)	5-1-2015
411-350-0030	10-6-2015	Amend	11-1-2015
411-350-0030(T)	2-16-2015	Repeal	3-1-2015
411-350-0030(T)	10-6-2015	Repeal	11-1-2015
411-350-0040	2-16-2015	Amend	3-1-2015
411-350-0040(T)	2-16-2015	Repeal	3-1-2015
411-350-0050	2-16-2015	Amend	3-1-2015
411-350-0050	3-12-2015	Amend	4-1-2015
411-350-0050(T)	2-16-2015	Repeal	3-1-2015
411-350-0075	2-16-2015	Adopt	3-1-2015
411-350-0075(T)	2-16-2015	Repeal	3-1-2015
411-350-0080	2-16-2015	Amend	3-1-2015
411-350-0080(T)	2-16-2015	Repeal	3-1-2015
411-350-0085	2-16-2015	Adopt	3-1-2015
411-350-0100	2-16-2015	Amend	3-1-2015
411-350-0100(T)	2-16-2015	Repeal	3-1-2015
411-350-0110	2-16-2015	Amend	3-1-2015
411-350-0110(T)	2-16-2015	Repeal	3-1-2015
411-350-0115	2-16-2015	Amend	3-1-2015
411-350-0115(T)	2-16-2015	Repeal	3-1-2015
411-350-0118	2-16-2015	Repeal	3-1-2015
411-350-0120	2-16-2015	Repeal	3-1-2015
411-355-0000	8-1-2015	Amend(T)	9-1-2015
411-355-0010	8-1-2015	Amend(T)	9-1-2015
411-355-0020	8-1-2015	Amend(T)	9-1-2015
411-355-0030	8-1-2015	Amend(T)	9-1-2015
411-355-0040	8-1-2015	Amend(T)	9-1-2015
411-355-0045	8-1-2015	Adopt(T)	9-1-2015
411-355-0050	8-1-2015	Amend(T)	9-1-2015
411-355-0060	8-1-2015	Suspend	9-1-2015
411-355-0070	8-1-2015	Suspend	9-1-2015
411-355-0075	8-1-2015	Adopt(T)	9-1-2015
411-355-0080	8-1-2015	Amend(T)	9-1-2015
411-355-0090	8-1-2015	Amend(T)	9-1-2015
411-355-0100	8-1-2015	Amend(T)	9-1-2015
411-355-0110	8-1-2015	Suspend	9-1-2015
411-355-0120	8-1-2015	Suspend	9-1-2015
411-360-0020	12-28-2014	Amend	2-1-2015
411-360-0020(T)	12-28-2014	Repeal	2-1-2015
411-360-0030	12-28-2014	Amend	2-1-2015
411-360-0130	12-28-2014	Amend	2-1-2015
411-360-0140	12-28-2014	Amend	2-1-2015
411-360-0140(T)	12-28-2014	Repeal	2-1-2015
411-360-0170	12-28-2014	Amend	2-1-2015
411-360-0170(T)	12-28-2014	Repeal	2-1-2015
411-360-0190	12-28-2014	Amend	2-1-2015
411-360-0190(T)	12-28-2014	Repeal	2-1-2015
411-360-0250	12-28-2014	Amend	2-1-2015
411-360-0250(T)	12-28-2014	Repeal	2-1-2015
411-360-0275	12-28-2014	Amend	2-1-2015
411-360-0275(T)	12-28-2014	Repeal	2-1-2015
411-375-0000	12-28-2014	Adopt	2-1-2015
411-375-0000(T)	12-28-2014	Repeal	2-1-2015
411-375-0010	12-28-2014	Adopt	2-1-2015
411-375-0010(T)	12-28-2014	Repeal	2-1-2015
411-375-0020	12-28-2014	Adopt	2-1-2015
411-375-0020(T)	12-28-2014	Repeal	2-1-2015
411-375-0030	12-28-2014	Adopt	2-1-2015
411-375-0030(T)	12-28-2014	Repeal	2-1-2015
411-375-0040	12-28-2014	Adopt	2-1-2015
411-375-0040(T)	12-28-2014	Repeal	2-1-2015
411-375-0050	12-28-2014	Adopt	2-1-2015
411-375-0050(T)	12-28-2014	Repeal	2-1-2015
411-375-0060	12-28-2014	Adopt	2-1-2015
411-375-0060(T)	12-28-2014	Repeal	2-1-2015
411-375-0070	12-28-2014	Adopt	2-1-2015
411-375-0070(T)	12-28-2014	Repeal	2-1-2015
411-375-0080	12-28-2014	Adopt	2-1-2015
411-375-0080(T)	12-28-2014	Repeal	2-1-2015
413-010-0000	8-4-2015	Amend	9-1-2015
413-010-0000	10-6-2015	Amend	11-1-2015
413-010-0010	8-4-2015	Amend	9-1-2015
413-010-0081	8-4-2015	Repeal	9-1-2015
413-010-0082	8-4-2015	Repeal	9-1-2015
413-010-0083	8-4-2015	Repeal	9-1-2015
413-010-0085	8-4-2015	Repeal	9-1-2015
413-010-0175	8-4-2015	Amend	9-1-2015
413-010-0180	1-1-2015	Amend	2-1-2015
413-010-0185	1-1-2015	Amend	2-1-2015
413-010-0310	2-1-2015	Amend	3-1-2015
413-010-0310	5-22-2015	Amend(T)	7-1-2015
413-010-0310	8-4-2015	Amend	9-1-2015
413-010-0310(T)	8-4-2015	Repeal	9-1-2015
413-010-0410	8-4-2015	Amend	9-1-2015
413-010-0501	8-4-2015	Amend	9-1-2015
413-010-0705	8-4-2015	Amend	9-1-2015
413-015-0115	12-24-2014	Amend	2-1-2015
413-015-0115	10-1-2015	Amend(T)	11-1-2015
413-015-0115(T)	12-24-2014	Repeal	2-1-2015
413-015-0211	10-1-2015	Amend(T)	11-1-2015
413-015-0400	12-24-2014	Amend	2-1-2015
413-015-0409	12-24-2014	Amend	2-1-2015
413-015-0409(T)	12-24-2014	Repeal	2-1-2015
413-015-0415	12-24-2014	Amend	2-1-2015
413-015-0415	10-1-2015	Amend(T)	11-1-2015
413-015-0415(T)	12-24-2014	Repeal	2-1-2015
413-015-0420	12-24-2014	Amend	2-1-2015
413-015-0420(T)	12-24-2014	Repeal	2-1-2015
413-015-0432	12-24-2014	Amend	2-1-2015
413-015-0432(T)	12-24-2014	Repeal	2-1-2015
413-015-0450	12-24-2014	Amend	2-1-2015
413-015-0540	12-24-2014	Amend	2-1-2015
413-015-0540(T)	12-24-2014	Repeal	2-1-2015
413-015-1105	12-24-2014	Amend	2-1-2015
413-015-1105(T)	12-24-2014	Repeal	2-1-2015
413-015-9000	4-1-2015	Amend	5-1-2015
413-015-9000	10-12-2015	Amend(T)	11-1-2015
413-015-9020	4-1-2015	Amend	5-1-2015

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413-015-9030	12-24-2014	Amend	2-1-2015
413-015-9040	12-24-2014	Amend	2-1-2015
413-015-9040(T)	12-24-2014	Repeal	2-1-2015
413-020-0000	10-1-2015	Amend	11-1-2015
413-020-0000	10-6-2015	Amend	11-1-2015
413-020-0005	10-1-2015	Amend	11-1-2015
413-020-0020	10-1-2015	Amend	11-1-2015
413-020-0065	10-1-2015	Repeal	11-1-2015
413-020-0075	10-1-2015	Amend	11-1-2015
413-020-0110	10-1-2015	Repeal	11-1-2015
413-020-0120	10-1-2015	Amend	11-1-2015
413-020-0130	10-1-2015	Amend	11-1-2015
413-020-0140	10-1-2015	Amend	11-1-2015
413-020-0150	10-1-2015	Amend	11-1-2015
413-020-0160	10-1-2015	Amend	11-1-2015
413-020-0170	10-1-2015	Amend	11-1-2015
413-020-0210	10-1-2015	Repeal	11-1-2015
413-020-0610	10-1-2015	Repeal	11-1-2015
413-030-0000	10-1-2015	Amend	11-1-2015
413-030-0000	10-6-2015	Amend	11-1-2015
413-030-0003	10-1-2015	Amend	11-1-2015
413-030-0006	10-1-2015	Amend	11-1-2015
413-030-0009	10-1-2015	Amend	11-1-2015
413-030-0200	10-1-2015	Amend	11-1-2015
413-030-0205	10-6-2015	Repeal	11-1-2015
413-030-0210	10-1-2015	Amend	11-1-2015
413-030-0220	10-1-2015	Amend	11-1-2015
413-030-0300	10-1-2015	Amend	11-1-2015
413-030-0310	10-1-2015	Amend	11-1-2015
413-030-0405	5-22-2015	Amend(T)	7-1-2015
413-030-0405	10-1-2015	Repeal	11-1-2015
413-030-0410	10-1-2015	Amend	11-1-2015
413-030-0445	10-1-2015	Amend	11-1-2015
413-030-0449	10-1-2015	Amend	11-1-2015
413-030-0454	10-1-2015	Amend	11-1-2015
413-030-0456	10-1-2015	Amend	11-1-2015
413-030-0460	10-1-2015	Amend	11-1-2015
413-040-0000	10-1-2015	Amend	11-1-2015
413-040-0005	10-1-2015	Amend	11-1-2015
413-040-0006	10-1-2015	Amend	11-1-2015
413-040-0008	10-1-2015	Amend	11-1-2015
413-040-0009	10-1-2015	Repeal	11-1-2015
413-040-0010	10-1-2015	Amend	11-1-2015
413-040-0013	10-1-2015	Amend	11-1-2015
413-040-0014	10-1-2015	Adopt	11-1-2015
413-040-0016	10-1-2015	Amend	11-1-2015
413-040-0017	10-1-2015	Amend	11-1-2015
413-040-0024	10-1-2015	Amend	11-1-2015
413-040-0032	10-1-2015	Amend	11-1-2015
413-040-0100	10-1-2015	Amend	11-1-2015
413-040-0110	10-1-2015	Repeal	11-1-2015
413-040-0210	10-1-2015	Repeal	11-1-2015
413-040-0410	10-1-2015	Repeal	11-1-2015
413-070-0000	7-17-2015	Amend	9-1-2015
413-070-0000	10-1-2015	Amend	11-1-2015
413-070-0000	10-6-2015	Amend	11-1-2015
413-070-0010	7-17-2015	Amend	9-1-2015
413-070-0015	7-17-2015	Amend	9-1-2015
413-070-0020	7-17-2015	Amend	9-1-2015
413-070-0022	7-17-2015	Amend	9-1-2015
413-070-0022	10-1-2015	Repeal	11-1-2015
413-070-0027	7-17-2015	Amend	9-1-2015
413-070-0027	10-1-2015	Repeal	11-1-2015
413-070-0030	7-17-2015	Amend	9-1-2015
413-070-0033	10-1-2015	Repeal	11-1-2015
413-070-0060	7-17-2015	Amend	9-1-2015
413-070-0063	2-1-2015	Amend	3-1-2015
413-070-0063	5-22-2015	Amend(T)	7-1-2015
413-070-0063	7-17-2015	Repeal	9-1-2015
413-070-0066	7-17-2015	Repeal	9-1-2015
413-070-0069	1-21-2015	Amend(T)	3-1-2015
413-070-0069	7-17-2015	Amend	9-1-2015
413-070-0069(T)	7-17-2015	Repeal	9-1-2015
413-070-0072	1-21-2015	Amend(T)	3-1-2015
413-070-0072	7-17-2015	Amend	9-1-2015
413-070-0072(T)	7-17-2015	Repeal	9-1-2015
413-070-0075	7-17-2015	Amend	9-1-2015
413-070-0078	7-17-2015	Amend	9-1-2015
413-070-0081	7-17-2015	Amend	9-1-2015
413-070-0087	7-17-2015	Amend	9-1-2015
413-070-0110	10-1-2015	Repeal	11-1-2015
413-070-0120	7-17-2015	Repeal	9-1-2015
413-070-0130	7-17-2015	Amend	9-1-2015
413-070-0140	7-17-2015	Amend	9-1-2015
413-070-0150	7-17-2015	Amend	9-1-2015
413-070-0160	7-17-2015	Amend	9-1-2015
413-070-0170	7-17-2015	Amend	9-1-2015
413-070-0170	10-1-2015	Amend	11-1-2015
413-070-0180	7-17-2015	Amend	9-1-2015
413-070-0190	7-17-2015	Amend	9-1-2015
413-070-0200	7-17-2015	Amend	9-1-2015
413-070-0210	7-17-2015	Amend	9-1-2015
413-070-0220	7-17-2015	Amend	9-1-2015
413-070-0230	7-17-2015	Amend	9-1-2015
413-070-0240	7-17-2015	Amend	9-1-2015
413-070-0300	7-17-2015	Amend	9-1-2015
413-070-0310	7-17-2015	Repeal	9-1-2015
413-070-0320	7-17-2015	Amend	9-1-2015
413-070-0350	7-17-2015	Amend	9-1-2015
413-070-0360	7-17-2015	Amend	9-1-2015
413-070-0370	7-17-2015	Amend	9-1-2015
413-070-0400	7-17-2015	Amend	9-1-2015
413-070-0410	1-1-2015	Amend	2-1-2015
413-070-0410	7-17-2015	Repeal	9-1-2015
413-070-0430	1-1-2015	Amend	2-1-2015
413-070-0430	7-17-2015	Amend	9-1-2015
413-070-0450	1-1-2015	Amend	2-1-2015
413-070-0450	10-1-2015	Amend	11-1-2015
413-070-0470	1-1-2015	Amend	2-1-2015
413-070-0480	1-1-2015	Amend	2-1-2015
413-070-0490	1-1-2015	Amend	2-1-2015
413-070-0500	7-17-2015	Amend	9-1-2015

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413-070-0505	2-1-2015	Amend	3-1-2015
413-070-0505	5-22-2015	Amend(T)	7-1-2015
413-070-0505	7-17-2015	Repeal	9-1-2015
413-070-0510	10-1-2015	Amend	11-1-2015
413-070-0512	7-17-2015	Amend	9-1-2015
413-070-0512	10-1-2015	Amend	11-1-2015
413-070-0514	7-17-2015	Amend	9-1-2015
413-070-0514	10-1-2015	Amend	11-1-2015
413-070-0516	7-17-2015	Amend	9-1-2015
413-070-0516	9-1-2015	Amend(T)	10-1-2015
413-070-0516	10-1-2015	Amend	11-1-2015
413-070-0516(T)	10-1-2015	Repeal	11-1-2015
413-070-0518	7-17-2015	Amend	9-1-2015
413-070-0518	9-1-2015	Amend(T)	10-1-2015
413-070-0518	10-1-2015	Amend	11-1-2015
413-070-0518(T)	10-1-2015	Repeal	11-1-2015
413-070-0519	7-17-2015	Amend	9-1-2015
413-070-0519	9-1-2015	Amend(T)	10-1-2015
413-070-0519	10-1-2015	Amend	11-1-2015
413-070-0519(T)	10-1-2015	Repeal	11-1-2015
413-070-0520	10-1-2015	Amend	11-1-2015
413-070-0524	7-17-2015	Repeal	9-1-2015
413-070-0532	10-1-2015	Amend	11-1-2015
413-070-0536	10-1-2015	Amend	11-1-2015
413-070-0540	10-1-2015	Amend	11-1-2015
413-070-0550	10-1-2015	Amend	11-1-2015
413-070-0551	10-1-2015	Amend	11-1-2015
413-070-0552	10-1-2015	Amend	11-1-2015
413-070-0556	10-1-2015	Amend	11-1-2015
413-070-0565	10-1-2015	Amend	11-1-2015
413-070-0570	7-17-2015	Amend	9-1-2015
413-070-0572	7-17-2015	Repeal	9-1-2015
413-070-0574	7-17-2015	Amend	9-1-2015
413-070-0600	7-17-2015	Amend	9-1-2015
413-070-0620	2-1-2015	Amend	3-1-2015
413-070-0620	5-22-2015	Amend(T)	7-1-2015
413-070-0620	7-17-2015	Repeal	9-1-2015
413-070-0625	10-1-2015	Amend	11-1-2015
413-070-0630	10-1-2015	Amend	11-1-2015
413-070-0651	7-17-2015	Amend	9-1-2015
413-070-0651	10-1-2015	Repeal	11-1-2015
413-070-0655	2-1-2015	Amend	3-1-2015
413-070-0655	5-22-2015	Amend(T)	7-1-2015
413-070-0655	7-17-2015	Amend	9-1-2015
413-070-0655(T)	7-17-2015	Repeal	9-1-2015
413-070-0665	7-17-2015	Amend	9-1-2015
413-070-0670	7-17-2015	Amend	9-1-2015
413-070-0800	10-1-2015	Amend	11-1-2015
413-070-0810	5-22-2015	Amend(T)	7-1-2015
413-070-0810	7-17-2015	Repeal	9-1-2015
413-070-0830	10-1-2015	Amend	11-1-2015
413-070-0840	10-1-2015	Amend	11-1-2015
413-070-0855	10-1-2015	Amend	11-1-2015
413-070-0860	7-17-2015	Amend	9-1-2015
413-070-0900	7-17-2015	Amend	9-1-2015
413-070-0905	1-21-2015	Amend(T)	3-1-2015
413-070-0905	2-1-2015	Amend	3-1-2015
413-070-0905	2-1-2015	Amend(T)	3-1-2015
413-070-0905	5-22-2015	Amend(T)	7-1-2015
413-070-0905	7-17-2015	Amend	9-1-2015
413-070-0905	10-1-2015	Amend	11-1-2015
413-070-0905(T)	1-21-2015	Suspend	3-1-2015
413-070-0905(T)	2-1-2015	Repeal	3-1-2015
413-070-0905(T)	5-22-2015	Suspend	7-1-2015
413-070-0905(T)	7-17-2015	Repeal	9-1-2015
413-070-0909	7-17-2015	Amend	9-1-2015
413-070-0909	10-1-2015	Repeal	11-1-2015
413-070-0917	1-21-2015	Amend(T)	3-1-2015
413-070-0917	7-17-2015	Amend	9-1-2015
413-070-0917	8-19-2015	Amend(T)	10-1-2015
413-070-0917	10-1-2015	Amend	11-1-2015
413-070-0917(T)	7-17-2015	Repeal	9-1-2015
413-070-0917(T)	10-1-2015	Repeal	11-1-2015
413-070-0918	10-1-2015	Adopt	11-1-2015
413-070-0919	7-17-2015	Amend	9-1-2015
413-070-0919	10-1-2015	Amend	11-1-2015
413-070-0925	7-17-2015	Amend	9-1-2015
413-070-0925	10-1-2015	Amend	11-1-2015
413-070-0934	7-17-2015	Amend	9-1-2015
413-070-0934	10-1-2015	Amend	11-1-2015
413-070-0939	7-17-2015	Amend	9-1-2015
413-070-0939	10-1-2015	Amend	11-1-2015
413-070-0944	10-1-2015	Amend	11-1-2015
413-070-0949	1-21-2015	Amend(T)	3-1-2015
413-070-0949	7-17-2015	Amend	9-1-2015
413-070-0949	10-1-2015	Amend	11-1-2015
413-070-0949(T)	7-17-2015	Repeal	9-1-2015
413-070-0959	7-17-2015	Amend	9-1-2015
413-070-0964	10-1-2015	Amend	11-1-2015
413-070-0969	7-17-2015	Amend	9-1-2015
413-070-0970	7-17-2015	Amend	9-1-2015
413-070-0974	7-17-2015	Amend	9-1-2015
413-070-0974	10-1-2015	Amend	11-1-2015
413-070-0990	10-1-2015	Adopt	11-1-2015
413-070-1000	10-1-2015	Adopt	11-1-2015
413-070-1010	10-1-2015	Adopt	11-1-2015
413-070-1020	10-1-2015	Adopt	11-1-2015
413-070-1030	10-1-2015	Adopt	11-1-2015
413-070-1040	10-1-2015	Adopt	11-1-2015
413-070-1050	10-1-2015	Adopt	11-1-2015
413-070-1060	10-1-2015	Adopt	11-1-2015
413-080-0050	10-1-2015	Amend(T)	11-1-2015
413-080-0053	10-1-2015	Adopt(T)	11-1-2015
413-080-0054	10-1-2015	Amend(T)	11-1-2015
413-090-0000	8-4-2015	Amend	9-1-2015
413-090-0005	8-4-2015	Amend	9-1-2015
413-090-0010	8-4-2015	Amend	9-1-2015
413-090-0021	8-4-2015	Amend	9-1-2015
413-090-0040	8-4-2015	Amend	9-1-2015
413-090-0065	8-4-2015	Amend	9-1-2015
413-090-0070	8-4-2015	Amend	9-1-2015
413-090-0080	8-4-2015	Amend	9-1-2015

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413-090-0085	8-26-2015	Amend(T)	10-1-2015
413-090-0087	10-1-2015	Adopt(T)	11-1-2015
413-090-0110	1-1-2015	Amend	2-1-2015
413-090-0110	8-4-2015	Amend	9-1-2015
413-090-0120	1-1-2015	Amend	2-1-2015
413-090-0133	1-1-2015	Amend	2-1-2015
413-090-0133	2-5-2015	Amend(T)	3-1-2015
413-090-0133	8-4-2015	Amend	9-1-2015
413-090-0135	1-1-2015	Amend	2-1-2015
413-090-0136	1-1-2015	Amend	2-1-2015
413-090-0140	1-1-2015	Amend	2-1-2015
413-090-0150	1-1-2015	Amend	2-1-2015
413-090-0150	2-5-2015	Amend(T)	3-1-2015
413-090-0150	8-4-2015	Amend	9-1-2015
413-090-0210	1-1-2015	Amend	2-1-2015
413-090-0300	8-4-2015	Amend	9-1-2015
413-090-0310	8-4-2015	Amend	9-1-2015
413-090-0340	8-4-2015	Amend	9-1-2015
413-090-0400	8-4-2015	Amend	9-1-2015
413-090-0405	8-4-2015	Amend	9-1-2015
413-090-0410	8-4-2015	Amend	9-1-2015
413-090-0500	8-4-2015	Amend	9-1-2015
413-090-0510	8-4-2015	Amend	9-1-2015
413-090-0530	8-4-2015	Amend	9-1-2015
413-110-0000	10-26-2015	Amend	12-1-2015
413-110-0010	10-26-2015	Amend	12-1-2015
413-110-0020	10-26-2015	Amend	12-1-2015
413-110-0040	10-26-2015	Amend	12-1-2015
413-110-0100	10-26-2015	Amend	12-1-2015
413-110-0110	5-22-2015	Amend(T)	7-1-2015
413-110-0110	10-26-2015	Repeal	12-1-2015
413-110-0130	10-26-2015	Amend	12-1-2015
413-110-0150	10-26-2015	Amend	12-1-2015
413-110-0205	10-26-2015	Repeal	12-1-2015
413-110-0284	10-26-2015	Repeal	12-1-2015
413-110-0290	10-26-2015	Amend	12-1-2015
413-110-0299	10-26-2015	Amend	12-1-2015
413-110-0300	10-26-2015	Amend	12-1-2015
413-110-0310	10-26-2015	Repeal	12-1-2015
413-110-0330	10-26-2015	Amend	12-1-2015
413-110-0340	10-26-2015	Amend	12-1-2015
413-110-0360	10-26-2015	Amend	12-1-2015
413-120-0000	10-1-2015	Amend	11-1-2015
413-120-0010	2-1-2015	Amend	3-1-2015
413-120-0010	5-22-2015	Amend(T)	7-1-2015
413-120-0010	9-1-2015	Amend(T)	10-1-2015
413-120-0010	10-1-2015	Amend	11-1-2015
413-120-0010(T)	9-1-2015	Suspend	10-1-2015
413-120-0010(T)	10-1-2015	Repeal	11-1-2015
413-120-0016	10-1-2015	Amend	11-1-2015
413-120-0020	9-1-2015	Amend(T)	10-1-2015
413-120-0020	10-1-2015	Amend	11-1-2015
413-120-0020(T)	10-1-2015	Repeal	11-1-2015
413-120-0021	9-1-2015	Amend(T)	10-1-2015
413-120-0021	10-1-2015	Amend	11-1-2015
413-120-0021(T)	10-1-2015	Repeal	11-1-2015
413-120-0025	10-1-2015	Amend	11-1-2015
413-120-0035	9-1-2015	Amend(T)	10-1-2015
413-120-0035	10-1-2015	Amend	11-1-2015
413-120-0035(T)	10-1-2015	Repeal	11-1-2015
413-120-0057	10-1-2015	Amend	11-1-2015
413-120-0060	10-1-2015	Amend	11-1-2015
413-120-0105	10-1-2015	Repeal	11-1-2015
413-120-0150	10-1-2015	Repeal	11-1-2015
413-120-0195	2-1-2015	Amend	3-1-2015
413-120-0195	5-22-2015	Amend(T)	7-1-2015
413-120-0195	10-1-2015	Repeal	11-1-2015
413-120-0220	10-1-2015	Amend	11-1-2015
413-120-0243	10-1-2015	Amend	11-1-2015
413-120-0246	10-1-2015	Amend	11-1-2015
413-120-0420	10-1-2015	Repeal	11-1-2015
413-120-0500	9-1-2015	Suspend	10-1-2015
413-120-0500	10-1-2015	Repeal	11-1-2015
413-120-0510	2-1-2015	Amend	3-1-2015
413-120-0510	5-22-2015	Amend(T)	7-1-2015
413-120-0510	10-1-2015	Repeal	11-1-2015
413-120-0510(T)	9-1-2015	Suspend	10-1-2015
413-120-0521	9-1-2015	Suspend	10-1-2015
413-120-0521	10-1-2015	Repeal	11-1-2015
413-120-0541	9-1-2015	Suspend	10-1-2015
413-120-0541	10-1-2015	Repeal	11-1-2015
413-120-0570	9-1-2015	Suspend	10-1-2015
413-120-0570	10-1-2015	Repeal	11-1-2015
413-120-0580	9-1-2015	Suspend	10-1-2015
413-120-0580	10-1-2015	Repeal	11-1-2015
413-120-0590	9-1-2015	Suspend	10-1-2015
413-120-0590	10-1-2015	Repeal	11-1-2015
413-120-0595	10-1-2015	Repeal	11-1-2015
413-120-0610	10-1-2015	Repeal	11-1-2015
413-120-0635	10-1-2015	Amend	11-1-2015
413-120-0700	10-1-2015	Amend	11-1-2015
413-120-0710	2-1-2015	Amend	3-1-2015
413-120-0710	5-22-2015	Amend(T)	7-1-2015
413-120-0710	9-1-2015	Amend(T)	10-1-2015
413-120-0710	10-1-2015	Repeal	11-1-2015
413-120-0710(T)	9-1-2015	Suspend	10-1-2015
413-120-0720	9-1-2015	Amend(T)	10-1-2015
413-120-0720	10-1-2015	Amend	11-1-2015
413-120-0720(T)	10-1-2015	Repeal	11-1-2015
413-120-0730	9-1-2015	Amend(T)	10-1-2015
413-120-0730	10-1-2015	Amend	11-1-2015
413-120-0730(T)	10-1-2015	Repeal	11-1-2015
413-120-0750	10-1-2015	Amend	11-1-2015
413-120-0760	9-1-2015	Amend(T)	10-1-2015
413-120-0760	10-1-2015	Amend	11-1-2015
413-120-0760(T)	10-1-2015	Repeal	11-1-2015
413-120-0800	10-1-2015	Amend	11-1-2015
413-120-0810	10-1-2015	Repeal	11-1-2015
413-120-0905	10-1-2015	Repeal	11-1-2015
413-130-0000	10-26-2015	Amend	12-1-2015
413-130-0010	5-22-2015	Amend(T)	7-1-2015
413-130-0010	10-26-2015	Amend	12-1-2015

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413-130-0010(T)	10-26-2015	Repeal	12-1-2015
413-130-0015	10-26-2015	Amend	12-1-2015
413-130-0020	10-26-2015	Amend	12-1-2015
413-130-0040	10-26-2015	Amend	12-1-2015
413-130-0070	10-26-2015	Amend	12-1-2015
413-130-0075	10-26-2015	Amend	12-1-2015
413-130-0100	10-26-2015	Amend	12-1-2015
413-130-0110	10-26-2015	Amend	12-1-2015
413-130-0125	10-26-2015	Amend	12-1-2015
413-130-0130	10-26-2015	Amend	12-1-2015
413-130-0305	10-26-2015	Repeal	12-1-2015
413-130-0410	10-26-2015	Repeal	12-1-2015
413-200-0260	10-1-2015	Adopt	11-1-2015
413-200-0270	10-1-2015	Amend	11-1-2015
413-200-0272	10-1-2015	Amend	11-1-2015
413-200-0274	10-1-2015	Amend	11-1-2015
413-200-0275	10-1-2015	Adopt	11-1-2015
413-200-0276	10-1-2015	Amend	11-1-2015
413-200-0278	10-1-2015	Amend	11-1-2015
413-200-0281	10-1-2015	Amend	11-1-2015
413-200-0283	10-1-2015	Amend	11-1-2015
413-200-0285	10-1-2015	Amend	11-1-2015
413-200-0287	10-1-2015	Amend	11-1-2015
413-200-0289	10-1-2015	Amend	11-1-2015
413-200-0292	10-1-2015	Amend	11-1-2015
413-200-0294	10-1-2015	Amend	11-1-2015
413-200-0296	10-1-2015	Amend	11-1-2015
413-200-0298	10-1-2015	Adopt	11-1-2015
413-200-0305	10-1-2015	Amend	11-1-2015
413-200-0306	10-1-2015	Amend	11-1-2015
413-200-0308	10-1-2015	Amend	11-1-2015
413-200-0314	10-1-2015	Amend	11-1-2015
413-200-0335	10-1-2015	Amend	11-1-2015
413-200-0348	10-1-2015	Amend	11-1-2015
413-200-0352	10-1-2015	Amend	11-1-2015
413-200-0354	10-1-2015	Amend	11-1-2015
413-200-0356	10-1-2015	Adopt	11-1-2015
413-200-0358	10-1-2015	Amend	11-1-2015
413-200-0362	10-1-2015	Amend	11-1-2015
413-200-0371	10-1-2015	Amend	11-1-2015
413-200-0377	10-1-2015	Amend	11-1-2015
413-200-0379	10-1-2015	Amend	11-1-2015
413-200-0383	10-1-2015	Amend	11-1-2015
413-200-0386	10-1-2015	Amend	11-1-2015
413-200-0388	10-1-2015	Amend	11-1-2015
413-200-0390	10-1-2015	Amend	11-1-2015
413-200-0393	10-1-2015	Amend	11-1-2015
413-200-0394	10-1-2015	Amend	11-1-2015
413-200-0395	10-1-2015	Repeal	11-1-2015
413-200-0396	10-1-2015	Amend	11-1-2015
413-200-0404	10-1-2015	Amend	11-1-2015
413-200-0409	10-1-2015	Repeal	11-1-2015
413-200-0414	12-24-2014	Amend	2-1-2015
413-200-0414	10-1-2015	Amend	11-1-2015
413-200-0414(T)	12-24-2014	Repeal	2-1-2015
413-200-0419	10-1-2015	Amend	11-1-2015
413-200-0424	10-1-2015	Amend	11-1-2015
413-215-0306	10-1-2015	Amend	11-1-2015
413-215-0311	10-1-2015	Amend	11-1-2015
413-215-0313	10-1-2015	Amend	11-1-2015
413-215-0316	10-1-2015	Amend	11-1-2015
413-215-0326	10-1-2015	Amend	11-1-2015
413-215-0336	10-1-2015	Amend	11-1-2015
413-215-0341	10-1-2015	Amend	11-1-2015
413-215-0349	10-1-2015	Amend	11-1-2015
413-215-0351	10-1-2015	Amend	11-1-2015
413-215-0356	10-1-2015	Amend	11-1-2015
413-215-0371	10-1-2015	Amend	11-1-2015
413-215-0391	10-1-2015	Amend	11-1-2015
413-215-0506	10-1-2015	Amend	11-1-2015
413-215-0554	10-1-2015	Adopt	11-1-2015
413-215-0556	10-1-2015	Amend	11-1-2015
413-215-0561	10-1-2015	Amend	11-1-2015
413-215-0576	10-1-2015	Amend	11-1-2015
413-300-0200	3-6-2015	Repeal	4-1-2015
413-300-0210	3-6-2015	Repeal	4-1-2015
413-300-0220	3-6-2015	Repeal	4-1-2015
413-300-0230	3-6-2015	Repeal	4-1-2015
413-300-0240	3-6-2015	Repeal	4-1-2015
413-300-0250	3-6-2015	Repeal	4-1-2015
413-300-0260	3-6-2015	Repeal	4-1-2015
413-300-0270	3-6-2015	Repeal	4-1-2015
413-300-0280	3-6-2015	Repeal	4-1-2015
414-061-0000	2-3-2015	Amend	3-1-2015
414-061-0010	2-3-2015	Amend	3-1-2015
414-061-0020	2-3-2015	Amend	3-1-2015
414-061-0030	2-3-2015	Amend	3-1-2015
414-061-0040	2-3-2015	Amend	3-1-2015
414-061-0050	2-3-2015	Amend	3-1-2015
414-061-0060	2-3-2015	Amend	3-1-2015
414-061-0065	2-3-2015	Amend	3-1-2015
414-061-0070	2-3-2015	Amend	3-1-2015
414-061-0080	2-3-2015	Amend	3-1-2015
414-061-0090	2-3-2015	Amend	3-1-2015
414-061-0100	2-3-2015	Amend	3-1-2015
414-061-0110	2-3-2015	Amend	3-1-2015
414-061-0120	2-3-2015	Amend	3-1-2015
414-205-0000	2-3-2015	Amend	3-1-2015
414-205-0010	2-3-2015	Amend	3-1-2015
414-205-0020	2-3-2015	Amend	3-1-2015
414-205-0035	2-3-2015	Amend	3-1-2015
414-205-0040	2-3-2015	Amend	3-1-2015
414-205-0055	2-3-2015	Amend	3-1-2015
414-205-0065	2-3-2015	Amend	3-1-2015
414-205-0075	2-3-2015	Amend	3-1-2015
414-205-0085	2-3-2015	Amend	3-1-2015
414-205-0090	2-3-2015	Amend	3-1-2015
414-205-0100	2-3-2015	Amend	3-1-2015
414-205-0110	2-3-2015	Amend	3-1-2015
414-205-0120	2-3-2015	Amend	3-1-2015
414-205-0130	2-3-2015	Amend	3-1-2015
414-205-0140	2-3-2015	Amend	3-1-2015

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414-205-0150	2-3-2015	Amend	3-1-2015
414-205-0160	2-3-2015	Amend	3-1-2015
414-205-0170	2-3-2015	Amend	3-1-2015
414-300-0005	2-3-2015	Amend	3-1-2015
414-300-0015	2-3-2015	Amend	3-1-2015
414-300-0070	2-3-2015	Amend	3-1-2015
414-350-0030	2-3-2015	Amend	3-1-2015
414-350-0050	2-3-2015	Amend	3-1-2015
414-350-0090	2-3-2015	Amend	3-1-2015
414-400-0000	11-25-2014	Amend	1-1-2015
414-400-0010	11-25-2014	Amend	1-1-2015
414-400-0020	11-25-2014	Amend	1-1-2015
414-400-0031	11-25-2014	Amend	1-1-2015
414-400-0033	11-25-2014	Renumber	1-1-2015
414-400-0040	11-25-2014	Amend	1-1-2015
414-400-0050	11-25-2014	Amend	1-1-2015
414-400-0060	11-25-2014	Amend	1-1-2015
414-400-0080	11-25-2014	Amend	1-1-2015
414-400-0090	11-25-2014	Adopt	1-1-2015
414-400-0095	11-25-2014	Adopt	1-1-2015
414-700-0000	11-25-2014	Amend	1-1-2015
414-700-0010	11-25-2014	Amend	1-1-2015
414-700-0020	11-25-2014	Amend	1-1-2015
414-700-0030	11-25-2014	Amend	1-1-2015
414-700-0040	11-25-2014	Amend	1-1-2015
414-700-0050	11-25-2014	Amend	1-1-2015
414-700-0060	11-25-2014	Amend	1-1-2015
414-700-0070	11-25-2014	Amend	1-1-2015
414-700-0080	11-25-2014	Amend	1-1-2015
414-700-0090	11-25-2014	Amend	1-1-2015
416-070-0010	2-19-2015	Amend	4-1-2015
416-070-0020	2-19-2015	Amend	4-1-2015
416-070-0030	2-19-2015	Amend	4-1-2015
416-070-0040	2-19-2015	Amend	4-1-2015
416-070-0050	2-19-2015	Amend	4-1-2015
416-070-0060	2-19-2015	Amend	4-1-2015
416-115-0025	8-5-2015	Amend(T)	9-1-2015
416-115-0025	10-7-2015	Amend	11-1-2015
416-260-0010	2-19-2015	Amend	4-1-2015
416-260-0015	2-19-2015	Amend	4-1-2015
416-260-0020	2-19-2015	Amend	4-1-2015
416-260-0030	2-19-2015	Amend	4-1-2015
416-260-0040	2-19-2015	Amend	4-1-2015
416-260-0050	2-19-2015	Amend	4-1-2015
416-260-0060	2-19-2015	Amend	4-1-2015
416-260-0070	2-19-2015	Amend	4-1-2015
416-320-0010	10-7-2015	Amend	11-1-2015
416-320-0020	10-7-2015	Amend	11-1-2015
416-320-0030	10-7-2015	Amend	11-1-2015
416-530-0060	8-14-2015	Amend(T)	9-1-2015
416-800-0000	10-7-2015	Amend	11-1-2015
416-800-0010	10-7-2015	Amend	11-1-2015
416-800-0020	10-7-2015	Amend	11-1-2015
416-800-0031	10-7-2015	Amend	11-1-2015
416-800-0041	10-7-2015	Amend	11-1-2015
416-800-0045	10-7-2015	Amend	11-1-2015
416-800-0050	10-7-2015	Amend	11-1-2015
416-800-0055	10-7-2015	Amend	11-1-2015
416-800-0065	10-7-2015	Amend	11-1-2015
416-800-0070	10-7-2015	Amend	11-1-2015
416-800-0080	10-7-2015	Amend	11-1-2015
416-800-0090	10-7-2015	Amend	11-1-2015
416-800-0095	10-7-2015	Amend	11-1-2015
418-010-0010	12-1-2014	Adopt	1-1-2015
418-010-0020	12-1-2014	Adopt	1-1-2015
418-010-0030	12-1-2014	Adopt	1-1-2015
418-010-0040	12-1-2014	Adopt	1-1-2015
418-020-0010	12-1-2014	Adopt	1-1-2015
418-020-0020	12-1-2014	Adopt	1-1-2015
418-020-0030	12-1-2014	Adopt	1-1-2015
418-020-0040	12-1-2014	Adopt	1-1-2015
418-020-0050	12-1-2014	Adopt	1-1-2015
418-020-0060	12-1-2014	Adopt	1-1-2015
418-030-0000	12-1-2014	Adopt	1-1-2015
418-030-0010	12-1-2014	Adopt	1-1-2015
418-030-0020	12-1-2014	Adopt	1-1-2015
423-045-0005	11-25-2014	Am. & Ren.	1-1-2015
423-045-0010	11-25-2014	Am. & Ren.	1-1-2015
423-045-0015	11-25-2014	Am. & Ren.	1-1-2015
436-009-0004	4-1-2015	Amend	4-1-2015
436-009-0005	3-1-2015	Amend	3-1-2015
436-009-0005	4-1-2015	Amend	4-1-2015
436-009-0008	4-1-2015	Amend	4-1-2015
436-009-0010	4-1-2015	Amend	4-1-2015
436-009-0018	4-1-2015	Amend	4-1-2015
436-009-0020	4-1-2015	Amend	4-1-2015
436-009-0023	4-1-2015	Amend	4-1-2015
436-009-0025	4-1-2015	Amend	4-1-2015
436-009-0030	4-1-2015	Amend	4-1-2015
436-009-0035	4-1-2015	Amend	4-1-2015
436-009-0040	4-1-2015	Amend	4-1-2015
436-009-0060	4-1-2015	Amend	4-1-2015
436-009-0080	4-1-2015	Amend	4-1-2015
436-009-0090	4-1-2015	Amend	4-1-2015
436-009-0110	4-1-2015	Amend	4-1-2015
436-009-0998	4-1-2015	Amend	4-1-2015
436-010-0001	10-1-2015	Amend	10-1-2015
436-010-0002	10-1-2015	Repeal	10-1-2015
436-010-0003	10-1-2015	Repeal	10-1-2015
436-010-0005	3-1-2015	Amend	3-1-2015
436-010-0005	10-1-2015	Amend	10-1-2015
436-010-0006	10-1-2015	Repeal	10-1-2015
436-010-0008	10-1-2015	Amend	10-1-2015
436-010-0200	10-1-2015	Amend	10-1-2015
436-010-0210	10-1-2015	Amend	10-1-2015
436-010-0220	10-1-2015	Amend	10-1-2015
436-010-0230	10-1-2015	Amend	10-1-2015
436-010-0240	10-1-2015	Amend	10-1-2015
436-010-0241	10-1-2015	Adopt	10-1-2015
436-010-0250	10-1-2015	Amend	10-1-2015
436-010-0260	10-1-2015	Am. & Ren.	10-1-2015
436-010-0265	10-1-2015	Amend	10-1-2015

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436-010-0270	10-1-2015	Amend	10-1-2015
436-010-0275	10-1-2015	Repeal	10-1-2015
436-010-0280	3-1-2015	Amend	3-1-2015
436-010-0280	10-1-2015	Amend	10-1-2015
436-010-0290	10-1-2015	Amend	10-1-2015
436-010-0300	10-1-2015	Amend	10-1-2015
436-010-0330	10-1-2015	Amend	10-1-2015
436-010-0340	10-1-2015	Amend	10-1-2015
436-030-0003	3-1-2015	Amend	3-1-2015
436-030-0005	3-1-2015	Amend	3-1-2015
436-030-0005	5-21-2015	Amend(T)	7-1-2015
436-030-0005	11-17-2015	Amend	11-1-2015
436-030-0015	5-21-2015	Amend(T)	7-1-2015
436-030-0015	11-17-2015	Amend	11-1-2015
436-030-0020	3-1-2015	Amend	3-1-2015
436-030-0020	5-21-2015	Amend(T)	7-1-2015
436-030-0020	11-17-2015	Amend	11-1-2015
436-030-0023	5-21-2015	Amend(T)	7-1-2015
436-030-0023	11-17-2015	Amend	11-1-2015
436-030-0034	3-1-2015	Amend	3-1-2015
436-030-0035	3-1-2015	Amend	3-1-2015
436-030-0065	3-1-2015	Amend	3-1-2015
436-030-0115	5-21-2015	Amend(T)	7-1-2015
436-030-0115	11-17-2015	Amend	11-1-2015
436-030-0125	5-21-2015	Amend(T)	7-1-2015
436-030-0125	11-17-2015	Amend	11-1-2015
436-030-0135	3-1-2015	Amend	3-1-2015
436-030-0135	5-21-2015	Amend(T)	7-1-2015
436-030-0135	11-17-2015	Amend	11-1-2015
436-030-0145	5-21-2015	Amend(T)	7-1-2015
436-030-0145	11-17-2015	Amend	11-1-2015
436-030-0165	3-1-2015	Amend	3-1-2015
436-030-0165	11-17-2015	Amend	11-1-2015
436-035-0005	3-1-2015	Amend	3-1-2015
436-035-0006	3-1-2015	Adopt	3-1-2015
436-035-0007	3-1-2015	Amend	3-1-2015
436-035-0008	3-1-2015	Amend	3-1-2015
436-035-0012	3-1-2015	Amend	3-1-2015
436-035-0013	3-1-2015	Amend	3-1-2015
436-035-0014	3-1-2015	Amend	3-1-2015
436-035-0016	3-1-2015	Amend	3-1-2015
436-035-0018	3-1-2015	Amend	3-1-2015
436-035-0250	3-1-2015	Amend	3-1-2015
436-050-0003	1-1-2015	Amend	1-1-2015
436-050-0175	1-1-2015	Amend	1-1-2015
436-060-0005	1-1-2016	Amend	11-1-2015
436-060-0009	1-1-2016	Amend	11-1-2015
436-060-0010	1-1-2016	Amend	11-1-2015
436-060-0012	1-1-2016	Amend	11-1-2015
436-060-0015	1-1-2016	Amend	11-1-2015
436-060-0017	1-1-2016	Amend	11-1-2015
436-060-0035	1-1-2016	Amend	11-1-2015
436-060-0150	1-1-2016	Amend	11-1-2015
436-060-0155	1-1-2016	Amend	11-1-2015
436-060-0200	1-1-2016	Amend	11-1-2015
436-060-0500	1-1-2016	Amend	11-1-2015
436-075-0001	1-1-2016	Amend	11-1-2015
436-075-0003	1-1-2016	Amend	11-1-2015
436-075-0005	1-1-2016	Amend	11-1-2015
436-075-0006	1-1-2016	Amend	11-1-2015
436-075-0008	1-1-2016	Amend	11-1-2015
436-075-0010	1-1-2016	Amend	11-1-2015
436-075-0020	1-1-2016	Amend	11-1-2015
436-075-0030	1-1-2016	Amend	11-1-2015
436-075-0040	1-1-2016	Amend	11-1-2015
436-075-0050	1-1-2016	Amend	11-1-2015
436-075-0065	1-1-2016	Amend	11-1-2015
436-075-0070	1-1-2016	Amend	11-1-2015
436-075-0090	1-1-2016	Amend	11-1-2015
436-075-0100	1-1-2016	Amend	11-1-2015
436-100-0002	1-1-2016	Amend	11-1-2015
436-100-0003	1-1-2016	Amend	11-1-2015
436-100-0005	1-1-2016	Amend	11-1-2015
436-100-0006	1-1-2016	Amend	11-1-2015
436-100-0008	1-1-2016	Amend	11-1-2015
436-100-0010	1-1-2016	Amend	11-1-2015
436-100-0020	1-1-2016	Amend	11-1-2015
436-100-0030	1-1-2016	Amend	11-1-2015
436-100-0040	1-1-2016	Amend	11-1-2015
436-105-0500	3-1-2015	Amend	3-1-2015
436-105-0520	3-1-2015	Amend	3-1-2015
436-110-0350	3-1-2015	Amend	3-1-2015
436-120-0005	3-1-2015	Amend	3-1-2015
437-001-0015	1-1-2016	Amend	5-1-2015
437-001-0700	1-1-2016	Amend	5-1-2015
437-001-0704	1-1-2016	Adopt	5-1-2015
437-002-0060	1-5-2015	Amend	2-1-2015
437-002-0120	1-1-2016	Amend	11-1-2015
437-002-0134	1-1-2016	Amend	11-1-2015
437-002-0138	1-1-2016	Repeal	11-1-2015
437-002-0146	1-1-2016	Amend	11-1-2015
437-002-0182	7-1-2016	Amend	12-1-2015
437-002-0300	1-1-2016	Amend	11-1-2015
437-002-0301	1-1-2016	Amend	11-1-2015
437-002-0317	1-1-2016	Repeal	11-1-2015
437-002-0320	1-1-2016	Amend	11-1-2015
437-002-2300	1-1-2016	Adopt	11-1-2015
437-002-2301	1-1-2016	Adopt	11-1-2015
437-002-2302	1-1-2016	Adopt	11-1-2015
437-002-2303	1-1-2016	Adopt	11-1-2015
437-002-2304	1-1-2016	Adopt	11-1-2015
437-002-2305	1-1-2016	Adopt	11-1-2015
437-002-2306	1-1-2016	Adopt	11-1-2015
437-002-2307	1-1-2016	Adopt	11-1-2015
437-002-2308	1-1-2016	Adopt	11-1-2015
437-002-2309	1-1-2016	Adopt	11-1-2015
437-002-2310	1-1-2016	Adopt	11-1-2015
437-002-2311	1-1-2016	Adopt	11-1-2015
437-002-2312	1-1-2016	Adopt	11-1-2015
437-002-2313	1-1-2016	Adopt	11-1-2015
437-002-2314	1-1-2016	Adopt	11-1-2015
437-002-2315	1-1-2016	Adopt	11-1-2015

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437-002-2316	1-1-2016	Adopt	11-1-2015
437-002-2317	1-1-2016	Adopt	11-1-2015
437-002-2318	1-1-2016	Adopt	11-1-2015
437-002-2319	1-1-2016	Adopt	11-1-2015
437-002-2320	1-1-2016	Adopt	11-1-2015
437-002-2321	1-1-2016	Adopt	11-1-2015
437-002-2322	1-1-2016	Adopt	11-1-2015
437-002-2323	1-1-2016	Adopt	11-1-2015
437-002-2324	1-1-2016	Adopt	11-1-2015
437-003-0001	1-1-2016	Amend	11-1-2015
437-003-0110	1-1-2016	Repeal	11-1-2015
437-003-0115	1-1-2016	Repeal	11-1-2015
437-003-0120	1-1-2016	Repeal	11-1-2015
437-003-0125	1-1-2016	Repeal	11-1-2015
437-003-0130	1-1-2016	Repeal	11-1-2015
437-003-0135	1-1-2016	Repeal	11-1-2015
437-003-0140	1-1-2016	Repeal	11-1-2015
437-003-0145	1-1-2016	Repeal	11-1-2015
437-003-0150	1-1-2016	Repeal	11-1-2015
437-003-0155	1-1-2016	Repeal	11-1-2015
437-003-0160	1-1-2016	Repeal	11-1-2015
437-003-0165	1-1-2016	Repeal	11-1-2015
437-003-0170	1-1-2016	Repeal	11-1-2015
437-003-0175	1-1-2016	Repeal	11-1-2015
437-003-0180	1-1-2016	Repeal	11-1-2015
437-003-0185	1-1-2016	Repeal	11-1-2015
437-003-0190	1-1-2016	Repeal	11-1-2015
437-003-0195	1-1-2016	Repeal	11-1-2015
437-003-0200	1-1-2016	Repeal	11-1-2015
437-003-0205	1-1-2016	Repeal	11-1-2015
437-003-0210	1-1-2016	Repeal	11-1-2015
437-003-0215	1-1-2016	Repeal	11-1-2015
437-003-0220	1-1-2016	Repeal	11-1-2015
437-003-0225	1-1-2016	Repeal	11-1-2015
437-003-0227	1-1-2016	Repeal	11-1-2015
437-003-0230	1-1-2016	Repeal	11-1-2015
437-003-0235	1-1-2016	Repeal	11-1-2015
437-003-0240	1-1-2016	Repeal	11-1-2015
437-003-0245	1-1-2016	Repeal	11-1-2015
437-003-0250	1-1-2016	Repeal	11-1-2015
437-003-0255	1-1-2016	Repeal	11-1-2015
437-003-0260	1-1-2016	Repeal	11-1-2015
437-003-0265	1-1-2016	Repeal	11-1-2015
437-003-0270	1-1-2016	Repeal	11-1-2015
437-003-0275	1-1-2016	Repeal	11-1-2015
437-003-0280	1-1-2016	Repeal	11-1-2015
437-003-0285	1-1-2016	Repeal	11-1-2015
437-003-0290	1-1-2016	Repeal	11-1-2015
437-003-0295	1-1-2016	Repeal	11-1-2015
437-003-0300	1-1-2016	Repeal	11-1-2015
437-003-0305	1-1-2016	Repeal	11-1-2015
437-003-0310	1-1-2016	Repeal	11-1-2015
437-003-0315	1-1-2016	Repeal	11-1-2015
437-003-0320	1-1-2016	Repeal	11-1-2015
437-003-0325	1-1-2016	Repeal	11-1-2015
437-003-0330	1-1-2016	Repeal	11-1-2015
437-003-0335	1-1-2016	Repeal	11-1-2015
437-003-0340	1-1-2016	Repeal	11-1-2015
437-003-0345	1-1-2016	Repeal	11-1-2015
437-003-0350	1-1-2016	Repeal	11-1-2015
437-003-0355	1-1-2016	Repeal	11-1-2015
437-003-0360	1-1-2016	Repeal	11-1-2015
437-003-0365	1-1-2016	Repeal	11-1-2015
437-003-0370	1-1-2016	Repeal	11-1-2015
437-003-0375	1-1-2016	Repeal	11-1-2015
437-003-0380	1-1-2016	Repeal	11-1-2015
437-003-0385	1-1-2016	Repeal	11-1-2015
437-003-0390	1-1-2016	Repeal	11-1-2015
437-003-0395	1-1-2016	Repeal	11-1-2015
437-003-0400	1-1-2016	Repeal	11-1-2015
437-003-0405	1-1-2016	Repeal	11-1-2015
437-003-0410	1-1-2016	Repeal	11-1-2015
437-003-0415	1-1-2016	Repeal	11-1-2015
437-003-0425	1-1-2016	Repeal	11-1-2015
437-003-0430	1-1-2016	Repeal	11-1-2015
437-003-0435	1-1-2016	Repeal	11-1-2015
437-003-0440	1-1-2016	Repeal	11-1-2015
437-003-0445	1-1-2016	Repeal	11-1-2015
437-003-0450	1-1-2016	Repeal	11-1-2015
437-003-0455	1-1-2016	Repeal	11-1-2015
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437-003-0470	1-1-2016	Repeal	11-1-2015
437-003-0475	1-1-2016	Repeal	11-1-2015
437-003-0480	1-1-2016	Repeal	11-1-2015
437-003-0485	1-1-2016	Repeal	11-1-2015
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437-003-0495	1-1-2016	Repeal	11-1-2015
437-003-0500	1-1-2016	Repeal	11-1-2015
437-003-0505	1-1-2016	Repeal	11-1-2015
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437-003-0530	1-1-2016	Repeal	11-1-2015
437-003-0535	1-1-2016	Repeal	11-1-2015
437-003-0540	1-1-2016	Repeal	11-1-2015
437-003-0545	1-1-2016	Repeal	11-1-2015
437-003-0550	1-1-2016	Repeal	11-1-2015
437-003-0555	1-1-2016	Repeal	11-1-2015
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437-003-0565	1-1-2016	Repeal	11-1-2015
437-003-0570	1-1-2016	Repeal	11-1-2015
437-003-0575	1-1-2016	Repeal	11-1-2015
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437-003-0585	1-1-2016	Repeal	11-1-2015
437-003-0590	1-1-2016	Repeal	11-1-2015
437-003-0595	1-1-2016	Repeal	11-1-2015
437-003-0600	1-1-2016	Repeal	11-1-2015
437-003-0605	1-1-2016	Repeal	11-1-2015
437-003-0610	1-1-2016	Repeal	11-1-2015
437-003-0615	1-1-2016	Repeal	11-1-2015
437-003-0620	1-1-2016	Repeal	11-1-2015

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437-003-0625	1-1-2016	Repeal	11-1-2015
437-003-0630	1-1-2016	Repeal	11-1-2015
437-003-0635	1-1-2016	Repeal	11-1-2015
437-003-0640	1-1-2016	Repeal	11-1-2015
437-003-0645	1-1-2016	Repeal	11-1-2015
437-003-0650	1-1-2016	Repeal	11-1-2015
437-003-0655	1-1-2016	Repeal	11-1-2015
437-003-0707	1-1-2016	Repeal	11-1-2015
437-003-0720	1-1-2016	Repeal	11-1-2015
437-003-0725	1-1-2016	Repeal	11-1-2015
437-003-0770	1-1-2016	Repeal	11-1-2015
437-003-0775	1-1-2016	Repeal	11-1-2015
437-003-0780	1-1-2016	Repeal	11-1-2015
437-003-0785	1-1-2016	Repeal	11-1-2015
437-003-0790	1-1-2016	Repeal	11-1-2015
437-003-0795	1-1-2016	Repeal	11-1-2015
437-003-0800	1-1-2016	Repeal	11-1-2015
437-003-0805	1-1-2016	Repeal	11-1-2015
437-003-0810	1-1-2016	Repeal	11-1-2015
437-003-0815	1-1-2016	Repeal	11-1-2015
437-003-0820	1-1-2016	Repeal	11-1-2015
437-003-0825	1-1-2016	Repeal	11-1-2015
437-003-0830	1-1-2016	Repeal	11-1-2015
437-003-0835	1-1-2016	Repeal	11-1-2015
437-003-0840	1-1-2016	Repeal	11-1-2015
437-003-0845	1-1-2016	Repeal	11-1-2015
437-003-0850	1-1-2016	Repeal	11-1-2015
437-003-0855	1-1-2016	Repeal	11-1-2015
437-003-0860	1-1-2016	Repeal	11-1-2015
437-003-0865	1-1-2016	Repeal	11-1-2015
437-003-0870	1-1-2016	Repeal	11-1-2015
437-003-0875	1-1-2016	Repeal	11-1-2015
437-003-0880	1-1-2016	Repeal	11-1-2015
437-003-0885	1-1-2016	Repeal	11-1-2015
437-003-0890	1-1-2016	Repeal	11-1-2015
437-033-0465	1-1-2016	Repeal	11-1-2015
438-006-0020	1-1-2015	Amend	1-1-2015
438-013-0025	1-1-2015	Amend	1-1-2015
440-045-0020	1-1-2016	Amend	12-1-2015
440-045-0025	1-1-2016	Amend	12-1-2015
441-035-0005	1-28-2015	Amend	3-1-2015
441-035-0070	1-15-2015	Adopt	2-1-2015
441-035-0080	1-15-2015	Adopt	2-1-2015
441-035-0090	1-15-2015	Adopt	2-1-2015
441-035-0100	1-15-2015	Adopt	2-1-2015
441-035-0110	1-15-2015	Adopt	2-1-2015
441-035-0120	1-15-2015	Adopt	2-1-2015
441-035-0130	1-15-2015	Adopt	2-1-2015
441-035-0140	1-15-2015	Adopt	2-1-2015
441-035-0150	1-15-2015	Adopt	2-1-2015
441-035-0160	1-15-2015	Adopt	2-1-2015
441-035-0170	1-15-2015	Adopt	2-1-2015
441-035-0180	1-15-2015	Adopt	2-1-2015
441-035-0190	1-15-2015	Adopt	2-1-2015
441-035-0200	1-15-2015	Adopt	2-1-2015
441-035-0210	1-15-2015	Adopt	2-1-2015
441-035-0220	1-15-2015	Adopt	2-1-2015
441-035-0230	1-15-2015	Adopt	2-1-2015
441-740-0015	6-1-2015	Repeal	7-1-2015
441-860-0085	1-1-2015	Amend	2-1-2015
441-860-0090	1-1-2015	Amend	2-1-2015
441-860-0101	5-21-2015	Amend(T)	7-1-2015
441-860-0101	10-2-2015	Amend	11-1-2015
441-860-0101(T)	10-2-2015	Repeal	11-1-2015
441-875-0075	1-1-2015	Am. & Ren.	2-1-2015
441-880-0400	5-21-2015	Amend(T)	7-1-2015
441-880-0400	10-2-2015	Amend	11-1-2015
441-880-0400(T)	10-2-2015	Repeal	11-1-2015
441-910-0099	9-15-2015	Amend	10-1-2015
441-930-0270	5-21-2015	Amend(T)	7-1-2015
441-930-0270	10-2-2015	Amend	11-1-2015
441-930-0270(T)	10-2-2015	Repeal	11-1-2015
459-005-0510	9-25-2015	Amend	11-1-2015
459-005-0520	9-25-2015	Repeal	11-1-2015
459-005-0525	5-29-2015	Amend	7-1-2015
459-005-0545	5-29-2015	Amend	7-1-2015
459-005-0600	5-29-2015	Amend	7-1-2015
459-005-0610	5-29-2015	Amend	7-1-2015
459-007-0007	9-25-2015	Amend	11-1-2015
459-007-0009	11-21-2014	Amend(T)	1-1-2015
459-007-0009	1-30-2015	Amend	3-1-2015
459-007-0320	3-30-2015	Amend	5-1-2015
459-007-0330	3-30-2015	Amend	5-1-2015
459-015-0020	7-31-2015	Amend	9-1-2015
459-017-0060	5-29-2015	Amend	7-1-2015
459-035-0070	3-30-2015	Amend	5-1-2015
459-045-0070	5-29-2015	Adopt	7-1-2015
459-050-0076	11-21-2014	Amend	1-1-2015
459-050-0076	1-8-2015	Amend	2-1-2015
459-050-0120	11-21-2014	Amend	1-1-2015
459-050-0120	1-8-2015	Amend	2-1-2015
459-070-0001	1-30-2015	Amend	3-1-2015
459-075-0300	7-31-2015	Amend	9-1-2015
459-076-0020	7-31-2015	Amend	9-1-2015
459-080-0250	3-30-2015	Amend	5-1-2015
459-080-0300	7-31-2015	Amend	9-1-2015
459-080-0500	5-29-2015	Amend	7-1-2015
461-001-0000	4-1-2015	Amend	4-1-2015
461-001-0000	10-1-2015	Amend	11-1-2015
461-001-0000	10-1-2015	Amend(T)	11-1-2015
461-001-0025	7-1-2015	Amend(T)	8-1-2015
461-101-0010	4-1-2015	Amend	4-1-2015
461-110-0210	4-1-2015	Amend	4-1-2015
461-110-0210	6-30-2015	Amend	8-1-2015
461-110-0370	10-1-2015	Amend	11-1-2015
461-110-0430	4-1-2015	Amend	4-1-2015
461-110-0530	10-1-2015	Amend	11-1-2015
461-115-0016	3-31-2015	Amend	4-1-2015
461-115-0030	6-30-2015	Amend	8-1-2015
461-115-0030	7-23-2015	Amend(T)	9-1-2015
461-115-0030	10-1-2015	Amend	11-1-2015
461-115-0030(T)	10-1-2015	Repeal	11-1-2015

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461-115-0040	6-30-2015	Amend	8-1-2015
461-115-0040	7-23-2015	Amend(T)	9-1-2015
461-115-0040	10-1-2015	Amend	11-1-2015
461-115-0040(T)	10-1-2015	Repeal	11-1-2015
461-115-0050	4-1-2015	Amend	5-1-2015
461-115-0050	10-1-2015	Amend	11-1-2015
461-115-0050(T)	4-1-2015	Repeal	5-1-2015
461-115-0071	1-1-2015	Amend	2-1-2015
461-115-0071	10-1-2015	Amend	11-1-2015
461-115-0071(T)	1-1-2015	Repeal	2-1-2015
461-115-0150	10-1-2015	Amend	11-1-2015
461-115-0230	10-1-2015	Amend	11-1-2015
461-115-0430	10-1-2015	Amend	11-1-2015
461-115-0700	10-1-2015	Amend	11-1-2015
461-120-0010	6-30-2015	Amend	8-1-2015
461-120-0010	10-1-2015	Amend	11-1-2015
461-120-0310	10-1-2015	Amend	11-1-2015
461-125-0190	1-1-2015	Repeal	2-1-2015
461-125-0370	12-8-2014	Amend(T)	1-1-2015
461-125-0370	1-29-2015	Amend	3-1-2015
461-125-0370	10-5-2015	Amend(T)	11-1-2015
461-125-0370(T)	12-8-2014	Suspend	1-1-2015
461-125-0830	10-1-2015	Amend(T)	11-1-2015
461-130-0310	10-1-2015	Amend	11-1-2015
461-130-0328	10-1-2015	Amend	11-1-2015
461-130-0335	10-1-2015	Amend	11-1-2015
461-135-0400	10-1-2015	Amend	11-1-2015
461-135-0405	4-1-2015	Amend	5-1-2015
461-135-0405	10-1-2015	Amend(T)	11-1-2015
461-135-0407	4-1-2015	Amend	5-1-2015
461-135-0407	10-1-2015	Amend(T)	11-1-2015
461-135-0415	10-1-2015	Amend	11-1-2015
461-135-0780	1-1-2015	Amend	2-1-2015
461-135-0825	7-1-2015	Repeal	8-1-2015
461-135-0834	4-1-2015	Amend	5-1-2015
461-135-0900	10-1-2015	Amend	11-1-2015
461-140-0020	10-1-2015	Amend	11-1-2015
461-140-0040	3-19-2015	Amend	5-1-2015
461-140-0040	10-1-2015	Amend	11-1-2015
461-140-0110	10-1-2015	Amend	11-1-2015
461-145-0010	10-1-2015	Amend	11-1-2015
461-145-0050	4-1-2015	Amend	4-1-2015
461-145-0088	4-1-2015	Amend	4-1-2015
461-145-0088	10-1-2015	Amend	11-1-2015
461-145-0089	10-1-2015	Adopt	11-1-2015
461-145-0120	4-1-2015	Amend	5-1-2015
461-145-0120	10-1-2015	Amend	11-1-2015
461-145-0130	4-1-2015	Amend	4-1-2015
461-145-0130	10-1-2015	Amend	11-1-2015
461-145-0200	1-1-2015	Amend(T)	2-1-2015
461-145-0200	6-30-2015	Amend	8-1-2015
461-145-0220	1-1-2015	Amend	2-1-2015
461-145-0250	10-1-2015	Amend	11-1-2015
461-145-0252	10-1-2015	Adopt	11-1-2015
461-145-0440	10-1-2015	Amend	11-1-2015
461-145-0530	4-1-2015	Amend	5-1-2015
461-145-0600	10-1-2015	Amend	11-1-2015
461-145-0910	4-1-2015	Amend	4-1-2015
461-145-0910	10-1-2015	Amend	11-1-2015
461-145-0910	10-1-2015	Amend(T)	11-1-2015
461-145-0915	10-1-2015	Adopt	11-1-2015
461-145-0920	10-1-2015	Amend	11-1-2015
461-145-0930	4-1-2015	Amend	4-1-2015
461-150-0060	10-1-2015	Amend	11-1-2015
461-150-0090	10-1-2015	Amend	11-1-2015
461-150-0095	10-1-2015	Adopt	11-1-2015
461-155-0020	7-1-2015	Amend	8-1-2015
461-155-0150	3-23-2015	Amend(T)	5-1-2015
461-155-0150	6-30-2015	Amend	8-1-2015
461-155-0150	10-1-2015	Amend	11-1-2015
461-155-0150(T)	6-30-2015	Repeal	8-1-2015
461-155-0180	2-1-2015	Amend	3-1-2015
461-155-0180	10-1-2015	Amend	11-1-2015
461-155-0190	10-1-2015	Amend	11-1-2015
461-155-0250	1-1-2015	Amend	2-1-2015
461-155-0270	1-1-2015	Amend	2-1-2015
461-155-0290	3-1-2015	Amend	4-1-2015
461-155-0291	3-1-2015	Amend	4-1-2015
461-155-0295	3-1-2015	Amend	4-1-2015
461-155-0300	1-1-2015	Amend	2-1-2015
461-160-0015	1-1-2015	Amend	2-1-2015
461-160-0015(T)	1-1-2015	Repeal	2-1-2015
461-160-0040	10-1-2015	Amend(T)	11-1-2015
461-160-0055	3-10-2015	Amend(T)	4-1-2015
461-160-0055	6-30-2015	Amend	8-1-2015
461-160-0055(T)	6-30-2015	Repeal	8-1-2015
461-160-0300	10-1-2015	Amend(T)	11-1-2015
461-160-0410	7-1-2015	Amend(T)	8-1-2015
461-160-0410	10-1-2015	Amend	11-1-2015
461-160-0410(T)	10-1-2015	Repeal	11-1-2015
461-160-0420	10-1-2015	Amend	11-1-2015
461-160-0430	10-1-2015	Amend	11-1-2015
461-160-0580	1-1-2015	Amend	2-1-2015
461-160-0620	1-1-2015	Amend	2-1-2015
461-160-0620	7-1-2015	Amend	8-1-2015
461-165-0010	7-1-2015	Amend	8-1-2015
461-165-0030	4-1-2015	Amend	5-1-2015
461-165-0030(T)	4-1-2015	Repeal	5-1-2015
461-165-0180	2-1-2015	Amend	3-1-2015
461-165-0180	6-30-2015	Amend	8-1-2015
461-165-0180(T)	2-1-2015	Repeal	3-1-2015
461-170-0011	10-1-2015	Amend	11-1-2015
461-170-0101	1-1-2015	Amend(T)	2-1-2015
461-170-0101	6-30-2015	Amend	8-1-2015
461-170-0101	10-1-2015	Amend	11-1-2015
461-170-0102	10-1-2015	Amend	11-1-2015
461-170-0103	10-1-2015	Amend	11-1-2015
461-170-0103	10-1-2015	Amend(T)	11-1-2015
461-170-0104	10-1-2015	Amend	11-1-2015
461-170-0150	10-1-2015	Amend(T)	11-1-2015
461-170-0160	10-1-2015	Amend(T)	11-1-2015
461-175-0200	10-1-2015	Amend(T)	11-1-2015

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461-175-0210	4-1-2015	Amend	5-1-2015
461-175-0210(T)	4-1-2015	Repeal	5-1-2015
461-175-0222	10-1-2015	Amend(T)	11-1-2015
461-175-0280	10-1-2015	Amend	11-1-2015
461-175-0300	10-1-2015	Amend(T)	11-1-2015
461-180-0006	10-1-2015	Amend	11-1-2015
461-180-0070	6-30-2015	Amend	8-1-2015
461-180-0070	7-23-2015	Amend(T)	9-1-2015
461-180-0070	10-1-2015	Amend	11-1-2015
461-180-0070(T)	10-1-2015	Repeal	11-1-2015
461-190-0211	1-1-2015	Amend(T)	2-1-2015
461-190-0211	6-30-2015	Amend	8-1-2015
461-190-0211	7-1-2015	Amend(T)	8-1-2015
461-190-0212	10-1-2015	Repeal	11-1-2015
461-193-0031	4-1-2015	Amend	4-1-2015
461-195-0301	4-1-2015	Amend	5-1-2015
461-195-0303	4-1-2015	Amend	5-1-2015
461-195-0310	10-1-2015	Amend	11-1-2015
461-195-0321	4-1-2015	Amend	5-1-2015
461-195-0501	7-1-2015	Amend	8-1-2015
461-195-0521	7-1-2015	Amend	8-1-2015
461-195-0601	7-1-2015	Amend	8-1-2015
461-195-0621	7-1-2015	Amend	8-1-2015
462-150-0030	11-21-2014	Amend	1-1-2015
462-200-0645	10-1-2015	Adopt	11-1-2015
462-200-0700	2-2-2015	Adopt	3-1-2015
462-210-0010	3-25-2015	Amend	5-1-2015
543-010-0034	3-23-2015	Amend	5-1-2015
573-040-0005	5-6-2015	Amend	6-1-2015
573-050-0020	6-5-2015	Amend	7-1-2015
573-050-0025	6-5-2015	Amend	7-1-2015
573-050-0030	6-5-2015	Amend	7-1-2015
574-050-0005	2-12-2015	Amend	3-1-2015
577-050-0050	1-23-2015	Amend(T)	3-1-2015
578-001-0000	6-30-2015	Repeal	8-1-2015
578-001-0015	6-30-2015	Repeal	8-1-2015
578-001-0020	6-30-2015	Repeal	8-1-2015
578-001-0060	6-30-2015	Repeal	8-1-2015
578-001-0080	6-30-2015	Repeal	8-1-2015
578-001-0090	6-30-2015	Repeal	8-1-2015
578-001-0100	6-30-2015	Repeal	8-1-2015
578-012-0010	6-30-2015	Repeal	8-1-2015
578-015-0010	6-30-2015	Repeal	8-1-2015
578-015-0020	6-30-2015	Repeal	8-1-2015
578-033-0210	6-30-2015	Repeal	8-1-2015
578-033-0220	6-30-2015	Repeal	8-1-2015
578-033-0230	6-30-2015	Repeal	8-1-2015
578-033-0240	6-30-2015	Repeal	8-1-2015
578-033-0241	6-30-2015	Repeal	8-1-2015
578-033-0242	6-30-2015	Repeal	8-1-2015
578-033-0243	6-30-2015	Repeal	8-1-2015
578-033-0244	6-30-2015	Repeal	8-1-2015
578-033-0245	6-30-2015	Repeal	8-1-2015
578-033-0246	6-30-2015	Repeal	8-1-2015
578-033-0252	6-30-2015	Repeal	8-1-2015
578-033-0260	6-30-2015	Repeal	8-1-2015
578-034-0010	6-30-2015	Repeal	8-1-2015
578-034-0020	6-30-2015	Repeal	8-1-2015
578-034-0025	6-30-2015	Repeal	8-1-2015
578-034-0030	6-30-2015	Repeal	8-1-2015
578-034-0035	6-30-2015	Repeal	8-1-2015
578-034-0040	6-30-2015	Repeal	8-1-2015
578-034-0045	6-30-2015	Repeal	8-1-2015
578-034-0050	6-30-2015	Repeal	8-1-2015
578-034-0055	6-30-2015	Repeal	8-1-2015
578-034-0060	6-30-2015	Repeal	8-1-2015
578-034-0065	6-30-2015	Repeal	8-1-2015
578-034-0070	6-30-2015	Repeal	8-1-2015
578-034-0075	6-30-2015	Repeal	8-1-2015
578-041-0010	6-30-2015	Repeal	8-1-2015
578-041-0030	6-30-2015	Repeal	8-1-2015
578-041-0030	8-24-2015	Amend	7-1-2015
578-041-0040	6-30-2015	Repeal	8-1-2015
578-041-0050	6-30-2015	Repeal	8-1-2015
578-042-0050	6-30-2015	Repeal	8-1-2015
578-042-0710	6-30-2015	Repeal	8-1-2015
578-042-0720	6-30-2015	Repeal	8-1-2015
578-042-0730	6-30-2015	Repeal	8-1-2015
578-042-0740	6-30-2015	Repeal	8-1-2015
578-042-0750	6-30-2015	Repeal	8-1-2015
578-042-0760	6-30-2015	Repeal	8-1-2015
578-045-0005	6-30-2015	Repeal	8-1-2015
578-045-0010	6-30-2015	Repeal	8-1-2015
578-045-0015	6-30-2015	Repeal	8-1-2015
578-045-0020	6-30-2015	Repeal	8-1-2015
578-045-0025	6-30-2015	Repeal	8-1-2015
578-050-0005	6-30-2015	Repeal	8-1-2015
578-050-0010	6-30-2015	Repeal	8-1-2015
578-050-0020	6-30-2015	Repeal	8-1-2015
578-050-0050	6-30-2015	Repeal	8-1-2015
578-072-0010	6-30-2015	Repeal	8-1-2015
578-072-0020	6-30-2015	Repeal	8-1-2015
578-072-0030	6-30-2015	Repeal	8-1-2015
578-072-0030	8-24-2015	Amend	7-1-2015
578-072-0040	6-30-2015	Repeal	8-1-2015
578-072-0050	6-30-2015	Repeal	8-1-2015
578-072-0055	6-30-2015	Repeal	8-1-2015
578-072-0060	6-30-2015	Repeal	8-1-2015
578-072-0070	6-30-2015	Repeal	8-1-2015
578-072-0080	6-30-2015	Repeal	8-1-2015
578-072-0090	6-30-2015	Repeal	8-1-2015
578-072-0091	6-30-2015	Repeal	8-1-2015
579-020-0006	12-1-2014	Amend(T)	1-1-2015
580-040-0040	6-15-2015	Amend(T)	7-1-2015
581-015-2000	12-17-2014	Amend	2-1-2015
581-015-2000	7-13-2015	Amend	8-1-2015
581-015-2005	7-15-2015	Amend	8-1-2015
581-015-2010	7-15-2015	Amend	8-1-2015
581-015-2040	7-15-2015	Amend	8-1-2015
581-015-2080	7-15-2015	Amend	8-1-2015
581-015-2245	12-17-2014	Amend	2-1-2015
581-015-2320	3-11-2015	Amend	4-1-2015

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581-015-2565	7-15-2015	Amend	8-1-2015
581-015-2572	7-13-2015	Amend	8-1-2015
581-015-2572	9-28-2015	Amend(T)	11-1-2015
581-017-0301	9-28-2015	Amend(T)	11-1-2015
581-017-0302	9-28-2015	Adopt(T)	11-1-2015
581-017-0306	9-28-2015	Amend(T)	11-1-2015
581-017-0309	9-28-2015	Amend(T)	11-1-2015
581-017-0312	9-28-2015	Amend(T)	11-1-2015
581-017-0315	9-28-2015	Amend(T)	11-1-2015
581-017-0318	9-28-2015	Amend(T)	11-1-2015
581-017-0350	9-28-2015	Amend(T)	11-1-2015
581-017-0362	9-28-2015	Amend(T)	11-1-2015
581-017-0380	9-28-2015	Adopt(T)	11-1-2015
581-017-0383	9-28-2015	Adopt(T)	11-1-2015
581-017-0386	9-28-2015	Adopt(T)	11-1-2015
581-017-0389	9-28-2015	Adopt(T)	11-1-2015
581-017-0392	9-28-2015	Adopt(T)	11-1-2015
581-017-0395	9-28-2015	Adopt(T)	11-1-2015
581-018-0110	9-28-2015	Amend(T)	11-1-2015
581-018-0120	9-28-2015	Amend(T)	11-1-2015
581-018-0125	9-28-2015	Amend(T)	12-1-2015
581-018-0130	7-15-2015	Amend(T)	8-1-2015
581-018-0133	12-4-2014	Adopt	1-1-2015
581-018-0145	7-15-2015	Amend(T)	8-1-2015
581-018-0148	7-15-2015	Amend(T)	8-1-2015
581-020-0060	12-4-2014	Renumber	1-1-2015
581-020-0065	12-4-2014	Renumber	1-1-2015
581-020-0065	1-26-2015	Am. & Ren.	3-1-2015
581-020-0070	12-4-2014	Renumber	1-1-2015
581-020-0075	12-4-2014	Renumber	1-1-2015
581-020-0080	12-4-2014	Renumber	1-1-2015
581-020-0080	1-26-2015	Am. & Ren.	3-1-2015
581-020-0085	12-4-2014	Renumber	1-1-2015
581-020-0090	12-4-2014	Renumber	1-1-2015
581-021-0061	3-11-2015	Amend	4-1-2015
581-021-0500	4-15-2015	Amend	5-1-2015
581-022-0102	7-1-2015	Amend	3-1-2015
581-022-1130	12-17-2014	Amend	2-1-2015
581-022-1131	7-1-2015	Amend	3-1-2015
581-022-1133	12-17-2014	Amend	2-1-2015
581-022-1133	12-17-2014	Amend	2-1-2015
581-022-1134	12-17-2014	Amend	2-1-2015
581-022-1210	12-17-2014	Amend	2-1-2015
581-022-1610	12-17-2014	Amend	2-1-2015
581-022-1620	7-1-2015	Amend	3-1-2015
581-022-1661	12-4-2014	Amend	1-1-2015
581-022-1723	7-15-2015	Amend(T)	8-1-2015
581-026-0065	12-17-2014	Amend	2-1-2015
581-026-0130	12-17-2014	Amend	2-1-2015
581-026-0210	12-17-2014	Amend	2-1-2015
581-026-0505	12-17-2014	Amend	2-1-2015
581-045-0586	4-15-2015	Amend	5-1-2015
582-001-0003	1-1-2015	Repeal	2-1-2015
582-001-0005	1-1-2015	Repeal	2-1-2015
582-001-0010	1-1-2015	Amend	2-1-2015
582-050-0000	1-1-2015	Amend	2-1-2015
583-001-0000	3-17-2015	Amend	5-1-2015
583-001-0000	9-10-2015	Amend(T)	10-1-2015
583-001-0005	3-17-2015	Amend	5-1-2015
583-001-0005	9-10-2015	Amend(T)	10-1-2015
583-001-0015	3-17-2015	Adopt	5-1-2015
583-001-0015	9-10-2015	Amend(T)	10-1-2015
583-030-0005	3-17-2015	Amend	5-1-2015
583-030-0005	9-10-2015	Amend(T)	10-1-2015
583-030-0009	3-17-2015	Amend	5-1-2015
583-030-0009	9-10-2015	Amend(T)	10-1-2015
583-030-0010	3-17-2015	Amend	5-1-2015
583-030-0010	9-10-2015	Amend(T)	10-1-2015
583-030-0011	3-17-2015	Amend	5-1-2015
583-030-0011	9-10-2015	Suspend	10-1-2015
583-030-0015	3-17-2015	Amend	5-1-2015
583-030-0015	9-10-2015	Amend(T)	10-1-2015
583-030-0016	3-17-2015	Amend	5-1-2015
583-030-0016	9-10-2015	Amend(T)	10-1-2015
583-030-0020	3-17-2015	Amend	5-1-2015
583-030-0020	9-10-2015	Amend(T)	10-1-2015
583-030-0025	3-17-2015	Amend	5-1-2015
583-030-0025	9-10-2015	Amend(T)	10-1-2015
583-030-0030	3-17-2015	Amend	5-1-2015
583-030-0030	9-10-2015	Amend(T)	10-1-2015
583-030-0032	3-17-2015	Amend	5-1-2015
583-030-0032	9-10-2015	Amend(T)	10-1-2015
583-030-0035	3-17-2015	Amend	5-1-2015
583-030-0035	9-10-2015	Amend(T)	10-1-2015
583-030-0036	3-17-2015	Amend	5-1-2015
583-030-0036	9-10-2015	Amend(T)	10-1-2015
583-030-0038	3-17-2015	Amend	5-1-2015
583-030-0039	3-17-2015	Amend	5-1-2015
583-030-0041	3-17-2015	Amend	5-1-2015
583-030-0041	9-10-2015	Amend(T)	10-1-2015
583-030-0042	3-17-2015	Amend	5-1-2015
583-030-0042	9-10-2015	Amend(T)	10-1-2015
583-030-0043	3-17-2015	Amend	5-1-2015
583-030-0043	9-10-2015	Amend(T)	10-1-2015
583-030-0044	3-17-2015	Amend	5-1-2015
583-030-0045	3-17-2015	Amend	5-1-2015
583-030-0045	9-10-2015	Amend(T)	10-1-2015
583-030-0046	3-17-2015	Amend	5-1-2015
583-030-0046	9-10-2015	Amend(T)	10-1-2015
583-030-0049	3-17-2015	Amend	5-1-2015
583-030-0049	9-10-2015	Amend(T)	10-1-2015
583-030-0051	9-10-2015	Adopt(T)	10-1-2015
583-030-0052	9-10-2015	Adopt(T)	10-1-2015
583-030-0053	9-10-2015	Adopt(T)	10-1-2015
583-030-0054	9-10-2015	Adopt(T)	10-1-2015
583-030-0056	9-10-2015	Adopt(T)	10-1-2015
583-040-0005	3-17-2015	Repeal	5-1-2015
583-040-0010	3-17-2015	Repeal	5-1-2015
583-040-0025	3-17-2015	Repeal	5-1-2015
583-050-0006	3-17-2015	Amend	5-1-2015
583-050-0006	9-10-2015	Amend(T)	10-1-2015
583-050-0011	3-17-2015	Amend	5-1-2015

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583-050-0011	9-10-2015	Amend(T)	10-1-2015
583-050-0014	3-17-2015	Amend	5-1-2015
583-050-0014	9-10-2015	Amend(T)	10-1-2015
583-050-0016	3-17-2015	Amend	5-1-2015
583-050-0016	9-10-2015	Amend(T)	10-1-2015
583-050-0026	3-17-2015	Amend	5-1-2015
583-050-0026	9-10-2015	Amend(T)	10-1-2015
583-050-0027	3-17-2015	Amend	5-1-2015
583-050-0027	9-10-2015	Amend(T)	10-1-2015
583-050-0028	3-17-2015	Amend	5-1-2015
583-050-0028	9-10-2015	Amend(T)	10-1-2015
583-050-0036	3-17-2015	Amend	5-1-2015
583-050-0036	9-10-2015	Amend(T)	10-1-2015
583-050-0040	3-17-2015	Amend	5-1-2015
583-050-0040	9-10-2015	Amend(T)	10-1-2015
583-070-0002	3-17-2015	Amend	5-1-2015
583-070-0011	3-17-2015	Amend	5-1-2015
583-070-0015	3-17-2015	Amend	5-1-2015
583-070-0020	3-17-2015	Amend	5-1-2015
584-001-0010	4-15-2015	Amend	5-1-2015
584-010-0006	2-10-2015	Amend	3-1-2015
584-010-0090	2-10-2015	Amend	3-1-2015
584-010-0120	1-1-2016	Adopt(T)	12-1-2015
584-017-1026	2-10-2015	Adopt(T)	3-1-2015
584-017-1028	2-10-2015	Amend	3-1-2015
584-017-1028	7-1-2015	Amend(T)	8-1-2015
584-017-1028	1-1-2016	Amend	12-1-2015
584-017-1030	2-10-2015	Amend	3-1-2015
584-017-1032	2-10-2015	Amend	3-1-2015
584-017-1035	2-10-2015	Amend	3-1-2015
584-018-0011	1-1-2016	Repeal	12-1-2015
584-018-0100	1-1-2016	Repeal	12-1-2015
584-018-0105	1-1-2016	Repeal	12-1-2015
584-018-0110	2-10-2015	Amend	3-1-2015
584-018-0115	2-10-2015	Amend	3-1-2015
584-018-0115	1-1-2016	Repeal	12-1-2015
584-018-0120	2-10-2015	Amend	3-1-2015
584-018-0120	1-1-2016	Repeal	12-1-2015
584-018-0125	1-1-2016	Repeal	12-1-2015
584-018-0130	2-10-2015	Amend	3-1-2015
584-018-0130	1-1-2016	Repeal	12-1-2015
584-018-0135	1-1-2016	Repeal	12-1-2015
584-018-0140	2-10-2015	Amend	3-1-2015
584-018-0140	1-1-2016	Repeal	12-1-2015
584-018-0145	1-1-2016	Repeal	12-1-2015
584-018-0150	2-10-2015	Amend	3-1-2015
584-018-0150	1-1-2016	Repeal	12-1-2015
584-018-0155	1-1-2016	Repeal	12-1-2015
584-018-0160	1-1-2016	Repeal	12-1-2015
584-018-0165	2-10-2015	Adopt	3-1-2015
584-018-0165	1-1-2016	Repeal	12-1-2015
584-018-0220	1-1-2016	Repeal	12-1-2015
584-018-0305	2-10-2015	Amend	3-1-2015
584-018-1070	4-15-2015	Adopt	5-1-2015
584-018-1070	1-1-2016	Repeal	12-1-2015
584-019-0002	2-10-2015	Repeal	3-1-2015
584-019-0003	2-10-2015	Amend	3-1-2015
584-020-0060	2-10-2015	Adopt	3-1-2015
584-023-0005	2-10-2015	Amend	3-1-2015
584-036-0010	1-1-2016	Repeal	12-1-2015
584-036-0011	1-1-2016	Repeal	12-1-2015
584-036-0015	1-1-2016	Repeal	12-1-2015
584-036-0017	1-1-2016	Repeal	12-1-2015
584-036-0025	1-1-2016	Repeal	12-1-2015
584-036-0035	1-1-2016	Repeal	12-1-2015
584-036-0045	1-1-2016	Repeal	12-1-2015
584-036-0055	2-10-2015	Amend	3-1-2015
584-036-0055	1-1-2016	Repeal	12-1-2015
584-036-0057	1-1-2016	Repeal	12-1-2015
584-036-0062	1-1-2016	Repeal	12-1-2015
584-036-0070	2-10-2015	Amend	3-1-2015
584-036-0070	1-1-2016	Repeal	12-1-2015
584-036-0080	2-10-2015	Amend	3-1-2015
584-036-0080	7-1-2015	Amend(T)	8-1-2015
584-036-0080	1-1-2016	Repeal	12-1-2015
584-036-0083	2-10-2015	Amend	3-1-2015
584-036-0083	1-1-2016	Repeal	12-1-2015
584-036-0095	1-1-2016	Repeal	12-1-2015
584-036-0105	1-1-2016	Repeal	12-1-2015
584-036-0110	1-1-2016	Repeal	12-1-2015
584-036-0120	1-1-2016	Repeal	12-1-2015
584-036-0125	1-1-2016	Repeal	12-1-2015
584-038-0003	2-10-2015	Amend	3-1-2015
584-038-0003	7-1-2015	Amend(T)	8-1-2015
584-038-0003	1-1-2016	Repeal	12-1-2015
584-038-0004	1-1-2016	Repeal	12-1-2015
584-038-0010	1-1-2016	Repeal	12-1-2015
584-038-0012	1-1-2016	Repeal	12-1-2015
584-038-0013	1-1-2016	Repeal	12-1-2015
584-038-0030	1-1-2016	Repeal	12-1-2015
584-038-0040	1-1-2016	Repeal	12-1-2015
584-038-0050	1-1-2016	Repeal	12-1-2015
584-038-0060	1-1-2016	Repeal	12-1-2015
584-038-0080	1-1-2016	Repeal	12-1-2015
584-038-0085	1-1-2016	Repeal	12-1-2015
584-038-0090	1-1-2016	Repeal	12-1-2015
584-038-0100	1-1-2016	Repeal	12-1-2015
584-038-0110	1-1-2016	Repeal	12-1-2015
584-038-0120	1-1-2016	Repeal	12-1-2015
584-038-0130	1-1-2016	Repeal	12-1-2015
584-038-0150	1-1-2016	Repeal	12-1-2015
584-038-0160	1-1-2016	Repeal	12-1-2015
584-038-0165	1-1-2016	Repeal	12-1-2015
584-038-0170	1-1-2016	Repeal	12-1-2015
584-038-0180	1-1-2016	Repeal	12-1-2015
584-038-0190	1-1-2016	Repeal	12-1-2015
584-038-0210	1-1-2016	Repeal	12-1-2015
584-038-0230	1-1-2016	Repeal	12-1-2015
584-038-0235	1-1-2016	Repeal	12-1-2015
584-038-0240	1-1-2016	Repeal	12-1-2015
584-038-0250	1-1-2016	Repeal	12-1-2015
584-038-0260	1-1-2016	Repeal	12-1-2015

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584-038-0270	1-1-2016	Repeal	12-1-2015
584-038-0275	1-1-2016	Repeal	12-1-2015
584-038-0280	1-1-2016	Repeal	12-1-2015
584-038-0290	1-1-2016	Repeal	12-1-2015
584-038-0295	1-1-2016	Repeal	12-1-2015
584-038-0300	1-1-2016	Repeal	12-1-2015
584-038-0310	1-1-2016	Repeal	12-1-2015
584-038-0312	1-1-2016	Repeal	12-1-2015
584-038-0315	1-1-2016	Repeal	12-1-2015
584-038-0320	1-1-2016	Repeal	12-1-2015
584-038-0322	1-1-2016	Repeal	12-1-2015
584-038-0325	7-1-2015	Suspend	8-1-2015
584-038-0325	1-1-2016	Repeal	12-1-2015
584-038-0330	1-1-2016	Repeal	12-1-2015
584-038-0335	1-1-2016	Repeal	12-1-2015
584-038-0336	1-1-2016	Repeal	12-1-2015
584-040-0005	1-1-2016	Suspend	12-1-2015
584-040-0008	1-1-2016	Suspend	12-1-2015
584-040-0010	1-1-2016	Suspend	12-1-2015
584-040-0030	1-1-2016	Suspend	12-1-2015
584-040-0040	1-1-2016	Suspend	12-1-2015
584-040-0050	1-1-2016	Suspend	12-1-2015
584-040-0060	1-1-2016	Suspend	12-1-2015
584-040-0080	1-1-2016	Suspend	12-1-2015
584-040-0090	1-1-2016	Suspend	12-1-2015
584-040-0100	1-1-2016	Suspend	12-1-2015
584-040-0120	1-1-2016	Suspend	12-1-2015
584-040-0130	1-1-2016	Suspend	12-1-2015
584-040-0150	1-1-2016	Suspend	12-1-2015
584-040-0160	1-1-2016	Suspend	12-1-2015
584-040-0165	1-1-2016	Suspend	12-1-2015
584-040-0170	1-1-2016	Suspend	12-1-2015
584-040-0180	1-1-2016	Suspend	12-1-2015
584-040-0200	1-1-2016	Suspend	12-1-2015
584-040-0210	1-1-2016	Suspend	12-1-2015
584-040-0230	1-1-2016	Suspend	12-1-2015
584-040-0240	1-1-2016	Suspend	12-1-2015
584-040-0241	1-1-2016	Suspend	12-1-2015
584-040-0242	1-1-2016	Suspend	12-1-2015
584-040-0243	1-1-2016	Suspend	12-1-2015
584-040-0250	1-1-2016	Suspend	12-1-2015
584-040-0260	1-1-2016	Suspend	12-1-2015
584-040-0265	1-1-2016	Suspend	12-1-2015
584-040-0270	1-1-2016	Suspend	12-1-2015
584-040-0280	1-1-2016	Suspend	12-1-2015
584-040-0290	1-1-2016	Suspend	12-1-2015
584-040-0300	1-1-2016	Suspend	12-1-2015
584-040-0310	1-1-2016	Suspend	12-1-2015
584-040-0315	1-1-2016	Suspend	12-1-2015
584-040-0350	1-1-2016	Suspend	12-1-2015
584-042-0008	2-10-2015	Amend(T)	3-1-2015
584-042-0008	4-15-2015	Amend	5-1-2015
584-042-0021	2-10-2015	Amend	3-1-2015
584-042-0022	2-10-2015	Amend	3-1-2015
584-042-0031	7-1-2015	Amend(T)	8-1-2015
584-042-0031	1-1-2016	Amend	12-1-2015
584-042-0036	2-10-2015	Amend(T)	3-1-2015
584-042-0036	4-15-2015	Amend	5-1-2015
584-042-0044	2-10-2015	Amend	3-1-2015
584-042-0051	2-10-2015	Amend	3-1-2015
584-042-0081	7-1-2015	Amend(T)	8-1-2015
584-042-0081	1-1-2016	Amend	12-1-2015
584-050-0021	2-10-2015	Amend	3-1-2015
584-050-0150	1-1-2016	Adopt(T)	12-1-2015
584-052-0005	1-1-2016	Suspend	12-1-2015
584-052-0010	1-1-2016	Suspend	12-1-2015
584-052-0015	1-1-2016	Suspend	12-1-2015
584-052-0021	1-1-2016	Suspend	12-1-2015
584-052-0025	1-1-2016	Suspend	12-1-2015
584-052-0027	2-10-2015	Amend	3-1-2015
584-052-0027	1-1-2016	Suspend	12-1-2015
584-060-0002	1-1-2016	Repeal	12-1-2015
584-060-0005	1-1-2016	Repeal	12-1-2015
584-060-0006	7-1-2015	Suspend	8-1-2015
584-060-0006	1-1-2016	Repeal	12-1-2015
584-060-0012	7-1-2015	Suspend	8-1-2015
584-060-0012	1-1-2016	Repeal	12-1-2015
584-060-0013	7-1-2015	Suspend	8-1-2015
584-060-0013	1-1-2016	Repeal	12-1-2015
584-060-0014	7-1-2015	Amend(T)	8-1-2015
584-060-0014	7-10-2015	Amend(T)	8-1-2015
584-060-0014	1-1-2016	Repeal	12-1-2015
584-060-0014(T)	7-10-2015	Suspend	8-1-2015
584-060-0051	7-1-2015	Suspend	8-1-2015
584-060-0051	1-1-2016	Repeal	12-1-2015
584-060-0052	7-1-2015	Suspend	8-1-2015
584-060-0052	1-1-2016	Repeal	12-1-2015
584-060-0062	4-15-2015	Amend	5-1-2015
584-060-0062	1-1-2016	Repeal	12-1-2015
584-060-0071	1-1-2016	Repeal	12-1-2015
584-060-0162	1-1-2016	Repeal	12-1-2015
584-060-0171	1-1-2016	Repeal	12-1-2015
584-060-0181	2-10-2015	Amend	3-1-2015
584-060-0181	4-15-2015	Amend	5-1-2015
584-060-0181	7-1-2015	Suspend	8-1-2015
584-060-0181	1-1-2016	Repeal	12-1-2015
584-060-0190	1-1-2016	Repeal	12-1-2015
584-060-0200	7-1-2015	Amend(T)	8-1-2015
584-060-0200	1-1-2016	Repeal	12-1-2015
584-060-0210	2-10-2015	Amend	3-1-2015
584-060-0210	1-1-2016	Repeal	12-1-2015
584-060-0220	7-1-2015	Amend(T)	8-1-2015
584-060-0220	1-1-2016	Repeal	12-1-2015
584-060-0250	7-1-2015	Amend(T)	8-1-2015
584-060-0250	1-1-2016	Repeal	12-1-2015
584-060-0501	1-1-2016	Repeal	12-1-2015
584-060-0525	7-1-2015	Suspend	8-1-2015
584-060-0525	1-1-2016	Repeal	12-1-2015
584-060-0530	7-1-2015	Suspend	8-1-2015
584-060-0530	1-1-2016	Repeal	12-1-2015
584-060-0600	7-1-2015	Suspend	8-1-2015
584-060-0600	1-1-2016	Repeal	12-1-2015

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584-060-0630	1-1-2016	Repeal	12-1-2015
584-060-0635	2-10-2015	Amend	3-1-2015
584-060-0635	1-1-2016	Repeal	12-1-2015
584-060-0682	4-23-2015	Amend(T)	6-1-2015
584-060-0682	5-15-2015	Amend(T)	6-1-2015
584-060-0682	7-1-2015	Amend(T)	8-1-2015
584-060-0682	1-1-2016	Repeal	12-1-2015
584-060-0682(T)	5-15-2015	Suspend	6-1-2015
584-060-0700	7-1-2015	Adopt(T)	8-1-2015
584-060-0700	1-1-2016	Repeal	12-1-2015
584-060-0710	7-1-2015	Adopt(T)	8-1-2015
584-060-0710	7-10-2015	Adopt(T)	8-1-2015
584-060-0710	8-20-2015	Amend(T)	10-1-2015
584-060-0710	1-1-2016	Repeal	12-1-2015
584-060-0710(T)	7-10-2015	Suspend	8-1-2015
584-060-0710(T)	8-20-2015	Suspend	10-1-2015
584-060-0715	7-1-2015	Adopt(T)	8-1-2015
584-060-0715	7-10-2015	Adopt(T)	8-1-2015
584-060-0715	8-20-2015	Amend(T)	10-1-2015
584-060-0715	1-1-2016	Repeal	12-1-2015
584-060-0715(T)	7-10-2015	Suspend	8-1-2015
584-060-0715(T)	8-20-2015	Suspend	10-1-2015
584-060-0720	7-1-2015	Adopt(T)	8-1-2015
584-060-0720	1-1-2016	Repeal	12-1-2015
584-060-0725	7-1-2015	Adopt(T)	8-1-2015
584-060-0725	1-1-2016	Repeal	12-1-2015
584-065-0001	2-10-2015	Amend	3-1-2015
584-065-0001	1-1-2016	Suspend	12-1-2015
584-065-0060	2-10-2015	Amend	3-1-2015
584-065-0060	1-1-2016	Suspend	12-1-2015
584-065-0070	2-10-2015	Amend	3-1-2015
584-065-0070	1-1-2016	Suspend	12-1-2015
584-065-0080	2-10-2015	Amend	3-1-2015
584-065-0080	1-1-2016	Suspend	12-1-2015
584-065-0090	2-10-2015	Amend	3-1-2015
584-065-0090	1-1-2016	Suspend	12-1-2015
584-065-0120	2-10-2015	Amend	3-1-2015
584-065-0120	1-1-2016	Suspend	12-1-2015
584-065-0125	1-1-2016	Suspend	12-1-2015
584-066-0001	1-1-2016	Suspend	12-1-2015
584-066-0010	2-10-2015	Amend	3-1-2015
584-066-0010	1-1-2016	Suspend	12-1-2015
584-066-0015	1-1-2016	Suspend	12-1-2015
584-066-0020	2-10-2015	Amend	3-1-2015
584-066-0020	1-1-2016	Suspend	12-1-2015
584-066-0025	2-10-2015	Adopt	3-1-2015
584-066-0025	1-1-2016	Suspend	12-1-2015
584-066-0030	4-15-2015	Adopt	5-1-2015
584-066-0030	1-1-2016	Suspend	12-1-2015
584-070-0012	7-1-2015	Amend(T)	8-1-2015
584-070-0012	1-1-2016	Amend	12-1-2015
584-070-0120	2-10-2015	Amend	3-1-2015
584-070-0132	2-10-2015	Amend	3-1-2015
584-070-0310	2-10-2015	Amend	3-1-2015
584-070-0310	7-1-2015	Amend(T)	8-1-2015
584-070-0310	1-1-2016	Amend	12-1-2015
584-080-0152	2-10-2015	Amend	3-1-2015
584-080-0171	2-10-2015	Amend	3-1-2015
584-090-0100	2-10-2015	Amend	3-1-2015
584-090-0100	4-15-2015	Amend	5-1-2015
584-090-0100	7-1-2015	Amend(T)	8-1-2015
584-090-0100	8-20-2015	Amend(T)	10-1-2015
584-090-0100	1-1-2016	Repeal	12-1-2015
584-090-0105	8-20-2015	Suspend	10-1-2015
584-090-0105	1-1-2016	Repeal	12-1-2015
584-090-0110	8-20-2015	Amend(T)	10-1-2015
584-090-0110	1-1-2016	Repeal	12-1-2015
584-090-0115	2-10-2015	Amend	3-1-2015
584-090-0115	7-1-2015	Amend(T)	8-1-2015
584-090-0115	8-20-2015	Suspend	10-1-2015
584-090-0115	1-1-2016	Repeal	12-1-2015
584-090-0120	4-15-2015	Amend	5-1-2015
584-090-0120	1-1-2016	Repeal	12-1-2015
584-100-0006	2-10-2015	Amend	3-1-2015
584-100-0007	2-10-2015	Amend	3-1-2015
584-100-0016	2-10-2015	Amend	3-1-2015
584-100-0026	2-10-2015	Amend	3-1-2015
584-100-0036	2-10-2015	Amend	3-1-2015
584-100-0041	1-1-2016	Suspend	12-1-2015
584-200-0005	1-1-2016	Adopt(T)	12-1-2015
584-200-0010	1-1-2016	Adopt(T)	12-1-2015
584-200-0020	1-1-2016	Adopt(T)	12-1-2015
584-200-0030	1-1-2016	Adopt(T)	12-1-2015
584-200-0040	1-1-2016	Adopt(T)	12-1-2015
584-200-0050	1-1-2016	Adopt(T)	12-1-2015
584-200-0060	1-1-2016	Adopt(T)	12-1-2015
584-200-0070	1-1-2016	Adopt(T)	12-1-2015
584-200-0080	1-1-2016	Adopt(T)	12-1-2015
584-200-0090	1-1-2016	Adopt(T)	12-1-2015
584-200-0100	1-1-2016	Adopt(T)	12-1-2015
584-210-0010	1-1-2016	Adopt	12-1-2015
584-210-0020	1-1-2016	Adopt	12-1-2015
584-210-0030	1-1-2016	Adopt	12-1-2015
584-210-0040	1-1-2016	Adopt	12-1-2015
584-210-0050	1-1-2016	Adopt	12-1-2015
584-210-0060	1-1-2016	Adopt	12-1-2015
584-210-0070	1-1-2016	Adopt	12-1-2015
584-210-0080	1-1-2016	Adopt	12-1-2015
584-210-0090	1-1-2016	Adopt	12-1-2015
584-210-0100	1-1-2016	Adopt	12-1-2015
584-210-0110	1-1-2016	Adopt	12-1-2015
584-210-0120	1-1-2016	Adopt	12-1-2015
584-210-0130	1-1-2016	Adopt	12-1-2015
584-210-0140	1-1-2016	Adopt	12-1-2015
584-210-0150	1-1-2016	Adopt	12-1-2015
584-210-0160	1-1-2016	Adopt	12-1-2015
584-210-0170	1-1-2016	Adopt	12-1-2015
584-210-0180	1-1-2016	Adopt	12-1-2015
584-210-0190	1-1-2016	Adopt	12-1-2015
584-220-0010	1-1-2016	Adopt	12-1-2015
584-220-0015	1-1-2016	Adopt	12-1-2015
584-220-0020	1-1-2016	Adopt	12-1-2015

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584-220-0025	1-1-2016	Adopt	12-1-2015
584-220-0030	1-1-2016	Adopt	12-1-2015
584-220-0035	1-1-2016	Adopt	12-1-2015
584-220-0040	1-1-2016	Adopt	12-1-2015
584-220-0045	1-1-2016	Adopt	12-1-2015
584-220-0050	1-1-2016	Adopt	12-1-2015
584-220-0055	1-1-2016	Adopt	12-1-2015
584-220-0060	1-1-2016	Adopt	12-1-2015
584-220-0065	1-1-2016	Adopt	12-1-2015
584-220-0070	1-1-2016	Adopt	12-1-2015
584-220-0075	1-1-2016	Adopt	12-1-2015
584-220-0080	1-1-2016	Adopt	12-1-2015
584-220-0085	1-1-2016	Adopt	12-1-2015
584-220-0090	1-1-2016	Adopt	12-1-2015
584-220-0095	1-1-2016	Adopt	12-1-2015
584-220-0100	1-1-2016	Adopt	12-1-2015
584-220-0105	1-1-2016	Adopt	12-1-2015
584-220-0110	1-1-2016	Adopt	12-1-2015
584-220-0120	1-1-2016	Adopt	12-1-2015
584-220-0130	1-1-2016	Adopt	12-1-2015
584-220-0140	1-1-2016	Adopt	12-1-2015
584-220-0145	1-1-2016	Adopt	12-1-2015
584-220-0150	1-1-2016	Adopt	12-1-2015
584-220-0155	1-1-2016	Adopt	12-1-2015
584-220-0160	1-1-2016	Adopt	12-1-2015
584-220-0165	1-1-2016	Adopt	12-1-2015
584-220-0170	1-1-2016	Adopt	12-1-2015
584-220-0175	1-1-2016	Adopt	12-1-2015
584-220-0180	1-1-2016	Adopt	12-1-2015
584-220-0185	1-1-2016	Adopt	12-1-2015
584-220-0190	1-1-2016	Adopt	12-1-2015
584-220-0195	1-1-2016	Adopt	12-1-2015
584-220-0200	1-1-2016	Adopt	12-1-2015
584-220-0205	1-1-2016	Adopt	12-1-2015
584-220-0210	1-1-2016	Adopt	12-1-2015
584-220-0215	1-1-2016	Adopt	12-1-2015
584-220-0220	1-1-2016	Adopt	12-1-2015
584-220-0225	1-1-2016	Adopt	12-1-2015
584-220-0230	1-1-2016	Adopt	12-1-2015
584-225-0010	1-1-2016	Adopt(T)	12-1-2015
584-225-0020	1-1-2016	Adopt(T)	12-1-2015
584-225-0030	1-1-2016	Adopt(T)	12-1-2015
584-225-0040	1-1-2016	Adopt(T)	12-1-2015
584-225-0050	1-1-2016	Adopt(T)	12-1-2015
584-225-0060	1-1-2016	Adopt(T)	12-1-2015
584-225-0070	1-1-2016	Adopt(T)	12-1-2015
584-225-0090	1-1-2016	Adopt(T)	12-1-2015
584-225-0100	1-1-2016	Adopt(T)	12-1-2015
584-255-0010	1-1-2016	Adopt	12-1-2015
584-255-0020	1-1-2016	Adopt	12-1-2015
584-255-0030	1-1-2016	Adopt	12-1-2015
584-300-0170	7-1-2015	Adopt(T)	8-1-2015
584-300-0170	7-10-2015	Adopt(T)	8-1-2015
584-300-0170	8-20-2015	Amend(T)	10-1-2015
584-300-0170(T)	7-10-2015	Suspend	8-1-2015
584-300-0170(T)	8-20-2015	Suspend	10-1-2015
584-420-0010	1-1-2016	Adopt(T)	12-1-2015
584-420-0020	1-1-2016	Adopt(T)	12-1-2015
584-420-0030	1-1-2016	Adopt(T)	12-1-2015
584-420-0040	1-1-2016	Adopt(T)	12-1-2015
584-420-0300	1-1-2016	Adopt(T)	12-1-2015
584-420-0345	1-1-2016	Adopt(T)	12-1-2015
584-420-0360	1-1-2016	Adopt(T)	12-1-2015
584-420-0365	1-1-2016	Adopt(T)	12-1-2015
584-420-0375	1-1-2016	Adopt(T)	12-1-2015
584-420-0390	1-1-2016	Adopt(T)	12-1-2015
584-420-0415	1-1-2016	Adopt(T)	12-1-2015
584-420-0425	1-1-2016	Adopt(T)	12-1-2015
584-420-0440	1-1-2016	Adopt(T)	12-1-2015
584-420-0460	1-1-2016	Adopt(T)	12-1-2015
584-420-0475	1-1-2016	Adopt(T)	12-1-2015
584-420-0490	1-1-2016	Adopt(T)	12-1-2015
584-420-0600	1-1-2016	Adopt(T)	12-1-2015
584-420-0610	1-1-2016	Adopt(T)	12-1-2015
584-420-0620	1-1-2016	Adopt(T)	12-1-2015
584-420-0630	1-1-2016	Adopt(T)	12-1-2015
584-420-0640	1-1-2016	Adopt(T)	12-1-2015
584-420-0650	1-1-2016	Adopt(T)	12-1-2015
584-420-0660	1-1-2016	Adopt(T)	12-1-2015
589-001-0000	10-30-2015	Amend	12-1-2015
589-001-0100	10-30-2015	Amend	12-1-2015
589-001-0200	10-30-2015	Amend	12-1-2015
589-001-0300	10-30-2015	Amend	12-1-2015
589-002-0100	10-30-2015	Amend	12-1-2015
589-002-0110	10-12-2015	Amend(T)	11-1-2015
589-002-0110	10-30-2015	Amend	12-1-2015
589-002-0120	6-15-2015	Amend	7-1-2015
589-002-0120	10-30-2015	Amend	12-1-2015
589-002-0130	10-12-2015	Amend(T)	11-1-2015
589-002-0130	10-30-2015	Amend	12-1-2015
589-002-0200	10-30-2015	Amend	12-1-2015
589-002-0300	10-30-2015	Amend	12-1-2015
589-002-0500	10-30-2015	Amend	12-1-2015
589-002-0600	10-30-2015	Amend	12-1-2015
589-002-0700	10-30-2015	Amend	12-1-2015
589-002-0800	10-30-2015	Amend	12-1-2015
589-002-0900	10-30-2015	Amend	12-1-2015
589-003-0100	10-30-2015	Amend	12-1-2015
589-004-0100	10-30-2015	Amend	12-1-2015
589-004-0150	10-30-2015	Amend	12-1-2015
589-004-0200	10-30-2015	Amend	12-1-2015
589-004-0250	10-30-2015	Amend	12-1-2015
589-004-0300	10-30-2015	Amend	12-1-2015
589-004-0350	10-30-2015	Amend	12-1-2015
589-004-0400	10-30-2015	Amend	12-1-2015
589-004-0450	10-30-2015	Amend	12-1-2015
589-004-0500	10-30-2015	Amend	12-1-2015
589-004-0550	10-30-2015	Amend	12-1-2015
589-004-0600	10-30-2015	Amend	12-1-2015
589-004-0650	10-30-2015	Amend	12-1-2015
589-004-0700	10-30-2015	Amend	12-1-2015
589-004-0750	10-30-2015	Amend	12-1-2015

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589-005-0100	10-30-2015	Amend	12-1-2015
589-005-0200	10-30-2015	Amend	12-1-2015
589-005-0300	10-30-2015	Amend	12-1-2015
589-005-0400	10-30-2015	Amend	12-1-2015
589-005-0500	10-30-2015	Amend	12-1-2015
589-006-0050	10-13-2015	Amend	11-1-2015
589-006-0050	10-30-2015	Amend	12-1-2015
589-006-0100	5-18-2015	Amend	7-1-2015
589-006-0100	10-30-2015	Amend	12-1-2015
589-006-0150	10-30-2015	Amend	12-1-2015
589-006-0200	10-30-2015	Amend	12-1-2015
589-006-0300	10-13-2015	Amend	11-1-2015
589-006-0300	10-30-2015	Amend	12-1-2015
589-006-0350	10-30-2015	Amend	12-1-2015
589-006-0400	10-30-2015	Amend	12-1-2015
589-007-0100	10-30-2015	Amend	12-1-2015
589-007-0110	10-30-2015	Amend	12-1-2015
589-007-0120	10-30-2015	Amend	12-1-2015
589-007-0130	10-30-2015	Amend	12-1-2015
589-007-0140	10-30-2015	Amend	12-1-2015
589-007-0150	10-30-2015	Amend	12-1-2015
589-007-0160	10-30-2015	Amend	12-1-2015
589-007-0170	10-30-2015	Amend	12-1-2015
589-007-0180	10-30-2015	Amend	12-1-2015
589-007-0200	10-30-2015	Amend	12-1-2015
589-007-0300	10-30-2015	Amend	12-1-2015
589-007-0400	10-30-2015	Amend	12-1-2015
589-007-0500	10-30-2015	Amend	12-1-2015
589-007-0600	10-30-2015	Amend	12-1-2015
589-007-0700	10-30-2015	Amend	12-1-2015
589-007-0800	10-30-2015	Amend	12-1-2015
589-008-0100	10-30-2015	Amend	12-1-2015
589-008-0200	10-30-2015	Amend	12-1-2015
589-009-0100	10-30-2015	Amend	12-1-2015
589-010-0100	10-30-2015	Amend	12-1-2015
589-020-0110	10-30-2015	Amend	12-1-2015
589-020-0210	10-30-2015	Amend	12-1-2015
589-020-0225	10-30-2015	Amend	12-1-2015
589-020-0270	10-30-2015	Amend	12-1-2015
589-020-0300	10-30-2015	Amend	12-1-2015
589-020-0310	10-30-2015	Amend	12-1-2015
589-020-0320	10-30-2015	Amend	12-1-2015
589-020-0330	10-30-2015	Amend	12-1-2015
589-020-0340	10-30-2015	Amend	12-1-2015
589-020-0350	10-30-2015	Amend	12-1-2015
603-011-0610	2-23-2015	Amend	4-1-2015
603-011-0615	2-23-2015	Amend	4-1-2015
603-011-0620	2-23-2015	Amend	4-1-2015
603-011-0630	2-23-2015	Amend	4-1-2015
603-011-0800	12-30-2014	Adopt(T)	2-1-2015
603-011-0810	12-30-2014	Adopt(T)	2-1-2015
603-011-0820	12-30-2014	Adopt(T)	2-1-2015
603-011-0830	12-30-2014	Adopt(T)	2-1-2015
603-011-0840	12-30-2014	Adopt(T)	2-1-2015
603-011-0900	1-28-2015	Adopt(T)	3-1-2015
603-011-0910	1-28-2015	Adopt(T)	3-1-2015
603-011-0920	1-28-2015	Adopt(T)	3-1-2015
603-011-0930	1-28-2015	Adopt(T)	3-1-2015
603-011-0940	1-28-2015	Adopt(T)	3-1-2015
603-024-0017	4-3-2015	Amend	5-1-2015
603-024-0211	4-3-2015	Amend	5-1-2015
603-048-0010	1-29-2015	Adopt	3-1-2015
603-048-0050	1-29-2015	Adopt	3-1-2015
603-048-0100	1-29-2015	Adopt	3-1-2015
603-048-0110	1-29-2015	Adopt	3-1-2015
603-048-0200	1-29-2015	Adopt	3-1-2015
603-048-0250	1-29-2015	Adopt	3-1-2015
603-048-0300	1-29-2015	Adopt	3-1-2015
603-048-0400	1-29-2015	Adopt	3-1-2015
603-048-0500	1-29-2015	Adopt	3-1-2015
603-048-0600	1-29-2015	Adopt	3-1-2015
603-048-0700	1-29-2015	Adopt	3-1-2015
603-048-0800	1-29-2015	Adopt	3-1-2015
603-048-0900	1-29-2015	Adopt	3-1-2015
603-048-1000	1-29-2015	Adopt	3-1-2015
603-052-0051	5-29-2015	Amend	7-1-2015
603-052-0385	5-29-2015	Amend	7-1-2015
603-052-0860	1-13-2015	Amend	2-1-2015
603-052-0861	1-13-2015	Amend	2-1-2015
603-052-0862	1-13-2015	Amend	2-1-2015
603-052-0870	1-13-2015	Amend	2-1-2015
603-052-0880	1-13-2015	Amend	2-1-2015
603-052-0882	1-13-2015	Amend	2-1-2015
603-052-0884	1-13-2015	Amend	2-1-2015
603-052-0886	1-13-2015	Amend	2-1-2015
603-052-0888	1-13-2015	Amend	2-1-2015
603-052-0921	1-13-2015	Amend	2-1-2015
603-052-1230	7-23-2015	Amend	9-1-2015
603-057-0006	10-7-2015	Amend	11-1-2015
603-057-0388	2-27-2015	Adopt	4-1-2015
603-095-0100	1-29-2015	Amend	3-1-2015
603-095-0120	1-29-2015	Amend	3-1-2015
603-095-0140	1-29-2015	Amend	3-1-2015
603-095-0160	1-29-2015	Repeal	3-1-2015
603-095-0180	1-29-2015	Amend	3-1-2015
629-041-0515	9-4-2015	Amend	10-1-2015
632-030-0025	1-7-2015	Amend	2-1-2015
635-001-0110	7-24-2015	Adopt(T)	9-1-2015
635-001-0110	1-1-2016	Adopt	11-1-2015
635-001-0116	1-1-2016	Amend	11-1-2015
635-001-0341	8-14-2015	Adopt(T)	9-1-2015
635-003-0003	4-27-2015	Amend	6-1-2015
635-003-0085	4-27-2015	Amend	6-1-2015
635-003-0085	10-16-2015	Amend(T)	12-1-2015
635-003-0085	10-21-2015	Amend(T)	12-1-2015
635-003-0085	10-23-2015	Amend(T)	12-1-2015
635-003-0085	10-27-2015	Amend(T)	12-1-2015
635-003-0085(T)	10-21-2015	Suspend	12-1-2015
635-003-0085(T)	10-23-2015	Suspend	12-1-2015
635-003-0085(T)	10-27-2015	Suspend	12-1-2015
635-004-0215	1-15-2015	Amend	2-1-2015
635-004-0275	1-1-2015	Amend(T)	1-1-2015

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635-004-0275	3-10-2015	Amend	4-1-2015
635-004-0275	6-12-2015	Amend(T)	7-1-2015
635-004-0275	8-19-2015	Amend(T)	10-1-2015
635-004-0275	11-2-2015	Amend(T)	12-1-2015
635-004-0275(T)	3-10-2015	Repeal	4-1-2015
635-004-0275(T)	8-19-2015	Suspend	10-1-2015
635-004-0275(T)	11-2-2015	Suspend	12-1-2015
635-004-0305	1-1-2016	Amend	11-1-2015
635-004-0320	1-1-2016	Amend	11-1-2015
635-004-0350	1-15-2015	Amend	2-1-2015
635-004-0355	1-1-2015	Amend(T)	1-1-2015
635-004-0355	1-15-2015	Amend	2-1-2015
635-004-0355	7-5-2015	Amend(T)	8-1-2015
635-004-0355	9-1-2015	Amend(T)	10-1-2015
635-004-0355(T)	1-15-2015	Repeal	2-1-2015
635-004-0370	5-27-2015	Amend(T)	7-1-2015
635-004-0370	6-29-2015	Amend	8-1-2015
635-004-0370(T)	6-29-2015	Repeal	8-1-2015
635-004-0375	4-25-2015	Amend(T)	6-1-2015
635-004-0375	5-27-2015	Amend(T)	7-1-2015
635-004-0375	6-29-2015	Amend	8-1-2015
635-004-0375	6-29-2015	Amend(T)	8-1-2015
635-004-0375(T)	5-27-2015	Suspend	7-1-2015
635-004-0375(T)	6-29-2015	Repeal	8-1-2015
635-004-0376	5-27-2015	Adopt(T)	7-1-2015
635-004-0376	6-29-2015	Adopt	8-1-2015
635-004-0376(T)	6-29-2015	Repeal	8-1-2015
635-004-0390	1-1-2016	Amend	11-1-2015
635-004-0405	5-27-2015	Amend(T)	7-1-2015
635-004-0405	6-29-2015	Amend	8-1-2015
635-004-0405	1-1-2016	Amend	11-1-2015
635-004-0405(T)	6-29-2015	Repeal	8-1-2015
635-004-0420	5-27-2015	Suspend	7-1-2015
635-004-0420	6-29-2015	Repeal	8-1-2015
635-004-0430	5-27-2015	Amend(T)	7-1-2015
635-004-0430	6-29-2015	Amend	8-1-2015
635-004-0430(T)	6-29-2015	Repeal	8-1-2015
635-004-0500	5-27-2015	Suspend	7-1-2015
635-004-0500	6-29-2015	Repeal	8-1-2015
635-004-0505	1-16-2015	Amend(T)	3-1-2015
635-004-0520	5-27-2015	Suspend	7-1-2015
635-004-0520	6-29-2015	Repeal	8-1-2015
635-004-0535	5-27-2015	Suspend	7-1-2015
635-004-0535	6-29-2015	Repeal	8-1-2015
635-004-0565	1-1-2016	Amend	11-1-2015
635-004-0585	4-28-2015	Amend	6-1-2015
635-004-0685	1-1-2016	Amend	11-1-2015
635-005-0250	1-1-2016	Amend	11-1-2015
635-005-0315	1-1-2016	Amend	11-1-2015
635-005-0330	1-1-2016	Amend	11-1-2015
635-005-0355	2-6-2015	Amend(T)	3-1-2015
635-005-0355	8-26-2015	Amend(T)	10-1-2015
635-005-0410	1-1-2016	Amend	11-1-2015
635-005-0430	1-1-2016	Amend	11-1-2015
635-005-0465	11-25-2014	Amend(T)	1-1-2015
635-005-0465	10-29-2015	Amend	12-1-2015
635-005-0480	3-16-2015	Amend(T)	5-1-2015
635-005-0485	11-25-2014	Amend(T)	1-1-2015
635-005-0485	10-29-2015	Amend	12-1-2015
635-005-0491	10-29-2015	Amend	12-1-2015
635-005-0505	11-13-2015	Amend(T)	12-1-2015
635-005-0585	1-1-2016	Amend	11-1-2015
635-005-0605	1-1-2016	Amend	11-1-2015
635-005-0690	1-1-2016	Amend	11-1-2015
635-005-0705	11-1-2015	Amend(T)	12-1-2015
635-005-0800	1-1-2016	Amend	11-1-2015
635-005-0820	1-1-2016	Amend	11-1-2015
635-005-0825	1-1-2016	Amend	11-1-2015
635-005-0920	5-27-2015	Amend(T)	7-1-2015
635-006-0209	1-1-2015	Amend(T)	1-1-2015
635-006-0209	1-15-2015	Amend	2-1-2015
635-006-0209(T)	1-15-2015	Repeal	2-1-2015
635-006-0210	8-4-2015	Amend(T)	9-1-2015
635-006-0212	4-27-2015	Amend	6-1-2015
635-006-0212	5-1-2015	Amend(T)	5-1-2015
635-006-0212	5-1-2015	Amend(T)	6-1-2015
635-006-0212(T)	4-27-2015	Repeal	6-1-2015
635-006-0213	4-27-2015	Amend	6-1-2015
635-006-0215	1-15-2015	Amend	2-1-2015
635-006-0215	5-1-2015	Amend(T)	5-1-2015
635-006-0215	1-1-2016	Amend	11-1-2015
635-006-0225	5-1-2015	Amend(T)	5-1-2015
635-006-0232	1-13-2015	Amend	2-1-2015
635-006-1025	1-1-2016	Amend	11-1-2015
635-006-1075	1-1-2016	Amend	11-1-2015
635-007-0605	1-1-2016	Amend	11-1-2015
635-007-0910	1-1-2016	Amend	11-1-2015
635-008-0040	8-12-2015	Amend	9-1-2015
635-008-0050	8-12-2015	Amend	9-1-2015
635-008-0053	1-1-2016	Amend	11-1-2015
635-008-0068	8-12-2015	Adopt	9-1-2015
635-008-0115	8-12-2015	Amend	9-1-2015
635-008-0123	10-1-2015	Amend(T)	11-1-2015
635-010-0040	1-1-2016	Amend	11-1-2015
635-010-0155	1-1-2016	Amend	11-1-2015
635-011-0100	1-1-2015	Amend	2-1-2015
635-011-0104	1-1-2015	Amend	2-1-2015
635-011-0104	1-1-2016	Amend	11-1-2015
635-012-0090	5-27-2015	Amend(T)	7-1-2015
635-012-0100	5-27-2015	Amend(T)	7-1-2015
635-013-0003	4-27-2015	Amend	6-1-2015
635-013-0004	1-1-2015	Amend	2-1-2015
635-013-0007	4-27-2015	Amend	6-1-2015
635-014-0080	1-1-2015	Amend	2-1-2015
635-014-0090	1-1-2015	Amend	2-1-2015
635-014-0090	4-1-2015	Amend(T)	5-1-2015
635-014-0090	6-23-2015	Amend	8-1-2015
635-014-0090	6-24-2015	Amend(T)	8-1-2015
635-014-0090	7-18-2015	Amend(T)	9-1-2015
635-014-0090	8-1-2015	Amend(T)	9-1-2015
635-014-0090	9-1-2015	Amend(T)	10-1-2015
635-014-0090	9-1-2015	Amend(T)	10-1-2015

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635-014-0090	10-16-2015	Amend(T)	12-1-2015
635-014-0090(T)	6-23-2015	Repeal	8-1-2015
635-014-0090(T)	7-18-2015	Suspend	9-1-2015
635-014-0090(T)	8-1-2015	Suspend	9-1-2015
635-014-0090(T)	9-1-2015	Suspend	10-1-2015
635-014-0090(T)	9-1-2015	Suspend	10-1-2015
635-014-0090(T)	10-16-2015	Suspend	12-1-2015
635-016-0080	1-1-2015	Amend	2-1-2015
635-016-0090	1-1-2015	Amend	2-1-2015
635-016-0090	6-23-2015	Amend	8-1-2015
635-016-0090	6-23-2015	Amend(T)	8-1-2015
635-016-0090	7-18-2015	Amend(T)	9-1-2015
635-016-0090	8-13-2015	Amend(T)	9-1-2015
635-016-0090	9-1-2015	Amend(T)	10-1-2015
635-016-0090(T)	7-18-2015	Suspend	9-1-2015
635-016-0090(T)	8-13-2015	Suspend	9-1-2015
635-016-0090(T)	9-1-2015	Suspend	10-1-2015
635-017-0080	1-1-2015	Amend	2-1-2015
635-017-0090	1-1-2015	Amend	2-1-2015
635-017-0090	5-27-2015	Amend(T)	7-1-2015
635-017-0090	6-12-2015	Amend(T)	7-1-2015
635-017-0090	7-18-2015	Amend(T)	9-1-2015
635-017-0090	9-1-2015	Amend(T)	10-1-2015
635-017-0090	11-7-2015	Amend(T)	12-1-2015
635-017-0090	11-23-2015	Amend(T)	12-1-2015
635-017-0090(T)	6-12-2015	Suspend	7-1-2015
635-017-0090(T)	7-18-2015	Suspend	9-1-2015
635-017-0090(T)	9-1-2015	Suspend	10-1-2015
635-017-0090(T)	11-7-2015	Suspend	12-1-2015
635-017-0090(T)	11-23-2015	Suspend	12-1-2015
635-017-0095	1-1-2015	Amend	2-1-2015
635-017-0095	7-18-2015	Amend(T)	9-1-2015
635-017-0095(T)	9-1-2015	Suspend	10-1-2015
635-018-0080	1-1-2015	Amend	2-1-2015
635-018-0090	1-1-2015	Amend	2-1-2015
635-018-0090	4-15-2015	Amend(T)	5-1-2015
635-018-0090	7-18-2015	Amend(T)	9-1-2015
635-018-0090	8-3-2015	Amend(T)	9-1-2015
635-018-0090	9-18-2015	Amend(T)	10-1-2015
635-018-0090	10-16-2015	Amend(T)	11-1-2015
635-018-0090(T)	8-3-2015	Suspend	9-1-2015
635-018-0090(T)	9-1-2015	Suspend	10-1-2015
635-018-0090(T)	10-16-2015	Suspend	11-1-2015
635-019-0080	1-1-2015	Amend	2-1-2015
635-019-0090	1-1-2015	Amend	2-1-2015
635-019-0090	5-20-2015	Amend(T)	6-1-2015
635-019-0090	6-6-2015	Amend(T)	7-1-2015
635-019-0090	6-9-2015	Amend(T)	7-1-2015
635-019-0090	7-5-2015	Amend(T)	8-1-2015
635-019-0090	7-18-2015	Amend(T)	9-1-2015
635-019-0090	8-3-2015	Amend(T)	9-1-2015
635-019-0090	9-1-2015	Amend(T)	10-1-2015
635-019-0090(T)	6-6-2015	Suspend	7-1-2015
635-019-0090(T)	6-9-2015	Suspend	7-1-2015
635-019-0090(T)	7-5-2015	Suspend	8-1-2015
635-019-0090(T)	7-18-2015	Suspend	9-1-2015
635-019-0090(T)	8-3-2015	Suspend	9-1-2015
635-019-0090(T)	9-1-2015	Suspend	10-1-2015
635-021-0080	1-1-2015	Amend	2-1-2015
635-021-0090	1-1-2015	Amend	2-1-2015
635-021-0090	5-20-2015	Amend(T)	6-1-2015
635-021-0090	7-18-2015	Amend(T)	8-1-2015
635-021-0090	7-18-2015	Amend(T)	9-1-2015
635-021-0090	9-1-2015	Amend(T)	10-1-2015
635-021-0090(T)	7-18-2015	Suspend	8-1-2015
635-021-0090(T)	7-18-2015	Suspend	9-1-2015
635-021-0090(T)	9-1-2015	Suspend	10-1-2015
635-023-0080	1-1-2015	Amend	2-1-2015
635-023-0090	1-1-2015	Amend	2-1-2015
635-023-0095	1-1-2015	Amend	2-1-2015
635-023-0095	1-1-2015	Amend(T)	2-1-2015
635-023-0095	5-12-2015	Amend(T)	6-1-2015
635-023-0095	6-3-2015	Amend(T)	7-1-2015
635-023-0095	7-18-2015	Amend(T)	9-1-2015
635-023-0095(T)	6-3-2015	Suspend	7-1-2015
635-023-0095(T)	7-18-2015	Suspend	9-1-2015
635-023-0095(T)	9-1-2015	Suspend	10-1-2015
635-023-0125	1-1-2015	Amend	2-1-2015
635-023-0125	3-1-2015	Amend(T)	3-1-2015
635-023-0125	3-5-2015	Amend(T)	4-1-2015
635-023-0125	4-10-2015	Amend(T)	5-1-2015
635-023-0125	5-2-2015	Amend(T)	6-1-2015
635-023-0125	5-6-2015	Amend(T)	6-1-2015
635-023-0125	5-28-2015	Amend(T)	7-1-2015
635-023-0125	6-3-2015	Amend(T)	7-1-2015
635-023-0125(T)	3-5-2015	Suspend	4-1-2015
635-023-0125(T)	4-10-2015	Suspend	5-1-2015
635-023-0125(T)	5-2-2015	Suspend	6-1-2015
635-023-0125(T)	5-6-2015	Suspend	6-1-2015
635-023-0125(T)	5-28-2015	Suspend	7-1-2015
635-023-0125(T)	6-3-2015	Suspend	7-1-2015
635-023-0128	1-1-2015	Amend	2-1-2015
635-023-0128	6-16-2015	Amend(T)	7-1-2015
635-023-0128	7-3-2015	Amend(T)	8-1-2015
635-023-0128(T)	7-3-2015	Suspend	8-1-2015
635-023-0130	1-1-2015	Amend	2-1-2015
635-023-0130	8-1-2015	Amend(T)	9-1-2015
635-023-0130	8-23-2015	Amend(T)	10-1-2015
635-023-0130	8-29-2015	Amend(T)	10-1-2015
635-023-0130(T)	8-23-2015	Suspend	10-1-2015
635-023-0130(T)	8-29-2015	Suspend	10-1-2015
635-023-0134	1-1-2015	Amend	2-1-2015
635-023-0134	5-2-2015	Amend(T)	6-1-2015
635-023-0134	8-2-2015	Amend(T)	9-1-2015
635-023-0134	9-1-2015	Amend(T)	9-1-2015
635-023-0134(T)	8-2-2015	Suspend	9-1-2015
635-023-0134(T)	9-1-2015	Suspend	9-1-2015
635-023-0140	1-1-2015	Amend	2-1-2015
635-039-0080	1-1-2015	Amend	2-1-2015
635-039-0080	3-10-2015	Amend	4-1-2015
635-039-0085	4-28-2015	Amend	6-1-2015
635-039-0085	6-3-2015	Amend(T)	7-1-2015

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635-039-0085	6-15-2015	Amend(T)	7-1-2015
635-039-0085(T)	6-15-2015	Suspend	7-1-2015
635-039-0090	1-1-2015	Amend	2-1-2015
635-039-0090	1-15-2015	Amend	2-1-2015
635-039-0090	1-15-2015	Amend(T)	2-1-2015
635-039-0090	4-28-2015	Amend	6-1-2015
635-039-0090(T)	3-10-2015	Repeal	4-1-2015
635-041-0045	6-16-2015	Amend(T)	7-1-2015
635-041-0045	8-1-2015	Amend(T)	9-1-2015
635-041-0045(T)	8-1-2015	Suspend	9-1-2015
635-041-0063	11-25-2014	Amend(T)	1-1-2015
635-041-0063	10-19-2015	Amend(T)	11-1-2015
635-041-0063	11-13-2015	Amend(T)	12-1-2015
635-041-0063(T)	11-25-2014	Suspend	1-1-2015
635-041-0063(T)	11-13-2015	Suspend	12-1-2015
635-041-0065	2-2-2015	Amend(T)	3-1-2015
635-041-0065	2-20-2015	Amend(T)	4-1-2015
635-041-0065	3-12-2015	Amend(T)	4-1-2015
635-041-0065	5-5-2015	Amend(T)	6-1-2015
635-041-0065	5-19-2015	Amend(T)	7-1-2015
635-041-0065	5-27-2015	Amend(T)	7-1-2015
635-041-0065	6-2-2015	Amend(T)	7-1-2015
635-041-0065	6-9-2015	Amend(T)	7-1-2015
635-041-0065	6-11-2015	Amend(T)	7-1-2015
635-041-0065(T)	2-20-2015	Suspend	4-1-2015
635-041-0065(T)	3-12-2015	Suspend	4-1-2015
635-041-0065(T)	5-19-2015	Suspend	7-1-2015
635-041-0065(T)	5-27-2015	Suspend	7-1-2015
635-041-0065(T)	6-2-2015	Suspend	7-1-2015
635-041-0065(T)	6-9-2015	Suspend	7-1-2015
635-041-0065(T)	6-11-2015	Suspend	7-1-2015
635-041-0075	8-1-2015	Amend(T)	9-1-2015
635-041-0075	8-17-2015	Amend(T)	9-1-2015
635-041-0075	9-14-2015	Amend(T)	10-1-2015
635-041-0075	9-18-2015	Amend(T)	11-1-2015
635-041-0075	9-28-2015	Amend(T)	11-1-2015
635-041-0075	10-1-2015	Amend(T)	11-1-2015
635-041-0075	11-13-2015	Amend(T)	12-1-2015
635-041-0075(T)	8-17-2015	Suspend	9-1-2015
635-041-0075(T)	9-14-2015	Suspend	10-1-2015
635-041-0075(T)	9-18-2015	Suspend	11-1-2015
635-041-0075(T)	9-28-2015	Suspend	11-1-2015
635-041-0075(T)	10-1-2015	Suspend	11-1-2015
635-041-0075(T)	11-13-2015	Suspend	12-1-2015
635-041-0076	6-16-2015	Amend(T)	7-1-2015
635-041-0076	7-6-2015	Amend(T)	8-1-2015
635-041-0076	7-8-2015	Amend(T)	8-1-2015
635-041-0076	7-15-2015	Amend(T)	8-1-2015
635-041-0076	7-21-2015	Amend(T)	9-1-2015
635-041-0076	7-28-2015	Amend(T)	9-1-2015
635-041-0076(T)	7-6-2015	Suspend	8-1-2015
635-041-0076(T)	7-8-2015	Suspend	8-1-2015
635-041-0076(T)	7-15-2015	Suspend	8-1-2015
635-041-0076(T)	7-21-2015	Suspend	9-1-2015
635-041-0076(T)	7-28-2015	Suspend	9-1-2015
635-041-0525	1-1-2015	Adopt	1-1-2015
635-042-0010	8-24-2015	Amend(T)	9-1-2015
635-042-0022	3-31-2015	Amend(T)	5-1-2015
635-042-0022	4-7-2015	Amend(T)	5-1-2015
635-042-0022	5-4-2015	Amend(T)	6-1-2015
635-042-0022	5-6-2015	Amend(T)	6-1-2015
635-042-0022	5-12-2015	Amend(T)	6-1-2015
635-042-0022	5-27-2015	Amend(T)	7-1-2015
635-042-0022	6-2-2015	Amend(T)	7-1-2015
635-042-0022	6-10-2015	Amend(T)	7-1-2015
635-042-0022(T)	6-10-2015	Suspend	7-1-2015
635-042-0027	6-17-2015	Amend(T)	7-1-2015
635-042-0027	7-8-2015	Amend(T)	8-1-2015
635-042-0027	7-21-2015	Amend(T)	9-1-2015
635-042-0027(T)	7-8-2015	Suspend	8-1-2015
635-042-0027(T)	7-14-2015	Suspend	8-1-2015
635-042-0027(T)	7-21-2015	Suspend	9-1-2015
635-042-0031	8-9-2015	Amend(T)	9-1-2015
635-042-0031	8-24-2015	Amend(T)	9-1-2015
635-042-0031	8-30-2015	Amend(T)	10-1-2015
635-042-0031	8-31-2015	Amend(T)	10-1-2015
635-042-0031	9-4-2015	Amend(T)	10-1-2015
635-042-0031	9-15-2015	Amend(T)	10-1-2015
635-042-0031(T)	8-24-2015	Suspend	9-1-2015
635-042-0031(T)	8-30-2015	Suspend	10-1-2015
635-042-0031(T)	8-31-2015	Suspend	10-1-2015
635-042-0031(T)	9-4-2015	Suspend	10-1-2015
635-042-0031(T)	9-15-2015	Suspend	10-1-2015
635-042-0032	10-1-2015	Amend(T)	11-1-2015
635-042-0032	10-8-2015	Amend(T)	11-1-2015
635-042-0032	10-20-2015	Amend(T)	12-1-2015
635-042-0032(T)	10-8-2015	Suspend	11-1-2015
635-042-0032(T)	10-20-2015	Suspend	12-1-2015
635-042-0060	9-15-2015	Amend(T)	10-1-2015
635-042-0060	9-20-2015	Amend(T)	11-1-2015
635-042-0060	9-27-2015	Amend(T)	11-1-2015
635-042-0060	10-8-2015	Amend(T)	11-1-2015
635-042-0060(T)	9-20-2015	Suspend	11-1-2015
635-042-0060(T)	9-27-2015	Suspend	11-1-2015
635-042-0060(T)	10-8-2015	Suspend	11-1-2015
635-042-0130	2-2-2015	Amend(T)	3-1-2015
635-042-0145	2-9-2015	Amend(T)	3-1-2015
635-042-0145	3-9-2015	Amend(T)	4-1-2015
635-042-0145	3-24-2015	Amend(T)	5-1-2015
635-042-0145	4-21-2015	Amend(T)	6-1-2015
635-042-0145	5-4-2015	Amend(T)	6-1-2015
635-042-0145	5-12-2015	Amend(T)	6-1-2015
635-042-0145	5-27-2015	Amend(T)	7-1-2015
635-042-0145	6-2-2015	Amend(T)	7-1-2015
635-042-0145	6-10-2015	Amend(T)	7-1-2015
635-042-0145	8-4-2015	Amend(T)	9-1-2015
635-042-0145	8-24-2015	Amend(T)	10-1-2015
635-042-0145	8-31-2015	Amend(T)	10-1-2015
635-042-0145(T)	3-9-2015	Suspend	4-1-2015
635-042-0145(T)	3-24-2015	Suspend	5-1-2015
635-042-0145(T)	4-21-2015	Suspend	6-1-2015
635-042-0145(T)	5-4-2015	Suspend	6-1-2015

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635-042-0145(T)	5-12-2015	Suspend	6-1-2015
635-042-0145(T)	5-27-2015	Suspend	7-1-2015
635-042-0145(T)	6-2-2015	Suspend	7-1-2015
635-042-0145(T)	6-10-2015	Suspend	7-1-2015
635-042-0145(T)	8-24-2015	Suspend	10-1-2015
635-042-0145(T)	8-31-2015	Suspend	10-1-2015
635-042-0160	2-9-2015	Amend(T)	3-1-2015
635-042-0160	4-21-2015	Amend(T)	6-1-2015
635-042-0160	5-4-2015	Amend(T)	6-1-2015
635-042-0160	6-16-2015	Amend(T)	7-1-2015
635-042-0160	6-25-2015	Amend(T)	8-1-2015
635-042-0160	8-17-2015	Amend(T)	9-1-2015
635-042-0160(T)	4-21-2015	Suspend	6-1-2015
635-042-0160(T)	5-4-2015	Suspend	6-1-2015
635-042-0160(T)	6-16-2015	Suspend	7-1-2015
635-042-0160(T)	6-25-2015	Suspend	8-1-2015
635-042-0170	2-9-2015	Amend(T)	3-1-2015
635-042-0170	4-21-2015	Amend(T)	6-1-2015
635-042-0170	5-4-2015	Amend(T)	6-1-2015
635-042-0170	8-17-2015	Amend(T)	9-1-2015
635-042-0170(T)	4-21-2015	Suspend	6-1-2015
635-042-0170(T)	5-4-2015	Suspend	6-1-2015
635-042-0180	2-9-2015	Amend(T)	3-1-2015
635-042-0180	4-21-2015	Amend(T)	6-1-2015
635-042-0180	5-4-2015	Amend(T)	6-1-2015
635-042-0180	8-17-2015	Amend(T)	9-1-2015
635-042-0180(T)	4-21-2015	Suspend	6-1-2015
635-042-0180(T)	5-4-2015	Suspend	6-1-2015
635-043-0003	1-1-2016	Amend	11-1-2015
635-043-0033	1-1-2016	Amend	11-1-2015
635-043-0151	1-15-2015	Adopt(T)	2-1-2015
635-043-0151(T)	1-15-2015	Suspend	2-1-2015
635-043-0155	9-2-2015	Adopt(T)	10-1-2015
635-044-0060	1-1-2016	Amend	11-1-2015
635-045-0000	6-11-2015	Amend	7-1-2015
635-045-0000	8-12-2015	Amend	9-1-2015
635-046-0055	1-1-2016	Amend	11-1-2015
635-047-0025	1-1-2016	Amend	11-1-2015
635-047-0035	1-1-2016	Amend	11-1-2015
635-047-0045	1-1-2016	Amend	11-1-2015
635-048-0005	12-10-2014	Amend	1-1-2015
635-049-0165	1-1-2016	Amend	11-1-2015
635-049-0270	1-1-2016	Amend	11-1-2015
635-050-0180	1-1-2016	Amend	11-1-2015
635-051-0000	8-12-2015	Amend	9-1-2015
635-052-0000	8-12-2015	Amend	9-1-2015
635-053-0000	8-12-2015	Amend	9-1-2015
635-053-0100	2-25-2015	Repeal	4-1-2015
635-053-0105	2-25-2015	Repeal	4-1-2015
635-053-0111	2-25-2015	Repeal	4-1-2015
635-053-0125	2-25-2015	Repeal	4-1-2015
635-054-0000	8-12-2015	Amend	9-1-2015
635-055-0015	1-1-2016	Amend	11-1-2015
635-055-0035	1-1-2016	Amend	11-1-2015
635-055-0037	1-1-2016	Amend	11-1-2015
635-056-0075	1-1-2016	Amend	11-1-2015
635-060-0000	8-12-2015	Amend	9-1-2015
635-060-0046	1-1-2016	Amend	11-1-2015
635-065-0001	1-6-2015	Amend	2-1-2015
635-065-0011	1-6-2015	Amend	2-1-2015
635-065-0015	1-6-2015	Amend	2-1-2015
635-065-0015	6-11-2015	Amend	7-1-2015
635-065-0090	1-6-2015	Amend	2-1-2015
635-065-0401	1-6-2015	Amend	2-1-2015
635-065-0501	1-1-2016	Amend	11-1-2015
635-065-0625	1-6-2015	Amend	2-1-2015
635-065-0705	1-6-2015	Amend	2-1-2015
635-065-0705(T)	1-6-2015	Repeal	2-1-2015
635-065-0740	1-6-2015	Amend	2-1-2015
635-065-0760	1-1-2015	Amend(T)	1-1-2015
635-065-0760	6-11-2015	Amend	7-1-2015
635-065-0760(T)	6-11-2015	Repeal	7-1-2015
635-065-0765	1-6-2015	Amend	2-1-2015
635-065-0765	6-11-2015	Amend	7-1-2015
635-066-0000	1-6-2015	Amend	2-1-2015
635-067-0000	1-6-2015	Amend	2-1-2015
635-067-0000	6-11-2015	Amend	7-1-2015
635-067-0015	1-6-2015	Amend	2-1-2015
635-067-0030	6-11-2015	Amend	7-1-2015
635-067-0032	1-6-2015	Amend	2-1-2015
635-067-0032	6-11-2015	Amend	7-1-2015
635-067-0034	1-6-2015	Amend	2-1-2015
635-067-0034	6-11-2015	Amend	7-1-2015
635-067-0040	9-27-2015	Amend(T)	11-1-2015
635-068-0000	2-26-2015	Amend	4-1-2015
635-068-0000	6-11-2015	Amend	7-1-2015
635-069-0000	2-26-2015	Amend	4-1-2015
635-069-0000	6-11-2015	Amend	7-1-2015
635-070-0000	4-8-2015	Amend	5-1-2015
635-070-0000	6-11-2015	Amend	7-1-2015
635-070-0020	4-8-2015	Amend	5-1-2015
635-071-0000	4-8-2015	Amend	5-1-2015
635-071-0000	6-11-2015	Amend	7-1-2015
635-071-0010	1-7-2015	Amend(T)	2-1-2015
635-071-0010	6-11-2015	Amend	7-1-2015
635-071-0010(T)	6-11-2015	Repeal	7-1-2015
635-072-0000	1-6-2015	Amend	2-1-2015
635-073-0000	2-26-2015	Amend	4-1-2015
635-073-0000	6-11-2015	Amend	7-1-2015
635-073-0015	2-26-2015	Amend	4-1-2015
635-075-0001	1-6-2015	Amend	2-1-2015
635-075-0005	1-6-2015	Amend	2-1-2015
635-075-0005	6-11-2015	Amend	7-1-2015
635-075-0005	1-1-2016	Amend	11-1-2015
635-075-0010	1-6-2015	Amend	2-1-2015
635-075-0020	1-6-2015	Amend	2-1-2015
635-075-0020	6-11-2015	Amend	7-1-2015
635-075-0022	1-6-2015	Adopt	2-1-2015
635-075-0022	6-11-2015	Amend	7-1-2015
635-075-0026	1-1-2016	Amend	11-1-2015
635-075-0035	1-1-2016	Amend	11-1-2015
635-078-0011	6-11-2015	Amend	7-1-2015

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635-095-0100	2-25-2015	Amend	4-1-2015
635-095-0105	2-25-2015	Amend	4-1-2015
635-095-0111	2-25-2015	Amend	4-1-2015
635-095-0125	2-25-2015	Amend	4-1-2015
635-100-0125	11-10-2015	Amend	12-1-2015
635-140-0000	9-1-2015	Amend	10-1-2015
635-140-0002	9-1-2015	Adopt	10-1-2015
635-140-0005	9-1-2015	Amend	10-1-2015
635-140-0010	9-1-2015	Amend	10-1-2015
635-140-0015	9-1-2015	Amend	10-1-2015
635-140-0025	9-1-2015	Adopt	10-1-2015
635-200-0050	1-1-2016	Amend	11-1-2015
635-415-0025	10-19-2015	Amend(T)	12-1-2015
635-440-0001	12-8-2014	Adopt	1-1-2015
635-440-0005	12-8-2014	Adopt	1-1-2015
635-440-0010	12-8-2014	Adopt	1-1-2015
635-440-0015	12-8-2014	Adopt	1-1-2015
635-440-0020	12-8-2014	Adopt	1-1-2015
635-440-0025	12-8-2014	Adopt	1-1-2015
635-440-0030	12-8-2014	Adopt	1-1-2015
635-440-0035	12-8-2014	Adopt	1-1-2015
647-010-0010	7-1-2015	Amend	6-1-2015
660-004-0023	4-27-2015	Adopt	6-1-2015
660-004-0040	4-27-2015	Amend	6-1-2015
660-006-0005	6-10-2015	Amend	7-1-2015
660-023-0115	8-13-2015	Adopt	9-1-2015
660-024-0030	3-25-2015	Repeal	5-1-2015
660-024-0040	3-25-2015	Amend	5-1-2015
660-027-0070	4-27-2015	Amend	6-1-2015
660-029-0000	4-27-2015	Adopt	6-1-2015
660-029-0010	4-27-2015	Adopt	6-1-2015
660-029-0020	4-27-2015	Adopt	6-1-2015
660-029-0030	4-27-2015	Adopt	6-1-2015
660-029-0040	4-27-2015	Adopt	6-1-2015
660-029-0050	4-27-2015	Adopt	6-1-2015
660-029-0060	4-27-2015	Adopt	6-1-2015
660-029-0070	4-27-2015	Adopt	6-1-2015
660-029-0080	4-27-2015	Adopt	6-1-2015
660-029-0090	4-27-2015	Adopt	6-1-2015
660-029-0100	4-27-2015	Adopt	6-1-2015
660-029-0110	4-27-2015	Adopt	6-1-2015
660-029-0120	4-27-2015	Adopt	6-1-2015
660-032-0000	3-25-2015	Adopt	5-1-2015
660-032-0010	3-25-2015	Adopt	5-1-2015
660-032-0020	3-25-2015	Adopt	5-1-2015
660-032-0030	3-25-2015	Adopt	5-1-2015
660-032-0040	3-25-2015	Adopt	5-1-2015
660-033-0120	4-9-2015	Amend	5-1-2015
660-033-0130	4-9-2015	Amend	5-1-2015
690-020-0000	3-17-2015	Amend	5-1-2015
690-020-0022	3-17-2015	Amend	5-1-2015
690-020-0023	3-17-2015	Adopt	5-1-2015
690-020-0025	3-17-2015	Amend	5-1-2015
690-020-0029	3-17-2015	Amend	5-1-2015
690-020-0035	3-17-2015	Amend	5-1-2015
690-020-0036	3-17-2015	Adopt	5-1-2015
690-020-0037	3-17-2015	Adopt	5-1-2015
690-020-0038	3-17-2015	Adopt	5-1-2015
690-020-0041	3-17-2015	Adopt	5-1-2015
690-020-0042	3-17-2015	Adopt	5-1-2015
690-020-0043	3-17-2015	Adopt	5-1-2015
690-020-0044	3-17-2015	Adopt	5-1-2015
690-020-0047	3-17-2015	Adopt	5-1-2015
690-020-0048	3-17-2015	Adopt	5-1-2015
690-020-0050	3-17-2015	Am. & Ren.	5-1-2015
690-020-0055	3-17-2015	Adopt	5-1-2015
690-020-0060	3-17-2015	Adopt	5-1-2015
690-020-0065	3-17-2015	Adopt	5-1-2015
690-020-0070	3-17-2015	Adopt	5-1-2015
690-020-0080	3-17-2015	Adopt	5-1-2015
690-020-0100	3-17-2015	Amend	5-1-2015
690-020-0120	3-17-2015	Adopt	5-1-2015
690-020-0150	3-17-2015	Adopt	5-1-2015
690-020-0200	3-17-2015	Amend	5-1-2015
690-020-0250	3-17-2015	Adopt	5-1-2015
690-020-0300	3-17-2015	Adopt	5-1-2015
690-020-0350	3-17-2015	Adopt	5-1-2015
690-020-0400	3-17-2015	Adopt	5-1-2015
690-022-0050	5-15-2015	Adopt(T)	6-1-2015
690-022-0052	5-15-2015	Adopt(T)	6-1-2015
690-022-0054	5-15-2015	Adopt(T)	6-1-2015
690-022-0055	5-15-2015	Adopt(T)	6-1-2015
690-022-0056	5-15-2015	Adopt(T)	6-1-2015
690-025-0010	3-16-2015	Adopt	5-1-2015
690-033-0120	11-25-2014	Amend	1-1-2015
690-093-0010	7-2-2015	Adopt	8-1-2015
690-093-0020	7-2-2015	Adopt	8-1-2015
690-093-0030	7-2-2015	Adopt	8-1-2015
690-093-0040	7-2-2015	Adopt	8-1-2015
690-093-0050	7-2-2015	Adopt	8-1-2015
690-093-0060	7-2-2015	Adopt	8-1-2015
690-093-0070	7-2-2015	Adopt	8-1-2015
690-093-0080	7-2-2015	Adopt	8-1-2015
690-093-0090	7-2-2015	Adopt	8-1-2015
690-093-0100	7-2-2015	Adopt	8-1-2015
690-093-0110	7-2-2015	Adopt	8-1-2015
690-093-0120	7-2-2015	Adopt	8-1-2015
690-093-0130	7-2-2015	Adopt	8-1-2015
690-093-0150	7-2-2015	Adopt	8-1-2015
690-093-0160	7-2-2015	Adopt	8-1-2015
690-093-0170	7-2-2015	Adopt	8-1-2015
690-093-0180	7-2-2015	Adopt	8-1-2015
690-093-0190	7-2-2015	Adopt	8-1-2015
690-093-0200	7-2-2015	Adopt	8-1-2015
690-200-0005	11-25-2014	Amend	1-1-2015
690-200-0020	7-1-2015	Amend	8-1-2015
690-200-0028	7-1-2015	Amend	8-1-2015
690-200-0050	7-1-2015	Amend	8-1-2015
690-205-0185	7-1-2015	Amend	8-1-2015
690-210-0030	7-1-2015	Amend	8-1-2015
690-210-0130	7-1-2015	Amend	8-1-2015
690-210-0140	7-1-2015	Amend	8-1-2015

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690-210-0150	7-1-2015	Amend	8-1-2015
690-210-0155	7-1-2015	Amend	8-1-2015
690-210-0190	7-1-2015	Amend	8-1-2015
690-210-0220	7-1-2015	Amend	8-1-2015
690-210-0230	7-1-2015	Amend	8-1-2015
690-210-0270	7-1-2015	Amend	8-1-2015
690-210-0310	11-25-2014	Amend	1-1-2015
690-210-0320	7-1-2015	Amend	8-1-2015
690-210-0340	11-25-2014	Amend	1-1-2015
690-210-0380	7-1-2015	Amend	8-1-2015
690-210-0400	7-1-2015	Amend	8-1-2015
690-210-0410	7-1-2015	Amend	8-1-2015
690-210-0420	7-1-2015	Amend	8-1-2015
690-215-0015	7-1-2015	Repeal	8-1-2015
690-215-0045	11-25-2014	Amend	1-1-2015
690-215-0200	7-1-2015	Amend	8-1-2015
690-220-0115	7-1-2015	Amend	8-1-2015
690-240-0005	11-25-2014	Amend	1-1-2015
690-240-0005	7-1-2015	Amend	8-1-2015
690-240-0035	11-25-2014	Amend	1-1-2015
690-240-0046	11-25-2014	Amend	1-1-2015
690-240-0355	7-1-2015	Amend	8-1-2015
690-240-0475	7-1-2015	Amend	8-1-2015
690-240-0525	7-1-2015	Amend	8-1-2015
690-310-0080	1-1-2015	Amend	1-1-2015
690-325-0010	11-25-2014	Adopt	1-1-2015
690-325-0020	11-25-2014	Adopt	1-1-2015
690-325-0030	11-25-2014	Adopt	1-1-2015
690-325-0040	11-25-2014	Adopt	1-1-2015
690-325-0050	11-25-2014	Adopt	1-1-2015
690-325-0060	11-25-2014	Adopt	1-1-2015
690-325-0070	11-25-2014	Adopt	1-1-2015
690-325-0080	11-25-2014	Adopt	1-1-2015
690-325-0090	11-25-2014	Adopt	1-1-2015
690-325-0100	11-25-2014	Adopt	1-1-2015
690-325-0110	11-25-2014	Adopt	1-1-2015
690-340-0030	1-1-2015	Amend	1-1-2015
690-340-0040	1-1-2015	Amend	1-1-2015
690-382-0400	1-1-2015	Amend	1-1-2015
690-522-0030	6-26-2015	Amend	8-1-2015
690-522-0050	6-26-2015	Amend	8-1-2015
710-005-0005	7-1-2015	Amend	8-1-2015
710-010-0000	11-30-2014	Adopt	1-1-2015
715-001-0030	1-20-2015	Adopt	3-1-2015
715-001-0035	1-20-2015	Adopt	3-1-2015
715-010-0015	12-18-2014	Amend	2-1-2015
715-013-0005	3-16-2015	Adopt	5-1-2015
715-013-0020	3-16-2015	Adopt	5-1-2015
715-013-0025	7-1-2015	Adopt	5-1-2015
715-013-0025	7-1-2015	Adopt	7-1-2015
715-013-0040	7-1-2015	Adopt	5-1-2015
715-013-0040	7-1-2015	Adopt	7-1-2015
715-013-0060	9-8-2015	Adopt(T)	10-1-2015
715-013-0060	11-13-2015	Adopt	12-1-2015
715-013-0060(T)	11-13-2015	Repeal	12-1-2015
715-013-0062	9-8-2015	Adopt(T)	10-1-2015
715-013-0062	11-13-2015	Adopt	12-1-2015
715-013-0062(T)	11-13-2015	Repeal	12-1-2015
715-013-0064	9-8-2015	Adopt(T)	10-1-2015
715-013-0064	11-13-2015	Adopt	12-1-2015
715-013-0064(T)	11-13-2015	Repeal	12-1-2015
715-013-0066	9-8-2015	Adopt(T)	10-1-2015
715-013-0066	11-13-2015	Adopt	12-1-2015
715-013-0066(T)	11-13-2015	Repeal	12-1-2015
715-045-0007	12-18-2014	Amend	2-1-2015
715-045-0007	6-25-2015	Amend(T)	8-1-2015
715-045-0007	9-21-2015	Amend	11-1-2015
715-045-0007	9-23-2015	Amend(T)	11-1-2015
715-045-0007(T)	9-21-2015	Repeal	11-1-2015
715-045-0009	12-18-2014	Amend	2-1-2015
715-045-0012	12-18-2014	Amend	2-1-2015
715-045-0018	12-18-2014	Amend	2-1-2015
715-045-0190	12-18-2014	Amend	2-1-2015
715-045-0200	12-18-2014	Amend	2-1-2015
715-045-0220	12-18-2014	Adopt	2-1-2015
731-080-0010	6-22-2015	Repeal	8-1-2015
731-080-0020	6-22-2015	Repeal	8-1-2015
731-080-0030	6-22-2015	Repeal	8-1-2015
731-080-0040	6-22-2015	Repeal	8-1-2015
731-080-0070	6-22-2015	Repeal	8-1-2015
731-080-0080	6-22-2015	Repeal	8-1-2015
731-090-0000	7-1-2015	Adopt	6-1-2015
731-090-0010	7-1-2015	Adopt	6-1-2015
731-090-0020	7-1-2015	Adopt	6-1-2015
731-090-0030	7-1-2015	Adopt	6-1-2015
731-090-0040	7-1-2015	Adopt	6-1-2015
731-090-0050	7-1-2015	Adopt	6-1-2015
731-090-0060	7-1-2015	Adopt	6-1-2015
731-090-0070	7-1-2015	Adopt	6-1-2015
731-090-0080	7-1-2015	Adopt	6-1-2015
731-090-0090	7-1-2015	Adopt	6-1-2015
734-020-0010	5-26-2015	Amend	7-1-2015
734-020-0011	5-26-2015	Amend	7-1-2015
734-035-0010	12-8-2014	Amend	1-1-2015
734-035-0040	12-8-2014	Amend	1-1-2015
734-035-0200	12-8-2014	Adopt	1-1-2015
734-035-0200(T)	12-8-2014	Repeal	1-1-2015
734-059-0015	12-19-2014	Amend	2-1-2015
734-059-0020	12-19-2014	Amend	2-1-2015
734-059-0025	12-19-2014	Amend	2-1-2015
734-059-0040	12-19-2014	Adopt	2-1-2015
734-059-0220	12-19-2014	Amend	2-1-2015
734-060-0000	12-19-2014	Amend	2-1-2015
734-060-0007	12-19-2014	Amend	2-1-2015
734-060-0175	12-19-2014	Amend	2-1-2015
734-060-0190	12-19-2014	Adopt	2-1-2015
734-074-0010	4-21-2015	Amend	6-1-2015
734-074-0060	4-21-2015	Amend	6-1-2015
734-075-0045	4-21-2015	Amend	6-1-2015
734-076-0135	4-21-2015	Amend	6-1-2015
734-078-0030	4-21-2015	Amend	6-1-2015
734-082-0009	6-23-2015	Amend	8-1-2015

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734-082-0037	4-21-2015	Amend	6-1-2015
735-001-0040	12-19-2014	Amend	2-1-2015
735-001-0062	7-1-2015	Amend	8-1-2015
735-022-0065	1-1-2015	Adopt	1-1-2015
735-028-0110	4-21-2015	Amend	6-1-2015
735-028-0120	4-21-2015	Amend	6-1-2015
735-028-0125	4-21-2015	Adopt	6-1-2015
735-028-0130	4-21-2015	Repeal	6-1-2015
735-028-0140	4-21-2015	Repeal	6-1-2015
735-028-0150	4-21-2015	Amend	6-1-2015
735-032-0025	1-1-2016	Adopt	11-1-2015
735-040-0090	10-1-2015	Amend	10-1-2015
735-062-0005	12-1-2014	Amend	1-1-2015
735-062-0007	12-1-2014	Amend	1-1-2015
735-062-0010	12-1-2014	Amend	1-1-2015
735-062-0015	12-1-2014	Amend	1-1-2015
735-062-0016	6-19-2015	Amend	8-1-2015
735-062-0030	12-1-2014	Amend	1-1-2015
735-062-0040	12-1-2014	Amend	1-1-2015
735-062-0096	12-1-2014	Amend	1-1-2015
735-062-0110	12-1-2014	Amend	1-1-2015
735-062-0125	12-1-2014	Amend	1-1-2015
735-062-0200	12-1-2014	Amend	1-1-2015
735-063-0130	7-8-2015	Adopt	8-1-2015
735-064-0040	7-8-2015	Amend	8-1-2015
735-064-0100	7-8-2015	Amend	8-1-2015
735-064-0220	7-8-2015	Amend	8-1-2015
735-070-0037	7-8-2015	Repeal	8-1-2015
735-070-0200	7-8-2015	Am. & Ren.	8-1-2015
735-072-0035	7-8-2015	Amend	8-1-2015
735-150-0040	4-20-2015	Amend	6-1-2015
735-150-0041	4-20-2015	Adopt	6-1-2015
735-150-0120	4-20-2015	Amend	6-1-2015
735-170-0000	7-1-2015	Amend	1-1-2015
735-170-0010	7-1-2015	Amend	1-1-2015
735-170-0015	7-1-2015	Adopt	1-1-2015
735-170-0020	7-1-2015	Amend	1-1-2015
735-170-0035	7-1-2015	Adopt	1-1-2015
735-170-0040	7-1-2015	Amend	1-1-2015
735-170-0045	7-1-2015	Amend	1-1-2015
735-170-0105	7-1-2015	Amend	1-1-2015
735-174-0000	7-1-2015	Amend	1-1-2015
735-174-0020	7-1-2015	Amend	1-1-2015
735-174-0030	7-1-2015	Amend	1-1-2015
735-174-0040	7-1-2015	Amend	1-1-2015
735-174-0045	7-1-2015	Amend	1-1-2015
735-176-0000	7-1-2015	Repeal	1-1-2015
735-176-0010	7-1-2015	Repeal	1-1-2015
735-176-0017	7-1-2015	Repeal	1-1-2015
735-176-0019	7-1-2015	Repeal	1-1-2015
735-176-0020	7-1-2015	Repeal	1-1-2015
735-176-0021	7-1-2015	Repeal	1-1-2015
735-176-0022	7-1-2015	Repeal	1-1-2015
735-176-0023	7-1-2015	Repeal	1-1-2015
735-176-0030	7-1-2015	Repeal	1-1-2015
735-176-0040	7-1-2015	Repeal	1-1-2015
735-176-0045	7-1-2015	Repeal	1-1-2015
735-176-0100	7-1-2015	Adopt	1-1-2015
735-176-0110	7-1-2015	Adopt	1-1-2015
735-176-0120	7-1-2015	Adopt	1-1-2015
735-176-0130	7-1-2015	Adopt	1-1-2015
735-176-0140	7-1-2015	Adopt	1-1-2015
735-176-0150	7-1-2015	Adopt	1-1-2015
735-176-0160	7-1-2015	Adopt	1-1-2015
735-176-0170	7-1-2015	Adopt	1-1-2015
735-176-0180	7-1-2015	Adopt	1-1-2015
735-176-0190	7-1-2015	Adopt	1-1-2015
735-176-0200	7-1-2015	Adopt	1-1-2015
735-176-0210	7-1-2015	Adopt	1-1-2015
736-015-0015	9-28-2015	Amend	11-1-2015
736-017-0005	10-1-2015	Amend	11-1-2015
736-017-0010	10-1-2015	Amend	11-1-2015
736-017-0020	10-1-2015	Amend	11-1-2015
738-001-0006	7-1-2015	Amend	8-1-2015
738-001-0025	7-1-2015	Repeal	8-1-2015
738-001-0030	7-1-2015	Repeal	8-1-2015
738-130-0005	7-28-2015	Adopt	9-1-2015
738-130-0015	7-28-2015	Adopt	9-1-2015
738-130-0025	7-28-2015	Adopt	9-1-2015
738-130-0035	7-28-2015	Adopt	9-1-2015
738-130-0045	7-28-2015	Adopt	9-1-2015
738-130-0055	7-28-2015	Adopt	9-1-2015
738-130-0065	7-28-2015	Adopt	9-1-2015
738-130-0075	7-28-2015	Adopt	9-1-2015
738-130-0085	7-28-2015	Adopt	9-1-2015
738-130-0095	7-28-2015	Adopt	9-1-2015
738-130-0105	7-28-2015	Adopt	9-1-2015
738-130-0115	7-28-2015	Adopt	9-1-2015
738-130-0125	7-28-2015	Adopt	9-1-2015
740-055-0020	9-21-2015	Amend	11-1-2015
740-055-0110	9-21-2015	Amend	11-1-2015
740-100-0010	5-26-2015	Amend	7-1-2015
740-100-0015	8-24-2015	Amend	10-1-2015
740-100-0045	8-24-2015	Adopt	10-1-2015
740-100-0049	8-24-2015	Adopt	10-1-2015
740-100-0055	8-24-2015	Adopt	10-1-2015
740-100-0065	5-26-2015	Amend	7-1-2015
740-100-0065	8-24-2015	Amend	10-1-2015
740-100-0070	5-26-2015	Amend	7-1-2015
740-100-0070	8-24-2015	Amend	10-1-2015
740-100-0080	5-26-2015	Amend	7-1-2015
740-100-0080	8-24-2015	Amend	10-1-2015
740-100-0085	5-26-2015	Amend	7-1-2015
740-100-0085	8-24-2015	Amend	10-1-2015
740-100-0090	5-26-2015	Amend	7-1-2015
740-100-0090	8-24-2015	Amend	10-1-2015
740-100-0110	8-24-2015	Repeal	10-1-2015
740-110-0010	5-26-2015	Amend	7-1-2015
740-200-0010	5-26-2015	Amend	7-1-2015
740-200-0020	5-26-2015	Amend	7-1-2015
740-200-0040	5-26-2015	Amend	7-1-2015
740-300-0005	9-21-2015	Adopt	11-1-2015

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741-510-0010	9-3-2015	Amend	10-1-2015
741-510-0010	9-14-2015	Amend	10-1-2015
741-510-0015	9-3-2015	Adopt	10-1-2015
741-510-0015	9-14-2015	Adopt	10-1-2015
741-510-0020	9-3-2015	Amend	10-1-2015
741-510-0020	9-14-2015	Amend	10-1-2015
741-510-0025	9-3-2015	Adopt	10-1-2015
741-510-0025	9-14-2015	Adopt	10-1-2015
741-510-0027	9-3-2015	Adopt	10-1-2015
741-510-0027	9-14-2015	Adopt	10-1-2015
741-510-0030	9-3-2015	Repeal	10-1-2015
741-510-0030	9-14-2015	Repeal	10-1-2015
741-510-0035	9-3-2015	Adopt	10-1-2015
741-510-0035	9-14-2015	Adopt	10-1-2015
741-510-0040	9-3-2015	Repeal	10-1-2015
741-510-0040	9-14-2015	Repeal	10-1-2015
741-510-0045	9-3-2015	Adopt	10-1-2015
741-510-0045	9-14-2015	Adopt	10-1-2015
741-510-0050	9-3-2015	Adopt	10-1-2015
741-510-0050	9-14-2015	Adopt	10-1-2015
800-001-0000	2-1-2015	Amend	3-1-2015
800-010-0015	2-1-2015	Amend	3-1-2015
800-010-0017	2-1-2015	Amend	3-1-2015
800-010-0020	2-1-2015	Amend	3-1-2015
800-010-0025	2-1-2015	Amend	3-1-2015
800-010-0030	2-1-2015	Amend	3-1-2015
800-010-0040	2-1-2015	Amend	3-1-2015
800-010-0050	2-1-2015	Amend	3-1-2015
800-015-0005	2-1-2015	Amend	3-1-2015
800-015-0010	2-1-2015	Amend	3-1-2015
800-015-0015	2-1-2015	Amend	3-1-2015
800-015-0020	2-1-2015	Amend	3-1-2015
800-020-0015	2-1-2015	Amend	3-1-2015
800-020-0022	2-1-2015	Amend	3-1-2015
800-020-0030	2-1-2015	Amend	3-1-2015
800-020-0031	2-1-2015	Amend	3-1-2015
800-025-0010	2-1-2015	Amend	3-1-2015
800-025-0023	2-1-2015	Amend	3-1-2015
800-025-0025	2-1-2015	Amend	3-1-2015
800-025-0030	2-1-2015	Amend	3-1-2015
800-025-0040	2-1-2015	Amend	3-1-2015
800-025-0060	2-1-2015	Amend	3-1-2015
800-025-0070	2-1-2015	Amend	3-1-2015
800-030-0030	2-1-2015	Amend	3-1-2015
800-030-0050	2-1-2015	Amend	3-1-2015
801-001-0000	1-8-2015	Amend	1-1-2015
801-001-0005	1-8-2015	Amend	1-1-2015
801-001-0015	1-8-2015	Repeal	1-1-2015
801-001-0020	1-8-2015	Repeal	1-1-2015
801-001-0035	1-8-2015	Amend	1-1-2015
801-005-0010	1-8-2015	Amend	1-1-2015
801-005-0010	10-1-2015	Amend	11-1-2015
801-005-0200	10-1-2015	Repeal	11-1-2015
801-005-0300	10-1-2015	Repeal	11-1-2015
801-005-0400	10-1-2015	Amend	11-1-2015
801-010-0010	1-8-2015	Amend	1-1-2015
801-010-0010	10-1-2015	Amend	11-1-2015
801-010-0045	1-8-2015	Amend	1-1-2015
801-010-0050	1-8-2015	Amend	1-1-2015
801-010-0050	10-1-2015	Amend	11-1-2015
801-010-0060	1-8-2015	Amend	1-1-2015
801-010-0065	1-8-2015	Amend	1-1-2015
801-010-0065	10-1-2015	Amend	11-1-2015
801-010-0073	1-8-2015	Amend	1-1-2015
801-010-0075	10-1-2015	Amend	11-1-2015
801-010-0078	1-8-2015	Repeal	1-1-2015
801-010-0079	1-8-2015	Amend	1-1-2015
801-010-0080	1-8-2015	Amend	1-1-2015
801-010-0100	1-8-2015	Amend	1-1-2015
801-010-0100	10-1-2015	Amend	11-1-2015
801-010-0110	1-8-2015	Amend	1-1-2015
801-010-0120	1-8-2015	Amend	1-1-2015
801-010-0125	1-8-2015	Repeal	1-1-2015
801-010-0130	1-8-2015	Amend	1-1-2015
801-010-0130	10-1-2015	Amend	11-1-2015
801-010-0340	10-1-2015	Amend	11-1-2015
801-010-0345	1-8-2015	Amend	1-1-2015
801-010-0345	10-1-2015	Amend	11-1-2015
801-020-0690	10-1-2015	Amend	11-1-2015
801-030-0005	1-8-2015	Amend	1-1-2015
801-030-0010	1-8-2015	Amend	1-1-2015
801-030-0015	1-8-2015	Amend	1-1-2015
801-030-0020	1-8-2015	Amend	1-1-2015
801-040-0010	10-1-2015	Amend	11-1-2015
801-040-0030	10-1-2015	Amend	11-1-2015
801-040-0040	10-1-2015	Amend	11-1-2015
801-040-0050	10-1-2015	Amend	11-1-2015
801-040-0080	10-1-2015	Repeal	11-1-2015
801-040-0090	10-1-2015	Amend	11-1-2015
801-040-0150	10-1-2015	Amend	11-1-2015
801-040-0150	10-1-2015	Amend	11-1-2015
801-040-0160	10-1-2015	Amend	11-1-2015
801-040-0160	10-1-2015	Amend	11-1-2015
804-001-0002	7-1-2015	Amend	7-1-2015
804-001-0020	9-1-2015	Amend	10-1-2015
804-003-0000	11-19-2014	Amend	1-1-2015
804-010-0000	11-19-2014	Amend	1-1-2015
804-010-0010	11-19-2014	Amend	1-1-2015
804-010-0020	11-19-2014	Amend	1-1-2015
804-020-0001	11-19-2014	Amend	1-1-2015
804-020-0003	11-19-2014	Amend	1-1-2015
804-020-0005	11-19-2014	Amend	1-1-2015
804-020-0010	11-19-2014	Amend	1-1-2015
804-020-0015	11-19-2014	Amend	1-1-2015
804-020-0030	11-19-2014	Amend	1-1-2015
804-020-0045	11-19-2014	Amend	1-1-2015
804-022-0000	11-19-2014	Amend	1-1-2015
804-022-0015	11-19-2014	Amend	1-1-2015
804-022-0020	9-1-2015	Amend	10-1-2015
804-022-0025	9-1-2015	Amend	10-1-2015
804-022-0030	9-1-2015	Adopt	10-1-2015
804-040-0000	11-19-2014	Amend	1-1-2015

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804-040-0000	9-1-2015	Amend	10-1-2015
806-001-0003	7-1-2015	Amend	6-1-2015
806-010-0010	6-26-2015	Amend(T)	8-1-2015
806-010-0020	6-26-2015	Amend(T)	8-1-2015
806-010-0020	9-14-2015	Amend(T)	10-1-2015
806-010-0035	6-26-2015	Amend(T)	8-1-2015
806-010-0035	9-14-2015	Amend(T)	10-1-2015
808-001-0008	3-24-2015	Amend	5-1-2015
808-001-0008	6-18-2015	Amend	8-1-2015
808-002-0455	8-1-2015	Amend	9-1-2015
808-003-0010	8-1-2015	Amend	9-1-2015
808-003-0040	2-1-2015	Amend	3-1-2015
808-003-0045	2-1-2015	Amend	3-1-2015
808-003-0065	12-1-2014	Amend	1-1-2015
808-003-0065	2-1-2015	Amend	3-1-2015
808-003-0065	2-12-2015	Amend(T)	3-1-2015
808-003-0065	6-11-2015	Amend	7-1-2015
808-003-0065(T)	6-11-2015	Repeal	7-1-2015
808-003-0100	8-1-2015	Amend	9-1-2015
808-003-0130	11-1-2015	Amend	12-1-2015
808-003-0220	8-1-2015	Amend	9-1-2015
808-003-0231	12-1-2014	Adopt	1-1-2015
808-003-0610	10-17-2015	Amend(T)	12-1-2015
808-008-0425	12-1-2014	Amend	1-1-2015
809-001-0015	12-5-2014	Amend	1-1-2015
809-010-0025	7-1-2015	Amend	7-1-2015
809-040-0001	12-5-2014	Amend	1-1-2015
809-050-0020	12-5-2014	Repeal	1-1-2015
809-050-0050	12-5-2014	Amend	1-1-2015
809-050-0050(T)	12-5-2014	Repeal	1-1-2015
811-010-0066	7-1-2015	Amend	7-1-2015
811-010-0085	3-20-2015	Amend	5-1-2015
811-010-0085	7-1-2015	Amend	7-1-2015
811-010-0085	10-29-2015	Amend	12-1-2015
811-010-0086	7-1-2015	Amend	7-1-2015
811-015-0005	4-10-2015	Amend	5-1-2015
812-008-0020	10-1-2015	Amend	8-1-2015
812-008-0040	10-1-2015	Amend	8-1-2015
812-008-0050	10-1-2015	Amend	8-1-2015
812-008-0060	10-1-2015	Amend	8-1-2015
812-008-0110	10-1-2015	Amend	8-1-2015
813-013-0035	2-26-2015	Amend(T)	4-1-2015
813-013-0035	7-9-2015	Amend	8-1-2015
813-044-0040	3-11-2015	Amend(T)	4-1-2015
813-044-0040	7-9-2015	Amend	8-1-2015
813-044-0045	3-11-2015	Adopt(T)	4-1-2015
813-044-0045	7-9-2015	Adopt	8-1-2015
813-046-0000	8-25-2015	Amend	10-1-2015
813-046-0011	8-25-2015	Amend	10-1-2015
813-046-0021	8-25-2015	Amend	10-1-2015
813-046-0040	8-25-2015	Amend	10-1-2015
813-046-0045	8-25-2015	Amend	10-1-2015
813-046-0050	8-25-2015	Amend	10-1-2015
813-046-0061	8-25-2015	Amend	10-1-2015
813-046-0065	8-25-2015	Amend	10-1-2015
813-046-0070	8-25-2015	Amend	10-1-2015
813-046-0081	8-25-2015	Amend	10-1-2015
813-046-0100	8-25-2015	Repeal	10-1-2015
813-049-0001	8-25-2015	Amend	10-1-2015
813-049-0005	8-25-2015	Amend	10-1-2015
813-049-0008	8-25-2015	Adopt	10-1-2015
813-049-0010	8-25-2015	Amend	10-1-2015
813-049-0020	8-25-2015	Amend	10-1-2015
813-049-0045	8-25-2015	Adopt	10-1-2015
813-049-0055	8-25-2015	Adopt	10-1-2015
813-049-0065	8-25-2015	Adopt	10-1-2015
813-049-0075	8-25-2015	Adopt	10-1-2015
813-049-0080	8-25-2015	Adopt	10-1-2015
813-051-0000	8-25-2015	Amend	10-1-2015
813-051-0010	8-25-2015	Amend	10-1-2015
813-051-0020	8-25-2015	Amend	10-1-2015
813-051-0030	8-25-2015	Amend	10-1-2015
813-051-0040	8-25-2015	Amend	10-1-2015
813-051-0050	8-25-2015	Amend	10-1-2015
813-051-0060	8-25-2015	Amend	10-1-2015
813-051-0070	8-25-2015	Amend	10-1-2015
813-051-0080	8-25-2015	Amend	10-1-2015
813-051-0090	8-25-2015	Amend	10-1-2015
813-051-0100	8-25-2015	Repeal	10-1-2015
813-055-0001	12-2-2014	Amend	1-1-2015
813-055-0095	12-2-2014	Repeal	1-1-2015
813-055-0105	12-2-2014	Repeal	1-1-2015
813-055-0115	12-2-2014	Repeal	1-1-2015
813-090-0005	12-2-2014	Amend	1-1-2015
813-090-0005(T)	12-2-2014	Repeal	1-1-2015
813-090-0010	12-2-2014	Amend	1-1-2015
813-090-0010(T)	12-2-2014	Repeal	1-1-2015
813-090-0015	12-2-2014	Amend	1-1-2015
813-090-0015(T)	12-2-2014	Repeal	1-1-2015
813-090-0027	12-2-2014	Repeal	1-1-2015
813-090-0031	12-2-2014	Amend	1-1-2015
813-090-0031(T)	12-2-2014	Repeal	1-1-2015
813-090-0036	12-2-2014	Amend	1-1-2015
813-090-0036(T)	12-2-2014	Repeal	1-1-2015
813-090-0037	12-2-2014	Amend	1-1-2015
813-090-0037(T)	12-2-2014	Repeal	1-1-2015
813-090-0039	12-2-2014	Amend	1-1-2015
813-090-0039(T)	12-2-2014	Repeal	1-1-2015
813-090-0055	12-2-2014	Adopt	1-1-2015
813-090-0064	12-2-2014	Adopt	1-1-2015
813-090-0080	12-2-2014	Amend	1-1-2015
813-090-0080(T)	12-2-2014	Repeal	1-1-2015
813-090-0095	12-2-2014	Repeal	1-1-2015
813-090-0110(T)	12-2-2014	Repeal	1-1-2015
813-110-0005	12-2-2014	Amend	1-1-2015
813-110-0005(T)	12-2-2014	Repeal	1-1-2015
813-110-0010	3-18-2015	Amend(T)	5-1-2015
813-110-0010	7-9-2015	Amend	8-1-2015
813-110-0015	12-2-2014	Amend	1-1-2015
813-110-0020	12-2-2014	Amend	1-1-2015
813-110-0021	12-2-2014	Amend	1-1-2015
813-110-0026	12-2-2014	Amend	1-1-2015

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813-110-0027	12-2-2014	Amend	1-1-2015
813-110-0030	12-2-2014	Amend	1-1-2015
813-110-0031	12-2-2014	Adopt	1-1-2015
813-110-0032	12-2-2014	Renumber	1-1-2015
813-110-0034	12-2-2014	Repeal	1-1-2015
813-110-0040	12-2-2014	Repeal	1-1-2015
813-110-0045	12-2-2014	Repeal	1-1-2015
813-145-0000	8-25-2015	Amend	10-1-2015
813-145-0010	8-25-2015	Amend	10-1-2015
813-145-0020	8-25-2015	Amend	10-1-2015
813-145-0026	8-25-2015	Adopt	10-1-2015
813-145-0030	8-25-2015	Amend	10-1-2015
813-145-0040	8-25-2015	Amend	10-1-2015
813-145-0050	8-25-2015	Amend	10-1-2015
813-145-0060	8-25-2015	Amend	10-1-2015
813-145-0070	8-25-2015	Amend	10-1-2015
813-145-0080	8-25-2015	Amend	10-1-2015
813-145-0090	8-25-2015	Repeal	10-1-2015
813-200-0001	8-25-2015	Amend	10-1-2015
813-200-0005	8-25-2015	Amend	10-1-2015
813-200-0010	8-25-2015	Amend	10-1-2015
813-200-0020	8-25-2015	Amend	10-1-2015
813-200-0030	8-25-2015	Amend	10-1-2015
813-200-0040	8-25-2015	Repeal	10-1-2015
813-200-0050	8-25-2015	Amend	10-1-2015
813-200-0052	8-25-2015	Adopt	10-1-2015
813-200-0060	8-25-2015	Am. & Ren.	10-1-2015
813-200-0075	8-25-2015	Adopt	10-1-2015
813-200-0080	8-25-2015	Adopt	10-1-2015
813-200-0085	8-25-2015	Adopt	10-1-2015
813-202-0000	8-25-2015	Adopt	10-1-2015
813-202-0005	8-25-2015	Amend	10-1-2015
813-202-0010	8-25-2015	Amend	10-1-2015
813-202-0015	8-25-2015	Repeal	10-1-2015
813-202-0020	8-25-2015	Amend	10-1-2015
813-202-0030	8-25-2015	Amend	10-1-2015
813-202-0040	8-25-2015	Repeal	10-1-2015
813-202-0050	8-25-2015	Amend	10-1-2015
813-202-0052	8-25-2015	Adopt	10-1-2015
813-202-0054	8-25-2015	Adopt	10-1-2015
813-202-0056	8-25-2015	Adopt	10-1-2015
813-202-0058	8-25-2015	Adopt	10-1-2015
813-202-0060	8-25-2015	Amend	10-1-2015
813-210-0001	8-25-2015	Amend	10-1-2015
813-210-0009	8-25-2015	Amend	10-1-2015
813-210-0014	8-25-2015	Adopt	10-1-2015
813-210-0015	8-25-2015	Am. & Ren.	10-1-2015
813-210-0021	8-25-2015	Adopt	10-1-2015
813-210-0025	8-25-2015	Amend	10-1-2015
813-210-0040	8-25-2015	Repeal	10-1-2015
813-210-0050	8-25-2015	Amend	10-1-2015
813-210-0055	8-25-2015	Repeal	10-1-2015
813-210-0060	8-25-2015	Am. & Ren.	10-1-2015
813-210-0065	8-25-2015	Repeal	10-1-2015
813-210-0066	8-25-2015	Adopt	10-1-2015
813-210-0071	8-25-2015	Adopt	10-1-2015
813-210-0076	8-25-2015	Adopt	10-1-2015
813-220-0001	8-25-2015	Amend	10-1-2015
813-220-0001	10-9-2015	Renumber	11-1-2015
813-220-0005	8-25-2015	Amend	10-1-2015
813-220-0005	10-9-2015	Renumber	11-1-2015
813-220-0010	8-25-2015	Amend	10-1-2015
813-220-0010	10-9-2015	Renumber	11-1-2015
813-220-0015	8-25-2015	Amend	10-1-2015
813-220-0015	10-9-2015	Renumber	11-1-2015
813-220-0020	8-25-2015	Amend	10-1-2015
813-220-0020	10-9-2015	Renumber	11-1-2015
813-220-0030	8-25-2015	Amend	10-1-2015
813-220-0030	10-9-2015	Renumber	11-1-2015
813-220-0050	8-25-2015	Amend	10-1-2015
813-220-0050	10-9-2015	Renumber	11-1-2015
813-220-0060	8-25-2015	Amend	10-1-2015
813-220-0060	10-9-2015	Renumber	11-1-2015
813-220-0070	8-25-2015	Repeal	10-1-2015
813-230-0000	8-25-2015	Amend	10-1-2015
813-230-0005	8-25-2015	Amend	10-1-2015
813-230-0007	8-25-2015	Amend	10-1-2015
813-230-0010	8-25-2015	Amend	10-1-2015
813-230-0015	8-25-2015	Repeal	10-1-2015
813-230-0020	8-25-2015	Amend	10-1-2015
813-240-0001	8-25-2015	Amend	10-1-2015
813-240-0005	8-25-2015	Amend	10-1-2015
813-240-0010	8-25-2015	Amend	10-1-2015
813-240-0015	8-25-2015	Renumber	10-1-2015
813-240-0020	8-25-2015	Amend	10-1-2015
813-240-0041	8-25-2015	Amend	10-1-2015
813-240-0050	8-25-2015	Amend	10-1-2015
813-240-0060	8-25-2015	Amend	10-1-2015
813-240-0070	8-25-2015	Amend	10-1-2015
813-240-0080	8-25-2015	Amend	10-1-2015
813-240-0090	8-25-2015	Repeal	10-1-2015
813-250-0000	10-9-2015	Renumber	11-1-2015
813-250-0020	10-9-2015	Renumber	11-1-2015
813-250-0030	10-9-2015	Renumber	11-1-2015
813-250-0040	10-9-2015	Renumber	11-1-2015
813-300-0150	10-5-2015	Amend(T)	11-1-2015
813-330-0000	8-18-2015	Adopt(T)	10-1-2015
813-330-0010	8-18-2015	Adopt(T)	10-1-2015
813-330-0020	8-18-2015	Adopt(T)	10-1-2015
813-330-0030	8-18-2015	Adopt(T)	10-1-2015
813-330-0040	8-18-2015	Adopt(T)	10-1-2015
813-330-0050	8-18-2015	Adopt(T)	10-1-2015
813-330-0060	8-18-2015	Adopt(T)	10-1-2015
817-040-0003	7-8-2015	Amend	8-1-2015
818-001-0002	10-1-2015	Amend	10-1-2015
818-001-0087	6-26-2015	Amend(T)	8-1-2015
818-001-0087	10-1-2015	Amend	10-1-2015
818-001-0087(T)	10-1-2015	Repeal	10-1-2015
818-012-0030	10-1-2015	Amend	10-1-2015
818-021-0060	10-1-2015	Amend	10-1-2015
818-021-0070	10-1-2015	Amend	10-1-2015
818-026-0020	1-1-2016	Amend	10-1-2015

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818-026-0040	1-1-2016	Amend	10-1-2015
818-026-0050	1-1-2016	Amend	10-1-2015
818-026-0060	1-1-2016	Amend	10-1-2015
818-026-0065	1-1-2016	Amend	10-1-2015
818-026-0070	1-1-2016	Amend	10-1-2015
818-026-0080	10-1-2015	Amend	10-1-2015
818-026-0110	1-1-2016	Amend	10-1-2015
818-035-0025	4-17-2015	Amend(T)	6-1-2015
818-035-0025	10-1-2015	Amend	10-1-2015
818-035-0025(T)	10-1-2015	Repeal	10-1-2015
818-035-0030	4-17-2015	Amend(T)	6-1-2015
818-035-0030	10-1-2015	Amend	10-1-2015
818-035-0030(T)	10-1-2015	Repeal	10-1-2015
818-035-0065	10-1-2015	Amend	10-1-2015
818-042-0040	10-1-2015	Amend	10-1-2015
818-042-0050	10-1-2015	Amend	10-1-2015
818-042-0070	10-1-2015	Amend	10-1-2015
818-042-0090	10-1-2015	Amend	10-1-2015
820-001-0100	8-19-2015	Adopt(T)	10-1-2015
820-001-0100	11-13-2015	Adopt	12-1-2015
820-001-0100(T)	11-13-2015	Repeal	12-1-2015
820-001-0200	8-19-2015	Adopt(T)	10-1-2015
820-001-0200	11-13-2015	Adopt	12-1-2015
820-001-0200(T)	11-13-2015	Repeal	12-1-2015
820-005-0001	8-19-2015	Adopt(T)	10-1-2015
820-005-0001	11-13-2015	Adopt	12-1-2015
820-005-0001(T)	11-13-2015	Repeal	12-1-2015
820-005-0005	8-19-2015	Adopt(T)	10-1-2015
820-005-0005	11-13-2015	Adopt	12-1-2015
820-005-0005(T)	11-13-2015	Repeal	12-1-2015
820-005-0010	8-19-2015	Adopt(T)	10-1-2015
820-005-0015	8-19-2015	Adopt(T)	10-1-2015
820-005-0015	11-13-2015	Adopt	12-1-2015
820-005-0015(T)	11-13-2015	Repeal	12-1-2015
820-005-0020	8-19-2015	Adopt(T)	10-1-2015
820-005-0020	11-13-2015	Adopt	12-1-2015
820-005-0020(T)	11-13-2015	Repeal	12-1-2015
820-005-0025	8-19-2015	Adopt(T)	10-1-2015
820-005-0025	11-13-2015	Adopt	12-1-2015
820-005-0025(T)	11-13-2015	Repeal	12-1-2015
820-005-0030	8-19-2015	Adopt(T)	10-1-2015
820-005-0030	11-13-2015	Adopt	12-1-2015
820-005-0030(T)	11-13-2015	Repeal	12-1-2015
820-005-0035	8-19-2015	Adopt(T)	10-1-2015
820-005-0040	8-19-2015	Adopt(T)	10-1-2015
820-005-0040	11-13-2015	Adopt	12-1-2015
820-005-0040(T)	11-13-2015	Repeal	12-1-2015
820-005-0045	8-19-2015	Adopt(T)	10-1-2015
820-005-0045	11-13-2015	Adopt	12-1-2015
820-005-0045(T)	11-13-2015	Repeal	12-1-2015
820-005-0050	8-19-2015	Adopt(T)	10-1-2015
820-005-0055	8-19-2015	Adopt(T)	10-1-2015
820-005-0055	11-13-2015	Adopt	12-1-2015
820-005-0055(T)	11-13-2015	Repeal	12-1-2015
820-005-0060	8-19-2015	Adopt(T)	10-1-2015
820-005-0060	11-13-2015	Adopt	12-1-2015
820-005-0060(T)	11-13-2015	Repeal	12-1-2015
820-005-0065	8-19-2015	Adopt(T)	10-1-2015
820-005-0070	8-19-2015	Adopt(T)	10-1-2015
820-005-0070	11-13-2015	Adopt	12-1-2015
820-005-0070(T)	11-13-2015	Repeal	12-1-2015
820-005-0075	8-19-2015	Adopt(T)	10-1-2015
820-005-0075	11-13-2015	Adopt	12-1-2015
820-005-0075(T)	11-13-2015	Repeal	12-1-2015
820-005-0080	8-19-2015	Adopt(T)	10-1-2015
820-005-0080	11-13-2015	Adopt	12-1-2015
820-005-0080(T)	11-13-2015	Repeal	12-1-2015
820-005-0085	8-19-2015	Adopt(T)	10-1-2015
820-005-0085	11-13-2015	Adopt	12-1-2015
820-005-0085(T)	11-13-2015	Repeal	12-1-2015
820-005-1000	8-19-2015	Adopt(T)	10-1-2015
820-005-1000	11-13-2015	Adopt	12-1-2015
820-005-1000(T)	11-13-2015	Repeal	12-1-2015
820-010-0010	8-26-2015	Suspend	10-1-2015
820-010-0010	11-13-2015	Repeal	12-1-2015
820-010-0200	8-26-2015	Suspend	10-1-2015
820-010-0200	11-13-2015	Repeal	12-1-2015
820-010-0204	8-26-2015	Suspend	10-1-2015
820-010-0204	11-13-2015	Repeal	12-1-2015
820-010-0205	8-26-2015	Suspend	10-1-2015
820-010-0205	11-13-2015	Repeal	12-1-2015
820-010-0206	8-26-2015	Suspend	10-1-2015
820-010-0206	11-13-2015	Repeal	12-1-2015
820-010-0207	8-26-2015	Suspend	10-1-2015
820-010-0207	11-13-2015	Repeal	12-1-2015
820-010-0208	8-26-2015	Suspend	10-1-2015
820-010-0208	11-13-2015	Repeal	12-1-2015
820-010-0209	8-26-2015	Suspend	10-1-2015
820-010-0209	11-13-2015	Repeal	12-1-2015
820-010-0210	8-26-2015	Suspend	10-1-2015
820-010-0210	11-13-2015	Repeal	12-1-2015
820-010-0212	8-26-2015	Suspend	10-1-2015
820-010-0212	11-13-2015	Repeal	12-1-2015
820-010-0213	8-26-2015	Suspend	10-1-2015
820-010-0213	11-13-2015	Repeal	12-1-2015
820-010-0214	8-26-2015	Suspend	10-1-2015
820-010-0214	11-13-2015	Repeal	12-1-2015
820-010-0215	8-26-2015	Suspend	10-1-2015
820-010-0215	11-13-2015	Repeal	12-1-2015
820-010-0225	5-27-2015	Amend(T)	7-1-2015
820-010-0225	11-13-2015	Repeal	12-1-2015
820-010-0225(T)	8-26-2015	Suspend	10-1-2015
820-010-0226	5-27-2015	Amend(T)	7-1-2015
820-010-0226	11-13-2015	Repeal	12-1-2015
820-010-0226(T)	8-26-2015	Suspend	10-1-2015
820-010-0227	5-27-2015	Amend(T)	7-1-2015
820-010-0227	11-13-2015	Repeal	12-1-2015
820-010-0227(T)	8-26-2015	Suspend	10-1-2015
820-010-0228	5-27-2015	Amend(T)	7-1-2015
820-010-0228	11-13-2015	Repeal	12-1-2015
820-010-0228(T)	8-26-2015	Suspend	10-1-2015
820-010-0230	8-26-2015	Suspend	10-1-2015

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820-010-0230	11-13-2015	Repeal	12-1-2015
820-010-0231	8-26-2015	Suspend	10-1-2015
820-010-0231	11-13-2015	Repeal	12-1-2015
820-010-0235	8-26-2015	Suspend	10-1-2015
820-010-0235	11-13-2015	Repeal	12-1-2015
820-010-0236	8-26-2015	Suspend	10-1-2015
820-010-0236	11-13-2015	Repeal	12-1-2015
820-010-0255	8-26-2015	Suspend	10-1-2015
820-010-0255	11-13-2015	Repeal	12-1-2015
820-010-0300	8-26-2015	Suspend	10-1-2015
820-010-0300	11-13-2015	Repeal	12-1-2015
820-010-0305	8-26-2015	Suspend	10-1-2015
820-010-0305	11-13-2015	Repeal	12-1-2015
820-010-0325	7-1-2015	Amend(T)	8-1-2015
820-010-0325	11-13-2015	Repeal	12-1-2015
820-010-0325(T)	8-26-2015	Suspend	10-1-2015
820-010-0400	8-26-2015	Suspend	10-1-2015
820-010-0400	11-13-2015	Repeal	12-1-2015
820-010-0415	8-26-2015	Suspend	10-1-2015
820-010-0415	11-13-2015	Repeal	12-1-2015
820-010-0417	2-3-2015	Amend	3-1-2015
820-010-0417	5-21-2015	Amend	7-1-2015
820-010-0417	8-26-2015	Suspend	10-1-2015
820-010-0417	11-13-2015	Repeal	12-1-2015
820-010-0420	8-26-2015	Suspend	10-1-2015
820-010-0420	11-13-2015	Repeal	12-1-2015
820-010-0425	8-26-2015	Suspend	10-1-2015
820-010-0425	11-13-2015	Repeal	12-1-2015
820-010-0427	8-26-2015	Suspend	10-1-2015
820-010-0427	11-13-2015	Repeal	12-1-2015
820-010-0430	8-26-2015	Suspend	10-1-2015
820-010-0430	11-13-2015	Repeal	12-1-2015
820-010-0440	5-21-2015	Amend	7-1-2015
820-010-0440	8-26-2015	Suspend	10-1-2015
820-010-0440	11-13-2015	Repeal	12-1-2015
820-010-0442	8-26-2015	Suspend	10-1-2015
820-010-0442	11-13-2015	Repeal	12-1-2015
820-010-0443	8-26-2015	Suspend	10-1-2015
820-010-0443	11-13-2015	Repeal	12-1-2015
820-010-0444	8-26-2015	Suspend	10-1-2015
820-010-0444	11-13-2015	Repeal	12-1-2015
820-010-0450	8-26-2015	Suspend	10-1-2015
820-010-0450	11-13-2015	Repeal	12-1-2015
820-010-0455	8-26-2015	Suspend	10-1-2015
820-010-0455	11-13-2015	Repeal	12-1-2015
820-010-0460	8-26-2015	Suspend	10-1-2015
820-010-0460	11-13-2015	Repeal	12-1-2015
820-010-0463	2-3-2015	Amend	3-1-2015
820-010-0463	8-26-2015	Suspend	10-1-2015
820-010-0463	11-13-2015	Repeal	12-1-2015
820-010-0465	5-21-2015	Amend	7-1-2015
820-010-0465	8-26-2015	Suspend	10-1-2015
820-010-0465	11-13-2015	Repeal	12-1-2015
820-010-0470	8-26-2015	Suspend	10-1-2015
820-010-0470	11-13-2015	Repeal	12-1-2015
820-010-0480	8-26-2015	Suspend	10-1-2015
820-010-0480	11-13-2015	Repeal	12-1-2015
820-010-0500	8-26-2015	Suspend	10-1-2015
820-010-0500	11-13-2015	Repeal	12-1-2015
820-010-0505	2-3-2015	Amend	3-1-2015
820-010-0505	5-21-2015	Amend	7-1-2015
820-010-0505	9-16-2015	Amend	11-1-2015
820-010-0510	9-16-2015	Amend	11-1-2015
820-010-0520	2-3-2015	Amend	3-1-2015
820-010-0520	9-16-2015	Amend	11-1-2015
820-010-0600	8-26-2015	Suspend	10-1-2015
820-010-0600	11-13-2015	Repeal	12-1-2015
820-010-0605	8-26-2015	Suspend	10-1-2015
820-010-0605	11-13-2015	Repeal	12-1-2015
820-010-0617	8-26-2015	Suspend	10-1-2015
820-010-0617	11-13-2015	Repeal	12-1-2015
820-010-0619	8-26-2015	Suspend	10-1-2015
820-010-0619	11-13-2015	Repeal	12-1-2015
820-010-0620	9-16-2015	Am. & Ren.	11-1-2015
820-010-0621	5-21-2015	Amend	7-1-2015
820-010-0621	9-16-2015	Am. & Ren.	11-1-2015
820-010-0622	9-16-2015	Am. & Ren.	11-1-2015
820-010-0623	9-16-2015	Am. & Ren.	11-1-2015
820-010-0625	8-26-2015	Suspend	10-1-2015
820-010-0625	11-13-2015	Repeal	12-1-2015
820-010-0635	9-16-2015	Amend	11-1-2015
820-010-0730	2-3-2015	Amend	3-1-2015
820-010-1000	8-19-2015	Adopt(T)	10-1-2015
820-010-1000	11-13-2015	Adopt	12-1-2015
820-010-1000(T)	11-13-2015	Repeal	12-1-2015
820-010-1010	8-19-2015	Adopt(T)	10-1-2015
820-010-1010	11-13-2015	Adopt	12-1-2015
820-010-1010(T)	11-13-2015	Repeal	12-1-2015
820-010-1020	8-19-2015	Adopt(T)	10-1-2015
820-010-1020	11-13-2015	Adopt	12-1-2015
820-010-1020(T)	11-13-2015	Repeal	12-1-2015
820-010-2000	8-19-2015	Adopt(T)	10-1-2015
820-010-2000	11-13-2015	Adopt	12-1-2015
820-010-2000(T)	11-13-2015	Repeal	12-1-2015
820-010-2010	8-19-2015	Adopt(T)	10-1-2015
820-010-2010	11-13-2015	Adopt	12-1-2015
820-010-2010(T)	11-13-2015	Repeal	12-1-2015
820-010-2020	8-19-2015	Adopt(T)	10-1-2015
820-010-2020	11-13-2015	Adopt	12-1-2015
820-010-2020(T)	11-13-2015	Repeal	12-1-2015
820-010-3000	8-19-2015	Adopt(T)	10-1-2015
820-010-3000	11-13-2015	Adopt	12-1-2015
820-010-3000(T)	11-13-2015	Repeal	12-1-2015
820-010-3010	8-19-2015	Adopt(T)	10-1-2015
820-010-3010	11-13-2015	Adopt	12-1-2015
820-010-3010(T)	11-13-2015	Repeal	12-1-2015
820-010-4000	8-19-2015	Adopt(T)	10-1-2015
820-010-4000	11-13-2015	Adopt	12-1-2015
820-010-4000(T)	11-13-2015	Repeal	12-1-2015
820-010-5000	8-19-2015	Adopt(T)	10-1-2015
820-010-5000	11-13-2015	Adopt	12-1-2015
820-010-5000(T)	11-13-2015	Repeal	12-1-2015

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820-010-5010	8-19-2015	Adopt(T)	10-1-2015
820-010-5010	11-13-2015	Adopt	12-1-2015
820-010-5010(T)	11-13-2015	Repeal	12-1-2015
820-015-0026	2-3-2015	Amend	3-1-2015
820-015-0060	11-13-2015	Adopt	12-1-2015
820-015-0070	11-13-2015	Adopt	12-1-2015
820-020-0005	9-16-2015	Amend	11-1-2015
820-020-0050	8-19-2015	Adopt(T)	10-1-2015
820-020-0050	11-13-2015	Adopt	12-1-2015
820-020-0050(T)	11-13-2015	Repeal	12-1-2015
820-020-0060	8-19-2015	Adopt(T)	10-1-2015
820-020-0060	11-13-2015	Repeal	12-1-2015
820-020-0070	8-19-2015	Adopt(T)	10-1-2015
820-020-0070	11-13-2015	Repeal	12-1-2015
820-025-0001	9-16-2015	Adopt	11-1-2015
820-025-0010	9-16-2015	Adopt	11-1-2015
820-030-0080	9-16-2015	Adopt	11-1-2015
820-040-0005	11-13-2015	Amend	12-1-2015
820-050-0001	9-16-2015	Amend	11-1-2015
820-050-0010	2-3-2015	Amend	3-1-2015
820-080-0005	8-19-2015	Adopt(T)	10-1-2015
820-080-0005	11-13-2015	Adopt	12-1-2015
820-080-0005(T)	11-13-2015	Repeal	12-1-2015
820-080-0010	8-19-2015	Adopt(T)	10-1-2015
820-080-0010	11-13-2015	Adopt	12-1-2015
820-080-0010(T)	11-13-2015	Repeal	12-1-2015
820-080-1000	8-19-2015	Adopt(T)	10-1-2015
820-080-1000	11-13-2015	Adopt	12-1-2015
820-080-1000(T)	11-13-2015	Repeal	12-1-2015
824-010-0005	11-1-2015	Amend	12-1-2015
824-010-0010	11-1-2015	Repeal	12-1-2015
824-010-0020	11-1-2015	Repeal	12-1-2015
824-010-0030	11-1-2015	Repeal	12-1-2015
824-010-0040	11-1-2015	Repeal	12-1-2015
824-020-0010	11-1-2015	Repeal	12-1-2015
824-020-0020	11-1-2015	Repeal	12-1-2015
824-020-0030	11-1-2015	Repeal	12-1-2015
824-020-0040	11-1-2015	Amend	12-1-2015
824-030-0010	11-1-2015	Amend	12-1-2015
824-030-0020	11-1-2015	Amend	12-1-2015
824-030-0030	12-2-2014	Amend(T)	1-1-2015
824-030-0030	11-1-2015	Repeal	12-1-2015
824-030-0040	11-1-2015	Amend	12-1-2015
824-035-0005	11-1-2015	Adopt	12-1-2015
824-040-0010	11-1-2015	Amend	12-1-2015
824-050-0010	11-1-2015	Amend	12-1-2015
833-020-0075	10-2-2015	Repeal	11-1-2015
833-050-0021	10-2-2015	Amend	11-1-2015
833-070-0011	10-2-2015	Amend	11-1-2015
834-040-0000	6-29-2015	Amend	8-1-2015
836-010-0014	9-23-2015	Adopt(T)	11-1-2015
836-010-0014	10-12-2015	Adopt(T)	11-1-2015
836-010-0014(T)	10-16-2015	Suspend	12-1-2015
836-010-0026	3-12-2015	Adopt	4-1-2015
836-011-0000	3-10-2015	Amend	4-1-2015
836-027-0010	9-2-2015	Amend(T)	10-1-2015
836-027-0012	9-2-2015	Amend(T)	10-1-2015
836-027-0100	9-2-2015	Amend(T)	10-1-2015
836-027-0160	9-2-2015	Amend(T)	10-1-2015
836-051-0210	1-1-2015	Amend	2-1-2015
836-051-0220	1-1-2015	Amend	2-1-2015
836-051-0230	1-1-2015	Amend	2-1-2015
836-051-0235	1-1-2015	Adopt	2-1-2015
836-052-0531	1-1-2016	Amend	7-1-2015
836-052-0566	1-1-2016	Amend	7-1-2015
836-052-0636	1-1-2016	Amend	7-1-2015
836-052-0637	1-1-2016	Adopt	7-1-2015
836-052-0676	1-1-2016	Amend	7-1-2015
836-052-0680	1-1-2016	Adopt	7-1-2015
836-052-0740	1-1-2016	Amend	7-1-2015
836-052-0746	1-1-2016	Amend	7-1-2015
836-053-0015	10-16-2015	Adopt(T)	12-1-2015
836-053-0021	10-16-2015	Amend(T)	12-1-2015
836-053-0600	9-15-2015	Adopt(T)	10-1-2015
836-053-0605	9-15-2015	Adopt(T)	10-1-2015
836-053-0610	9-15-2015	Adopt(T)	10-1-2015
836-053-0615	9-15-2015	Adopt(T)	10-1-2015
836-053-1205	5-27-2015	Adopt	7-1-2015
836-053-1404	5-12-2015	Amend	6-1-2015
836-053-1407	5-12-2015	Adopt	6-1-2015
836-053-1408	5-12-2015	Adopt	6-1-2015
836-053-1500	10-20-2015	Adopt(T)	12-1-2015
836-053-1505	10-20-2015	Adopt(T)	12-1-2015
836-053-1510	10-20-2015	Adopt(T)	12-1-2015
836-054-0000	9-14-2015	Amend(T)	10-1-2015
836-071-0355	9-15-2015	Amend(T)	10-1-2015
836-071-0370	9-15-2015	Amend(T)	10-1-2015
836-071-0380	9-15-2015	Amend(T)	10-1-2015
837-085-0260	1-1-2015	Amend	2-1-2015
837-085-0270	1-1-2015	Amend	2-1-2015
837-085-0280	1-1-2015	Amend	2-1-2015
837-085-0290	1-1-2015	Amend	2-1-2015
837-085-0300	1-1-2015	Amend	2-1-2015
837-085-0305	1-1-2015	Amend	2-1-2015
837-085-0310	1-1-2015	Amend	2-1-2015
837-090-1030	7-1-2015	Amend	8-1-2015
837-095-0010	1-1-2015	Adopt	2-1-2015
837-095-0020	1-1-2015	Adopt	2-1-2015
837-095-0030	1-1-2015	Adopt	2-1-2015
837-095-0040	1-1-2015	Adopt	2-1-2015
837-095-0050	1-1-2015	Adopt	2-1-2015
839-002-0065	1-6-2015	Amend(T)	2-1-2015
839-002-0065	5-15-2015	Amend	6-1-2015
839-003-0000	6-29-2015	Amend	8-1-2015
839-003-0005	6-29-2015	Amend	8-1-2015
839-003-0010	6-29-2015	Amend	8-1-2015
839-003-0015	6-29-2015	Amend	8-1-2015
839-003-0020	6-29-2015	Amend	8-1-2015
839-003-0025	6-29-2015	Amend	8-1-2015
839-003-0031	6-29-2015	Amend	8-1-2015
839-003-0040	6-29-2015	Amend	8-1-2015
839-003-0045	6-29-2015	Amend	8-1-2015

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839-003-0050	6-29-2015	Amend	8-1-2015
839-003-0055	6-29-2015	Amend	8-1-2015
839-003-0060	6-29-2015	Amend	8-1-2015
839-003-0065	6-29-2015	Amend	8-1-2015
839-003-0070	6-29-2015	Amend	8-1-2015
839-003-0080	6-29-2015	Amend	8-1-2015
839-003-0085	6-29-2015	Amend	8-1-2015
839-003-0090	6-29-2015	Amend	8-1-2015
839-003-0095	6-29-2015	Amend	8-1-2015
839-003-0100	6-29-2015	Amend	8-1-2015
839-003-0200	6-29-2015	Amend	8-1-2015
839-003-0205	6-29-2015	Amend	8-1-2015
839-003-0210	6-29-2015	Amend	8-1-2015
839-003-0215	6-29-2015	Amend	8-1-2015
839-003-0220	6-29-2015	Amend	8-1-2015
839-003-0225	6-29-2015	Amend	8-1-2015
839-003-0230	6-29-2015	Amend	8-1-2015
839-003-0235	6-29-2015	Amend	8-1-2015
839-003-0240	6-29-2015	Amend	8-1-2015
839-003-0245	6-29-2015	Amend	8-1-2015
839-004-0001	7-30-2015	Amend	9-1-2015
839-004-0003	7-30-2015	Amend	9-1-2015
839-004-0004	7-30-2015	Repeal	9-1-2015
839-004-0011	7-30-2015	Repeal	9-1-2015
839-004-0016	7-30-2015	Amend	9-1-2015
839-004-0021	7-30-2015	Amend	9-1-2015
839-005-0000	8-4-2015	Amend	9-1-2015
839-005-0003	8-4-2015	Amend	9-1-2015
839-005-0005	8-4-2015	Amend	9-1-2015
839-005-0010	8-4-2015	Amend	9-1-2015
839-005-0011	8-4-2015	Amend	9-1-2015
839-005-0013	8-4-2015	Amend	9-1-2015
839-005-0014	8-4-2015	Amend	9-1-2015
839-005-0021	8-4-2015	Amend	9-1-2015
839-005-0026	8-4-2015	Amend	9-1-2015
839-005-0030	8-4-2015	Amend	9-1-2015
839-005-0031	8-4-2015	Amend	9-1-2015
839-005-0036	8-4-2015	Adopt	9-1-2015
839-005-0060	8-4-2015	Amend	9-1-2015
839-005-0065	8-4-2015	Amend	9-1-2015
839-005-0070	8-4-2015	Amend	9-1-2015
839-005-0075	8-4-2015	Amend	9-1-2015
839-005-0080	8-4-2015	Amend	9-1-2015
839-005-0085	8-4-2015	Amend	9-1-2015
839-005-0125	11-6-2015	Amend	12-1-2015
839-005-0130	8-4-2015	Amend	9-1-2015
839-005-0135	8-4-2015	Amend	9-1-2015
839-005-0138	8-4-2015	Amend	9-1-2015
839-005-0140	8-4-2015	Amend	9-1-2015
839-005-0160	8-4-2015	Amend	9-1-2015
839-005-0170	8-4-2015	Amend	9-1-2015
839-005-0195	8-4-2015	Amend	9-1-2015
839-005-0200	8-4-2015	Amend	9-1-2015
839-005-0205	8-4-2015	Amend	9-1-2015
839-005-0206	8-4-2015	Amend	9-1-2015
839-005-0210	8-4-2015	Amend	9-1-2015
839-005-0215	8-4-2015	Amend	9-1-2015
839-005-0220	8-4-2015	Amend	9-1-2015
839-005-0300	8-4-2015	Amend	9-1-2015
839-005-0305	8-4-2015	Amend	9-1-2015
839-005-0310	8-4-2015	Amend	9-1-2015
839-005-0315	8-4-2015	Amend	9-1-2015
839-005-0320	8-4-2015	Amend	9-1-2015
839-005-0325	8-4-2015	Amend	9-1-2015
839-005-0400	8-4-2015	Amend	9-1-2015
839-006-0240	8-28-2015	Amend	10-1-2015
839-006-0244	8-28-2015	Amend	10-1-2015
839-006-0280	8-28-2015	Amend	10-1-2015
839-006-0290	8-28-2015	Amend	10-1-2015
839-006-0305	8-28-2015	Amend	10-1-2015
839-006-0335	8-28-2015	Amend	10-1-2015
839-006-0340	8-28-2015	Amend	10-1-2015
839-006-0345	8-28-2015	Amend	10-1-2015
839-006-0435	8-28-2015	Amend	10-1-2015
839-006-0440	8-28-2015	Amend	10-1-2015
839-006-0450	8-28-2015	Amend	10-1-2015
839-006-0455	8-28-2015	Amend	10-1-2015
839-006-0470	8-28-2015	Amend	10-1-2015
839-006-0480	8-28-2015	Amend	10-1-2015
839-009-0210	11-20-2014	Amend(T)	1-1-2015
839-009-0210	5-18-2015	Amend	7-1-2015
839-009-0210	6-24-2015	Amend	8-1-2015
839-009-0220	5-18-2015	Amend	7-1-2015
839-009-0220	6-24-2015	Amend	8-1-2015
839-009-0230	5-18-2015	Amend	7-1-2015
839-009-0230	6-24-2015	Amend	8-1-2015
839-009-0240	5-18-2015	Amend	7-1-2015
839-009-0240	6-24-2015	Amend	8-1-2015
839-009-0250	5-18-2015	Amend	7-1-2015
839-009-0250	6-24-2015	Amend	8-1-2015
839-009-0260	5-18-2015	Amend	7-1-2015
839-009-0260	6-24-2015	Amend	8-1-2015
839-009-0320	5-18-2015	Amend	7-1-2015
839-009-0325	5-18-2015	Amend	7-1-2015
839-009-0325	6-24-2015	Amend	8-1-2015
839-009-0330	5-18-2015	Amend	7-1-2015
839-009-0330	6-24-2015	Amend	8-1-2015
839-009-0335	5-18-2015	Repeal	7-1-2015
839-009-0335	6-24-2015	Repeal	8-1-2015
839-009-0340	11-20-2014	Amend(T)	1-1-2015
839-009-0340	5-18-2015	Amend	7-1-2015
839-009-0340	6-24-2015	Amend	8-1-2015
839-009-0350	5-18-2015	Amend	7-1-2015
839-009-0350	6-24-2015	Amend	8-1-2015
839-009-0355	5-18-2015	Amend	7-1-2015
839-009-0355	6-24-2015	Amend	8-1-2015
839-009-0360	5-18-2015	Amend	7-1-2015
839-009-0360	6-24-2015	Amend	8-1-2015
839-009-0362	5-18-2015	Amend	7-1-2015
839-009-0362	6-24-2015	Amend	8-1-2015
839-009-0363	5-18-2015	Amend	7-1-2015
839-009-0363	6-24-2015	Amend	8-1-2015

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839-009-0365	5-18-2015	Amend	7-1-2015
839-009-0365	6-24-2015	Amend	8-1-2015
839-009-0380	5-18-2015	Amend	7-1-2015
839-009-0380	6-24-2015	Amend	8-1-2015
839-009-0410	5-18-2015	Amend	7-1-2015
839-009-0410	6-24-2015	Amend	8-1-2015
839-009-0420	5-18-2015	Amend	7-1-2015
839-009-0420	6-24-2015	Amend	8-1-2015
839-009-0430	5-18-2015	Amend	7-1-2015
839-009-0460	5-18-2015	Amend	7-1-2015
839-009-0460	6-24-2015	Amend	8-1-2015
839-010-0000	1-28-2015	Amend	3-1-2015
839-010-0010	1-28-2015	Amend	3-1-2015
839-010-0020	1-28-2015	Amend	3-1-2015
839-010-0100	1-28-2015	Amend	3-1-2015
839-010-0200	1-28-2015	Amend	3-1-2015
839-010-0205	1-28-2015	Amend	3-1-2015
839-010-0210	1-28-2015	Amend	3-1-2015
839-010-0300	1-28-2015	Amend	3-1-2015
839-010-0305	1-28-2015	Amend	3-1-2015
839-010-0310	1-28-2015	Amend	3-1-2015
839-011-0000	11-12-2015	Amend	12-1-2015
839-011-0010	11-12-2015	Amend	12-1-2015
839-011-0015	11-12-2015	Amend	12-1-2015
839-011-0020	11-12-2015	Amend	12-1-2015
839-011-0030	11-12-2015	Amend	12-1-2015
839-011-0040	11-12-2015	Amend	12-1-2015
839-011-0050	11-12-2015	Amend	12-1-2015
839-011-0051	11-12-2015	Amend	12-1-2015
839-011-0060	11-12-2015	Repeal	12-1-2015
839-011-0070	11-12-2015	Amend	12-1-2015
839-011-0072	11-12-2015	Amend	12-1-2015
839-011-0073	11-12-2015	Amend	12-1-2015
839-011-0074	11-12-2015	Amend	12-1-2015
839-011-0078	11-12-2015	Amend	12-1-2015
839-011-0082	11-12-2015	Amend	12-1-2015
839-011-0084	11-12-2015	Amend	12-1-2015
839-011-0088	11-12-2015	Amend	12-1-2015
839-011-0090	11-12-2015	Amend	12-1-2015
839-011-0093	11-12-2015	Amend	12-1-2015
839-011-0140	6-1-2015	Amend(T)	7-1-2015
839-011-0140	11-12-2015	Amend	12-1-2015
839-011-0141	11-12-2015	Amend	12-1-2015
839-011-0142	11-12-2015	Amend	12-1-2015
839-011-0143	6-1-2015	Amend(T)	7-1-2015
839-011-0143	11-12-2015	Amend	12-1-2015
839-011-0145	6-1-2015	Amend(T)	7-1-2015
839-011-0145	11-12-2015	Amend	12-1-2015
839-011-0162	11-12-2015	Amend	12-1-2015
839-011-0170	6-1-2015	Amend(T)	7-1-2015
839-011-0170	11-12-2015	Amend	12-1-2015
839-011-0175	11-12-2015	Amend	12-1-2015
839-011-0200	11-12-2015	Amend	12-1-2015
839-011-0250	11-12-2015	Amend	12-1-2015
839-011-0260	11-12-2015	Amend	12-1-2015
839-011-0265	11-12-2015	Amend	12-1-2015
839-011-0270	6-1-2015	Amend(T)	7-1-2015
839-011-0270	11-12-2015	Amend	12-1-2015
839-011-0280	11-12-2015	Amend	12-1-2015
839-011-0290	11-12-2015	Amend	12-1-2015
839-011-0300	11-12-2015	Amend	12-1-2015
839-011-0310	6-1-2015	Amend(T)	7-1-2015
839-011-0310	11-12-2015	Amend	12-1-2015
839-011-0320	11-12-2015	Amend	12-1-2015
839-011-0334	11-12-2015	Amend	12-1-2015
839-011-0335	11-12-2015	Adopt	12-1-2015
839-011-0401	11-12-2015	Amend	12-1-2015
839-011-0402	11-12-2015	Amend	12-1-2015
839-011-0403	11-12-2015	Amend	12-1-2015
839-011-0404	11-12-2015	Amend	12-1-2015
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839-011-0406	11-12-2015	Amend	12-1-2015
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839-011-0520	11-12-2015	Amend	12-1-2015
839-011-0525	11-12-2015	Amend	12-1-2015
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839-011-0535	11-12-2015	Amend	12-1-2015
839-011-0540	11-12-2015	Amend	12-1-2015
839-011-0545	11-12-2015	Amend	12-1-2015
839-011-0550	11-12-2015	Amend	12-1-2015
839-011-0555	11-12-2015	Amend	12-1-2015
839-011-0560	11-12-2015	Amend	12-1-2015
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839-025-0700	4-1-2015	Amend	4-1-2015
839-025-0700	7-1-2015	Amend	7-1-2015
839-025-0700	10-1-2015	Amend	10-1-2015
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845-004-0105(T)	8-5-2015	Suspend	9-1-2015
845-005-0410	9-1-2015	Amend	9-1-2015
845-005-0413	8-5-2015	Amend(T)	9-1-2015
845-005-0414	9-1-2015	Amend	9-1-2015
845-005-0415	9-1-2015	Amend	9-1-2015
845-005-0431	8-5-2015	Amend(T)	9-1-2015
845-005-0440	9-1-2015	Amend	9-1-2015
845-006-0452	8-5-2015	Amend(T)	9-1-2015
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847-008-0058(T)	10-13-2015	Repeal	11-1-2015
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847-023-0010	1-13-2015	Amend	2-1-2015
847-023-0015	1-13-2015	Amend	2-1-2015
847-026-0000	1-13-2015	Amend	2-1-2015
847-026-0000	10-13-2015	Amend	11-1-2015
847-035-0030	4-3-2015	Amend	5-1-2015

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847-050-0065	1-1-2016	Suspend	11-1-2015
847-070-0005	1-13-2015	Amend	2-1-2015
847-070-0007	1-13-2015	Amend	2-1-2015
847-070-0015	1-13-2015	Amend	2-1-2015
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847-070-0045	1-13-2015	Amend	2-1-2015
848-005-0010	7-1-2015	Amend	5-1-2015
848-005-0020	1-1-2016	Amend	10-1-2015
848-010-0026	1-1-2016	Amend	10-1-2015
848-010-0033	1-1-2016	Amend	10-1-2015
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850-040-0210	4-17-2015	Amend	6-1-2015
850-060-0226	8-28-2015	Amend	10-1-2015
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851-061-0080	1-1-2015	Amend	1-1-2015
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851-062-0010	1-1-2015	Amend	1-1-2015
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851-062-0050	1-1-2015	Amend	1-1-2015
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851-063-0020	1-1-2015	Amend	1-1-2015
851-063-0030	1-1-2015	Amend	1-1-2015
851-063-0035	1-1-2015	Amend	1-1-2015
851-063-0070	1-1-2015	Amend	1-1-2015
851-063-0080	1-1-2015	Amend	1-1-2015
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851-063-0100	1-1-2015	Amend	1-1-2015
851-063-0110	1-1-2015	Amend	1-1-2015
852-005-0005	1-1-2015	Amend	1-1-2015
852-005-0005	1-1-2015	Amend	2-1-2015
852-005-0005	7-1-2015	Amend	8-1-2015
852-005-0015	11-12-2015	Amend	12-1-2015
852-005-0035	11-12-2015	Adopt	12-1-2015
852-010-0005	1-1-2015	Amend	1-1-2015
852-010-0005	1-1-2015	Amend	2-1-2015
852-010-0015	1-1-2015	Amend	1-1-2015
852-010-0015	1-1-2015	Amend	2-1-2015
852-010-0020	1-1-2015	Amend	1-1-2015
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852-010-0023	1-1-2015	Amend	2-1-2015
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852-010-0024	1-1-2015	Adopt	2-1-2015
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852-050-0006	1-1-2015	Amend	2-1-2015
852-050-0012	1-1-2015	Amend	1-1-2015
852-050-0012	1-1-2015	Amend	2-1-2015
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852-050-0016	1-1-2015	Amend	1-1-2015
852-050-0016	1-1-2015	Amend	2-1-2015
852-050-0018	1-1-2015	Amend	1-1-2015
852-050-0018	1-1-2015	Amend	2-1-2015
852-050-0021	1-1-2015	Amend	1-1-2015
852-050-0021	1-1-2015	Amend	2-1-2015
852-050-0025	1-1-2015	Amend	1-1-2015
852-050-0025	1-1-2015	Amend	2-1-2015
852-060-0025	1-1-2015	Amend	1-1-2015
852-060-0025	1-1-2015	Amend	2-1-2015
852-060-0027	1-1-2015	Amend	1-1-2015
852-060-0027	1-1-2015	Amend	2-1-2015
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852-070-0016	1-1-2015	Amend	2-1-2015
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852-070-0020	1-1-2015	Amend	2-1-2015
852-070-0025	1-1-2015	Amend	1-1-2015
852-070-0025	1-1-2015	Amend	2-1-2015
852-070-0030	1-1-2015	Amend	1-1-2015
852-070-0030	1-1-2015	Amend	2-1-2015
852-070-0035	1-1-2015	Amend	1-1-2015
852-070-0035	1-1-2015	Amend	2-1-2015
852-070-0055	1-1-2015	Amend	1-1-2015
852-070-0055	1-1-2015	Amend	2-1-2015
852-080-0040	1-1-2015	Amend	1-1-2015
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855-019-0120	1-1-2015	Amend	2-1-2015
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855-019-0410	11-6-2015	Adopt(T)	12-1-2015
855-019-0415	11-6-2015	Adopt(T)	12-1-2015
855-019-0420	11-6-2015	Adopt(T)	12-1-2015
855-019-0425	11-6-2015	Adopt(T)	12-1-2015
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855-019-0435	11-6-2015	Adopt(T)	12-1-2015
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855-025-0035	1-1-2015	Amend	2-1-2015
855-025-0040	1-1-2015	Amend	2-1-2015
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858-030-0005	9-30-2015	Amend	11-1-2015
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860-001-0160	3-3-2015	Amend	4-1-2015
860-001-0170	3-3-2015	Amend	4-1-2015
860-001-0180	3-3-2015	Amend	4-1-2015
860-001-0300	3-3-2015	Amend	4-1-2015
860-001-0310	3-3-2015	Amend	4-1-2015
860-001-0340	3-3-2015	Amend	4-1-2015
860-001-0350	3-3-2015	Amend	4-1-2015
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860-001-0420	3-3-2015	Amend	4-1-2015
860-001-0480	3-3-2015	Amend	4-1-2015
860-001-0540	3-3-2015	Amend	4-1-2015
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860-034-0095	9-8-2015	Amend	10-1-2015
860-034-0300	3-3-2015	Amend	4-1-2015
860-036-0025	3-3-2015	Amend	4-1-2015
860-036-0095	9-8-2015	Amend	10-1-2015
860-036-0245	8-11-2015	Amend	9-1-2015
860-036-0605	3-3-2015	Amend	4-1-2015
860-037-0025	3-3-2015	Amend	4-1-2015
860-037-0095	9-8-2015	Amend	10-1-2015
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860-038-0420	3-3-2015	Amend	4-1-2015
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945-010-0001	11-6-2015	Repeal	12-1-2015
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945-010-0071	3-11-2015	Suspend	4-1-2015
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945-020-0010	11-6-2015	Amend	12-1-2015
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945-030-0040	11-6-2015	Amend	12-1-2015
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945-040-0010	11-6-2015	Am. & Ren.	12-1-2015
945-040-0030	10-15-2015	Amend	11-1-2015
945-040-0030	11-6-2015	Amend	12-1-2015
945-040-0040	10-15-2015	Amend	11-1-2015
945-040-0040	11-6-2015	Amend	12-1-2015
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945-040-0100	11-6-2015	Repeal	12-1-2015
945-040-0110	10-15-2015	Repeal	11-1-2015
945-040-0110	11-6-2015	Repeal	12-1-2015
945-040-0120	10-15-2015	Repeal	11-1-2015
945-040-0120	11-6-2015	Repeal	12-1-2015
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945-040-0150	11-6-2015	Repeal	12-1-2015
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945-040-0170	11-6-2015	Repeal	12-1-2015
945-040-0180	10-15-2015	Repeal	11-1-2015
945-040-0180	11-6-2015	Repeal	12-1-2015
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945-050-0005	11-6-2015	Repeal	12-1-2015
945-050-0010	10-15-2015	Repeal	11-1-2015
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