OREGON BULLETIN

Supplements the 2015 *Oregon Administrative Rules Compilation*

Volume 54, No. 7
July 1, 2015

For May 16, 2015–June 15, 2015

Published by
JEANNE P. ATKINS
Secretary of State
Copyright 2015 Oregon Secretary of State

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.

© January 1, 2015 Oregon Secretary of State. All rights reserved. Reproduction in whole or in part without written permission is prohibited.

TABLE OF CONTENTS

Page

Information About Administrative Rules 2
Table of Contents 3
Executive Orders.....4
Other Notices.....5, 6

Notices of Proposed Rulemaking Hearings/Notices

The citations and statements required by ORS 183.335(2)(b)(A)–(D) have been filed with and are available from the Secretary of State.

Appraiser Certification and Licensure Board,
Chapter 161.....7
Board of Examiners for Engineering and Land Surveying,
Chapter 820.....7
Board of Licensed Professional Counselors and Therapists,
Chapter 833.....7
Board of Parole and Post-Prison Supervision,
Chapter 255.....7, 8
Department of Agriculture, Chapter 603.....8
Department of Consumer and Business Services,
Workers' Compensation Division, Chapter 436.....8
Department of Energy, Chapter 330.....8
Department of Fish and Wildlife, Chapter 635.....8, 9
Department of Human Services,
Administrative Services Division and Director's Office,
Chapter 407.....9, 10
Aging and People with Disabilities and Developmental
Disabilities, Chapter 411.....10
Child Welfare Programs, Chapter 413.....10
Department of Public Safety Standards and Training,
Chapter 259.....10, 11
Department of Transportation,
Driver and Motor Vehicle Services Division,
Chapter 735.....11
Motor Carrier Transportation Division,
Chapter 740.....11
Land Conservation and Development Department,
Chapter 660.....11
Landscape Architect Board, Chapter 804.....12
Landscape Contractors Board, Chapter 808.....12
Oregon Business Development Department,
Chapter 123.....12, 13
Oregon Health Authority,
Division of Medical Assistance Programs,
Chapter 410.....13
Oregon Educators Benefit Board, Chapter 111.....13
Public Health Division, Chapter 333.....13
Oregon Housing and Community Services Department,
Chapter 813.....13–16
Oregon Public Employees Retirement System,
Chapter 459.....16
Oregon State Lottery, Chapter 177.....16, 17
Public Utility Commission, Chapter 860.....17, 18
Public Utility Commission,
Board of Maritime Pilots, Chapter 856.....18
Secretary of State,
Audits Division, Chapter 162.....18
Elections Division, Chapter 165.....18, 19
Water Resources Department, Chapter 690.....19

Administrative Rules

The citations and statements required by ORS 183.335(2)(b)(A)–(D) have been filed with and are available from the Secretary of State.

Appraiser Certification and Licensure Board,
Chapter 161.....20
Board of Chiropractic Examiners, Chapter 811.....20, 21
Board of Examiners for Engineering and Land Surveying,
Chapter 820.....21–25
Board of Geologist Examiners, Chapter 809.....25
Board of Massage Therapists, Chapter 334.....26
Bureau of Labor and Industries, Chapter 839.....26–37
Department of Administrative Services, Chapter 125.....37–41
Department of Agriculture, Chapter 603.....41–44
Department of Consumer and Business Services,
Division of Finance and Corporate Securities,
Chapter 441.....44, 45
Insurance Division, Chapter 836.....45–52
Workers' Compensation Division, Chapter 436.....52–58
Department of Corrections, Chapter 291.....58–62
Department of Energy,
Energy Facility Siting Council, Chapter 345.....62–65
Department of Fish and Wildlife, Chapter 635.....65–94
Department of Human Services,
Child Welfare Programs, Chapter 413.....94–107
Department of Justice, Chapter 137.....107–110
Department of Public Safety Standards and Training,
Chapter 259.....110–112
Department of Transportation,
Highway Division, Chapter 734.....112–114
Motor Carrier Transportation Division,
Chapter 740.....114–117
Higher Education Coordinating Commission,
Chapter 715.....117–120
Higher Education Coordinating Commission,
Department of Community Colleges and Workforce
Development, Chapter 589.....120–122
Land Conservation and Development Department,
Chapter 660.....122
Landscape Architect Board, Chapter 804.....122
Landscape Contractors Board, Chapter 808.....122, 123
Oregon Health Authority,
Addictions and Mental Health Division:
Mental Health Services, Chapter 309.....123–125
Division of Medical Assistance Programs,
Chapter 410.....125–133
Oregon Military Department,
Office of Emergency Management, Chapter 104.....133–137
Oregon Public Employees Retirement System,
Chapter 459.....137–141
Oregon University System, Chapter 580.....141
Oregon University System,
Oregon Institute of Technology, Chapter 578.....141, 142
Southern Oregon University, Chapter 573.....142–144
Public Utility Commission, Chapter 860.....144, 145
Public Utility Commission,
Board of Maritime Pilots, Chapter 856.....145, 146

OAR Revision Cumulative Index.....147–176

EXECUTIVE ORDER NO. 15 - 07

DETERMINATION OF A STATE OF DROUGHT EMERGENCY IN SHERMAN COUNTY DUE TO DROUGHT AND LOW WATER CONDITIONS

At the request of Sherman County (by Resolution 06-06-2015 dated June 17, 2015), and based on the recommendations of the Drought Council and the Water Availability Committee, and pursuant to ORS 401.165 and ORS 536.740, I find the continuing dry conditions and lack of precipitation have caused natural and economic disaster conditions in Sherman County.

Projected forecasts are not expected to alleviate the severe drought conditions, and the drought is having significant economic impacts on agricultural, livestock, and natural resources in Sherman County.

The dry conditions present hardships for Sherman County communities; crops and agricultural and other economic interests are at risk; animals and plants that rely on Oregon's surface water supplies are threatened; and the risk of wildfires across the state is greatly increased. Current conditions are being monitored and analyzed by state agencies including the Department of Agriculture, the Department of Water Resources, and the Oregon Office of Emergency Management.

A timely response to the severe drought conditions is vital to the safety of persons and property and economic security of the citizens and businesses of Sherman County; I am therefore declaring that a severe, continuing drought emergency exists in Sherman County, and directing the following actions.

IT IS HEREBY ORDERED AND DIRECTED:

I. The Oregon Department of Agriculture is directed to coordinate and provide assistance in seeking federal resources to mitigate drought conditions and assist in agricultural recovery in Sherman County.

II. The Department of Water Resources and the Water Resources Commission are directed to coordinate and provide assistance to water users in Sherman County as they determine is necessary and appropriate in accordance with ORS 536.700 to 536.780.

III. The Office of Emergency Management is directed to coordinate and assist as needed with assessment and mitigation activities to address current and projected conditions in Sherman County.

IV. All other state agencies are directed to coordinate with the above agencies and to provide appropriate state resources as determined necessary to assist affected political subdivisions and water users in Sherman County.

V. This Executive Order expires on December 31, 2015.

Done at Portland, Oregon this 22nd day of June, 2015.

/s/ Kate Brown
Kate Brown
GOVERNOR

ATTEST

/s/ Jeanne P. Atkins
Jeanne P. Atkins
SECRETARY OF STATE

REQUEST FOR COMMENTS PROPOSAL TO EXTEND THE OREGON HEALTH AUTHORITY'S HOSPITAL TRANSFORMATION PERFORMANCE PROGRAM THROUGH JUNE 30, 2017

COMMENTS DUE: July 15, 2015
PROPOSAL: The Oregon Health Authority (OHA) is proposing to request approval from the federal Department of Health and Human Services (HHS), Centers for Medicare and Medicaid Services (CMS) to extend Oregon's Hospital Transformation Performance Program through June 30, 2017. The program began in July 2014, and federal approval is currently due to expire June 30, 2016. The 2015 Oregon Legislative Assembly, however, has extended the program through September 30, 2019; thus, the federal approval is necessary in order to meet Legislative requirements for the next biennium.

The Hospital Transformation Performance Program (HTPP) rewards hospitals for improved performance, which the state believes leads to better health care and better health care outcomes for the more than 1.3 million people covered by the Oregon Health Plan (OHP) and for others throughout Oregon. The program compliments Oregon's larger health system transformation efforts and supports coordinated health care by facilitating reform in hospitals, a major part of the health care delivery system.
BACKGROUND: Since July 1, 2014, under its 1115 Demonstration, the state has operated a hospital "incentive pool," the HTPP, to issue payments to participating hospitals for adopting initiatives to improve the quality of Oregon's health care system and to measure that improvement. Specific quality metrics were developed by the Hospital Performance Metrics Advisory Committee, OHA, and CMS as a way to measure progress towards the state's health system transformation goals. For more information on the HTPP, go to: http://www.oregon.gov/oha/analytics/Pages/Hospital-Baseline-Data.aspx.
EFFECTIVE DATE: July 1, 2016
HOW TO COMMENT: Send written comments by fax, mail or email to:

Janna Starr, 1115 Demonstration Manager
Division of Medical Assistance Programs
500 Summer Street NE
Salem, Oregon 97301
Fax: 503-373-7689
Email: janna.starr@state.or.us

DEQ PROPOSES CONDITIONAL NO FURTHER ENVIRONMENTAL ACTION FORMER ROGUE VALLEY OIL PLANT SITE MEDFORD, OREGON

COMMENTS DUE: July 31, 2015
PROJECT LOCATION: 1000 South Central Avenue, Medford
PROPOSAL: DEQ proposes to make a conditional no further action determination for gasoline and diesel contamination found in shallow soil and groundwater from a bulk fuel plant that occupied the site until 1995.
BACKGROUND: For detailed project information please see a copy of the final report prepared by the property owner's consultant, on DEQ's website at: http://www.deq.state.or.us/wdr/?p=44424

The property has a long history of use as a fuel terminal and bulk plant between 1920 and 1985, with above-ground storage tanks and underground distribution lines that leaked diesel and gasoline product.

Free petroleum product was found in groundwater monitoring wells, and a product recovery trench was installed and operated over a period of several years. Dissolved petroleum contamination in shallow groundwater extends off-site in a northerly direction. There are no water supply wells within 1/4-mile of the property and it is not reasonably likely that groundwater will be used in the future given availability of municipal water.

Petroleum hydrocarbon levels in soil and groundwater do not pose a risk to human health or the environment with current uses of the former Rogue Valley Oil site and the adjacent Pierce property. In their current state, both properties are capped with asphalt and/or concrete, and both properties are used for commercial purposes. Local zoning restrictions and land development trends in the area indicate that continued commercial use of the site and neighboring Pierce property is likely into the foreseeable future.

DEQ concludes that the residual petroleum contamination in soil and groundwater from past use of the former Rogue Valley Oil site will not pose a risk to human health and the environment if the following conditions are met:

- No use of groundwater extracted from the site or adjacent Pierce property;
- No excavation in areas of known contamination without notification to DEQ and adherence to a DEQ-approved Contaminated Media Management Plan; and:
- No use of the site and adjacent Pierce property for residential, agricultural, or recreational purposes.

To document these conditions for current and future property owners, DEQ will record Easements and Equitable Servitudes on the deeds of both the former Rogue Valley Oil property at 1000 South Central Avenue and on the adjacent Pierce Property located at 1006 South Central Avenue. DEQ understands that the owner of the Pierce property has agreed to accept this deed restriction after executing an agreement with Shell Oil as the current owner of the former Rogue Valley Oil site.

DEQ proposes to make a conditional No Further Action determination for the site after deed restrictions are recorded for both the site and the Pierce property. DEQ also proposes to list this site on its Inventory of contaminated sites to document the long-term implementation of an institutional control for final remedial action.
HOW TO COMMENT: Written comments must be received by July 31, 2015. Comments should be submitted to DEQ's Salem office, 4026 Fairview Industrial Dr, Salem, Oregon 97302 or by e-mail at sawka.nancy@deq.state.or.us. Questions may also be directed to Nancy Sawka at the Salem address or by calling her at 503-378-5075.
THE NEXT STEP: DEQ will consider all public comments before taking final action on this matter. A public meeting will be held to receive verbal comments on the proposed cleanup action upon written request by ten or more persons, or by a group with ten or more members.

REQUEST FOR COMMENTS PROPOSED CERTIFICATE OF COMPLETION FOR FORMER WEYERHAEUSER LANDFILL SITE

COMMENTS DUE: 5 p.m., Monday, Aug. 3, 2015
PROJECT LOCATION: The property includes approximately 18 acres of land in Section 18, Township 2 South, Range 3 West, of the Willamette Meridian in Springfield, Oregon.
PROPOSAL: The Oregon Department of Environmental Quality intends to certify that all required cleanup actions at the former Weyerhaeuser Truck Road site in Springfield are satisfactorily completed. The actions taken resulted in both economic benefits (converting the former landfill to park use) and environmental benefits (installing an improved cap-and-cover system and improved stormwater runoff management).
HIGHLIGHTS: In September 2013, Willamalane Park & Recreation District entered into a Prospective Purchaser Agreement Consent Judgment with DEQ and agreed to: 1) perform remedial design and remedial actions for the property in accordance with a DEQ-approved Scope of Work; and 2) record a Deed Notice with Lane County to provide the institutional controls necessary to ensure protection of the remedial actions.

On June 3, 2015, Willamalane Park & Recreation District requested issuance of a Certification of Completion based on satisfactory completion of all work items specified in the PPA.

DEQ reviewed the conditions stated in the PPA, which included designing and constructing a cap-and-cover system over the landfill, construction of an improved stormwater runoff management system, and a Deed Notice to ensure long-term protection of the cap.

The requirements have either been satisfied or included in the Certificate of Completion document.

DEQ created the Prospective Purchaser Agreement Program in 1995, through amendments to Oregon'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 Certification of Completion confirms Willamalane Park & Recreation District'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 Willamalane Park & Recreation District with third-party liability protection.

HOW TO COMMENT: Written comments can be sent to DEQ at 165 E. 7th St. Eugene, OR 97401. If you have any questions or wish to view the project files, please contact DEQ project manager Bill Mason at 541-687-7427 or by email at mason.bill@deq.state.or.us. To access site summary information and other documents in the DEQ Environmental Cleanup Site Information database, go to http://goo.gl/PNgSaI

THE NEXT STEP: DEQ will consider all public comments received by the above deadline before making a final decision regarding the Certification of Completion. DEQ will issue a public notice of its final decision in this publication.

ACCESSIBILITY INFORMATION: DEQ is committed to accommodating people with disabilities. Please notify DEQ of any special physical or language accommodations or if you need information in large print, Braille or another format. To make these arrangements, call DEQ at 503-229-5696 or toll free in Oregon at 800-452-4011; fax to 503-229-6762; or email to deqinfo@deq.state.or.us. People with hearing impairments may call 711.

REQUEST FOR COMMENTS
PROPOSED PROSPECTIVE PURCHASER AGREEMENT FOR FORMER BOISE CASCADE SITE IN SALEM

COMMENTS DUE: 5 p.m., Friday July 31

PROJECT LOCATION: Boise Cascade paper mill, downtown Salem waterfront (315 Commercial St. SE, Salem)

PROPOSAL: The Oregon Department of Environmental Quality proposes to enter into a Consent Order with Salem LTC Properties, LLC for a Prospective Purchaser Agreement to facilitate the purchase of part of the former Boise Cascade paper mill site on the Salem waterfront. DEQ seeks public comments on the proposed Consent Order until July 31. The company intends to purchase the three-acre parcel, which is north of Pringle Creek, immediately adjacent to Commercial and Trade streets, for commercial development. Shallow soil at the property contains contamination from former industrial activities. The proposed Consent Order requires the company to manage the contaminated soil to prevent exposure to the contamination from site workers.

Subject to the satisfactory performance of those obligations and the terms of the Consent Order, the Consent Order releases the company from liability to the State and any other person under ORS 465.200 to 465.545, ORS 466.640, or 468B.310 relating to contamination in existence at the time of the acquisition of the property, as stated in ORS 465.327(4)(a)(B).

HIGHLIGHTS: The property was historically used as a flour mill, a railroad freight warehouse, residential property, and a paper mill. Boise Cascade purchased the paper mill in 1962. In June 1982, Boise Cascade shut down all pulping and papermaking operations at the mill, with the exception of the packaging plant. Boise Cascade made paper at the site until the mid 1980s, while packaging of paper continued until the 2000s. By 2008 all of the former buildings at the site were removed.

Consultants conducted several environmental assessments on behalf of Boise Cascade and the current owner, Mountain West Investments, Inc. Investigations found concentrations of certain metals and petroleum hydrocarbon constituents at levels above DEQ's acceptable risk levels.

Based on the data collected, workers at the site could be exposed to unacceptable concentrations of lead and petroleum constituents in soil. The extent of the contamination was roughly delineated by sampling in the central part of the property.

The company intends to construct new commercial buildings, which may include office space and a skilled-nursing facility. The Consent Order will require the company to prepare a Contaminated Media Management Plan and manage the contaminated soil to limit worker exposure to contaminated soils during and after construction is completed, and to comply with institutional controls imposed by an Easements and Equitable Servitudes on the property.

HOW TO COMMENT: Send comments to DEQ Project Manager Don Hanson at 165 E. Seventh Ave., Suite 100, Eugene, OR 97401, or email him at hanson.don@deq.state.or.us. For more information contact the project manager by phone at 541-687-7349 or via email.

View information about requesting a review of DEQ project files at: http://www.deq.state.or.us/records/recordsRequestFAQ.htm

View the File Review Application form at: http://www.deq.state.or.us/records/RecordsRequestForm.pdf

To view site summary information and other documents in the DEQ Environmental Cleanup Site Information database, go to http://www.deq.state.or.us/lq/ECSI/ecsi.htm, select "Search complete ECSI database", then enter ECSI# 4427 in the Site ID box and click "Submit" at the bottom of the page. Next, click the link labeled Site ID/Info # 4427 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=4427&SourceIdType=11

Contact the project manager if you do not have web access and want to review the project file.

THE NEXT STEP: DEQ will consider all public comments received by the deadline before making a final decision on the proposed Consent Order.

ACCESSIBILITY INFORMATION: DEQ is committed to accommodating people with disabilities. Please notify DEQ of any special physical or language accommodations or if you need information in large print, Braille or another format. To make these arrangements, call DEQ at 503-229-5696 or toll free in Oregon at 800-452-4011. Fax to 503-229-6762, or email to deqinfo@deq.state.or.us. People with hearing impairments may call 711.

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.*

• • • • • • • • • •

Appraiser Certification and Licensure Board
Chapter 161

Rule Caption: 2015–2017 biennium budget

Date:	Time:	Location:
7-20-15	9 a.m.	3000 Market St. NE, Suite 541 Salem, OR 97301

Hearing Officer: James Baumberger
Stat. Auth.: ORS 183.355, ORS 674.305(7), ORS 674.310
Other Auth.: ORS 674 and 183, The Federal Financial Institutions Reform, Recovery and Enforcement Act (FIRREA) of 1989, as amended by the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010, and guidelines thereto published by the Appraisal Subcommittee of the Federal Financial Institutions Examination Council, The Appraiser Qualifications Board (AQB) of The Appraisal Foundation.
Stats. Implemented: ORS 674
Proposed Amendments: 161-006-0025
Last Date for Comment: 7-20-15, Close of Hearing
Summary: Amends Oregon Administrative Rule 161, division 6, rule 0025 regarding the agency budget.
Rules Coordinator: Gae Lynne Cooper
Address: Appraiser Certification and Licensure Board, 3000 Market St. NE, Suite 541, Salem, OR 97301
Telephone: (503) 485-2555

• • • • • • • • • •

Board of Examiners for Engineering and Land Surveying
Chapter 820

Rule Caption: To amend/adopt rules related to registration, professional conduct, and the seal and signature on documents.

Date:	Time:	Location:
9-8-15	1:30 p.m.	670 Hawthorne Ave. SE, Suite 220 Salem, OR 97301

Hearing Officer: Jason Kent
Stat. Auth.: ORS 672.020, 672.025, 672.028, 672.060, 672.129, 672.160, 672.170, 672.255
Other Auth.: ORS 670.310
Stats. Implemented: ORS 672.002–672.325
Proposed Adoptions: 820-025-0001, 820-025-0010, 820-030-0080
Proposed Amendments: 820-010-0505, 820-010-0510, 820-010-0520, 820-010-0635, 820-020-0005, 820-040-0005, 820-050-0001
Proposed Ren. & Amends: 820-010-0620 to 820-025-0005, 820-010-0621 to 820-025-0015, 820-010-0622 to 820-025-0020, 820-010-0623 to 820-025-0025
Last Date for Comment: 9-8-15, Close of Hearing
Summary: To adopt:

OAR 820-025-0001 — The proposed language defines the terms used for a digital signature.

OAR 820-025-0010 — The proposed language relates to a digital seal and signature for electronic documents.

OAR 820-030-0080 — The proposed language clarifies the information to allow only Oregon registration information on survey monument marking.

To amend OAR 820-010-0505, 820-010-0510, 820-010-0520, 820-010-0635, and 820-050-0001 to clarify rules related to the continuing professional development requirements and the request for a grace period.

To amend OAR 820-020-0005 and include language that would allow OSBEELS to discipline non-registrant individuals applying for registration or enrollment with the Board.

To amend OAR 820-040-0005 and include language to define an appurtenance.

To amend and renumber the following rules as they relate to the sealing and signing of final documents–

OAR 820-010-0620 TO: 820-025-0005
OAR 820-010-0621 TO: 820-025-0015
OAR 820-010-0622 TO: 820-025-0020
OAR 820-010-0623 TO: 820-025-0025

Rules Coordinator: Mari Lopez
Address: Board of Examiners for Engineering and Land Surveying, 670 Hawthorne Ave. SE, Suite 220, Salem, OR 97301
Telephone: (503) 362-2666

• • • • • • • • • •

Board of Licensed Professional Counselors and Therapists
Chapter 833

Rule Caption: LPC and LMFT registered intern title designation.

Date:	Time:	Location:
7-23-15	10 a.m.	3218 Pringle Rd. SE Salem, OR 97302

Hearing Officer: LaReé Felton
Stat. Auth.: ORS 675.705–675.835.
Stats. Implemented: ORS 675.720 & 675.785(1), (12)
Proposed Amendments: 833-050-0021
Last Date for Comment: 7-23-15, 5 p.m.
Summary: The proposed amendment will no longer allow registered interns to use "any permutation" of the titles "registered intern," "LPC intern," or "LMFT intern." Interns must use only those specific titles.
Rules Coordinator: LaReé Felton
Address: Board of Licensed Professional Counselors and Therapists, 3218 Pringle Rd. SE, Suite 250, Salem, OR 97302
Telephone: (503) 373-1196

• • • • • • • • • •

Board of Parole and Post-Prison Supervision
Chapter 255

Rule Caption: Amends definition of "victim" for the Board hearings and processes; expands current definition.
Stat. Auth.: ORS 144.050 & 144.140
Stats. Implemented:
Proposed Amendments: 255-005-0005
Last Date for Comment: 7-24-15, 12 p.m.
Summary: Amends definition of "victim" for Board hearings and processes; expands current definition.

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

• • • • • • • • • •

Department of Agriculture
Chapter 603

Rule Caption: Housekeeping changes to one rule; adds several approved species to approved terrestrial invertebrates list.
Stat. Auth.: ORS 570.205, 570.210 & 570.215
Stats. Implemented: ORS 570.215
Proposed Amendments: 603-052-1300
Last Date for Comment: 7-22-15, 5 p.m.
Summary: 603-052-1300: Adds several species to the list of approved terrestrial invertebrates and removes the Monarch butterfly from that list.
Rules Coordinator: Sue Gooch
Address: Department of Agriculture, 635 Capitol St. NE, Salem, OR 97301
Telephone: (503) 986-4583

• • • • • • • • • •

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

Rule Caption: Medical services in workers' compensation claims

Date:	Time:	Location:
7-21-15	9 a.m.	Rm B, Labor & Industries Bldg. 350 Winter St. NE, Salem, OR

Hearing Officer: Fred Bruyns
Stat. Auth.: ORS 656.252, 656.254 & 656.726(4)
Stats. Implemented: ORS 656, 656.245, 656.252, 656.254, 656.260, 656.264, 656.325, 656.327 & 656.745
Proposed Adoptions: Rules in 436-010, 436-010-0241
Proposed Amendments: Rules in 436-010
Proposed Repeals: Rules in 436-010, 436-010-0002, 436-010-0003, 436-010-0006, 436-010-0275
Proposed Ren. & Amends: 436-010-0260 to 436-010-0335
Last Date for Comment: 7-27-15, Close of Business
Summary: The public may also listen to the hearing or testify by telephone:

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

The agency proposes to amend OAR 436-010, "Medical Services," to:

- Substantially revise and reorganize division 010, including deleting obsolete and otherwise unnecessary wording, to make the rules more comprehensive and to facilitate consistent understanding (Much of the text marked as "new" is in fact current, but it is marked because it has been moved.);

- Clarify that, for disputes under ORS 656.260 or 656.327, the dispute record packet must include certification whether there is or is not an issue of compensability of the underlying claim or condition.

- Move some regulations to division 009 for separate public review and hearing, and move some regulations from division 009 to division 010, so that regulations relevant to the medical fee schedule and medical services are located with related rules;

- Add definitions of "come-along" provider, "date stamp," and "patient," and delete definitions of terms not used in division 010;

- Limit denial of reimbursement based on late submission of a treatment plan by an ancillary service provider to those services provided before the treatment plan is sent;

- Require that the insurer must approve or disapprove (not just respond to) a health care provider's request for pre-authorization of a diagnostic study within 14 days of receipt of the request; and

- Encourage providers to adhere to the new opioid guidelines approved by the Medical Advisory Committee.

Rules Coordinator: Fred Bruyns
Address: Department of Consumer and Business Services, Workers' Compensation Division, PO Box 14480, Salem, OR 97309-0405
Telephone: (503) 947-7717

• • • • • • • • • •

Department of Energy
Chapter 330

Rule Caption: Amending EIP rules to update application, technical review, pass-through and transfer fees.

Date:	Time:	Location:
7-23-15	2:30 p.m.	ODOE 625 Marion St. NE Salem, OR 97301

Hearing Officer: Elizabeth Ross
Stat. Auth.: ORS 469.040, 469B.259, 469B.265, 469B.294, 469B.306, 469B.335 & 469B.347
Stats. Implemented: ORS 469B.250–469B.347, 315.326, 315.329, 315.331 & 315.336
Proposed Amendments: 330-200-0040, 330-210-0040, 330-220-0040
Last Date for Comment: 7-23-15, Close of Business
Summary: Statute directs the Oregon Department of Energy to estimate the total cost of the energy incentive programs and set fees to recover the anticipated cost of administering and enforcing the program. The fees are designed not to exceed the total cost estimated by the department. The rule amendments propose fee increases for technical review fees and lowering application fees for Small Premium Conservation Projects and Alternative Fuel Vehicle Projects. The proposal also modifies the pass-through and transfer fee for Small Premium Conservation Projects and increases the pass-through with assistance fee for all other conservation and transportation projects. The planned effective date for the proposed rules and change in fees is September 1, 2015.

A call-in number is available for the public hearing, please see website for details:

http://www.oregon.gov/energy/CONS/Pages/Rulemaking-Energy_Incentive_Program.aspx

Rules Coordinator: Elizabeth Ross
Address: Department of Energy, 625 Marion St. NE, Salem, OR 97301
Telephone: (503) 373-8534

• • • • • • • • • •

Department of Fish and Wildlife
Chapter 635

Rule Caption: Amend Rules Relating to Greater Sage-Grouse Conservation Strategy for Oregon to Address Mitigation

Date:	Time:	Location:
7-27-15	1 p.m.	ODFW 4034 Fairview Industrial Dr. SE Salem, OR 97302
7-21-15	7 p.m.	Lake County Courthouse 513 Center St. Lakeview, OR 97630
7-22-15	7 p.m.	Harney County Senior and Community Services Center 17 S Alder Burns, OR 97720

Hearing Officer: ODFW Commission, ODFW Designated Staff Member
Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162, 498.500 & 498.502
Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162, 498.500 & 498.502
Proposed Amendments: Rules in 635-140
Last Date for Comment: 7-27-15, Close of Hearing
Summary: Mitigation policy specific to addressing impact to sage grouse habitat from actions authorized by local county or other governmental authorities. Develop rules to implement new legislation (ORS 498.500 and 498.502).

IMPORTANT NOTE — COMMISSION MEETING:

The original Notice of Proposed Rulemaking Hearing for Rules Relating to Greater Sage-Grouse Conservation Strategy for Oregon to Address Mitigation was originally scheduled for July 10, 2015 at 8:00 a.m. This Notice of Proposed Rulemaking Hearing is being amended and the Commission meeting date has been rescheduled for July 27, 2015 at 1:00 p.m. The location of this Commission meeting is the same.

PUBLIC MEETINGS:

Oregon Department of Fish and Wildlife staff will hold two public meetings to brief interested parties on proposed changes to the administrative rules for managing sage-grouse in Oregon. The proposed rule changes will address mitigation of impacts to sage-grouse habitat. Public testimony will be taken by the staff to share with the Oregon Fish and Wildlife Commission during their July 27, 2015 meeting to adopt the Rules.

Meeting times and locations:

July 21, 2015, 7–9 pm, Memorial Hall, Lake County Courthouse, 513 Center St., Lakeview, Oregon 97630

July 22, 2015, 7–9 pm, Harney County Senior and Community Services Center, 17 S. Alder, Burns, Oregon 97720

Rules Coordinator: Michelle Tate
Address: Department of Fish and Wildlife, 4034 Fairview Industrial Dr. SE, Salem, OR 97302
Telephone: (503) 947-6044

• • • • • • • • • •

Rule Caption: Amend rules related to the Malheur Lakes and Catlow Valley Redband Trout Conservation Plan.

Date:	Time:	Location:
8-7-15	8 a.m.	4034 Fairview Industrial Dr. SE Salem OR 97302

Hearing Officer: Oregon Fish & Wildlife Commission
Stat. Auth.: ORS 496.138, 496.146, 496.162, 506.036, 506.119 & 506.129
Stats. Implemented: ORS 496.162, 506.109 & 506.129
Proposed Adoptions: Rules in 635-500
Proposed Amendments: Rules in 635-500
Proposed Repeals: Rules in 635-500
Proposed Renumberings: Rules in 635-500
Proposed Ren. & Amends: Rules in 635-500
Last Date for Comment: 8-7-15, Close of Hearing
Summary: The proposed rules are related to implementation of the Malheur Lakes and Catlow Valley Redband Trout Conservation Plan and may be adopted, amended or repealed as determined necessary by the Oregon Fish and Wildlife Commission.
Rules Coordinator: Michelle Tate
Address: Department of Fish and Wildlife, 4034 Fairview Industrial Dr. SE, Salem, OR 97302
Telephone: (503) 947-6044

• • • • • • • • • •

Rule Caption: Amendments Regarding Harvest of Game Birds, Season Dates, Open Areas and Bag Limits

Date:	Time:	Location:
8-7-15	8 a.m.	ODFW 4034 Fairview Industrial Dr. SE Salem, OR 97302

Hearing Officer: ODFW Commission
Stat. Auth.: ORS 496.012, 796.138, 496.146, 496.162 & 498.002
Stats. Implemented: ORS 496.012, 796.138, 496.146, 496.162 & 498.002
Proposed Amendments: Rules in 635-008, 635-010, 635-044, 635-045, 635-051, 635-052, 635-053, 635-054, 635-056, 635-060, 635-200
Last Date for Comment: 8-7-15, Close of Hearing
Summary: Amend rules regarding the harvest of game birds including 2015–2016 season dates, open areas, regulations and bag limits.
Rules Coordinator: Michelle Tate
Address: Department of Fish and Wildlife, 4034 Fairview Industrial Dr. SE, Salem, OR 97302
Telephone: (503) 947-6044

• • • • • • • • • •

Rule Caption: Amend Rules Relating to Oregon Department of Fish and Wildlife Lands

Date:	Time:	Location:
8-7-15	8 a.m.	ODFW 4024 Fairview Industrial Dr. SE Salem, OR 97302

Hearing Officer: ODFW Commission
Stat. Auth.: ORS 496, 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496, 496.012, 496.138, 496.146 & 496.162
Proposed Amendments: Rules in 635-008
Last Date for Comment: 8-7-15, Close of Hearing
Summary: Modify language relating to forage removal from Department Lands and include rules governing the administration of the new Coquille Valley Wildlife Area.
Rules Coordinator: Michelle Tate
Address: Department of Fish and Wildlife, 4034 Fairview Industrial Dr. SE, Salem, OR 97302
Telephone: (503) 947-6044

• • • • • • • • • •

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

Rule Caption: Correction on Potentially Disqualifying Abuse for Children's Program Background Check

Date:	Time:	Location:
7-21-15	1:30 p.m.	State Library Bldg. Mt. Bachelor Conf. Rm. 305 250 Winter St. NE Salem, OR 97301

Hearing Officer: Jennifer Bittel
Stat. Auth.: ORS 181.537, 409.027 & 409.050
Stats. Implemented: ORS 181.534, 181.537, 409.010, 409.027 & 443.004
Proposed Amendments: 407-007-0290
Proposed Repeals: 407-007-0290(T)
Last Date for Comment: 7-24-15, 5 p.m.
Summary: This proposed amendment corrects an error in previous rule language. Only abuse cases with an outcome of substantiated or founded are potentially disqualifying. Adoption of this proposed amendment will repeal the temporary rule in place through August 1, 2015.

Proposed rules are available on the Department of Human Services website: http://www.oregon.gov/dhs/admin/pages/dwssrules/index.aspx. For hardcopy requests, call: (503) 947-5250.

Rules Coordinator: Jennifer Bittel
Address: Department of Human Services, Administrative Services Division and Director's Office, 250 Winter St. NE, Salem, OR 97301
Telephone: (503) 947-5250

• • • • • • • • • •

Rule Caption: Integrated Employment Services to Individuals with Intellectual and Developmental Disabilities

Date:	Time:	Location:
7-17-15	9:30 a.m.	Human Services Bldg. 500 Summer St NE, 4th Floor, Rm. 456 Salem, OR 97301

Hearing Officer: Jennifer Bittel
Stat. Auth.: ORS 409.050
Other Auth.: Executive Order 13-04 & Executive Order 15-01
Stats. Implemented: ORS 409.050
Proposed Adoptions: 407-025-0115
Proposed Amendments: 407-025-0000 through 407-025-0110
Proposed Repeals: 407-025-0000(T) through 407-025-0110(T), 407-025-0120

Last Date for Comment: 7-24-15, 5 p.m.
Summary: The purpose of these rules is to effectuate Oregon's Executive Order 13-04. Governor Kitzhaber signed Executive Order 15-01 on February 2, 2015 which supersedes Executive Order 13-04 and holds the same title "Providing Employment Services To Individuals With Intellectual And Developmental Disabilities." Executive Order 15-01 does not have the force of law. Therefore, to ensure compliance with the Governor's new Executive Order, these proposed rule actions align rule and Executive Order definitions and direction and mitigate any confusion with regards to which policies and authority are enforced.

Amendment of these proposed rules will repeal the temporary rules in effect through August 9, 2015.

Proposed rules are available on the Department of Human Services website: http://www.oregon.gov/DHS/admin/dwssrules/index.shtml. For hardcopy requests, call: (503) 947-5250.
Rules Coordinator: Jennifer Bittel
Address: Department of Human Services, Administrative Services Division and Director's Office, 250 Winter St. NE, Salem, OR 97301
Telephone: (503) 947-5250

• • • • • • • • • •

Department of Human Services,
Aging and People with Disabilities and
Developmental Disabilities
Chapter 411

Rule Caption: Nursing Facilities/Licensing — Transfers

Date:	Time:	Location:
7-17-15	9 a.m.	Human Services Bldg. 500 Summer St. NE, Rm. 160 Salem, OR 97301

Hearing Officer: Staff
Stat. Auth.: ORS 410, 441.055 & 441.605
Stats. Implemented: ORS 441.055, 441.600 & 441.615
Proposed Amendments: 411-088-0050, 411-088-0060
Proposed Repeals: 411-088-0050(T), 411-088-0060(T)
Last Date for Comment: 7-21-15, 5 p.m.
Summary: The Department of Human Services (Department) is proposing to update the rules in 411-088-0050 and 411-088-0060 to make permanent, temporary changes that were implemented March 2, 2015 to meet the requirements of 411-088-0070. The amendments provide the correct citation for a form that is named in both rules, and delete the outdated form that was included as an exhibit at the end of the rule division. Minor wording, grammar, formatting, and punctuation changes will be made to the rules as well to improve clarity.
Rules Coordinator: Kimberly Colkitt-Hallman
Address: Department of Human Services, Aging and People with Disabilities and Developmental Disabilities, 500 Summer St. NE, E48, Salem, OR 97301
Telephone: (503) 945-6398

• • • • • • • • • •

Department of Human Services,
Child Welfare Programs
Chapter 413

Rule Caption: Amending rules relating to child welfare

Date:	Time:	Location:
7-22-15	1 p.m.	Human Services Bldg. 500 Summer St. NE, Rm. 255 Salem, OR 97301

Hearing Officer: Kris Skaro
Stat. Auth.: ORS 409.050 & 418.005
Stats. Implemented: ORS 409.050, 418.005 & 418.015
Proposed Amendments: 413-010-0000 through 413-010-0750, 413-090-0000 through 413-090-0550
Proposed Repeals: 413-010-0081, 413-010-0082, 413-010-0083, 413-010-0085, 413-010-0175, 413-010-0310, 413-010-0410, 413-010-0501, 413-010-0705, 413-090-0065, 413-090-0110, 413-090-0133(T), 413-090-0150(T), 413-090-0310, 413-090-0405, 413-090-0510
Last Date for Comment: 7-24-15, 5 p.m.
Summary: The Office of Child Welfare Programs (OCWP) is proposing to amend its rules in division 10 governing client rights and division 90 governing payments to children and young adults in substitute care. Specifically:

- The exhibit referenced in OAR 413-090-0133 and 413-090-0150 that contains the rating criteria used to determine the level of personal care services for a child or young adult in substitute care is being amended to: add criteria for prescribed therapies performed by a foster parent or caregiver for children and young adults 24 months and older; update rating scale for personal hygiene, dressing, and bathing for infants to 24 months; and make non-substantive edits to update section titles and reorganize categories of care. These changes were adopted by temporary rule on February 5, 2015.

- The definitions rules throughout division 90 are being consolidated into one overarching definitions rule for division 90. Specifically, OAR 413-090-0065, 413-090-0110, 413-090-0310, 413-090-0405, and 413-090-0510 will be repealed and moved into OAR 413-090-0000. (The provision currently in OAR 413-090-0000 which states the purpose of the substitute care payments rules is being moved without substantive amendment into OAR 413-090-0005.)

- The same consolidation of definitions rules is being done in division 10. Specifically, OAR 413-010-0082, 413-010-0175, 413-010-0310, 413-010-0410, 413-010-0501, 413-010-0705, are being repealed and moved into OAR 413-010-0000. (The provision currently in OAR 413-010-0000 which states that the purpose of the rules in division 10 is to describe the circumstances in which the Department may and may not disclose client information without a court order is being moved without substantive amendment into OAR 413-010-0010.)

- Additional non-substantive edits may be made throughout divisions 10 and 90 to: make general updates consistent with current Department practices; update statutory and rule references; correct formatting and punctuation; remove redundant language; improve organization and readability; and clarify Department rules and processes consistent with current Department policies and practices.

The Department requests public comment on the proposed amendments, including whether other options should be considered for achieving the substantive goals of the rules while reducing the negative economic impact of the rule on business.

A copy of the draft rules can be accessed at the Child Welfare policy website: http://www.dhs.state.or.us/policy/childwelfare/drafts/drafts.htm.
Rules Coordinator: Kris Skaro
Address: Department of Human Services, Child Welfare Programs, 500 Summer St. NE, E-48, Salem, OR 97301
Telephone: (503) 945-6067

• • • • • • • • • •

Department of Public Safety Standards and Training
Chapter 259

Rule Caption: Adds fire service professionals to criminal history check requirements; clarifies DPSST's fingerprint processes; fee collection.
Stat. Auth.: ORS 181. 534, 181.612, 181.640, 206.015 & 703.230.
Stats. Implemented: ORS 181.612, 181.640 & 703.230
Proposed Amendments: 259-013-0220, 259-013-0230, 259-013-0250, 259-013-0270, 259-013-0280, 259-013-0300, 259-025-0000
Last Date for Comment: 7-22-15, Close of Business
Summary: The purpose of this proposed rule change is to add fire service professionals to the list of scenarios in which a criminal history check may be required. This proposed change also clarifies DPSST's fingerprint retention policy and the process for collecting

fees for fingerprinting. Additional housekeeping changes have been made throughout for clarity and consistency.
Rules Coordinator: Sharon Huck
Address: Department of Public Safety Standards and Training, 4190 Aumsville Hwy SE, Salem, OR 97317
Telephone: (503) 378-2432

• • • • • • • • • •

Rule Caption: Allows managers/supervisors responsible for mandated training to waive the instructor development course/ professional experience requirements.
Stat. Auth.: ORS 181.640 & 181.650
Stats. Implemented: ORS 181.640 & 181.650
Proposed Amendments: 259-008-0080
Last Date for Comment: 7-22-15, Close of Business
Summary: Current rule requires that DPSST certify all instructors who teach mandated courses. Certification requirements include that instructors complete a Department-approved Instructor Development Course or equivalent Department-approved training.

Many qualified instructors applying for certification have never taken a DPSST Instructor Development Course and current rule does not allow waivers of the training requirements. To address this issue, DPSST began a pilot program in January, 2015, that allowed a supervisor or manager, responsible for the delivery of mandated training, to assess an instructor's training and experience for the purposes of waiving the Instructor Development Course. The new method streamlined the instructor certification process and eliminated the need for qualified instructors to complete unnecessary training.

This proposed rule change allows a manager or supervisor who is responsible for mandated training to waive the instructor development course or the professional experience requirements for instructors and applicants. This rule change also defines adult learning principles and presentation skills, as well as housekeeping for clarity.
Rules Coordinator: Sharon Huck
Address: Department of Public Safety Standards and Training, 4190 Aumsville Hwy SE, Salem, OR 97317
Telephone: (503) 378-2432

• • • • • • • • • •

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

Rule Caption: Implements 2015 Legislation Relating to Gold Star Family Registration Plates
Stat. Auth.: ORS 184.616, 184.619, 802.010, 805.105 & 2015 OL Ch. 183
Stats. Implemented: ORS 805.105 & 2015 OL Ch. 183
Proposed Amendments: 735-040-0090
Last Date for Comment: 7-21-15, Close of Business
Summary: DMV issues a veterans' recognition registration plate displaying a gold star decal and the words "Gold Star Family." The plate recognizes families of service members killed in action during an armed conflict while serving in the Armed Forces of the United States and is only available to surviving family members of a service member killed in action.

ORS 805.105, as amended by Chapter 183, Oregon Laws 2015, adds "sibling" to the list of individuals eligible to obtain a Gold Star Family plate. DMV is amending the definition of "surviving family member" under OAR 735-040-0090(3)(b)(D) to include sibling. The amendment also makes non-substantive changes for consistency and corrects a reference to US Department of Defense Form 214.
Rules Coordinator: Lauri Kunze
Address: Department of Transportation, Driver and Motor Vehicle Services Division, 355 Capitol St. NE, MS 51, Salem, OR 97301
Telephone: (503) 986-3171

Department of Transportation,
Motor Carrier Transportation Division
Chapter 740

Rule Caption: Federal safety and hazardous materials transportation regulations affecting motor carriers
Stat. Auth.: ORS 184.616, 184.619, 823.011, 825.232, 825.252 & 825.258
Stats. Implemented: ORS 823.061, 825.210, 825.250, 825.252 & 825.258
Proposed Adoptions: 740-100-0045, 740-100-0049, 740-100-0055
Proposed Amendments: 740-100-0015, 740-100-0065, 740-100-0070, 740-100-0080, 740-100-0085, 740-100-0090
Proposed Repeals: 740-100-0110
Last Date for Comment: 7-21-15, Close of Business
Summary: The establishment of rules is necessary to implement advice given by the Oregon Department of Justice to the Department Safety Program Manager advising that ODOT should promulgate this rule to certify that ODOT trains safety inspectors to the national standard recognized by USDOT and performs vehicle and driver inspections to the national standard recognized by USDOT as a necessary prelude to creating and using an Oregon decal which gives evidence to inspectors in other jurisdictions outside of Oregon that a vehicle bearing such a decal has been inspected and declared defect free in a nationally uniform manner which can be relied upon and which is consistent with the manner in which this determination is reached in other jurisdictions. In addition to addressing the national standards, rules are required to implement an Oregon Commercial Vehicle Inspection Decal.
Rules Coordinator: Lauri Kunze
Address: Department of Transportation, Motor Carrier Transportation Division, 355 Capitol St. NE, MS 51, Salem, OR 97301
Telephone: (503) 986-3171

• • • • • • • • • •

Land Conservation and Development Department
Chapter 660

Rule Caption: Provide land use protection for Greater Sage-Grouse habitat.

Date:	Time:	Location:
7-23-15	1 p.m.	484 North Broadway Burns, OR

Hearing Officer: Land Conservation and Development Commission
Stat. Auth.: ORS 197.040
Other Auth.: Statewide Planning Goal 5
Stats. Implemented: ORS 197.040
Proposed Adoptions: 660-023-0015
Last Date for Comment: 7-23-15, Close of Hearing
Summary: Adopt a new rule in OAR chapter 660, division 23, commonly known as the "Goal 5 Rule," to establish protections for Oregon's Greater Sage-Grouse (GSG) and habitat on non federal lands. The rule establishes areas of significant habitat, identifies conflicting uses and identifies processes for Baker, Crook, Deschutes, Harney, Lake, Malhuer and Union county decision makers to apply when considering proposals for large-scale development and other land use activities on significant sage-grouse habitat.

This rule also creates a direct monitoring framework and includes metering standards, as well as, overall development thresholds for the very best GSG habitat.

This rule will apply directly to local governments until a county establishes its own program for protecting GSG habitat.
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

Landscape Architect Board
Chapter 804

Rule Caption: Public Records Requests, Required Application Information, Inactive and Inactive Emeritus Status, Late Renewal and Reinstatement

Date:	Time:	Location:
7-24-15	9 a.m.	Association Center 707 13th St. SE, Suite 114 Salem, OR

Hearing Officer: Christine Valentine
Stat. Auth.: For 804-001-0020: ORS 192.430, 192.440, 192.502, 192.505, 182.466, 670.310For 804-022-0020: ORS 671.415 For 804-022-0025: ORS 671.310, 671.376(4), 671.415For 804-022-0030: ORS 25.785, 305.385, 670.310, 42 USC 666, 42 USC 405 For 804-040-0000: ORS 182.466(4), 670.310, 671.365, 671.415
Stats. Implemented: For 804-001-0020, ORS 192.430, 192.440, 192.502, 192.505For 804-022-0020: ORS 671.376 For 804-022-0025: ORS 671.325, 671.335, 671.365, 671.415For 804-022-0030: ORS 25.785, 305.385, 671.335, 671.345, 671.376, 671.415 For 804-040-0000: ORS 671.325, 671.345, 671.365, 671.376
Proposed Adoptions: 804-022-0030
Proposed Amendments: 804-001-0020, 804-022-0020, 804-022-0025, 804-040-0000
Last Date for Comment: 7-24-15, Close of Business
Summary: For 804-001-0020: This rule will be updated to ensure full compliance with the requirements of the Oregon Public Records Law. The rule will provide clear information on process and fees. The Board will be better able to ensure that it can recover the cost of responding to public records requests while also authorizing staff to provide public records without charge in some instances.

For 804-022-0020: This rule will be updated to provide greater clarity about how registration can be renewed when renewal is not completed timely. The current requirements for reinstatement (i.e., when renewal is not completed within 60 days of the renewal deadline) would be reduced, thereby making the process potential easier for registrants. The rule would also address delegation of decision-making authority for renewals made within and after 60 days of the renewal deadline in an effort to streamline the process.

For 804-022-0025 and 804-040-0000: Rule 804-022-0025 will be expanded to address inactive status in addition to emeritus inactive status and will be updated to provide greater clarity about how an individual is placed on or removed from an inactive or inactive emeritus status. The rule would also address delegation of decision-making authority for registration status changes in an effort to streamline the process. The Board is also proposing to add in rule 804-040-0000 a new annual administrative fee for an individual on inactive status. An annual administrative fee is already in place for an individual on inactive emeritus status, and the administrative work associated with maintaining registration records is the same for these status types.

For 804-022-0030: This is a proposed NEW rule. The purpose of the rule is to provide clarity to prospective applicants and registrants regarding the legal basis for the Board requirement for Social Security Numbers. The rule will provide explanation of the requirement at a time when individuals are increasingly concerned about providing Social Security Numbers due to identify theft. The Oregon Department of Justice recommends that agencies adopt such a rule when they obtain and hold Social Security Numbers.
Rules Coordinator: Christine Valentine
Address: Landscape Architect Board, 707 13th St. SE, Suite 114, Salem, OR 97301
Telephone: (503) 589-0093

• • • • • • • • • •

Landscape Contractors Board
Chapter 808

Rule Caption: Clarifies written advertising, resignation of license, planting includes mulching, and housekeeping.

Date:	Time:	Location:
7-16-15	9 a.m.	LCB, 2111 Front St. NE, Suitte 2-101 Salem, OR 97301

Hearing Officer: Elizabeth Boxall
Stat. Auth.: ORS 670.310 & 671.670
Stats. Implemented: ORS 671.520, 671.600, 671.565 & 671.625
Proposed Amendments: 808-002-0455, 808-003-0010, 808-003-0100, 808-003-0220
Last Date for Comment: 7-16-15, Close of Hearing
Summary: Clarifies written advertising, resignation of license, planting includes mulching, and housekeeping.
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

• • • • • • • • • •

Rule Caption: License renewal fee increase ($5 for individual license $15 for business license)

Date:	Time:	Location:
7-16-15	9 a.m.	LCB 2111 Front St. NE Suite 2-101 Salem, OR 97301

Hearing Officer: Elizabeth Boxall
Stat. Auth.: ORS 670.310 & 671.670
Stats. Implemented: ORS 671.595, 671.650 & 671.660
Proposed Amendments: 808-003-0130
Last Date for Comment: 7-16-15, Close of Hearing
Summary: License renewal fee increase ($5 for individual license $ $15 for business license)
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

• • • • • • • • • •

Oregon Business Development Department
Chapter 123

Rule Caption: These rule amendments relate to the Industry Competitiveness Fund.
Stat. Auth.: ORS 285A.075
Stats. Implemented: ORS 285B.286 & 285B.290
Proposed Amendments: Rules in 123-095
Last Date for Comment: 7-27-15, Close of Business
Summary: This 2015 Legislative Session, HB 2437 was passed and signed by the Governor, with an emergency clause making the bill effective upon its passage. The bill added language into the statute that allows the department to enter into agreements for grants or other assistance.

The rules are being amended to comply with the statute. Throughout the division, the word "loan" is being removed wherever is says "grants or loans", or "grant or loan".
Rules Coordinator: Mindee Sublette
Address: Oregon Business Development Department, 775 Summer St. NE, Suite 200, Salem, OR 97301
Telephone: (503) 986-0036

• • • • • • • • • •

Rule Caption: These rules relate to the Operation of the Credit Enhancement Fund.
Stat. Auth.: ORS 285A.075 & 285B.200–285B.218
Stats. Implemented: ORS 285B.200–285B.218
Proposed Amendments: 123-021-0010, 123-021-0090, 123-021-0110
Proposed Repeals: 123-021-0010(T), 123-021-0090(T), 123-021-0110(T)
Last Date for Comment: 7-27-15, Close of Business
Summary: The changes to the CEF Evergreen Entrance and Evergreen Plus program options are to align and coordinate the two program to have a common maximum coverage percentage and a

common fee structure, in order to simplify the use of the programs by our lending partners. Premium rates for each program are available from the Department and shown in the application form available on the department website.
Rules Coordinator: Mindee Sublette
Address: Oregon Business Development Department, 775 Summer St. NE, Suite 200, Salem, OR 97301
Telephone: (503) 986-0036

• • • • • • • • • •

Oregon Health Authority,
Division of Medical Assistance Programs
Chapter 410

Rule Caption: Update Age Limitation, Identify Three PDN Programs, Update Benefit Package, Add CCOs

Date:	Time:	Location:
7-15-15	10:30 a.m.	500 Summer St. NE, Rm. 137D Salem, OR 97301

Hearing Officer: Sandy Cafourek
Stat. Auth.: ORS 413.042
Stats. Implemented: ORS 414.065
Proposed Amendments: 410-132-0020, 410-132-0030, 410-132-0060, 410-132-0070, 410-132-0080, 410-132-0100, 410-132-0120, 410-132-0180, 410-132-0200
Proposed Repeals: 410-132-0050
Last Date for Comment: 7-17-15, 5 p.m.
Summary: The Private Duty Nursing (PDN) Services program administrative rules govern the Division of Medical Assistance Programs' (Division) private duty nursing services. In 2012, the Centers for Medicare and Medicaid Services (CMS) approved the PDN State Plan Amendment (SPA) adjustment to reflect current practice for age limitation (not covered if the client is 21 years of age or older). These rule changes will align the rule with the SPA and current practice. The rule amendments clarify the three distinct PDN programs under the Division, DHS, and ODE; introduce and define new terminology; and provide clarifying language. These rules also update the benefit package and add coordinated care organizations (CCO)'s. These rules are being amended to reflect current practice.
Rules Coordinator: Sandy Cafourek
Address: Oregon Health Authority, Division of Medical Assistance Programs, 500 Summer St. NE, Salem, OR 97301
Telephone: (503) 945-6430

• • • • • • • • • •

Oregon Health Authority,
Oregon Educators Benefit Board
Chapter 111

Rule Caption: Adopting language for a new medical benefit plan offering

Date:	Time:	Location:
7-22-15	10 a.m.	OEBB Boardroom 1225 Ferry St SE Salem, OR 97301

Hearing Officer: OEBB Staff
Stat. Auth.: ORS 243.860–243.886
Stats. Implemented: ORS 243.864(1)(a)
Proposed Adoptions: 111-030-0011
Last Date for Comment: 7-31-15, 5 p.m.
Summary: In order to assist OEBB participating entities with meeting the Shared Responsibility provision of the Affordable Care Act (ACA), the OEBB Board has approved the offering of a bronze level medical plan to certain individuals that meet strict requirements. The proposed rule language defines who is eligible and what the limitations are.
Rules Coordinator: April Kelly
Address: Oregon Health Authority, Oregon Educators Benefit Board, 1225 Ferry St. SE, Suite B, Salem, OR 97301
Telephone: (503) 378-6588

Oregon Health Authority,
Public Health Division
Chapter 333

Rule Caption: Hospital Satellite Emergency Departments

Date:	Time:	Location:
7-21-15	2:30 p.m.	Portland State Office Bldg. 800 NE Oregon St. Rm. 1D Portland, OR 97232

Hearing Officer: Jana Fussell
Stat. Auth.: ORS 441.025
Stats. Implemented: ORS 441.020 & 441.025
Proposed Adoptions: 333-500-0027
Proposed Amendments: 333-500-0010, 333-500-0025
Proposed Repeals: 333-500-0010(T), 333-500-0025(T), 333-500-0027(T)
Last Date for Comment: 7-22-15, 5 p.m.
Summary: The Oregon Health Authority, Public Health Division is proposing to permanently adopt and amend administrative rules in chapter 333, division 500 pertaining to emergency medical services satellites. This action is in response to temporary rules filed on March 24, 2015. These proposed rules would permit a hospital to have a satellite hospital emergency medical services department, within 35 miles of the parent hospital, under the hospital's license, as long as certain criteria is met.
Rules Coordinator: Brittany Sande
Address: Oregon Health Authority, Public Health Division, 800 NE Oregon St., Suite 930, Portland, OR 97232
Telephone: (971) 673-1291

• • • • • • • • • •

Rule Caption: Hospital Satellite Providing Inpatient Psychiatric Services and Emergency Psychiatric Services

Date:	Time:	Location:
7-21-15	2:30 p.m.	Portland State Office Bldg. 800 NE Oregon St. Rm. 1D Portland, OR 97232

Hearing Officer: Jana Fussell
Stat. Auth.: ORS 441.025
Stats. Implemented: ORS 441.020 & 441.025
Proposed Amendments: 333-500-0010, 333-500-0025
Proposed Repeals: 333-500-0010(T), 333-500-0025(T)
Last Date for Comment: 7-22-15, 5 p.m.
Summary: The Oregon Health Authority, Public Health Division, Health Care Regulation and Quality Improvement section is proposing to permanently amend administrative rules in chapter 333, divisions 500 relating to hospitals that provide inpatient psychiatric services and emergency psychiatric services in a satellite location. This action is in response to temporary rules filed on February 20, 2015 in order to clarify the Authority's intent that these services would need to comply with federal Emergency Medical Treatment and Labor Act (EMTALA) regulations, all hospital licensing administrative rules, and that emergency psychiatric services must be offered in an emergency department. The proposed rule also clarifies that a hospital proposing to offer such services must provide evidence that the facility is not subject to Certificate of Need requirements in ORS 442.315.
Rules Coordinator: Brittany Sande
Address: Oregon Health Authority, Public Health Division, 800 NE Oregon St., Suite 930, Portland, OR 97232
Telephone: (971) 673-1291

• • • • • • • • • •

Oregon Housing and Community Services Department
Chapter 813

Rule Caption: Amends the purpose, administration, eligible activities, reporting and adds monitoring requirements.

Date:	Time:	Location:
7-16-15	9 a.m.	OR Housing and Community Services North Mall Office Bldg. 725 Summer St. NE, Rm. 124A Salem, OR 97301

Hearing Officer: Sandy McDonnell
Stat. Auth.: ORS 456.555
Stats. Implemented: ORS 456.625 & 458.525–458.545
Proposed Adoptions: 813-250-0065
Proposed Amendments: 813-250-0000, 813-250-0020, 813-250-0030, 813-250-0040
Last Date for Comment: 8-10-15, 5 p.m.
Summary: The Oregon Hunger Response Fund administers the state policy on hunger and is the means by which the department allocates funds for the statewide network of food banks and the emergency food program to acquire food and new food sources, build network capacities and link emergency food clients to other services. The rules amends and corrects the name of the program to reflect what has been previously adopted by rule. A rule has been adopted which provides the department authority to conduct reviews, audits and other compliance monitors as appropriate.
Rules Coordinator: Sandy McDonnell
Address: Oregon Housing and Community Services Department, 725 Summer St. NE, Suite B, Salem, OR 97301
Telephone: (503) 986-2012

• • • • • • • • • •

Rule Caption: Amends the definitions, requirements and administration of the State Homeless Assistance Program.

Date:	Time:	Location:
7-16-15	9 a.m.	OR Housing and Community Services North Mall Office Bldg. 725 Summer St. NE, Rm. 124A Salem, OR 97301

Hearing Officer: Sandy McDonnell
Stat. Auth.: ORS 456.555
Stats. Implemented: ORS 458.505
Proposed Amendments: 813-240-0001, 813-240-0005, 813-240-0010, 813-240-0020, 813-240-0035, 813-240-0041, 813-240-0050, 813-240-0060, 813-240-0070, 813-240-0080
Proposed Repeals: 813-240-0090
Last Date for Comment: 8-10-15, 5 p.m.
Summary: The State Homeless Assistance Program (SHAP) funds emergency shelters and the supportive services directly related to them in order to meet the emergency needs of the homeless. The proposed rule amendments modify the program name to align with a commonly used name and acronym, clarifies the program purpose, provides consistent definitions between rules and the master grant agreement, clarifies and standardizes language to be consistent with other department programs, amends the reporting and records retention requirements, repeals the waiver rule and adopts the language in the department's general rules.
Rules Coordinator: Sandy McDonnell
Address: Oregon Housing and Community Services Department, 725 Summer St. NE, Suite B, Salem, OR 97301
Telephone: (503) 986-2012

• • • • • • • • • •

Rule Caption: Amends the definitions, the funding eligibility and designation of community action agencies.

Date:	Time:	Location:
7-16-15	9 a.m.	OR Housing and Community Services North Mall Office Bldg. 725 Summer St. NE, Rm. 124A Salem, OR 97301

Hearing Officer: Sandy McDonnell
Stat. Auth.: ORS 184.082, 458.505–458.515
Stats. Implemented: ORS 458.505–458.515
Proposed Amendments: 813-230-0000, 813-230-0005, 813-230-0007, 813-230-0010, 813-230-0020
Proposed Repeals: 813-230-0015
Last Date for Comment: 8-10-15, 5 p.m.
Summary: Oregon Housing and Community Services administers the federal anti-poverty programs through subcontracts with community action agencies. The rules clarify the department's authority, how community action agencies or other organizations may become eligible to provide program services, as well as how community action agencies are designated or terminated to provide program services.
Rules Coordinator: Sandy McDonnell
Address: Oregon Housing and Community Services Department, 725 Summer St. NE, Suite B, Salem, OR 97301
Telephone: (503) 986-2012

• • • • • • • • • •

Rule Caption: Amends the definitions, program requirements and administration of the Emergency Food Assistance Program.

Date:	Time:	Location:
7-16-15	9 a.m.	OR Housing and Community Services North Mall Office Bldg. 725 Summer St. NE, Rm. 124A Salem, OR 97301

Hearing Officer: Sandy McDonnell
Stat. Auth.: ORS 456.555
Stats. Implemented: ORS 458.525–458.545
Proposed Amendments: 813-220-0001, 813-220-0005, 813-220-0010, 813-220-0015, 813-220-0020, 813-220-0030, 813-220-0050, 813-220-0060
Proposed Repeals: 813-220-0070
Last Date for Comment: 8-10-15, 5 p.m.
Summary: The Emergency Food Assistance program provides lower income households in Oregon with food for their home use. The proposed rules clarify the purpose of the program, amend the definitions to provide clear and consistent definitions for common terms, and standardize and align language to be consistent with other department rules. The waiver rule has been repealed and included in the department's general rules.
Rules Coordinator: Sandy McDonnell
Address: Oregon Housing and Community Services Department, 725 Summer St. NE, Suite B, Salem, OR 97301
Telephone: (503) 986-2012

• • • • • • • • • •

Rule Caption: Amends the definitions, program requirements and administration of the Community Services Block Grant program

Date:	Time:	Location:
7-16-15	9 a.m.	OR Housing and Community Services North Mall Office Bldg. 725 Summer St. NE, Rm. 124A Salem, OR 97301

Hearing Officer: Sandy McDonnell
Stat. Auth.: ORS 456.555 and 458.235
Stats. Implemented: ORS 458.210–458.240 and 458.505
Proposed Adoptions: 813-210-0014, 813-210-0021, 813-210-0066, 813-210-0071, 813-210-0076
Proposed Amendments: 813-210-0001, 813-210-0009, 813-210-0025, 813-210-0050
Proposed Repeals: 813-210-0040, 813-210-0055, 813-210-0065
Proposed Ren. & Amends: 813-210-0015 to 813-210-0035, 813-210-0060 to 813-210-0081
Last Date for Comment: 8-10-15, 5 p.m.
Summary: The Community Services Block Grant program funds certain efforts to alleviate the causes and conditions of poverty in local communities. The proposed rules modify the purpose of the program to align with the federal description, provides consistent definitions for common terms, standardizes and aligns language with other program rules, and amends the records retention requirements for the records.
Rules Coordinator: Sandy McDonnell
Address: Oregon Housing and Community Services Department, 725 Summer St. NE, Suite B, Salem, OR 97301
Telephone: (503) 986-2012

Rule Caption: Adds purpose and amends the definitions, requirements and administration of the Oregon Energy Assistance Program

Date:	Time:	Location:
7-16-15	9 a.m.	OR Housing and Community Services North Mall Office Bldg. 725 Summer St. NE, Rm. 124A Salem, OR 97301

Hearing Officer: Sandy McDonnell
Stat. Auth.: ORS 456.555
Stats. Implemented: ORS 458.505, 757.612
Proposed Adoptions: 813-202-0000, 813-202-0052, 813-202-0054, 813-202-0056, 813-202-0058
Proposed Amendments: 813-202-0005, 813-202-0010, 813-202-0020, 813-202-0030, 813-202-0050, 813-202-0060
Proposed Repeals: 813-202-0015, 813-202-0040
Last Date for Comment: 8-10-15, 5 p.m.
Summary: The Oregon Energy Assistance Program provides low-income households with electric bill payment assistance. The proposed rules add a purpose statement, provides consistent definitions for common terms, provides clarification by removing language that is defined within the program manual, adds compliance requirements and modifies the responsibilities of energy suppliers to be in compliance with current requirements.
Rules Coordinator: Sandy McDonnell
Address: Oregon Housing and Community Services Department, 725 Summer St. NE, Suite B, Salem, OR 97301
Telephone: (503) 986-2012

• • • • • • • • • •

Rule Caption: Amends the definitions, requirements and administration for the Low Income Home Energy Assistance program.

Date:	Time:	Location:
7-16-15	9 a.m.	OR Housing and Community Services North Mall Office Bldg. 725 Summer St. NE, Rm. 124A Salem, OR 97301

Hearing Officer: Sandy McDonnell
Stat. Auth.: ORS 456.555
Stats. Implemented: ORS 458.505
Proposed Adoptions: 813-200-0052, 813-200-0075, 813-200-0080, 813-200-0085
Proposed Amendments: 813-200-0001, 813-200-0005, 813-200-0010, 813-200-0020, 813-200-0030, 813-200-0050
Proposed Repeals: 813-200-0040
Proposed Ren. & Amends: 813-200-0060 to 813-200-0090
Last Date for Comment: 8-10-15, 5 p.m.
Summary: The Low Income Home Energy Assistance program assists low income households with their energy needs through a variety of means, including assistance payments, client education and weatherization activities. The proposed rules clarify the program requirements, amends the name of the program, and ensures the consistency of the definitions for common terms. The amendments also align the rule language to be consistent with other program rules, the program operations manual and state plan.
Rules Coordinator: Sandy McDonnell
Address: Oregon Housing and Community Services Department, 725 Summer St. NE, Suite B, Salem, OR 97301
Telephone: (503) 986-2012

• • • • • • • • • •

Rule Caption: Amends the definition, requirements and administration of the Emergency Solutions Grant program.

Date:	Time:	Location:
7-16-15	9 a.m.	OR Housing and Community Services North Mall Office Bldg. 725 Summer St. NE, Rm. 124A Salem, OR 97301

Hearing Officer: Sandy McDonnell
Stat. Auth.: ORS 456.555
Stats. Implemented: ORS 458.505
Proposed Adoptions: 813-145-0026
Proposed Amendments: 813-145-0000, 813-145-0010, 813-145-0020, 813-145-0030, 813-145-0040, 813-145-0050, 813-145-0060, 813-145-0070, 813-145-0080
Proposed Repeals: 813-145-0090
Last Date for Comment: 8-10-15, 5 p.m.
Summary: The Emergency Solutions Grant program (ESG) assists homeless persons and persons who are at-risk of homelessness to quickly regain stability in permanent housing after experiencing a housing crisis or homelessness. The rules were amended in order to be in compliance with the HEARTH act and current HUD regulations. Other changes were made to provide consistency and alignment among all homeless programs to enable their use as a continuum of services. Additional changes were made to increase flexibility within the rules in response to changing requirements, funding or other circumstances.
Rules Coordinator: Sandy McDonnell
Address: Oregon Housing and Community Services Department, 725 Summer St. NE, Suite B, Salem, OR 97301
Telephone: (503) 986-2012

• • • • • • • • • •

Rule Caption: Clarifies the purpose, amends the definitions, requirements and administration of the Housing Stabilization program.

Date:	Time:	Location:
7-16-15	9 a.m.	OR Housing and Community Services North Mall Office Bldg. 725 Summer St. NE, Rm. 124A Salem, OR 97301

Hearing Officer: Sandy McDonnell
Stat. Auth.: ORS 456.555
Stats. Implemented: ORS 458.505
Proposed Amendments: 813-051-0000, 813-051-0010, 813-051-0020, 813-051-0030, 813-051-0040, 813-051-0050, 813-051-0060, 813-051-0070, 813-51-0080, 813-051-0090
Proposed Repeals: 813-051-0100
Last Date for Comment: 8-10-15, 5 p.m.
Summary: The Housing Stabilization program provides safe, stable and affordable housing for eligible households that are homeless or at-risk of becoming homeless through the provision of housing stabilization services. The amendments reflect the alignment of common definitions, amends the duration and amount of assistance that can be provided due to TANF requirements, encourages the development of a memorandum of understanding between local branch offices and subgrantee agencies, incorporates consistency and flexibility in language to accommodate program changes and adopts specific administrative requirements. Removes the waiver rule and relocates it to the department's general rules.
Rules Coordinator: Sandy McDonnell
Address: Oregon Housing and Community Services Department, 725 Summer St. NE, Suite B, Salem, OR 97301
Telephone: (503) 986-2012

• • • • • • • • • •

Rule Caption: Amends the definitions, requirements and administration of the Low Income Rental Housing Program.

Date:	Time:	Location:
7-16-15	9 a.m.	OR Housing and Community Services North Mall Office Bldg. 725 Summer St. NE, Rm. 124A Salem, OR 97301

Hearing Officer: Sandy McDonnell
Stat. Auth.: ORS 456.555
Stats. Implemented: ORS 458.505, 456.561, 456.625, 458.605 & 2011 OL Ch. 595, Sec. 3(4)
Proposed Adoptions: 813-049-0008, 813-049-0045, 813-049-0055, 813-049-0065, 813-049-0075, 813-049-0080
Proposed Amendments: 813-049-0001, 813-049-0005, 813-049-0010, 813-049-0020

Last Date for Comment: 8-10-15, 5 p.m.
Summary: The Low Income Rental Housing Fund Program applies funds appropriated by the Legislature to the department for providing rental housing assistance to very low income households. The proposed rules are intended to clarify the purpose of the program and standardize the definitions for specific terms relative to the program. New rules will clarify and expand upon the criteria for program assistance and the existing requirements.
Rules Coordinator: Sandy McDonnell
Address: Oregon Housing and Community Services Department, 725 Summer St. NE, Suite B, Salem, OR 97301
Telephone: (503) 986-2012

• • • • • • • • • •

Rule Caption: Amends the definitions, requirements and administration of the Emergency Housing Assistance Program

Date:	Time:	Location:
7-16-15	9 a.m.	OR Housing and Community Services North Mall Office Bldg. 725 Summer St. NE, Rm. 124A Salem, OR 97301

Hearing Officer: Sandy McDonnell
Stat. Auth.: ORS 456.555
Stats. Implemented: ORS 458.505, 458.620 & 458.650
Proposed Amendments: 813-046-0000, 813-046-0011, 813-046-0021, 813-046-0040, 813-046-0045, 813-046-0050, 813-046-0061, 813-046-0065, 813-046-0070, 813-046-0081
Proposed Repeals: 813-046-0100
Last Date for Comment: 8-10-15, 5 p.m.
Summary: The Emergency Housing Account (EHA) establishes a program to assist homeless persons and those at-risk of becoming homeless. The program name was modified to align with the commonly used name and acronym (EHA). The proposed rule amendments clarify the program purpose, eligibility requirements and expands the eligible/targeted population. The rule text has been standardized to ensure consistency in definitions and alignment with HUD definitions when appropriate, to incorporate common administrative requirements, to accommodate department reporting deadlines and records retention requirements and to verify the rules are consistent with the master grant agreement elements. Rules were renumbered to provide the same format and sequencing between all homeless programs.
Rules Coordinator: Sandy McDonnell
Address: Oregon Housing and Community Services Department, 725 Summer St. NE, Suite B, Salem, OR 97301
Telephone: (503) 986-2012

• • • • • • • • • •

Oregon Public Employees Retirement System
Chapter 459

Rule Caption: Align IAP return-to-work standard with member's respective programs and outline effect on IAP distributions.
Stat. Auth.: ORS 238A.450
Stats. Implemented: ORS 238 & 238A
Proposed Amendments: 459-080-0300
Last Date for Comment: 7-22-15, 5 p.m.
Summary: OAR 459-080-0300, regarding reemployed members of the IAP, has not been updated since the institution of the "retire from one, retire from all" standard established in 2011. This rulemaking includes the necessary modifications to properly align the IAP return to work standard with the member's respective programs and outlines the effect of the member returning to active membership on their IAP distributions.
Rules Coordinator: Daniel Rivas
Address: Oregon Public Employees Retirement System, PO Box 23700, Tigard, OR 97281
Telephone: (503) 603-7713

Oregon State Lottery
Chapter 177

Rule Caption: Revises Megabucks term of annuity, includes name "Oregon's Game Megabucks", revises amount reserved for prizes

Date:	Time:	Location:
7-16-15	2:30 p.m.	OR State Lottery Headquarters 500 Airport Rd. SE Salem, OR 97301

Hearing Officer: Staff
Stat. Auth.: ORS 461, 461.210, 461.220, 461.230, 461.240 & 461.250
Other Auth.: OR Constitution, Art. XV, Sec. 4(4)
Stats. Implemented: ORS 461.210, 461.220, 461.230, 461.240 & 461.250
Proposed Amendments: 177-075-0000, 177-075-0005, 177-075-0010, 177-075-0015, 177-075-0020, 177-075-0027, 177-075-0030, 177-075-0035, 177-075-0040
Last Date for Comment: 7-16-15, 3 p.m.
Summary: The Oregon Lottery has filed a Notice of Proposed Rulemaking Hearing to amend the above referenced administrative rules for the Megabucks game.

The amendments to these rules will change the term of the annuity prize payment option from 25 years to 30 years, include the name "Oregon's Game Megabucks", and revise the percent of gross sales revenues reserved for prizes.

These changes to the game are effective for drawings held on or after October 5, 2015, and for tickets purchased for such drawings.
Rules Coordinator: Mark W. Hohlt
Address: Oregon State Lottery, 500 Airport Rd. SE, Salem, OR 97301
Telephone: (503) 540-1417

• • • • • • • • • •

Rule Caption: Amends Powerball game rules, revises matrix, creates 10X multiplier for the Power Play option

Date:	Time:	Location:
7-17-15	3 p.m.	Oregon State Lottery 500 Airport Rd. SE Salem, OR 97301

Hearing Officer: Staff
Stat. Auth.: ORS 461, 461.210, 461.220, 461.230, 461.240 & 461.250
Other Auth.: OR Constitution, Art. XV, Sec. 4(4)
Stats. Implemented: ORS 461.210, 461.220, 461.230, 461.240 & 461.250
Proposed Amendments: 177-085-0005, 177-085-0015, 177-085-0025, 177-085-0030, 177-085-0035, 177-085-0065
Last Date for Comment: 7-17-15, 3:30 p.m.
Summary: The Oregon Lottery proposes to amend the above referenced administrative rules for the Powerball game.

Amendments to these rules will change the game matrix from a 5 of 59 plus 1 of 35 game matrix to a 5 of 69 plus 1 of 26 game matrix, which modifies the odds of winning. The Power Play multiplier will be enhanced to include a 10X multiplier. Prize levels will remain the same except for the Match 4+1 prize which will increase to $50,000 from $10,000.

These changes are necessary to implement the changes made to the Powerball game by the Multi-State Lottery Association (MUSL), the national organization that administers the multi-state Powerball game.

The changes to the game are effective for drawings held on or after October 7, 2015, and for tickets purchased for such drawings.

It is anticipated that these changes will result in higher jackpots, which will attract more players resulting in increased ticket sales, more prize payments, and increased Lottery revenues.
Rules Coordinator: Mark W. Hohlt
Address: Oregon State Lottery, 500 Airport Rd. SE, Salem, OR 97301
Telephone: (503) 540-1417

Rule Caption: Authorizes Oregon Lottery offices in addition to Salem Headquarters to pay Lottery tickets and shares

Date:	Time:	Location:
7-17-15	3:30 p.m.	Oregon State Lottery Headquarters 500 Airport Rd. SE Salem, OR 97301

Hearing Officer: Staff
Stat. Auth.: ORS 461, 461.210, 461.220, 461.230 & 461.250
Other Auth.: OR Constitution, Art. XV, Sec. 4(4)
Stats. Implemented: ORS 461.210, 461.220, 461.230 & 461.250
Proposed Amendments: 177-010-0003, 177-040-0050, 177-040-0051, 177-046-0020, 177-046-0110, 177-050-0024, 177-050-0025, 177-050-0027, 177-052-0060, 177-070-0025, 177-075-0020, 177-075-0040, 177-085-0020, 177-200-0020, 177-200-0077
Last Date for Comment: 7-17-15, 4 p.m.
Summary: The Oregon Lottery has filed a Notice of Proposed Rulemaking Hearing to amend these administrative rules to authorize the payment of Lottery tickets and shares at additional Oregon Lottery office locations. This would be for such locations and prize amounts as designated by the Director.

Other amendments include clarifying the process for payment by the Lottery of a retailer's dishonored check issued for payment of a Lottery ticket, share, or cash slip.
Rules Coordinator: Mark W. Hohlt
Address: Oregon State Lottery, 500 Airport Rd. SE, Salem, OR 97301
Telephone: (503) 540-1417

• • • • • • • • • •

Public Utility Commission
Chapter 860

Rule Caption: In the Matter of Depreciation Study Requirements for Energy Utilities.

Date:	Time:	Location:
7-22-15	1:30 p.m.	PUC Hearing Rm. 201 High St. Salem, OR 97301

Hearing Officer: ALJ Patrick Power
Stat. Auth.: ORS 183, 756 & 757
Stats. Implemented: ORS 756.040, 756.105 & 757.140
Proposed Adoptions: 860-027-0350
Last Date for Comment: 7-30-15, 5 p.m.
Summary: The rule requires each regulated energy utility to file a new depreciation study with the PUC no less frequently than every five years. The regulated energy utilities are already generally meeting this requirement.

The Commission encourages participants to file written comments as early as practicable in the proceedings so that other participants have the opportunity to consider and respond to the comments before the deadline. Please reference Docket No. AR 588 on comments and file them by e-mail to the Commission's Filing Center at PUC. FilingCenter@state.or.us.

Interested persons may review all filings online at http://apps.puc.state.or.us/edockets/docket.asp?DocketID=19558. For guidelines on filing and participation, please see OAR 860-001-0140 through 860-001-0160 and 860-001-0200 through 860-001-0250 found online at http://arcweb.sos.state.or.us/pages/rules/oars_800/oar_860/860_001.html.

Participants wishing to monitor the hearing by telephone must contact Diane Davis at diane.davis@state.or.us or (503) 378-4372 by close of business 07/21/2015, to request a dial -in number. The Commission strongly encourages those planning to present oral comment at the hearing to attend in person.
Rules Coordinator: Diane Davis
Address: Public Utility Commission of Oregon, PO Box 1088, Salem, OR 97308-1088
Telephone: (503) 378-4372

Rule Caption: In the Matter of Revisions to OAR 860-001-0080 Protective Orders.

Date:	Time:	Location:
7-23-15	10 a.m.	PUC Hearing Rm. 201 High St. SE Salem, OR

Hearing Officer: Chief ALJ Michael Grant
Stat. Auth.: ORS 756.040, 756.060
Stats. Implemented: ORCP 36, ORS 756.040, 756.055, 756.990
Proposed Amendments: 860-001-0080
Last Date for Comment: 7-31-15, 5 p.m.
Summary: The proposed rule changes remove the protective order language from the rule, include an attachment to the updated and revised standard protective order, and make clarifying changes to language regarding modified protective orders for additional protection and sanctions for violation of a protective order.

The Commission encourages participants to file written comments as early as practicable in the proceedings so that other participants have the opportunity to consider and respond to the comments before the deadline. Please reference Docket No. AR 587 on comments and file them by e-mail to the Commission's Filing Center at PUC. FilingCenter@state.or.us.

Interested persons may review all filings online at http://apps.puc.state.or.us/edockets/docket.asp?DocketID=19507. For guidelines on filing and participation, please see OAR 860-001-0140 through 860-001-0160 and 860-001-0200 through 860-001-0250 found online at http://arcweb.sos.state.or.us/pages/rules/oars_800/oar_860/860_001.html.

Participants wishing to monitor the hearing by telephone must contact Diane Davis at diane.davis@state.or.us or (503) 378-4372 by close of business July 22, 2015, to request a dial -in number. The Commission strongly encourages those planning to present oral comment at the hearing to attend in person.
Rules Coordinator: Diane Davis
Address: Public Utility Commission of Oregon, PO Box 1088, Salem, OR 97308-1088
Telephone: (503) 378-4372

• • • • • • • • • •

Rule Caption: Rulemaking to Implement 2015 Senate Bill 286–Gas Pipeline Safety Violations Civil Penalties Changes.
Stat. Auth.: ORS Ch. 183, 756 & 757
Stats. Implemented: ORS 756.040, 757.039, 756.991 & 2015 OL Ch. 231
Proposed Amendments: 860-031-0035
Last Date for Comment: 7-22-15, 5 p.m.
Summary: This rulemaking implements the Senate Bill 286 changes to ORS 757.991 effective, June 2, 2015. The changes increase the amount of maximum civil penalties for gas storage and pipeline safety violations to comport with the Federal standards, and allow the PUC to directly assess and collect the penalty. The maximum civil penalty is increased from $10,000 to $200,000 per event per day and the maximum penalty for a series of failures is raised from $500,000 to $2,000,000.

The Commission encourages participants to file written comments as early as practicable in the proceedings so that other participants have the opportunity to consider and respond to the comments before the deadline. Please reference Docket No. AR 589 on comments and file them by e-mail to the Commission's Filing Center at PUC. FilingCenter@state.or.us.

Interested persons may review all filings online at http://apps.puc.state.or.us/edockets/docket.asp?DocketID=19580. For guidelines on filing and participation, please see OAR 860-001-0140 through 860-001-0160 and 860-001-0200 through 860-001-0250 found online at http://arcweb.sos.state.or.us/pages/rules/oars_800/oar_860/860_001.html.
Rules Coordinator: Diane Davis

Address: Public Utility Commission of Oregon, PO Box 1088, Salem, OR 97308-1088
Telephone: (503) 378-4372

• • • • • • • • • •

Rule Caption: In the Matter of Housekeeping Changes to OAR 860-036-0245 Disconnection Procedures for Water Utility Customers.
Stat. Auth.: ORS 183, 756 & 757
Stats. Implemented: ORS 756.040, 757.750 & 757.755
Proposed Amendments: 860-036-0245
Last Date for Comment: 7-22-15, 5 p.m.
Summary: This rulemaking makes consistent the wording of the rule with utility practices concerning the 15-day notices required before residential customer disconnection and updates other archaic language. The change of "business day" to "calendar day" also makes the rule consistent with rules concerning the disconnection practices for other utilities regulated by the PUC.

The Commission encourages participants to file written comments as early as practicable in the proceedings so that other participants have the opportunity to consider and respond to the comments before the deadline. Please reference Docket No. AR 590 on comments and file them by e-mail to the Commission's Filing Center at PUC.FilingCenter@state.or.us.

Interested persons may review all filings online at http://apps.puc.state.or.us/edockets/docket.asp?DocketID=19593. For guidelines on filing and participation, please see OAR 860-001-0140 through 860-001-0160 and 860-001-0200 through 860-001-0250 found online at http://arcweb.sos.state.or.us/pages/rules/oars_800/oar_860/860_001.html.
Rules Coordinator: Diane Davis
Address: Public Utility Commission of Oregon, PO Box 1088, Salem, OR 97308-1088
Telephone: (503) 378-4372

• • • • • • • • • •

Public Utility Commission,
Board of Maritime Pilots
Chapter 856

Rule Caption: Adjusts pilot license fee by percentge change in consumer price index for previous 24 months
Stat. Auth.: ORS 776
Stats. Implemented: ORS 776.115(4)(b) & 776.355(2)
Proposed Amendments: 856-010-0016
Last Date for Comment: 7-16-15, Close of Business
Summary: The Board is statutorily required to adjust the amount of the maximum annual license fee for a maritime pilot for each subsequent biennium by a proportional amount equal to the percentage change in the 24-month period prior to the beginning of the biennium in the Portland-Salem, OR-WA, Consumer Price Index for All Urban Consumers for All Items, as published by the Bureau of Labor Statistics of the United States Department of Labor. The cumulative CPI for the previous period will increase the license fee from $2,858 to $2,995 annually.
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

• • • • • • • • • •

Secretary of State,
Audits Division
Chapter 162

Rule Caption: Updating parties requiring notification
Stat. Auth.: ORS 183
Stats. Implemented: ORS 183.351
Proposed Amendments: 162-001-0000
Last Date for Comment: 7-30-15, Close of Business
Summary: The Oregon Cemetery Owners Association and Oregon Funeral Directors Association programs are no longer with the Secretary of State. They are with the Department of Consumer and Business Services. The Oregon Board of Accountancy is added to the list to notify.
Rules Coordinator: Julie A. Sparks
Address: Secretary of State, Audits Division, 255 Capitol St. NE, Suite 500, Salem, OR 97310
Telephone: (503) 986-2262

• • • • • • • • • •

Rule Caption: Update Minimum Standards for Audits of Oregon Municipal Corporations to reflect 2015 enacted legislation
Stat. Auth.: ORS 297
Stats. Implemented: ORS 297.465
Proposed Amendments: 162-010-0000, 162-010-0020, 162-010-0030, 162-010-0050, 162-010-0120, 162-010-0130, 162-010-0230, 162-010-0260, 162-010-0295, 162-010-0320, 162-010-0330
Proposed Repeals: 162-010-0150
Last Date for Comment: 7-30-15, Close of Business
Summary: 1. Amend rules to reflect new provisions and amending Municipal Audit Law ORS Chapter 297.425, 297.465, and 297.466 enacted by the 2015 Legislature Assembly in House Bill 2174.

2. Amend rules for minor edits and clarifying language to bring rules up to date.

3. Repeal OAR 162-010-0150 Property Tax Schedule considered outdated and no longer necessary
Rules Coordinator: Julie A. Sparks
Address: Secretary of State, Audits Division, 255 Capitol St. NE, Suite 500, Salem, OR 97310
Telephone: (503) 986-2262

• • • • • • • • • •

Rule Caption: Update rules for provisions by 2015 legislative action in HB 2174 and professional accounting standards
Stat. Auth.: ORS 297
Stats. Implemented: ORS 297.465
Proposed Amendments: 162-040-0001, 162-040-0002, 162-040-0005, 162-040-0010, 162-040-0020, 162-040-0054, 162-040-0055, 162-040-0060, 162-040-0085, 162-040-0095, 162-040-0096, 162-040-0155, 162-040-0160
Proposed Repeals: 162-040-0050, 162-040-0065, 162-040-0070, 162-040-0075
Last Date for Comment: 7-30-15, Close of Business
Summary: 1. Amend rules to reflect new provisions and amending Municipal Audit Law ORS Chapter 297.425, 297.465, and 297.466 enacted by the 2015 Legislature Assembly in House Bill 2174.

2. Amend rules for outdated and clarifying language to bring rules up to date.

3. Amend rules for minor edits.

4. Repeal OAR 162-040-0050 Notes to the Financial Statements considered outdated and no longer necessary

5. Repeal OAR 162-040-0065 Property Tax Schedule considered outdated and no longer necessary

6. Repeal OAR 162-040-0070 Schedule of Bond or Long Term Debt that duplicates requirements in professional standards.

7. Repeal OAR 162-040-0075 Schedule of Future Requirements for Retirement of Bonded or Long Term Debt that duplicates requirements in professional standards.
Rules Coordinator: Julie A. Sparks
Address: Secretary of State, Audits Division, 255 Capitol St. NE, Suite 500, Salem, OR 97310
Telephone: (503) 986-2262

• • • • • • • • • •

Secretary of State,
Elections Division
Chapter 165

Rule Caption: Adopts requirements necessary to attain Oregon voting system certification
Stat. Auth.: ORS 246.150
Stats. Implemented: ORS 246.550

Proposed Adoptions: 165-007-0350
Last Date for Comment: 8-5-15, Close of Business
Summary: Adoption of this rule would require any voting machine or vote tally system submitted for certification be examined by a federally accredited voting systems testing laboratory and the report generated by the voting systems testing laboratory submitted to the Secretary of State prior to certification. The report must include specified technical review and must also reflect that the voting machine or vote tally system meets or exceeds the Voluntary Voting System Guidelines Version 1.0 promulgated by the US Election Assistance Commission.
Rules Coordinator: Brenda Bayes
Address: Secretary of State, Elections Division, 255 Capitol St. NE, Suite 501, Salem, OR 97310
Telephone: (503) 986-1518

• • • • • • • • • •

Water Resources Department
Chapter 690

Rule Caption: Amendments to Division 51 of Oregon Administrative Rules Chapter 690 related to Hydroelectric Projects.

Date:	Time:	Location:
7-22-15	10 a.m.	725 Summer St. NE Suite A, Rm. 124A Salem, OR 97301

Hearing Officer: Mary Grainey
Stat. Auth.: ORS 536.025, 536.027, 537 & 543
Stats. Implemented: ORS 537 & 543
Proposed Amendments: 690-051-0000, 690-051-0010, 690-051-0020, 690-051-0030, 690-051-0050, 690-051-0060, 690-051-0090, 690-051-0095, 690-051-0130, 690-051-0140, 690-051-0150, 690-051-0160, 690-051-0170, 690-051-0180, 690-051-0190, 690-051-0200, 690-051-0210, 690-051-0220, 690-051-0230, 690-051-0240, 690-051-0250, 690-051-0280, 690-051-0290, 690-051-0320, 690-051-0350, 690-051-0380, 690-051-0400
Proposed Repeals: 690-051-0270, 690-051-0310, 690-051-0330, 690-051-0340, 690-051-0360, 690-051-0370
Last Date for Comment: 8-5-15, 5 p.m.
Summary: The rules are being amended for 5 purposes:

Sections of the Rule that require burdensome financial accounting for utilities or other developers are being repealed in keeping with the repeal of certain related statutes. Other references in the rule to statutes or rules that have been repealed are being updated or eliminated.

To define the process for adjusting fees for annual inflation in keeping with the recommendations of a fee advisory review panel appointed under ORS 543.085.

To provide specific examples of how to meet the natural resources standards.

To streamline the process for issuing proposed final orders and to eliminate the requirement for a contested case hearing if no protest is filed.

To allow the Director to handle exceptions to a proposed order after a contested case hearing and to issue a final order.

Rules Coordinator: Diana Enright
Address: Water Resources Department, 725 Summer St. NE, Salem, OR 97301
Telephone: (503) 986-0874

Appraiser Certification and Licensure Board
Chapter 161

Rule Caption: Adoption of temporary rule to implement the 2015–2017 biennium budget.
Adm. Order No.: ACLB 1-2015(Temp)
Filed with Sec. of State: 6-4-2015
Certified to be Effective: 7-20-15 thru 8-17-15
Notice Publication Date:
Rules Amended: 161-006-0025
Subject: Amends Oregon Administrative Rule 161, Division 6, Rule 0025 regarding the agency budget.
Rules Coordinator: Gae Lynne Cooper—(503) 485-2555

161-006-0025
Budget

The Board hereby adopts by reference the Board's 2015–2017 Biennium Budget of $1,763,229 covering the period from July 1, 2015 through June 30, 2017. The Board will amend budgeted accounts as necessary within the approved budget of $1,763,229 for the effective operation of the Board. The Board will not exceed the approved 2015–2017 Biennium Budget without amending this rule, notifying holders of licenses, and holding a public hearing thereon as required by ORS Chapter 182.462(1)(2). Copies of the budget are available from the Board's office, or the Board website.

Stat. Auth.: ORS 674.305(8) & 674.310
Stats. Implemented: ORS 674
Hist.: ACLB 4-2001(Temp), f. & cert. ef. 9-12-01 thru 3-1-02; ACLB 1-2002, f. & cert. ef. 2-26-02; ACLB 1-2003(Temp), f. & cert. ef. 1-14-03 thru 7-11-03; ACLB 3-2003, f. & cert. ef. 5-1-03; ACLB 4-2003(Temp), f. 6-25-03, cert. ef. 7-1-03 thru 12-28-03; ACLB 5-2003, f. & cert. ef. 11-10-03; ACLB 2-2005(Temp), f. 6-16-05, cert. ef. 7-1-05 thru 12-28-05; ACLB 4-2005, f. & cert. ef. 11-2-05; ACLB 2-2007(Temp), f. 6-6-07, cert. ef. 7-1-07 thru 11-30-07; BOC 1-2007, f. 10-31-07, cert. ef. 11-1-07; ACLB 3-2009(Temp), f. 5-15-09, cert. ef. 7-1-09 thru 11-30-09; ACLB 4-2009, f. & cert. ef. 10-27-09; ACLB 1-2011(Temp), f. 5-2-11, cert. ef. 7-1-11 thru 11-30-11; ACLB 3-2011, f. & cert. ef. 11-17-11; 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 2-2013(Temp), f. 6-12-13, cert. ef. 7-1-13 thru 12-26-13; ACLB 4-2013, f. 10-29-13, cert. ef. 11-15-13; ACLB 5-2014, f. 12-19-14, cert. ef. 1-1-15; ACLB 1-2015(Temp), f. 6-4-15, cert. ef. 7-20-15 thru 8-17-15

• • • • • • • • • •

Board of Chiropractic Examiners
Chapter 811

Rule Caption: Increases DC application, initial license, renewal license fees and late renewal penalty
Adm. Order No.: BCE 3-2015
Filed with Sec. of State: 6-8-2015
Certified to be Effective: 7-1-15
Notice Publication Date: 5-1-2015
Rules Amended: 811-010-0066, 811-010-0085, 811-010-0086
Subject: The increased fees would generate approximately $323,164 of additional Other Fund revenue for the 2015-17 biennium, providing the required months of ending cash balance and to enable the agency to pay for increased legal expenses, costs, and fees incurred in defending administrative, circuit court, and appellate cases, in addition to other policy packages within the agency's 2015-17 budget.
Rules Coordinator: Kelly J. Beringer—(503) 373-1573

811-010-0066
Reciprocity

A person licensed to practice Chiropractic under the laws of another state or states for at least five years may apply for reciprocity with the Oregon Board of Chiropractic Examiners for a chiropractic license in Oregon. An application and $250 fee shall be submitted and must be accompanied by all items required by ORS 684.040 (2)(a)(b)(c)(d) and (e), and the following:

(1) The applicant will present a certified transcript from the Board of Chiropractic Examiners in the state(s) where licensed equivalent to the Oregon Clinical Proficiency Examination (Oral/Practical and X-ray) or the National Board of Chiropractic Examiners Part IV, including a state or national examination in physiotherapy

(2) The Board may also require a written and/or oral examination listed in section (1) in which there is no official transcript available.

(3) The applicant will have furnished a certified statement from the Board of Chiropractic Examiners in the state(s) where licensed, that the applicant is not guilty of unprofessional or unethical practices or the subject of any pending disciplinary actions in that state.

(4) Any applicant for reciprocity, licensed in another state prior to July 1, 1992, is not required to have passed the Part III examination given by the National Board of Chiropractic Examiners.

(5) Upon qualification for licensure, the applicant will submit the $150 initial license fee.

Stat. Auth.: ORS 684
Stats. Implemented: ORS 684. 040 & 684.060
Hist.: 2CE 3-1982, f. 7-1-82, ef. 8-1-82; 2CE 2-1983, f. 7-19-83, ef. 8-1-83; 2CE 2-1985, f. 11-13-85, ef. 12-1-85; CE 1-1993, f. 3-1-93, cert. ef. 4-1-93; CE 4-1997, f. & cert. ef. 11-3-97; BCE 3-2000, cert. ef. 8-23-00; BCE 2-2002, f. & cert. ef. 5-29-02; BCE 3-2015, f. 6-8-15, cert. ef. 7-1-15

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 $250 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) $150 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

811-010-0086

Annual Registration

The license period for chiropractic physicians in Oregon is a period equal to 12 months, expiring on the last day of the licensee's birth date month.

(1) At least 30 days prior to the renewal due date the board shall mail to the last-known professional address of each licensed chiropractor a notice of the requirements of ORS 684.090 and 684.092.

(2) Active licensees must meet the requirements of ORS 684.092 during the 12 months prior to the expiration of the Certificate of Registration and pay to the board the annual $425 registration fee.

(3) Licensees may apply for a $315 senior active license within 45 days prior to the expiration of the Certificate of Registration if the licensee meets all of the following requirements:

(a) Is 60 years of age or older; and

(b) Has held an active chiropractic license for at least 25 years.

(4) Senior active licensees shall fulfill the requirements of ORS 684.090, 684.092 and 684.094 except that continuing chiropractic education shall not be less than 6 hours per year.

(5) Senior active licensees shall show proof at the time of license renewal that the criteria of subsection (3)(a) and (b) of this rule have been met.

(6) Active licensees may apply for a $225 inactive license within 45 days prior to the expiration of the Certificate of Registration if the licensee qualifies because of one of the following:

(a) Military service;

(b) Peace Corps or VISTA service;

(c) Retirement; or

(d) Licensee is not engaged in the practice of chiropractic in Oregon.

(7) Inactive licensees do not have to fulfill the requirements of ORS 684.092.

(8) Inactive licensees who want to reinstate their active license during the same fiscal year shall pay the full active annual registration fee and provide proof of compliance with ORS 684.092.

(9) Inactive licensees who apply for reinstatement after five or more years after the date of transfer to inactive license, or who cannot demonstrate to the satisfaction of the Board they have been in active practice during the preceding five years, may be required to establish their competency in the practice of chiropractic by

(a) Receiving a passing grade on all or part of an examination required by the Board; or

(b) Submitting a letter showing proof of active practice and any disciplinary actions from the state boards where licensure is maintained.

(10) A license that is not renewed on time may not be renewed except:

(a) Upon written application and payment to the board of the fee for the license category plus a delinquent fee of $125 for each week or portion thereof, not to exceed $500.

(b) Upon compliance with or exemption from the requirements of ORS 684.092.

Stat. Auth.: ORS 684

Stats. Implemented: ORS 684.090 & 684.092

Hist.: 2CE 9, f. 10-16-70; 2CE 13(Temp), f. & ef. 4-13-76 through 8-10-76; 2CE 1-1978, f. 6-16-78, ef. 7-1-78; 2CE 1-1986, f. 4-14-86, ef. 5-1-86; Suspended by CE 1-1989(Temp), f. & cert. ef. 7-28-89; CE 1-1993, f. 3-1-93, cert. ef. 4-1-93; CE 2-1995, f. & cert. ef. 10-30-95; BCE 3-2000, cert. ef. 8-23-00; BCE 2-2002, f. & cert. ef. 5-29-02; BCE 2-2004, f. & cert. ef. 6-7-04; BCE 1-2007, f. & cert. ef. 11-30-07; BCE 3-2013, f. 10-8-13, cert. ef. 11-1-13; BCE 3-2015, f. 6-8-15, cert. ef. 7-1-15

• • • • • • • • • •

Board of Examiners for Engineering and Land Surveying
Chapter 820

Rule Caption: Amend rules related to examination and registration renewal requirements; housekeeping.

Adm. Order No.: BEELS 2-2015

Filed with Sec. of State: 5-21-2015

Certified to be Effective: 5-21-15

Notice Publication Date: 4-1-2015

Rules Amended: 820-010-0417, 820-010-0440, 820-010-0465, 820-010-0505, 820-010-0621

Subject: OAR 820-010-0417 — Nature of Examination for Structural Engineer (SE): Clarifies the prerequisites of licensure is to hold a license in a branch other than Structural; renumbers.

OAR 820-010-0440 — Schedule of Examinations: Due to the move to computer-based testing, revises the schedule for the fundamental examinations (year-round in testing windows) and revises the language related to the administration of the California Geotechnical examination. Also revises the name of the Agricultural examination to Agricultural and Biological and moves the Acoustical examination from the Fall administration to the Spring administration.

OAR 820-010-0465 — Application for Readmission to Examination: Clarifies the requirements for further preparation to an examination and differentiates the national examinations from the Oregon Specific examinations. Adds clarification of the validity for an application to a computer-based examination.

OAR 820-010-0505 — Biennial Renewal of Registration or Certification: Adds language contained in other rules (OAR 820-015-0026 and 820-050-0010) related to the grace period requests that may be made at the time of renewal.

OAR 820-010-0621 — Final Documents: Adds the reference to ORS 672.028(2) to the rule; housekeeping.

Rules Coordinator: Mari Lopez—(503) 362-2666

820-010-0417

Nature of Examination for Structural Engineer

An applicant to qualify for registration must:

(1) Obtain a passing grade for a written examination in engineering fundamentals for qualification as an EI as covered in OAR 820-010-0420, unless exempted from this examination under 820-010-0455. Such examination may be taken at any scheduled examination period but must be passed in order to be admitted to the branch examination as covered in (2) of this rule.

(2) Obtain a passing grade for a written examination in a professional branch of engineering covering practical engineering problems in branches listed in OAR 820-010-0450(1)(a) through (o).

(3) Obtain at least two years of progressive responsibility in structural engineering experience. These two years of structural experience are in addition to the required years of engineering experience required to be registered as a professional engineer. The structural engineering experience must be supervised by a registered professional engineer in the branch of structural engineering or a registered professional engineer with substantial structural engineering work experience.

(4) After receiving a license as an Oregon registered professional engineer, obtain a passing grade for the 16-hour Structural Examination, administered by NCEES.

Stat. Auth.: ORS 670.310 & 672.255

Stats. Implemented: ORS 672.002 - 672.325
Hist.: BEELS 5-2007, f. & cert. ef. 9-20-07; BEELS 1-2011, f. & cert. ef. 1-14-11; BEELS 1-2015, f. & cert. ef. 2-3-15; BEELS 2-2015, f. & cert. ef. 5-21-15

820-010-0440
Schedule of Examinations

Examinations will be held at times and locations determined by the Board or the outside testing provider. A Spring examination is usually scheduled in April and a Fall examination is usually scheduled in October. Each applicant accepted for examination will be notified of the time and location of the scheduled test. Examinations are offered based upon the following schedule:

(1) Spring examinations held in April are:

(a) NCEES Principles and Practice Examinations in the following branches:

(A) Chemical.
(B) Civil.
(C) Electrical and Computer.
(D) Environmental.
(E) Industrial.
(F) Land Surveying.
(G) Mechanical.
(H) Naval Architecture/Marine.
(I) Structural 16-hour.

(b) Certified Water Right Examiner.
(c) Oregon Specific Acoustical.
(d) Oregon Specific Forest.
(e) Oregon Specific Land Surveying.
(f) Photogrammetry.

(2) Fall examinations held in October are:

(a) NCEES Principles and Practice Examinations in the following branches:

(A) Agricultural and Biological.
(B) Chemical.
(C) Civil.
(D) Control Systems.
(E) Electrical and Computer.
(F) Environmental.
(G) Fire Protection.
(H) Land Surveying.
(I) Mechanical.
(J) Metallurgical.
(K) Nuclear.
(L) Structural 16-hour.

(b) Oregon Specific Land Surveying.

(3) The Fundamentals of Engineering examination is computer-based and is administered year-round in testing windows at NCEES approved test centers.

(4) The Fundamentals of Land Surveying examination is computer-based and is administered year-round in testing windows at NCEES approved test centers.

(5) The California Geotechnical examination is computer-based and is administered by the California Board for Professional Engineers, Land Surveyors, and Geologists.

Stat. Auth.: ORS 670.310 & 672.255
Stats. Implemented: ORS 672.002 - 672.325
Hist.: EE 13, f. 3-29-72, ef. 4-15-72; EE 20, f. & ef. 12-15-77; EE 1-1992, f. & cert. ef. 2-3-92; EE 2-1993(Temp), f. & cert. ef. 2-22-93; EE 3-1993, f. & cert. ef. 6-3-93; EE 1-1995, f. 8-15-95, cert. ef. 9-1-95; EE 3-1994(Temp), f. & cert. ef. 11-21-94; EE 1-1995, f. 8-15-95, cert. ef. 9-1-95; BEELS 5-2000, f. & cert. ef. 10-19-00; BEELS 3-2001, f. & cert. ef. 11-26-01; BEELS 5-2007, f. & cert. ef. 9-20-07; BEELS 2-2008, f. & cert. ef. 7-9-08; BEELS 3-2008, f. & cert. ef. 11-14-08; BEELS 1-2010, f. & cert. ef. 5-12-10; BEELS 4-2012, f. & cert. ef. 9-14-12; BEELS 2-2015, f. & cert. ef. 5-21-15

820-010-0465
Application for Readmission to Examination

(1) Applicants for registration as a PE, PLS, or RPP, and for EI and LSI enrollment who did not achieve a passing grade in their first and second written NCEES examinations will, before re-admittance to a subsequent examination, be required to submit valid evidence of further preparation on their part based on the diagnostic report of deficiencies for each of the major topics covered. Such evidence must include proof of one or more of the following:

(a) Courses of study undertaken;
(b) Special training; or
(c) Additional experiences gained since their last examination.

(2) Applicants for readmission to an Oregon Specific examination who did not achieve a passing grade in their first and second written examinations will, before re-admittance to a subsequent examination, be required to submit valid evidence of further preparation on their part. Such evidence must include proof of one or more of the following:

(a) Courses of study undertaken;
(b) Special training; or
(c) Additional experiences gained since their last examination.

(3) If two or more examination administrations have passed since the date the last application was made to the Board, applicants must provide the following updated documents:

(a) Experience Details form; and
(b) One Reference Details form.

(4) In all cases, submitted proof must be satisfactory to the Board.

(5) Application for readmission and fees will not be accepted prior to the release of the results from the preceding examination.

(6) If five years or more have passed since the date the last application was made to the Board, applicants must submit a new initial application along with all supporting documents and a full application fee.

(7) Applications for computer-based fundamental examinations will be valid for one year from the date of correspondence indicating Board approval.

Stat. Auth.: ORS 670.310 & 672.255
Stats. Implemented: ORS 672.002 - 672.325
Hist.: EE 13, f. 3-29-72, ef. 4-15-72; EE 20, f. & ef. 12-15-77; EE 1-1995, f. 8-15-95, cert. ef. 9-1-95; BEELS 6-2005, f. & cert. ef. 12-13-05; BEELS 2-2008, f. & cert. ef. 7-9-08; BEELS 2-2009, f. & cert. ef. 11-13-09; BEELS 2-2012, f. & cert. ef. 5-10-12; BEELS 2-2015, f. & cert. ef. 5-21-15

820-010-0505
Biennial Renewal of Registration or Certification

(1) Registration as a professional engineer, professional land surveyor, or professional photogrammetrist with the Board is on a biennial renewal schedule. As a condition of registration renewal, registrants must comply with the continuing professional development requirements in OAR 820-010-0635. Certification of completing the required professional development requirements on the CPD Organizational Form and fee must be postmarked or hand delivered by 5:00 p.m. on the day of the expiration date of the registration. The biennial fee to renew a registration is described below:

(a) Professional Engineer — $150.00.
(b) Professional Land Surveyor — $150.00.
(c) Professional Photogrammetrist — $150.00.

(2) The Board may allow a grace period to complete professional development hours for renewal of a professional engineer, professional land surveyor, or professional photogrammetrist registration, pursuant to OAR 820-015-0026.

(3) Certification as a certified water right examiner is on a biennial renewal schedule. The fee must be postmarked or hand delivered by 5:00 p.m. on the day of the expiration date of the certification. The biennial fee to renew a certification as a water right examiner is $40.00

(4) The Board may allow a grace period to complete professional development hours for renewal of a certified water right examiner certification, pursuant to OAR 820-050-0010.

(5) A delinquent fee of $80.00 will be assessed on the first day following the expiration date of each registration or certification, for each biennial renewal period in which payment or certification of completing the required continuing professional development hours is not submitted. Failure to pay the delinquent fee will place a registration or certificate in the "delinquent" status.

(6) Registrations or certificates in the delinquent or retired status for a period of 5 years or more may not be renewed. Delinquent or retired registrants or certificate holders must re-apply and re-take any applicable examination to obtain their certificate of registration or other certificate after a period of 5 years.

Stat. Auth.: ORS 670.310, 672.160, 672.170, & 672.255
Stats. Implemented: ORS 672.002 - 672.325
Hist.: BEELS 3-2008, f. & cert. ef. 11-14-08; BEELS 2-2009, f. & cert. ef. 11-13-09; BEELS 1-2011, f. & cert. ef. 1-14-11; BEELS 1-2012(Temp), f.& cert. ef. 3-16-12 thru 5-15-12; BEELS 2-2012, f. & cert. ef. 5-10-12; BEELS 1-2015, f. & cert. ef. 2-3-15; BEELS 2-2015, f. & cert. ef. 5-21-15

820-010-0621
Final Documents

(1) In addition to the final documents identified in ORS 672.020(2), 672.025(2), and 672.028(2), final documents include plats, design information, and calculations. All final documents must bear the seal and signature of the registrant under whose supervision and control they were prepared.

(2) Documents that are not final documents must be marked as "preliminary", "not for construction", "review copy", "draft copy, subject to

change", or with some similar wording to indicate that the documents are not intended to represent the final work product of the registrant.

Stat. Auth.: ORS 670.310, 672.020, 672.025, 672.028 & 672.255
Stats. Implemented: ORS 672.002 - 672.325
Hist.: BEELS 3-2006(Temp), f. & cert. ef. 12-5-06 thru 6-3-07; BEELS 2-2007, f. & cert. ef. 4-5-07; BEELS 2-2012, f. & cert. ef. 5-10-12; BEELS 6-2013, f. & cert. ef. 9-11-13; BEELS 7-2013(Temp); f. & cert. ef. 11-12-13 thru 5-9-14; BEELS 10-2013(Temp), f. & cert. ef. 12-5-13 thru 3-14-14; BEELS 2-2014, f. & cert. ef. 2-26-14; BEELS 2-2015, f. & cert. ef. 5-21-15

• • • • • • • • • •

Rule Caption: To clarify the requirements for sitting for the fundamental examinations.
Adm. Order No.: BEELS 3-2015(Temp)
Filed with Sec. of State: 5-26-2015
Certified to be Effective: 5-27-15 thru 11-17-15
Notice Publication Date:
Rules Amended: 820-010-0225, 820-010-0226, 820-010-0227, 820-010-0228
Subject: OAR 820-010-0225 and 820-010-0226 — Clarifies that a NCEES Credentials Evaluation is also needed for a curriculum to be considered Board approved and timeline to submit the Evaluation. The language for this requirement is contained in OAR 820-010-0227 and 820-010-0228.

OAR 820-010-0227 and 820-010-0228 — Clarifies that a NCEES Credentials Evaluation may be considered as substantially equivalent to certain programs in OAR 820-010-0225 and 820-010-0226 as qualifying education.
Rules Coordinator: Mari Lopez—(503) 362-2666

820-010-0225
Educational Qualifications to Take the Fundamentals of Engineering (FE) Examination for Enrollment as an Engineering Intern (EI)

Applicants for admission to examination for enrollment as an EI will be required to submit the following evidence to show eligibility to take the FE examination:

(1) Official transcripts that document the degree and date awarded, demonstrating completion of an engineering curriculum satisfactory to the Board, as described in subsection (2) below.

(2) For entrance to the FE examination, a curriculum satisfactory to the Board shall include:

(a) Graduation from an EAC of ABET accredited engineering program;

(b) Graduation from a TAC of ABET baccalaureate engineering program;

(c) Graduation from an ACCE accredited four-year baccalaureate construction engineering management program;

(d) Graduation from a graduate degree program in engineering at a college or university that has an EAC of ABET accredited undergraduate degree program in the same field as the graduate degree program, combined with completion of 21 semester/32 quarter hours of engineering related technical course work. The courses shall include at least six of the following nine subjects: Differential Equations, Physics, Statistics, Statics, Dynamics, Thermodynamics, Fluid Mechanics, Electrical Fundamentals and Strength of Materials.

(e) Graduation from TAC of ABET accredited two-year Engineering Technology program or graduation from a two-year Associate of Applied Science program in Engineering Technology that includes the following:

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

(B) At least 32 semester/48 quarter hours in technical courses. (Skills and knowledge of appropriate methods, procedures and techniques; experience in carrying out established engineering procedures);

(C) At least 16 semester/24 quarter hours in math and science, including:

(i) 4 semester/6 quarter hours in basic science (physics, chemistry, earth and life sciences);

(ii) 8 semester/12 quarter hours in mathematics (not including courses below the level of college algebra or courses in computer programming);

(D) At least 9 semester/13 quarter hours in social science, humanities and communications; and

(E) In addition to the educational requirements set forth in paragraph (e) of subsection (2), graduates from two-year programs shall complete two or more years of engineering work before qualifying to take the FE examination for enrollment as an EI. In the alternative, graduates from two-year programs may complete additional course work consisting of 21 semester/32 quarter hours in Differential Equations, Physics, Statistics, Statics, Dynamics, Thermodynamics, Fluid Mechanics, Electrical Fundamentals and Strength of Materials.

(f) Completion of a curriculum that the Board finds has adequately prepared the applicant for enrollment as an EI.

(3) To be eligible to sit for the examination prior to graduation from a baccalaureate engineering program described in subsections (2)(a), (b) or (c) of this rule, a verification statement must be signed by an official from the applicant's school, university or college, verifying the applicant is currently enrolled in the senior year of a qualifying baccalaureate program, and also verifying that if the applicant graduates timely, when the degree from that program will be conferred upon the applicant.

(4) To be eligible to sit for the examination prior to graduation from a baccalaureate engineering program that is not accredited as described in subsections (2)(a), (b) or (c) of this rule:

(a) A verification statement must be signed by an official from the applicant's school, university or college, verifying the applicant is currently enrolled in the senior year of a baccalaureate engineering program that includes 21 semester/32 quarter hours in at least six of the following nine courses: differential equations; Physics; Statistics; Statics; Dynamics; Thermodynamics; Fluid Mechanics; Electrical Fundamentals; Strength of Materials, and also verifying that if the applicant graduates timely, when the degree from that program will be conferred upon the applicant; and,

(b) For a curriculum from a degree under this subsection to be considered board-approved, the degree must be evaluated by NCEES Credentials Evaluations and determined by the Board to be substantially equivalent to the degree or course work required for degrees for the programs listed in OAR 820-010-0225(2)(a), (b), or (c). The cost of such evaluation shall be borne by the applicant.

(5) The verification statement required under subsections (3) and (4) of this rule must be submitted in the same packet as the completed application to be considered.

(6) NCEES will be notified of approved applications. The applicant may not schedule with NCEES to sit for the examination unless and until NCEES has been notified of the Board's approval of the application.

(7) An applicant who is admitted to the examination under subsections (3) of this rule shall, within 10 months of sitting for the exam, provide the Board with an official transcript showing that the degree for which the applicant was approved to sit for the examination has been conferred on the applicant. Failure of the applicant to timely provide the board with an official transcript showing that the degree has been conferred on the applicant vacates any passing score that the applicant achieved on the examination.

(8) An applicant who is admitted to the examination under subsection (4) of this rule shall, within 10 months of sitting for the exam, provide the board with the NCEES Credentials Evaluations in order for the board to determine if the degree or course work is substantially equivalent to the degree or course work required for degrees for the programs listed in OAR 820-010-0225(2)(a), (b), or (c). Failure of the applicant to timely provide the board with the NCEES Credentials Evaluations or if the Board determines that the degree or course work is not substantially equivalent to the degree or course work required for degrees for the programs listed in OAR 820-010-0225(2)(a), (b), or (c), vacates any passing score that the applicant achieved on the examination. This subsection applies to applications received since January 1, 2014.

Stat. Auth.: ORS 670.310, 672.105, 672.121, & 672.255
Stats. Implemented: ORS 672.002 - 672.325
Hist.: EE 13, f. 3-29-72, ef. 4-15-72; EE 16, f. 3-5-74, ef. 3-25-74; EE 20, f. & ef. 12-15-77; EE 1-1986, f. 2-4-86, ef. 2-15-86; EE 1-1992, f. & cert. ef. 2-3-92; EE 1-1995, f. 8-15-95, cert. ef. 9-1-95; EE 2-1996, f. & cert. ef. 10-3-96; BEELS 1-1998, f. & cert. ef. 2-10-98; BEELS 1-1999, f. 5-27-99, cert. ef. 7-1-99; BEELS 1-2001, f. & cert. ef. 5-22-01; BEELS 1-2004, f. & cert. ef. 1-26-04; BEELS 2-2006, f. & cert. ef. 11-21-06; BEELS 2-2008, f. & cert. ef. 7-9-08; BEELS 2-2009, f. & cert. ef. 11-13-09; BEELS 4-2012, f. & cert. ef. 9-14-12; BEELS 1-2013, f. & cert. ef. 3-13-13; BEELS 4-2013(Temp), f. & cert. ef. 7-10-13 thru 1-6-14; BEELS 8-2013(Temp) f. & cert. ef. 11-14-13 thru 1-6-14; Administrative correction, 2-5-14; BEELS 1-2014(Temp), f. & cert. ef. 2-14-14 thru 8-13-14; BEELS 3-2014, f. & cert. ef. 7-16-14; BEELS 3-2015(Temp), f. 5-26-15, cert. ef. 5-27-15 thru 11-17-15

820-010-0226
Educational Qualifications to Take the Fundamentals of Land Surveying (FLS) Examination for Enrollment as a Land Surveying Intern (LSI)

Applicants for admission to examination for enrollment as an LSI will be required to submit the following evidence to show eligibility to take the FLS examination:

(1) Official transcripts that document the degree and date awarded, demonstrating completion of a land surveying curriculum satisfactory to the Board, as described in subsection (2) below.

(2) For entrance to the FLS Examination, a curriculum satisfactory to the Board shall include:

(a) Graduation from an EAC of ABET accredited four-year baccalaureate land surveying program;

(b) Graduation from an ASAC of ABET accredited four-year baccalaureate land surveying program;

(c) Graduation from a TAC of ABET accredited four-your baccalaureate land surveying program;

(d) Graduation from an EAC of ABET accredited four-year baccalaureate engineering program with 11 semester/16 quarter hours of surveying instruction and surveying law.

(e) Graduation from a TAC of ABET accredited four-year baccalaureate engineering program with 11 semester/16 quarter hours of surveying instruction and surveying law.

(f) Graduation from an ACCE accredited four-year baccalaureate engineering program with 11 semester/16 quarter hours of surveying instruction and surveying law.

(g) Graduation from a graduate degree program in land surveying at a college or university that has an ABET accredited undergraduate degree program in the same field, combined with completion of 11 semester/16 quarter hours of surveying instruction.

(h) Graduation from an ASAC of ABET accredited two-year Surveying Technology program, a TAC of ABET accredited two-year Surveying Technology program, or a two-year Associate of Applied Science program in Surveying Technology or Engineering Technology that includes the following:

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

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

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

(D) At least 9 semester/13 quarter hours in social science, humanities and communications; and

(E) In addition to the educational requirements set forth in paragraph (h) of subsection (2) above, graduates from two-year education programs shall complete two or more years of active practice in land surveying work before qualifying to take the FLS examination for enrollment as an LSI.

(i) Graduation from a baccalaureate degree program related to engineering or land surveying that includes the following:

(A) 21 semester/32 quarter hours of coursework with a direct geomatics focus that requires the application of geomatics knowledge and skills. One of these courses must be surveying law related;

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

(C) 24 semester/35 quarter hours related to physical and natural science with laboratory applications; and

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

(j) Completion of a curriculum that the Board finds adequately prepared the applicant for enrollment as an LSI.

(3) To be eligible to sit for the examination prior to graduation from a baccalaureate land surveying or engineering program described in subsections (2)(a) through (c) of this rule, a verification statement must be signed by an official from the applicant's school, university or college, verifying the applicant is currently enrolled in the senior year of a qualifying baccalaureate program, and also verifying that if the applicant graduates timely, when the degree from that program will be conferred upon the applicant.

(4) To be eligible to sit for the examination prior to graduation from a baccalaureate engineering program described in subsections (2)(d) through (f) of this rule, a verification statement must be signed by an official from the applicant's school, university or college, verifying the applicant is currently enrolled in the senior year of a qualifying baccalaureate engineering program that includes: 11 semester/16 quarter hours of surveying instruction and surveying law, and also verifying that if the applicant graduates timely, when the degree from that program will be conferred upon the applicant.

(5) To be eligible to sit for the examination prior to graduation from a baccalaureate engineering or land surveying program that is not accredited as described in subsections (2)(a) through (f) of this rule:

(a) A verification statement must be signed by an official from the applicant's school, university or college, verifying the applicant is currently enrolled in the senior year of a baccalaureate engineering or land surveying program that includes: 21 semester/32 quarter hours of coursework with a direct geomatics focus that requires the application of geomatics knowledge and skills. One of these courses must be surveying law related; 27 semester/40 quarter hours that requires the application of mathematics for problem solving. At least one of these courses must focus on the application of differential and integral calculus; 24 semester/35 quarter hours related to physical and natural science with laboratory applications; and 4 semester/6 quarter hours of capstone or integrating experience that develops student competencies in applying both technical and non-technical skills in solving problems, and also verifying that if the applicant graduates timely, when the degree from that program will be conferred upon the applicant; and,

(b) For a curriculum from a degree under this subsection to be considered board-approved, the degree must be evaluated by NCEES Credentials Evaluations and determined by the Board to be substantially equivalent to the degree or course work required for degrees for the programs listed in OAR 820-010-0226(2)(a) through (f). The cost of such evaluation shall be borne by the applicant.

(6) The verification statement required under this subsections (3), (4), and (5) of this rule must be submitted in the same packet as the completed application to be considered.

(7) NCEES will be notified of approved applications. The applicant may not schedule with NCEES to sit for the examination unless and until NCEES has been notified of the Board's approval of the application.

(8) An applicant who is admitted to the examination under subsections (3) or (4) of this rule shall, within 10 months of sitting for the exam, provide the Board with an official transcript showing that the degree for which the applicant was approved to sit for the examination has been conferred on the applicant. Failure of the applicant to timely provide the Board with an official transcript showing that the degree has been conferred on the applicant vacates any passing score that the applicant achieved on the examination.

(9) An applicant who is admitted to the examination under subsection (5) of this rule shall, within 10 months of sitting for the exam, provide the board with the NCEES Credentials Evaluations in order for the board to determine if the degree or course work is substantially equivalent to the degree or course work required for degrees for the programs listed in OAR 820-010-0226(2)(a) through (f). Failure of the applicant to timely provide the board with the NCEES Credentials Evaluations or if the Board determines that the degree or course work is not substantially equivalent to the degree or course work required for degrees for the programs listed in 820-010-0226(2)(a) through (f), vacates any passing score that the applicant achieved on the examination. This subsection applies to applications received since January 1, 2014.

Stat. Auth.: ORS 670.310, 672.118, 672.121, & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: BEELS 2-2006, f. & cert. ef. 11-21-06; BEELS 2-2008, f. & cert. ef. 7-9-08; BEELS 2-2009, f. & cert. ef. 11-13-09; BEELS 4-2012, f. & cert. ef. 9-14-12; BEELS 1-2013, f. & cert. ef. 3-13-13; BEELS 4-2013(Temp), f. & cert. ef. 7-10-13 thru 1-6-14; BEELS 8-2013(Temp) f. & cert. ef. 11-14-13 thru 1-6-14; Administrative correction, 2-5-14; BEELS 1-2014(Temp), f. & cert. ef. 2-14-14 thru 8-13-14; BEELS 3-2014, f. & cert. ef. 7-16-14; BEELS 3-2015(Temp), f. 5-26-15, cert. ef. 5-27-15 thru 11-17-15

820-010-0227

Educational and Experience Qualifications to Take the Fundamentals of Engineering (FE) Examination for Enrollment as an Engineering Intern (EI) and Applications Based on Non-Accredited Degrees

(1) An applicant that does not qualify pursuant to OAR 820-010-0225 may apply for admission to the FE examination based on a combination of education and experience in the practice of engineering. Applicants will be allowed to submit as qualifying work experience that work experience obtained based on employment up to the date of the FE examination.

(2) Degrees from educational programs not identified in OAR 820-010-0225(2)(a), (b), or (c), may be considered as qualifying if they are evaluated by NCEES Credentials Evaluations, and the Board determines that the degree or course work is substantially equivalent to the educational degrees or courses required for degrees for those programs listed in 820-010-0225(2)(a), (b), or (c), or equivalent to the educational degree plus experience listed in 820-010-0225(2)(e). The cost for such evaluation will be borne by the applicant.

(3) Military training or experience may be considered as qualifying if it is evaluated by the Joint Services Transcript (JST), and the Board determines that the military training or experience is considered substantially equivalent to the educational degrees or courses listed in OAR 820-010-0225(2)(a), (b), or (c), or equivalent to the educational degree plus experience listed in 820-010-0225(2)(e).

(4) Course work from programs that are identified in OAR 820-010-0225(2)(a), (b), or (c), may be considered as qualifying if the coursework involves engineering principles or was obtained by the applicant while enrolled in an engineering program.

(5) Where an applicant applies for admission to the FE examination on the basis of sections (1) through (3) of this rule, the applicant must also demonstrate that the applicant's years of education when combined with the applicant's years of engineering work total at least 8 years. Work experience in excess of that needed to satisfy this requirement may be included by applicant in a subsequent application to apply for admission to the PE examination.

(6) The Board may give credit for qualifying course work in proportion to the amount of course work completed relative to the degree towards which the course work would apply. For example, completion of one year of a two-year Engineering Technology program may be considered equivalent to one year of education, requiring 7 years of engineering work experience, in accordance with section (5). Qualifying course work includes classes in engineering ethics, fundamentals and design.

(7) An applicant may qualify for admission to the FE examination on the basis of 8 years of engineering work without any qualifying degree or course work.

(8) Applicants for admission to the fundamentals of engineering examination on the basis of experience or combined education and experience will be required to provide a minimum of three references with knowledge of engineering technician work gained as defined in the OAR 820-010-0010.

(a) At least one of the three references must be registered in a NCEES jurisdiction.

(b) Qualifying experience accrued by the applicant must be accompanied by a reference that supervised the work product as meeting the definition of engineering technician work as defined in the OAR 820-010-0010.

(c) References must be submitted on the Board approved Reference Details form. The Reference Details form must be received by the Board office in a sealed envelope.

(d) The Board may, for good cause upon written application, reduce the number of references required.

(9) FE examination application fee is $0.00.

Stat. Auth.: ORS 670.310, 672.095, 672.105, & 672.255
Stats. Implemented: ORS 672.002 - 672.325
Hist.: BEELS 2-2006, f. & cert. ef. 11-21-06; BEELS 5-2007, f. & cert. ef. 9-20-07; BEELS 3-2008, f. & cert. ef. 11-14-08; BEELS 2-2009, f. & cert. ef. 11-13-09; BEELS 6-2013, f. & cert. ef. 9-11-13; BEELS 7-2013(Temp); f. & cert. ef. 11-12-13 thru 5-9-14; BEELS 10-2013(Temp), f. & cert. ef. 12-5-13 thru 3-14-14; BEELS 1-2014(Temp), f. & cert. ef. 2-14-14 thru 8-13-14; BEELS 3-2014, f. & cert. ef. 7-16-14; BEELS 3-2015(Temp), f. 5-26-15, cert. ef. 5-27-15 thru 11-17-15

820-010-0228
Combined Educational and Experience Qualifications to Take the Fundamentals of Land Surveying (FLS) Examination for Enrollment as a Land Surveying Intern (LSI) and Applications Based on Non-accredited Degrees

(1) An applicant that does not qualify pursuant to OAR 820-010-0226 may apply for admission to the FLS examination based on a combination of education and experience in the practice of land surveying. Applicants will be allowed to submit as qualifying work experience that work experience obtained based on employment up to the date of the FLS examination.

(2) Degrees from educational programs not identified in OAR 820-010-0226(2)(a) through (f) or (i), may be considered as qualifying if they are evaluated by NCEES Credentials Evaluations, and the Board determines that the degree or course work is substantially equivalent to the educational degrees or courses required for degrees for those institutions listed in 820-010-0226(2)(a) through (f) or (i). The cost for such evaluation will be borne by the applicant.

(3) Military training or experience may be considered as qualifying if it is evaluated by the Joint Services Transcript (JST), and the Board determines that the military training or experience is considered substantially equivalent to the educational degrees or courses listed in OAR 820-010-0226(2)(a) through (f) or (i), or equivalent to the educational degree plus experience listed in 820-010-0226(2)(h).

(4) Course work from programs that are identified in OAR 820-010-0226(2)(a) through (f), may be considered as qualifying if the coursework involves land surveying principles or was obtained by the applicant while enrolled in a land surveying program.

(5) Where an applicant applies for admission to the FLS examination on the basis of sections (1) through (3) of this rule, the applicant must also demonstrate that the applicant's years of education when combined with the applicant's years of land surveying work total at least 8 years. Work experience in excess of that needed to satisfy this requirement may be included by applicant in a subsequent application to apply for admission to the PLS examination.

(6) The Board may give credit for qualifying course work in proportion to the amount of course work completed relative to the degree towards which the course work would apply. For example, completion of one year of a two-year Surveying Technology program may be considered equivalent to one year of education, requiring 7 years of surveying work experience, in accordance with section (5). Qualifying course work includes classes in land surveying ethics, fundamentals and application.

(7) An applicant may qualify for admission to the FLS examination on the basis of 8 years of land surveying work without any qualifying degree or course work.

(8) Applicants for admission to the fundamentals of land surveying examination on the basis of experience or combined education and experience will be required to provide a minimum of three references with knowledge of land surveying technician or photogrammetric mapping technician work gained as defined in the OAR 820-010-0010.

(a) At least one of the three references must be registered in a NCEES jurisdiction.

(b) Qualifying experience accrued by the applicant must be accompanied by a reference that supervised the work as meeting the definition of land surveying technician or photogrammetric mapping technician work as defined in the OAR 820-010-0010.

(c) References must be submitted on the Board approved Reference Details form. The Reference Details form must be received by the Board office in a sealed envelope.

(d) The Board may, for good cause upon written application, reduce the number of references required.

(9) FLS examination application fee is $0.00.

Stat. Auth.: ORS 670.310, 672.095, 672.118, & 672.255
Stats. Implemented: ORS 672.002 - 672.325
Hist.: BEELS 2-2006, f. & cert. ef. 11-21-06; BEELS 5-2007, f. & cert. ef. 9-20-07; BEELS 3-2008, f. & cert. ef. 11-14-08; BEELS 2-2009, f. & cert. ef. 11-13-09; BEELS 6-2013, f. & cert. ef. 9-11-13; BEELS 7-2013(Temp); f. & cert. ef. 11-12-13 thru 5-9-14; BEELS 10-2013(Temp), f. & cert. ef. 12-5-13 thru 3-14-14; BEELS 1-2014(Temp), f. & cert. ef. 2-14-14 thru 8-13-14; BEELS 3-2014, f. & cert. ef. 7-16-14; BEELS 3-2015(Temp), f. 5-26-15, cert. ef. 5-27-15 thru 11-17-15

• • • • • • • • • •

Board of Geologist Examiners
Chapter 809

Rule Caption: Adoption of 2015–2017 Operating Budget
Adm. Order No.: BGE 1-2015
Filed with Sec. of State: 6-1-2015
Certified to be Effective: 7-1-15
Notice Publication Date: 5-1-2015
Rules Amended: 809-010-0025
Subject: This rule revision finalizes the adoption of the 2015-2017 biennial budget of the Board with a spending limit of $613,625 and covering the period from July 1, 2015 through June 30, 2017.
Rules Coordinator: Christine Valentine—(503) 566-2837

809-010-0025
Operating Budget

The Oregon State Board of Geologist Examiners hereby adopts by reference the 2015–2017 Biennial Budget of $613,625 covering the period from July 1, 2015, and ending June 30, 2017. With Board approval, the Administrator of the Board may amend budgeted accounts as necessary within the approved budget of $613,625 for the effective operation of the Board. The Board will not exceed the approved 2015–2017 Biennium Budget unless registrants are noticed, a public hearing is convened, and this rule is amended as required by ORS Chapter 182.462(1)(2). Copies of the budget are available from the Board's office.

Stat. Auth.: ORS 672.705, 182.462, & 670.310
Stats. Implemented: ORS 672.505 & 182.462
Hist.: BGE 1-1999, f. & cert. ef. 6-17-99; BGE 1-2001, f. & cert. ef. 3-23-01; BGE 2-2003, f. 6-13-03, cert. ef. 7-1-03; BGE 1-2005, f. & cert. ef. 8-15-05; BGE 2-2007, f. 6-25-07, cert. ef. 7-1-07; BGE 1-2009, f. 6-15-09, cert. ef. 7-1-09; BGE 1-2011, f. 6-21-11, cert. ef. 7-1-11; BGE 4-2012, f. 12-13-12, cert. ef. 12-21-12; BGE 1-2013, f. 6-3-13, cert. ef. 7-1-13; BGE 1-2015, f. 6-1-15, cert. ef. 7-1-15

Board of Massage Therapists
Chapter 334

Rule Caption: Clarify verbiage in existing rules for Board Member Stipend.
Adm. Order No.: BMT 2-2015
Filed with Sec. of State: 6-12-2015
Certified to be Effective: 7-2-15
Notice Publication Date: 5-1-2015
Rules Amended: 334-001-0055
Subject: Clarify verbiage in existing rules for Board Member Stipend.
Rules Coordinator: Ekaette Udosenata—(503) 365-8657

334-001-0055
Board Member Stipend

The Oregon Board of Massage Therapists hereby adopts a board member stipend of $100 day or portion thereof during which the board member is actually engaged in the performance of official duties.

Stat. Auth.: ORS 182.460 & 687.121
Stats. Implemented: ORS 182.460 & 687.121
Hist.: BMT 1-2010, f. & cert. ef. 4-12-10; BMT 2-2010, f. 7-23-10, cert. ef. 7-26-10; BMT 3-2010, f. 12-22-10, cert. ef. 1-1-11; BMT 1-2011, f. & cert. ef. 4-21-11; BMT 1-2015, f. 3-12-15, cert. ef. 7-1-15; BMT 2-2015, f. 6-12-15, cert. ef. 7-2-15

• • • • • • • • • •

Bureau of Labor and Industries
Chapter 839

Rule Caption: Amendments to clarify, conform with authorities, correct citations; adoption to implement new statute.
Adm. Order No.: BLI 5-2015
Filed with Sec. of State: 5-18-2015
Certified to be Effective: 5-18-15
Notice Publication Date: 10-1-2014
Rules Amended: 839-009-0210, 839-009-0220, 839-009-0230, 839-009-0240, 839-009-0250, 839-009-0260, 839-009-0320, 839-009-0325, 839-009-0330, 839-009-0340, 839-009-0350, 839-009-0355, 839-009-0360, 839-009-0362, 839-009-0363, 839-009-0365, 839-009-0380, 839-009-0410, 839-009-0420, 839-009-0430, 839-009-0460
Rules Repealed: 839-009-0335
Subject: Amendments to rules to clarify, conform with authorities, correct citations. The purposes of the amendments are to clarify OFLA requirements for sick child leave, leave for the death of a family member, definition of marriage, spouse, definition of child, employee discipline for failure to give notice of OFLA leave, editing "calendar" references, clarifying OFLA provisions regarding employer payment of benefits, clarifying relationship between workers' compensation and OFLA with respect to employer relationship to employee, and other clarifications and edits based on current law.
Rules Coordinator: Marcia Ohlemiller—(971) 673-0784

839-009-0210
Definitions: OFLA

(1) "Alternate duty" means work assigned to an employee that may consist of:

(a) The employee's same duties worked on a different schedule; or

(b) Different duties worked on the same or different schedule.

(2) "Child," for the purpose of parental and sick child leave only [not for the purposes of serious health condition leave or leave for the death of a family member under ORS 659A.159(1)(e)], means a biological, adopted, foster or stepchild, the child of an employee's same-gender domestic partner or a child with whom the employee is or was in a relationship of in loco parentis. The child must be:

(a) Under the age of 18; or

(b) An adult dependent child substantially limited by a physical or mental impairment as defined by ORS 659A.104(1) (a), (3), and (4).

(3) "Covered employer" means any employer employing 25 or more persons in the state of Oregon for each working day during each of 20 or more calendar work weeks in the year in which the leave is to be taken or in the year immediately preceding the year in which the leave is to be taken.

(4) "Domestic partner" means an individual joined in a domestic partnership.

(5) "Domestic partnership" for the purposes of ORS chapter 659A means two individuals of the same sex who have received a Certificate of Registered Domestic Partnership from the State of Oregon in compliance with ORS 432.173 and rules adopted by the State Registrar of the Center for Health Statistics.

(6) "Eligible employee" means an employee employed in the state of Oregon on the date OFLA leave begins. For eligibility of employees reemployed following a period of uniformed service, see subsections (c) and (d) of this section.

(a) For the purpose of taking parental leave, an employee must be employed by a covered employer for at least 180 calendar days immediately preceding the date on which OFLA leave begins.

(b) For purposes of taking all other types of OFLA leave, including pregnancy disability leave, an employee must have worked for a covered employer for an average of at least 25 hours per week during the 180 calendar days immediately preceding the date OFLA leave begins.

(A) In determining that an employee has been employed for the preceding 180 calendar days, the employer must count the number of days an employee is maintained on the payroll, including all time paid or unpaid. If an employee continues to be employed by a successor in interest to the original employer, the number of days worked are counted as continuous employment by a single employer.

(B) In determining 25 hours average per week, the employer must count actual hours worked using guidelines set out pursuant to the federal Fair Labor Standards Act. (See 29 CFR §785).

(c) The federal Uniformed Services Employment and Reemployment Act, 38 USC §43 (USERRA) provides that an employee reemployed following a period of uniformed service is entitled to the seniority and seniority-based rights and benefits that the employee had on the date the uniformed service began, plus any seniority and seniority-based rights and benefits that the employee would have attained if the employee had remained continuously employed. U.S. Department of Labor regulation 20 CFR §1002.210 provides that in determining entitlement to seniority and seniority-based rights and benefits, the period of absence from employment due to or necessitated by uniformed service is not considered a break in employment. The rights and benefits protected by USERRA upon reemployment include those provided by the employer and those required by statute. Under USERRA, a reemployed service member would be eligible for leave under OFLA if the number of days and the number of hours of work for which the service member was employed by the civilian employer, together with the number of days and number of hours of work for which the service member would have been employed by the civilian employer during the period of uniformed service, meet OFLA's eligibility requirements. In the event that a service member is denied OFLA leave for failing to satisfy the OFLA days and hours of work requirement due to absence from employment necessitated by uniformed service, the service member may have a cause of action under USERRA but not under OFLA. USERRA also applies to leave under the federal Family and Medical Leave Act of 1993, 29 USC §2601-2654 (FMLA).

(d) ORS 659A.082-.088 provides that an employee reemployed following a period of uniformed service is entitled to the seniority and seniority-based rights and benefits that the employee had on the date the uniformed service began, plus any seniority and seniority-based rights and benefits that the employee would have attained if the employee had remained continuously employed. In determining entitlement to seniority and seniority-based rights and benefits, the period of absence from employment due to or necessitated by uniformed service is not considered a break in employment. If a reemployed service member was eligible for leave under OFLA prior to the date uniformed service began, OFLA's eligibility requirements are considered met.

(e) For the purpose of qualifying as an eligible employee, the employee need not work solely in the state of Oregon.

(7) "Family member" for purposes of serious health condition leave, sick child leave or leave for the death of a family member means the spouse, same-gender domestic partner, custodial parent, non-custodial parent, adoptive parent, foster parent, biological parent, step parent, parent-in-law, parent of same-gender domestic partner, grandparent or grandchild of the employee, or a person with whom the employee is or was in a relationship of in loco parentis. It also includes the biological, adopted, foster or stepchild of an employee or the child of an employee's same-gender domestic partner. For the purposes of OFLA, an employee's child in any of these categories may be either a minor or an adult at the time serious health condition leave or leave under ORS 659.159(1)(e) is taken.

(8) "FMLA" is the federal Family and Medical Leave Act, 29 USC §2601.

(9) "Foreseeable leave" means leave taken for a purpose set out in ORS 659A.159 that is not "unforeseeable leave" as defined in OAR 839-009-0210(22).

(10) "Foster child" means a child, not adopted, but being reared as a result of legal process, by a person other than the child's natural parent.

(11) "Gender" means an individual's assigned sex at birth, gender identity, or gender expression.

(12) "Gender expression" means the manner in which an individual's gender identity is expressed, including, but not limited to, through dress, appearance, manner, speech, or lifestyle, whether or not that expression is different from that traditionally associated with the individual's assigned sex at birth.

(13) "Gender identity" means an individual's gender-related identity, whether or not that identity is different from that traditionally associated with the individual's assigned sex at birth, including, but not limited to, a gender identity that is transgender or androgynous.

(14) "Health care provider" means:

(a) A person who is primarily responsible for providing health care to an eligible employee or a family member of an eligible employee, who is performing within the scope of the person's professional license or certificate and who is:

(A) A physician licensed to practice medicine under ORS 677.110, including a doctor of osteopathy;

(B) A podiatrist licensed under ORS 677.825;

(C) A dentist licensed under ORS 679.090;

(D) A psychologist licensed under ORS 675.030;

(E) An optometrist licensed under ORS 683.070;

(F) A naturopath licensed under ORS 685.080;

(G) A registered nurse licensed under ORS 678.050;

(H) A nurse practitioner certified under ORS 678.375;

(I) A direct entry midwife licensed under ORS 687.420;

(J) A licensed registered nurse who is certified by the Oregon State Board of Nursing as a nurse midwife nurse practitioner;

(K) A regulated social worker authorized to practice regulated social work under ORS 675.510 to 675.600;

(L) A chiropractic physician licensed under ORS 684.054, but only to the extent the chiropractic physician provides treatment consisting of manual manipulation of the spine to correct a subluxation demonstrated to exist by X-rays;

(M) A physician's assistant licensed under ORS 677.512.

(b) A person who is primarily responsible for the treatment of an eligible employee or a family member of an eligible employee solely through spiritual means, including but not limited to a Christian Science practitioner.

(15) "In loco parentis" means in the place of a parent, having financial or day-to-day responsibility for the care of a child. A legal or biological relationship is not required.

(16) "Intermittent leave" means leave taken in multiple blocks of time and/or requiring an altered or reduced work schedule.

(17) "OFLA" is the Oregon Family Leave Act, ORS 659A.150 to 659A.186.

(18) "OFLA leave" means a leave of absence for purposes described in ORS 659A.159[, HB 2950, 77th Leg., Reg. Session (Or. 2013)] and OAR 839-009-0230(1) through (5). Except that "OFLA leave" does not include leave taken by an eligible employee who is unable to work because of a disabling compensable injury, as defined in ORS 656.005, unless the employee has refused a suitable offer of light duty or modified employment under ORS 659A.043(3)(a)(D) or 659A.046(3)(d). See ORS 659A.162, OAR 839-006-0131(2) and 839-006-0136(4).

(19) "OFLA leave year," for calculating the OFLA leave year entitlement, means a calendar year (January to December), a fixed 12-month period such as a fiscal year, a 12-month period measured forward from the date of the employee's first OFLA leave, or a 12-month period measured backward from the date the employee uses any OFLA leave. The option selected must be applied to all employees. In the absence of an employer policy or collective bargaining agreement defining how an OFLA leave year will be measured, a calendar year will be used.

(20) "Serious health condition" means an illness, injury, impairment or physical or mental condition of an employee or family member:

(a) That requires inpatient care in a medical care facility such as a hospital, hospice or residential facility such as a nursing home. When a family member resides in a long-term residential care facility, leave applies only to:

(A) Transition periods spent moving the family member from one home or facility to another, including time to make arrangements for such transitions;

(B) Transportation or other assistance required for a family member to obtain care from a physician; or

(C) Serious health conditions as described in (b) through (h) of section (20) of this rule.

(b) That the treating health care provider judges to pose an imminent danger of death, or that is terminal in prognosis with a reasonable possibility of death in the near future;

(c) That requires constant or continuing care such as home care administered by a health care professional;

(d) That involves a period of incapacity. Incapacity is the inability to perform at least one essential job function, or to attend school or perform regular daily activities for more than three consecutive calendar days and any subsequent required treatment or recovery period relating to the same condition. This incapacity must involve:

(A) Two or more treatments by a health care provider; or

(B) One treatment plus a regimen of continuing care.

(e) That results in a period of incapacity or treatment for a chronic serious health condition that requires periodic visits for treatment by a health care provider, continues over an extended period of time, and may cause episodic rather than a continuing period of incapacity, such as asthma, diabetes or epilepsy;

(f) That involves permanent or long-term incapacity due to a condition for which treatment may not be effective, such as Alzheimer's disease, a severe stroke or terminal stages of a disease. The employee or family member must be under the continuing care of a health care provider, but need not be receiving active treatment;

(g) That involves multiple treatments for restorative surgery or for a condition such as chemotherapy for cancer, physical therapy for arthritis, or dialysis for kidney disease that if not treated would likely result in incapacity of more than three days; or

(h) That involves any period of disability of a female due to pregnancy or childbirth or period of absence for prenatal care.

(21) "Spouse"includes:

(a) Individuals in a marriage recognized under state law in the state in which the marriage was entered into;

(b) Individuals in a marriage validly performed in a foreign jurisdiction;

(c) A common law marriage that was entered into in a state that recognizes such marriages;

(d) Individuals who have lawfully established a civil union, domestic partnership or similar relationship under the laws of any state. Individuals described in this subsection are not required to obtain a marriage license, establish a record of marriage or solemnize their relationship.

(22)"Unforeseeable leave" means leave taken as a result of:

(a) An unexpected serious health condition of an employee or family member of an employee; or

(b) An unexpected illness, injury or condition of a child of the employee that requires home care;

(c) A premature birth or a placement for adoption or foster care the exact date of which cannot be previously determined with certainty; or

(d) The death of a family member.

Stat. Auth.: ORS 659A.805

Stats. Implemented: ORS 659A.150 - 659A.186, 659A.043, 659A.046

Hist.: BL 2-1995, f. 9-8-95, cert. ef. 9-9-95; BLI 5-2000, f. & cert. ef. 2-1-00; BLI 10-2002, f. & cert. ef. 5-17-02; BLI 35-2006, f. 10-3-06, cert. ef. 10-4-06; BLI 44-2007, f. 12-31-07, cert. ef. 1-1-08; BLI 10-2010, f. & cert. ef. 2-24-10; BLI 8-2011, f. 10-13-11, cert. ef. 10-14-11; BLI 16-2013, f. & cert. ef. 12-31-13; BLI 14-2014(Temp), f. & cert. ef. 11-20-14 thru 5-15-15; BLI 5-2015, f. & cert. ef. 5-18-15

839-009-0220

Relationship of OFLA to FMLA

(1) Leave taken under FMLA counts as OFLA leave provided the employee is also eligible for OFLA leave.

(2) Provisions of OFLA will be construed to the extent possible in a manner that is consistent with any similar provisions of FMLA; however, employers subject to both OFLA and FMLA must apply in a given leave situation the provision that is more beneficial to the employee's circumstances.

Stat. Auth.: ORS 659A.805

Stats. Implemented: ORS 659A.150 - 659A.186

Hist.: BL 2-1995, f. 9-8-95, cert. ef. 9-9-95; BLI 5-2000, f. & cert. ef. 2-1-00; BLI 10-2002, f. & cert. ef. 5-17-02; BLI 10-2010, f. & cert. ef. 2-24-10; BLI 5-2015, f. & cert. ef. 5-18-15

839-009-0230
Purposes for Taking OFLA Leave

Eligible employees may take OFLA leave for the purposes commonly referred to as parental leave, serious health condition leave, pregnancy disability leave, sick child leave, and the death of a family member.

(1) Parental leave is leave taken for the birth of the employee's child, to care for the employee's newborn, newly adopted or newly placed foster child under 18 years of age or for a newly adopted or newly placed foster child 18 years of age or older who is incapable of self-care because of a physical or mental impairment. It includes leave time to effectuate the legal process required for placement of a foster child or the adoption of a child.

(2) Serious health condition leave is leave taken:

(a) To provide care for a family member with a serious health condition as defined in OAR 839-009-0210(20); or

(b) To recover from or seek treatment for a serious health condition that renders an employee unable to perform at least one essential function of the employee's regular position.

(3) Pregnancy disability leave is leave taken by a female employee for a disability related to pregnancy or childbirth, occurring before, during or after the birth of the child, or for prenatal care. Pregnancy disability leave is a form of serious health condition leave.

(4) Sick child leave is leave taken to care for an employee's child suffering from an illness or injury that requires home care but is not a serious health condition. An employer is not required to grant leave for routine medical or dental appointments.

(5) Leave to deal with the death of a family member is leave taken to attend the funeral or alternative to a funeral of the family member, to make arrangements necessitated by the death of the family member, or to grieve the death of the family member.

Stat. Auth.: ORS 659A.805
Stats. Implemented: ORS 659A.150 - 659A.186
Hist.: BL 2-1995, f. 9-8-95, cert. ef. 9-9-95; BLI 5-2000, f. & cert. ef. 2-1-00; BLI 10-2002, f. & cert. ef. 5-17-02; BLI 16-2013, f. & cert. ef. 12-31-13; BLI 5-2015, f. & cert. ef. 5-18-15

839-009-0240
Length of Leave and Other Conditions of OFLA Leave

(1) An eligible employee is entitled to up to a total of 12 weeks of OFLA leave in any one-year period.

(2) In addition to the 12 weeks of leave authorized by ORS 659A.162 (1), a female eligible employee may take a total of 12 weeks of leave within the same leave year for an illness, injury or condition related to pregnancy or childbirth that disables the employee from performing any available job duties offered by the employer. The employee may use all or part of the 12 weeks of leave authorized by 659A.162(1) and all or part of the 12 weeks of pregnancy disability leave in any order. The employee need not exhaust either type of leave in order to use the other.

(3) An eligible employee taking the entire 12 weeks of OFLA leave authorized by ORS 659A.162 (1) for parental leave may take an additional 12 weeks of sick child leave within the same leave year. If the employee uses less than 12 weeks of parental leave, however, no additional sick child leave is available, except that the balance of the 12 weeks of OFLA leave authorized by 659A.162 may be used for sick child leave or for any OFLA leave purpose.

(4) A female eligible employee may take up to 36 weeks of OFLA leave in one leave year that includes up to 12 weeks of pregnancy disability leave, 12 weeks of parental leave, and up to 12 weeks of sick child leave.

(5) An eligible employee may take up to 24 weeks of OFLA leave in one leave year under the following circumstances:

(a) The employee takes 12 weeks of parental leave, followed by:

(b) Up to 12 weeks of sick child leave.

(6) An eligible employee taking leave under ORS 659A.159(1)(e) and OAR 839-009-0230(5) to deal with the death of a family member is entitled to take up to a total of two weeks of OFLA leave for that purpose.

(a) An eligible employee is entitled to take up to two weeks of OFLA leave upon the death of each family member of the employee within any one-year period, except that the leave taken to deal with the deaths of family members may not exceed the total in ORS 659A.159(1) and subsection (1) of this rule.

(b) A covered employer may not require an eligible employee to take multiple leave periods concurrently if more than one family member of the employee dies during the one year period. If multiple family members of an eligible employee die concurrently, an eligible employee may take up to two weeks of leave for the death of each family member.

(c) All leave taken under ORS 659A.159(1)(e) and OAR 839-009-0230(5) for the death of a family member shall be counted toward the total period of OFLA leave authorized in ORS 659A.159(1) and subsection (1) of this rule.

(d) All leave taken for the death of a family member must be completed within 60 days of the date on which the eligible employee receives notice of the death of the family member. Notice of the death of a family member may be by any means and from any source.

(7) Two or more eligible employees who are family members of each other as defined in OAR 839-009-0210(7), working for the same covered employer, may take OFLA leave at the same time with that covered employer only under the following circumstances:

(a) One eligible family member needs to care for another eligible family member who is suffering from a serious health condition;

(b) One eligible family member needs to care for a child suffering from a serious or nonserious health condition while another eligible family member is suffering from a serious health condition;

(c) Two or more eligible family members are suffering from one or more serious health conditions;

(d) The employer allows family members to take concurrent leave; or

(e) The eligible family members are taking leave for the death of a family member pursuant to ORS 659A.159(1)(e) and OAR 839-009-0230 (5).

(8) Unless the covered employer approves otherwise, parental leave shall be taken in one uninterrupted period, and shall be completed within 12 months of the birth, adoption or placement of the child. Exceptions shall be made:

(a) To allow intermittent parental leave to effectuate adoption or foster placement of the child. Parental leave taken to effectuate adoption or foster placement of a child is part of the total amount of parental leave available to the employee, but need not be taken in one, uninterrupted period with any remaining parental leave taken after the actual placement of the child.

(b) To allow parental leave for the birth of a child. Such leave need not be taken in one, uninterrupted period with any remaining parental leave taken after the birth of the child.

(9) The birth, adoption or foster placement of multiple children at one time entitles the employee to take only one 12-week period of parental leave.

(10) A covered employer need not grant sick child leave to an otherwise eligible employee if another family member of the child is willing and able to care for the child.

(11) A covered employer may not reduce the amount of OFLA leave available to an eligible employee under this section by any period the employee is unable to work because of a disabling compensable injury as defined in ORS 656.005.

(a) If an employee uses OFLA leave for a workplace injury pending acceptance of a workers' compensation claim, upon acceptance of the claim any OFLA leave used for the workplace injury must be restored to the employee. If the claim is denied, OFLA leave will be deducted from the employee's entitlement.

(b) If a worker's compensation claim is first denied and then accepted, the employer must restore any OFLA leave used by the employee for the workplace injury in the leave year in which the worker's compensation claim is accepted.

(c) Notwithstanding subsection (a) of this section, the employer may reduce the amount of OFLA leave available to an eligible employee under this section by any period the employee is unable to work because of a disabling compensable injury as defined in ORS 656.005 after the employee has refused a suitable offer of light duty or modified employment under 659A.043(3)(a)(D) or 659A.046(3)(d). See 659A.043(4), 659A.046(5), 659A.162, OAR 839-006-0131(2) and 839-006-0136(4).

(d) An employee unable to work for an employer because of a disabling compensable injury arising out of and in the course of employment for that employer, but who is also employed by and able to work for a second employer, may be eligible and qualify to use OFLA leave under the second employer,

(12) For the purpose of intermittent leave, OFLA leave entitlement is calculated for an employee by multiplying the number of hours the employee normally works per week by 12. (For example, an employee normally employed to work 30 hours per week is entitled to 12 times 30 hours, or a total of 360 hours OFLA intermittent leave; an employee normally employed to work 50 hours per week is entitled to 12 times 50 hours, or a total of 600 hours OFLA intermittent leave.)

(a) If an employee's schedule varies from week to week, a weekly average of the hours worked over the 12 months worked prior to the beginning of the leave period must be used for calculating the employee's nor-

mal work week. (For example, an employee working an average of 25 hours per week is entitled to 12 times 25 hours, or a total of 300 hours OFLA leave.)

(b) If an employee takes intermittent or reduced work schedule OFLA leave, only the actual number of hours of leave taken may be counted toward the 12 weeks of OFLA leave to which the employee is entitled.

(13) An employee who has previously qualified for and taken some portion of OFLA leave must requalify as an "eligible employee" as defined in OAR 839-009-0210(6) each time the employee begins additional OFLA leave within the same leave year. Exceptions:

(a) An employee who has been granted OFLA leave for a qualifying serious health condition of the employee or family member need not requalify under OAR 839-009-0210(6) each time the employee takes leave for the same individual and the same serious health condition during the same leave year.

(b) A female eligible employee taking, in any order, some or all of 12 weeks of OFLA pregnancy disability leave and some or all of 12 weeks of OFLA leave for any other purpose, need not requalify under OAR 839-009-0210(6) each time she takes OFLA leave within the same leave year.

(c) An employee who has taken 12 weeks of OFLA parental leave, need not requalify under OAR 839-009-0210(6) for up to an additional 12 weeks of leave within the same leave year when used for the purposes of OFLA sick child leave.

(d) An employee unable to work because of a disabling compensable injury as defined in ORS 656.005 need not requalify under OAR 839-009-0210(6) in order to use OFLA leave following a period the employee is off work due to the compensable injury.

(e) An employee who has taken serious health condition leave to care for a family member who dies during the employee's serious health condition leave, need not requalify under OAR 839-009-0210(6) to take leave for the death of that family member.

(14) An exempt employee is a salaried executive, administrative or professional employee under the federal Fair Labor Standards Act (see 29 CFR §541 through 541.315) or the state minimum wage and overtime laws (ORS chapters 652 and 653).

(a) When OFLA leave is also covered by FMLA and the employee takes intermittent leave in blocks of less than one day, the employer may reduce the employee's salary for the part-day absence without the loss of the employee's exempt status in accordance with OAR 839-020-0004(30)(a).

(b) When OFLA leave is not covered by FMLA (e.g., the employer has 25 to 49 employees, the leave is taken for a sick child, for the serious health condition of a parent-in-law, for the serious health condition of a registered domestic partner, for the serious health condition of a registered domestic partner's parents or for the death of a family member), and the employee takes intermittent leave in blocks of less than one day, an employer will jeopardize the employee's exempt status if the employer reduces the employee's salary for the part-day absence.

(15) The requirements of OFLA do not apply to any employer offering eligible employees a nondiscriminatory cafeteria plan, as defined by section 125 of the Internal Revenue Code of 1986, that provides as one of its options employee leave at least as generous as the leave required by OFLA.

(16) ORS 659A.150 to 659A.186 and these rules do not limit any right of an employee to any leave that is similar to the leave described in 695A.159(1) and OAR 839-009-0230 and to which the employee may be entitled under any agreement between the employer and the employee, collective bargaining agreement or employer policy.

Stat. Auth.: ORS 659A.805

Stats. Implemented: ORS 659A.150 - 659A.186, 659A.043, 659A.046

Hist.: BL 2-1995, f. 9-8-95, cert. ef. 9-9-95; BLI 5-2000, f. & cert. ef. 2-1-00; BLI 10-2002, f. & cert. ef. 5-17-02; BLI 3-2005, f. 1-6-05, cert. ef. 1-7-05; BLI 44-2007, f. 12-31-07, cert. ef. 1-1-08; BLI 10-2010, f. & cert. ef. 2-24-10; BLI 16-2013, f. & cert. ef. 12-31-13; BLI 5-2015, f. & cert. ef. 5-18-15

839-009-0250

OFLA Leave: Notice by Employee; Designation by Employer; Notice by Employer Regarding Eligibility or Qualification

(1) Except in situations described in sections (2) and (3) of this rule, a covered employer may require an eligible employee to give 30 days' written notice of the need for foreseeable leave, including an explanation of the need for leave, before starting OFLA leave. The employee is not required to specify that the request is for OFLA leave.

(a) An employee able to give advance notice of the need to take OFLA leave must follow the employer's known, reasonable and customary procedures for requesting any kind of leave, absent unusual circumstances.

(b) An employer may request additional information to determine that a requested leave qualifies for designation as OFLA leave, except in cases of parental leave.

(c) The employer may provisionally designate an absence as OFLA leave until sufficient information is received to make a determination. An employee who calls in sick without providing further information will not be considered to have provided sufficient notice to trigger an employer's obligations under OFLA.

(d) An employee on OFLA leave who needs to take more leave than originally authorized must give the employer reasonable notice prior to the end of the authorized leave, following the employer's known, reasonable and customary procedures for requesting any kind of leave. However, when an authorized period of OFLA leave has ended and an employee does not return to work, an employer having reason to believe the continuing absence may qualify as OFLA leave must request additional information, and may not treat a continuing absence as unauthorized unless requested information is not provided or does not support OFLA qualification.

(2) When an employee is unable to give the employer 30 days' notice but has some advance notice of the need for leave, the employee must give the employer as much advance notice as is practicable.

(3) When taking OFLA leave in an unforeseeable situation, an employee must give oral or written notice within 24 hours before or after commencement of the leave. This notice may be given by any other person on behalf of an employee taking unforeseeable OFLA leave. The employer may require written notice by the employee within three days of the employee's return to work.

(4) When an employee fails to give notice of foreseeable leave as required by sections (1), (2), and (3) of this rule or the employer's policies:

(a) If the leave qualifies under OFLA only and not under FMLA, the employer may reduce the total period of unused OFLA leave by an amount no greater than the number of days of leave the employee has taken without providing timely notice of leave. This reduction of leave may not exceed three weeks in a one-year leave period; and the employer may subject the employee to disciplinary action under a uniformly applied policy or practice of the employer. See ORS 659A.165(4).

(b) If the leave qualifies under FMLA only, FMLA regulations apply: 29 CFR § 825.302 (Employee Notice Requirements for Foreseeable FMLA Leave) and 29 CFR § 825.304 (Employee Failure to Provide Notice). FMLA regulation 29 CFR § 825.304 provides that an employer may delay coverage until up to 30 days after notice was received and the employer may take appropriate action under its internal rules and procedures for failure to follow its usual and customary notification rules, as long as the actions are taken in a manner that does not discriminate against employees taking FMLA leave.

(c) If the leave qualifies under both OFLA and FMLA the employer may:

(A) Delay FMLA coverage until up to 30 days after notice was received as permitted by the FMLA regulations at 29 CFR § 825.304 (this applies only to leave to which the employee is entitled under FMLA);

(B) Reduce the total period of unused OFLA leave by an amount no greater than the number of days of leave the employee has taken without providing timely notice of leave. This reduction of leave may not exceed three weeks in a one-year leave period. This applies only to leave to which the employee is entitled under OFLA; and

(C) In addition to actions permitted under (A) and (B), the employer may also take appropriate action under its internal rules and procedures for failure to follow its usual and customary notification rules, as long as the actions are taken in a manner that does not discriminate against employees taking OFLA or FMLA leave.

(d) A reduction of OFLA leave under (4)(a) or (c) (B) of this rule may not limit OFLA leave under ORS 659A.159(1)(e) and OAR 839-009-0230(5) for the death of a family member.

(5) An employer may not reduce an employee's available OFLA leave or take disciplinary action under (4)(a) or (c) of this rule unless the employer has posted the required Bureau of Labor and Industries Family Leave Act notice or the employer can otherwise establish that the employee had actual knowledge of the notice requirement.

(6) Except in the case of sick child leave and leave for the death of a family member, when an employee requests OFLA leave, or when the employer acquires knowledge that an employee's leave may be for an OFLA-qualifying reason, the employer must provide the employee within five business days a written request for information to verify whether the leave is OFLA-qualifying. Within five business days of receiving the requested information, the employer must notify the employee whether or not the employee is eligible and qualifies to take OFLA leave absent exten-

uating circumstances. All OFLA absences for the same qualifying reason are considered a single leave event and employee qualification as to that reason for leave does not change during the applicable 12-month period unless the reason is no longer qualifying. If an employer determines that an employee does not qualify for OFLA leave for the reason requested, the employer must notify the employee in writing that the employee does not qualify.

(a) The written notice that the employee does not qualify must state that the employee is ineligible or the reason for requested leave does not qualify for OFLA leave and at least one reason why the employee is not eligible or the reason does not qualify for leave.

(b) If an employer determines that an employee does not qualify for OFLA leave for the reason requested because a medical verification is incomplete or insufficient, the written notice that the employee does not qualify must state what additional information is required to make the verification complete or sufficient, and the employee must be afforded a reasonable period of time to correct the deficiency.

(7) An employer may not request medical verification of the need for sick child leave until after an employee's third occurrence of sick child leave in the same OFLA leave year.

(8) When an employee fails to respond to reasonable employer requests for medical verification of the employee's requested reason for leave to determine whether the leave is OFLA qualifying, the employer may deny use of OFLA leave until medical verification is received.

(9) An employer may not request medical verification of the need for OFLA leave under ORS 659A.159 (1)(e) and OAR 839-009-0230(5) for the death of a family member.

(10) Except in the case of sick child leave and leave for the death of a family member, when an employee requests OFLA leave, or when the employer acquires knowledge that an employee's leave may be for an OFLA-qualifying reason, the employer must provide the employee within five business days a written request for information to verify whether the leave is OFLA-qualifying. Within five business days of receiving the requested information, the employer must notify the employee whether or not the employee is eligible and qualifies to take OFLA leave absent extenuating circumstances. All OFLA absences for the same qualifying reason are considered a single leave event and employee qualification as to that reason for leave does not change during the applicable 12-month period unless the reason is no longer qualifying. If an employer determines that an employee does not qualify for OFLA leave for the reason requested, the employer must notify the employee in writing that the employee does not qualify. The written notice that the employee does not qualify must state that the employee is ineligible or the reason for requested leave does not qualify for OFLA leave and at least one reason why the employee is not eligible or the reason does not qualify for leave.

(11) An employee who refuses an offer of employment under ORS 659A.043(3)(a)(D) or 659A.046(3)(d) and who otherwise is entitled to OFLA leave under 659A.150 to 659A.186:

(a) Automatically commences a period of OFLA leave upon refusing the offer of employment; and

(b) Need not give notice to the employer that would otherwise be required by this rule that the employee is commencing a period of leave. See ORS 659A.162, OAR 839-006-0131(2) and 839-006-0136(4).

(12) A covered employer may provide an OFLA leave request form. An example of a form that includes information for determining eligibility for OFLA leave as well as leave covered by OFLA and FMLA is found at Appendix A of this rule.

Stat. Auth.: ORS 659A.805
Stats. Implemented: ORS 659A.150–659A.186, 659A.043, 659A.046

Stat. Auth.: ORS 659A.805
Stats. Implemented: ORS 659A.150–659A.186, 659A.043, 659A.046
Hist.: BL 2-1995, f. 9-8-95, cert. ef. 9-9-95; BLI 5-2000, f. & cert. ef. 2-1-00; BLI 10-2002, f. & cert. ef. 5-17-02; BLI 1-2007, f. 1-16-07, cert. ef. 1-17-07; BLI 44-2007, f. 12-31-07, cert. ef. 1-1-08; BLI 10-2010, f. & cert. ef. 2-24-10; BLI 8-2011, f. 10-13-11, cert. ef. 10-14-11; BLI 16-2013, f. & cert. ef. 12-31-13; BLI 5-2015, f. & cert. ef. 5-18-15

839-009-0260
Medical Verification and Scheduling of Treatment

(1) An employer may require an employee to provide medical verification of the need for OFLA leave, except that an employer may not require medical verification for parental leave or leave for the death of a family member.

(2) All requests for medical verification must be in writing and must state the consequences for failure to provide the requested medical verification.

(3) Consistent with ORS 659A.306, the employer must pay the cost of any medical verification not covered by insurance or another benefit plan.

(4) When an employer requires eligible employees to give advance written notice of a foreseeable need for leave and an eligible employee gives such notice, the employer may require the employee to provide medical verification of the need for OFLA leave before the leave starts.

(5) When an employee commences unforeseeable OFLA leave as defined in ORS 659A.165(2) without prior notice, the employee must provide medical verification within 15 days of the employer's request for verification.

(6) If an employer determines that a medical verification provided by an employee is incomplete or insufficient, the employer must provide written notice that states the verification is incomplete or insufficient and the additional information needed to make it complete or sufficient.

(7) When an employee fails to respond to reasonable employer requests for medical verification of the employee's eligibility for foreseeable leave to determine whether the leave is OFLA qualifying, the employer may deny use of OFLA leave until complete or sufficient medical verification is received.

(8) An employer may not delay the use of OFLA leave when medical verification is not received before the commencement of unforeseeable leave. The employer may designate the leave as provisionally approved, subject to medical verification.

(9) If an employee submits medical verification signed by a health care provider, the employer may not directly request additional information from the employee or family member's health care provider. However, with permission from the employee or family member, a health care provider representing the employer may contact the employee or family member's health care provider to clarify or authenticate the medical verification.

(10) An employer may not request subsequent medical verifications more often than every 30 days and then only in connection with the employee's absence except when:

(a) Circumstances described by the previous medical verification have changed significantly (e.g., the duration or frequency of absences, the severity of conditions, or complications); or

(b) The employer receives information that casts doubt upon the employee's stated reason for the absence.

(11) If an employee requests OFLA leave for any purpose except parental leave or leave under ORS 659A.159(1)(e) for the death of a family member, the employer may require the employee to obtain the opinion of a second health care provider designated by the employer, at the employer's expense. If the opinion of the second provider conflicts with the medical verification provided by the employee, the employer may require the two providers to designate a third health care provider to provide an opinion at the employer's expense (see ORS 659A.168). The opinion of the third provider is binding on both the employer and the employee.

(12) Upon request by the employee, the employer is required to provide the employee with a copy of any second and third medical opinions required under section 11 of this rule. Absent extenuating circumstances, the requested copies must be provided within five business days after the receipt of the employee's request.

(13) When OFLA is taken for the employee's serious health condition, the employer may require the employee to present verification from the employee's health care provider that the employee is able to resume work before restoring the employee to work. The employer may not require the employee to obtain a second opinion about the employee's ability to return to work after taking OFLA leave. (See OAR 839-009-0270(7)).

(14) If an employee has taken sick child leave on all or any part of three separate days during a leave year, the employer may require medical verification from a health care provider on the fourth day or subsequent occurrence of sick child leave within that leave year. The employer must pay the cost of the verification not covered by insurance or another benefit plan (see ORS 659A.306). The opinion of the health care provider is binding, and the employer may not require the employee to obtain a second opinion.

(15) When possible, an employee must make a reasonable effort to schedule medical treatment or supervision at times that will minimize disruption of the employer's operation.

Stat. Auth.: ORS 659A.805
Stats. Implemented: ORS 659A.150 - 659A.186
Hist.: BL 2-1995, f. 9-8-95, cert. ef. 9-9-95; BLI 5-2000, f. & cert. ef. 2-1-00; BLI 10-2002, f. & cert. ef. 5-17-02; BLI 3-2005, f. 1-6-05, cert. ef. 1-7-05; BLI 24-2005, f. 11-15-05, cert. ef. 11-16-05; BLI 12-2006, f. 3-22-06, cert. ef. 3-24-06; BLI 44-2007, f. 12-31-07, cert. ef. 1-1-08; BLI 10-2010, f. & cert. ef. 2-24-10; BLI 5-2015, f. & cert. ef. 5-18-15

839-009-0320
Enforcement and Retaliation

(1) An employer's duties and obligations under OFLA extend to a successor employer as defined in FMLA, 29 CFR 825.107.

(2) In accordance with the provisions of OFLA an eligible employee claiming a violation of the OFLA may file a complaint with the Civil Rights Division of the Bureau of Labor and Industries in the manner provided by ORS 659A.820.

(3) Pursuant to ORS 659A.183, it is an unlawful employment practice for an employer to deny family leave to an eligible employee or retaliate or in any way discriminate against any person with respect to hiring, tenure or any other term or condition of employment because the person has inquired about OFLA leave, submitted a request for OFLA leave or invoked any provision of the Oregon Family Leave Act.

(4) It is an unlawful employment practice for an employer to count OFLA leave against an employee in determining the employee's compliance with attendance policies or to count OFLA leave against an employee when determining eligibility for bonuses based on attendance. An employee is entitled to continue eligibility for a bonus based on attendance upon return from OFLA leave and may not be disqualified from the bonus as a result of taking OFLA leave.

(5) Pursuant to ORS 659A.030(1)(f), it is an unlawful employment practice for an employer to discharge, expel or otherwise discriminate against any person because the person has filed a complaint, testified or assisted in any proceeding in connection with the Oregon Family Leave Act.

(6) Pursuant to ORS 659A.030(1)(g), it is an unlawful employment practice for any person, whether an employer or an employee, to aid, abet, incite, compel or coerce the doing of any of the acts in violation of the Oregon Family Leave Act or to attempt to do so.

Stat. Auth.: ORS 659A.805
Stats. Implemented: ORS 659A.150 - 659A.186
Hist.: BL 2-1995, f. 9-8-95, cert. ef. 9-9-95; BLI 5-2000, f. & cert. ef. 2-1-00; BLI 10-2002, f. & cert. ef. 5-17-02; BLI 12-2006, f. 3-22-06, cert. ef. 3-24-06; BLI 44-2007, f. 12-31-07, cert. ef. 1-1-08; BLI 5-2015, f. & cert. ef. 5-18-15

839-009-0325
Purpose and Scope

(1) The Civil Rights Division of the Bureau of Labor and Industries ("division") enforces ORS 659A.270 to 659A.285 which require certain employers to grant leave for victims of domestic violence, harassment, sexual assault or stalking. These rules implement and interpret 659A.270 to 659A285.

(2) The division also enforces ORS 659A.290, requiring all employers to provide reasonable safety accommodation (including use of available paid leave from employment) for, and prohibiting discrimination or retaliation against, victims of domestic violence, harassment, sexual assault or stalking. Additional rules implementing and interpreting ORS 659A.290 are found at OAR 839-005-0160 and 839-005-0170.

(3) ORS 659A.190 to 659A.198 provide for leave for crime victims to attend criminal proceedings. The division does not have authority to enforce ORS 659A.190 to 659A.198.

Stat. Auth.: ORS 659A.805
Stats. Implemented: ORS 659A.270 - 659A.285
Hist.: BLI 32-2007, f. 12-27-07, cert. ef. 1-1-08; BLI 10-2010, f. & cert. ef. 2-24-10; BLI 14-2011, f. 12-30-11, cert. ef. 1-1-12; BLI 3-2012, f. & cert. ef. 2-8-12; BLI 16-2013, f. & cert. ef. 12-31-13; BLI 5-2015, f. & cert. ef. 5-18-15

839-009-0330
Unlawful Practice under ORS 659A.270-.290; Prohibited Discrimination; Notice Obligations of All Employers; Obligations of State of Oregon as Employer

(1) It is an unlawful employment practice for an employer covered under ORS 659A.270 to 659A.285 to deny leave for victims of domestic violence, harassment, sexual assault or stalking to an eligible employee or to discharge, threaten to discharge, demote, suspend or in any manner discriminate or retaliate against an employee with regard to promotion, compensation or other terms, conditions or privileges of employment because the employee inquires about, applies for, or takes leave as provided under 659A.270 to 659A.285 for victims of domestic violence, harassment, sexual assault or stalking.

(2) It is an unlawful employment practice under ORS 659A.290 for any employer to discriminate against an individual because an individual is a victim of domestic violence, harassment, sexual assault or stalking. See OAR 839-005-0160 and 839-005-0170.

(3) Every employer covered under ORS 659A.270 to 659A.285 shall keep summaries of 659A.270 to 695A.285 and summaries of all rules promulgated for the enforcement of these statutes posted in a conspicuous and accessible place in or about the premises where the employees of the covered employer are employed. Employers may download any number of summaries from the website of the Bureau of Labor and Industries at no charge, or upon request of a printed copy from the bureau, the first copy shall be furnished without charge.

(4) Upon request, the bureau shall furnish the complete text of all rules promulgated pursuant to ORS 659A.270 to 659A.285 to any employer without charge.

(5) The State of Oregon shall annually inform all its employees of the provisions of 659A.290, regarding reasonable safety accommodations.

(6) If the State of Oregon has knowledge, or reasonably should have knowledge, that its employee is a victim of domestic violence, harassment, or stalking and that any direct or indirect communication related to this victimization is made or attempted to be made in the workplace to the eligible employee, the State of Oregon shall immediately inform the employee and offer to report the communication to law enforcement.

Stat. Auth.: ORS 659A.805
Stats. Implemented: ORS 659A.270 - 659A.285
Hist.: BLI 32-2007, f. 12-27-07, cert. ef. 1-1-08; BLI 8-2011, f. 10-13-11, cert. ef. 10-14-11; BLI 14-2011, f. 12-30-11, cert. ef. 1-1-12; BLI 3-2012, f. & cert. ef. 2-8-12; BLI 16-2013, f. & cert. ef. 12-31-13; BLI 5-2015, f. & cert. ef. 5-18-15

839-009-0340
Definitions: Leave under ORS 659A.270–659A.285

(1) "Covered employer" means an employer who employs 6 or more individuals in the state of Oregon for each working day during each of 20 or more calendar workweeks in the year in which an eligible employee takes leave under ORS 659A.270 to 659A.285 for victims of domestic violence, harassment, sexual assault or stalking or in the year immediately preceding the year in which an eligible employee takes the leave.

(2) "Eligible employee" means an employee who is employed in the state of Oregon on the date leave begins under ORS 659A.270 to 659A.285 for victims of domestic violence, harassment, sexual assault or stalking and is a victim of domestic violence, harassment, sexual assault or stalking or is the parent or guardian of a minor child or dependent who is the victim of domestic violence, harassment, sexual assault or stalking.

(3) "Dependent" includes an adult dependent child substantially limited by a physical or mental impairment as defined by ORS 659A.104(1)(a), (3), and (4) or any adult over whom the employee has guardianship.

(4) "Health care professional" means a physician or other health care practitioner who is licensed, certified or otherwise authorized by law to provide health care services.

(5) "Immediate family" means spouse, domestic partner, custodial parent, non-custodial parent, adoptive parent, foster parent, biological parent, step parent, parent-in-law, parent of domestic partner, sibling, child, stepchild, grandparent, grandchild, or a person with whom the victim of domestic violence, harassment, sexual assault or stalking is or was in a relationship of in loco parentis or any person who had the same primary residence as the victim at the time of the domestic violence, harassment, sexual assault or stalking.

(6) "In loco parentis" means in the place of a parent, having financial or day-to-day responsibility for the care of a child. A legal or biological relationship is not required.

(7) "Intermittent leave" means leave taken in multiple blocks of time and/or requiring an altered or reduced work schedule.

(8) "Law enforcement officer" means all police, corrections, and parole and probation officers who are included in the Public Safety Standards and Training Act as described in ORS 181.610 and 181.651.

(9) "Minor child" has the same meaning as "child" as defined in OAR 839-009-0210(2) and (2)(a).

(10) "Parent or guardian" means a custodial parent, non-custodial parent, step parent, adoptive parent, foster parent, biological parent, same-gender domestic partner of a parent or an employee who is or was in relationship of in loco parentis with a minor child or a dependent.

(11) "Protective order" means an order authorized by ORS 30.866, 107.095(1)(c), 107.700 to 107.735, 124.005 to 124.040 or 163.730 to 163.750 or any other order that restrains an individual from contact with an eligible employee or the employee's minor child or dependent.

(12) "Public employer" for purposes of and these rules and ORS 659A.270–659A.285 means the State of Oregon.

(13) "Reasonable leave" means any amount of leave that does not cause an undue hardship on a covered employer's business.

(14) "Spouse" has the meaning given in OAR 839-009-0210 (21).

(15) "Victim of domestic violence" means:

(a) An individual who has been threatened with abuse or who is a victim of abuse, as defined in ORS 107.705; or

(b) Any other person who has suffered financial, social, psychological or physical harm as a result of domestic violence committed against the victim as defined in (a), including a member of the victim's immediate family.

(c) In no event will the alleged perpetrator of the domestic violence be considered a victim for the purposes of these rules.

(16) "Victim of harassment" means:

(a) An individual against whom harassment has been committed as described in Oregon's criminal code at ORS 166.065; or

(b) Any other person who has suffered financial, social, psychological or physical harm as a result of harassment committed against the victim as defined in subsection (a), including a member of the victim's immediate family.

(c) In no event will the alleged perpetrator of the harassment be considered a victim for the purposes of these rules.

(17) "Victim services provider" means a prosecutor-based victim assistance program or a nonprofit program offering safety planning, counseling, support or advocacy related to domestic violence, harassment, sexual assault or stalking.

(18) "Victim of sexual assault" means:

(a) An individual against whom a sexual offense has been threatened or committed as described in ORS 163.305 to 163.467 or 163.525; or

(b) Any other person who has suffered financial, social, psychological or physical harm as a result of a sexual assault committed against the victim as defined in (a), including a member of the victim's immediate family.

(c) In no event will the alleged perpetrator of the sexual offense be considered a victim for the purposes of these rules.

(19) "Victim of stalking" means:

(a) An individual against whom stalking has been threatened or committed as described in ORS 163.732; or

(b) Any other person who has suffered financial, social, psychological or physical harm as a result of a stalking committed against the victim as defined in (a), including a member of the victim's immediate family; or

(c) An individual who has obtained a court's stalking protective order or a temporary court's stalking protective order under ORS 30.866.

(d) In no event will the alleged perpetrator of the stalking be considered a victim for the purposes of these rules.

Stat. Auth.: ORS 659A.805
Stats. Implemented: ORS 659A.270 - 659A.285
Hist.: BLI 32-2007, f. 12-27-07, cert. ef. 1-1-08; BLI 10-2010, f. & cert. ef. 2-24-10; BLI 8-2011, f. 10-13-11, cert. ef. 10-14-11; BLI 14-2011, f. 12-30-11, cert. ef. 1-1-12; BLI 3-2012, f. & cert. ef. 2-8-12; BLI 16-2013, f. & cert. ef. 12-31-13; BLI 14-2014(Temp), f. & cert. ef. 11-20-14 thru 5-15-15; BLI 5-2015, f. & cert. ef. 5-18-15

839-009-0350
Length of Leave and Other Conditions

(1) A covered employer must allow an eligible employee to take reasonable leave for the purposes provided in ORS 659A.272 and may only limit the amount of leave an eligible employee takes if the eligible employee's leave creates an undue hardship on the covered employer's business.

(2) An eligible employee must follow the covered employer's known, reasonable, and customary procedures regarding periodic reporting to the covered employer of the eligible employee's current status.

Stat. Auth.: ORS 659A.805
Stats. Implemented: ORS 659A.270 - 659A.285
Hist.: BLI 32-2007, f. 12-27-07, cert. ef. 1-1-08; BLI 10-2010, f. & cert. ef. 2-24-10; BLI 5-2015, f. & cert. ef. 5-18-15

839-009-0355
Undue Hardship

Undue Hardship means a significant difficulty and expense to a covered employer's business and includes consideration of the size of the covered employer's business and the covered employer's critical need for the eligible employee. Other factors to consider in determining whether granting leave under ORS 659A.270 to 659A.285 for victims of domestic violence, harassment, sexual assault or stalking will cause an undue hardship on a covered employer's business include, but are not limited to:

(1) The length of leave under ORS 659A.270 to 659A.285 for victims of domestic violence, harassment, sexual assault or stalking requested and the relative cost to a covered employer's business;

(2) The overall financial resources of the covered employer's facility or facilities, the number of persons employed at the facility and the effect on expenses and resources or other impacts on the operation of the facility if the leave under ORS 659A.270 to 659A.285 for victims of domestic violence, harassment, sexual assault or stalking were granted;

(3) The overall financial resources of the covered employer, the overall size of the business of the covered employer with respect to the number of its employees and the number, type and location of the covered employer's facilities;

(4) The type of operations conducted by the covered employer, including the composition, structure and functions of the covered employer's workforce.

Stat. Auth.: ORS 659A.805
Stats. Implemented: ORS 659A.270 - 659A.285
Hist.: BLI 32-2007, f. 12-27-07, cert. ef. 1-1-08; BLI 10-2010, f. & cert. ef. 2-24-10; BLI 14-2011, f. 12-30-11, cert. ef. 1-1-12; BLI 3-2012, f. & cert. ef. 2-8-12; BLI 5-2015, f. & cert. ef. 5-18-15

839-009-0360
Intermittent Leave and Alternate Duty

(1) An eligible employee may take leave under ORS 659A.270 to 659A.285 for victims of domestic violence, harassment, sexual assault or stalking in multiple blocks of time and/or requiring an altered or reduced work schedule.

(2) A covered employer may transfer an employee on intermittent leave or a reduced work schedule into an alternate position with the same or different duties to accommodate the leave, provided the following exist:

(a) The eligible employee accepts the transfer position voluntarily and without coercion;

(b) The transfer is temporary, lasts no longer than necessary to accommodate the leave and has equivalent pay and benefits;

(c) Transfer to an alternate position is used only when there is no other reasonable option available that would allow the eligible employee to use intermittent leave or reduced work schedule; and

(d) The transfer is not used to discourage the eligible employee from taking intermittent or reduced work schedule leave, or to create a hardship for the eligible employee.

(3) An eligible employee transferred to an alternate position for the purpose of a reduced work schedule under section (2)(a) through (d) of this rule must be returned to the eligible employee's former position when the eligible employee notifies the employer that the eligible employee is ready to return to the former position.

Stat. Auth.: ORS 659A.805
Stats. Implemented: ORS 659A.270 - 659A.285, OL 2011 c. 687
Hist.: BLI 32-2007, f. 12-27-07, cert. ef. 1-1-08; BLI 10-2010, f. & cert. ef. 2-24-10; BLI 14-2011, f. 12-30-11, cert. ef. 1-1-12; BLI 3-2012, f. & cert. ef. 2-8-12; BLI 5-2015, f. & cert. ef. 5-18-15

839-009-0362
Notice by Employee: Leave under ORS 659A.270-659A.285

(1) An eligible employee seeking leave under ORS 659A.270 to 659A.285 for victims of domestic violence, harassment, sexual assault or stalking will give the covered employer reasonable advance notice of the employee's intention to take leave unless giving the advance notice is not feasible.

(2) When taking leave in an unanticipated or emergency situation, an eligible employee must give oral or written notice as soon as is practicable. This notice may be given by any other person on behalf of an eligible employee taking unanticipated leave.

(3) An eligible employee able to give advance notice of the need to take leave must follow the covered employer's known, reasonable and customary procedures for requesting any kind of leave;

(4) The covered employer may require the eligible employee to provide certification that:

(a) The eligible employee or the eligible employee's minor child or dependent is a victim of domestic violence, harassment, sexual assault or stalking as defined in OAR 839-009-0340(14), (15), (16) and (17); and

(b) The leave taken is for one of the purposes identified in ORS 659A.272 and OAR 839-009-0345.

(5) Any of the following constitutes sufficient certification:

(a) A copy of a police report indicating that the eligible employee or the eligible employee's minor child or dependent was a victim or alleged victim of domestic violence, harassment, sexual assault or stalking as defined in OAR 839-009-0340(14), (15), (16) and (17); or

(b) A copy of a protective order or other evidence from a court or attorney that the eligible employee appeared in or is preparing for a civil or criminal proceeding related to domestic violence, harassment, sexual assault or stalking as defined in OAR 839-009-0340(14), (15), (16) and (17); or

(c) Documentation from an attorney, law enforcement officer, health care professional, licensed mental health professional or counselor, member of the clergy or victim services provider that the eligible employee or the eligible employee's minor child or dependent is undergoing treatment or counseling, obtaining services or relocating as a result of domestic vio-

lence, harassment, sexual assault or stalking as defined in OAR 839-009-0340(14), (15), (16) and (17).

(6) Consistent with ORS 659A.306, the covered employer must pay the cost of any medical verification related to OAR 839-009-0345(1)(b) and (c) not covered by insurance or other benefit plan.

(7) The eligible employee will provide the certification within a reasonable time after receiving the covered employer's written request for the certification.

(8) The covered employer may provisionally designate an absence as leave under ORS 659A.270 to 659A.285 for victims of domestic violence, harassment, sexual assault or stalking until sufficient certification is received, if requested, to make a determination.

(9) An eligible employee on leave who needs to take more leave than originally authorized should give the covered employer notice as soon as is practicable prior to the end of the authorized leave, following the covered employer's known, reasonable and customary procedures for requesting any kind of leave. However, when an authorized period of leave has ended and an eligible employee does not return to work, a covered employer having reason to believe the continuing absence may qualify as leave under ORS 659A.270 to 659A.285 for victims of domestic violence, harassment, sexual assault or stalking may request additional information. If the covered employer requests additional information the eligible employee will provide the requested information as soon as is practicable. The covered employer may not treat a continuing absence as unauthorized unless requested information is not provided or does not support leave qualification.

(10) All records and information kept by a covered employer regarding an eligible employee's leave under ORS 659A.270 to 659A.285 for victims of domestic violence, harassment, sexual assault or stalking, including the fact that the eligible employee has requested or obtained such leave, are confidential and may not be released without the express permission of the eligible employee, unless otherwise required by law.

Stat. Auth.: ORS 659A.805
Stats. Implemented: ORS 659A.270 - 659A.285
Hist.: BLI 32-2007, f. 12-27-07, cert. ef. 1-1-08; BLI 10-2010, f. & cert. ef. 2-24-10; BLI 14-2011, f. 12-30-11, cert. ef. 1-1-12; BLI 3-2012, f. & cert. ef. 2-8-12; BLI 16-2013, f. & cert. ef. 12-31-13; BLI 5-2015, f. & cert. ef. 5-18-15

839-009-0363
Use of Paid Leave: ORS 659A.270-659A.285

(1) Leave is unpaid leave unless otherwise provided by:

(a) A collective bargaining agreement;

(b) The terms of an agreement between the eligible employee and the covered employer; or

(c) A covered employer's policy.

(2) An eligible employee taking leave pursuant to an agreement between the eligible employee and the covered employer, a collective bargaining agreement or a covered employer policy may use any paid accrued vacation leave or may use any other paid leave that is offered by the covered employer in lieu of vacation leave during the period of leave.

(3) Subject to the terms of any agreement between the eligible employee and the covered employer or the terms of a collective bargaining agreement or a covered employer policy, the covered employer may determine the order in which paid accrued leave is to be used when more than one type of paid accrued leave is available to the employee.

(4) An eligible employee of the State of Oregon shall be granted leave with pay for the purposes in ORS 659A.272 and OAR 839-009-0345.

(a) The term "public employer" for purposes of ORS 659A.283 and these rules means the State of Oregon.

(b) Leave with pay taken under this subsection is in addition to any vacation, sick, personal business, or other forms of paid or unpaid leave available to the eligible employee.

(c) The eligible employee must exhaust all other forms of paid leave before the employee may use the paid leave under this section.

(d) An eligible employee may take up to 160 hours of leave with pay authorized by ORS 659A.283 in each calendar year.

(e) The State of Oregon shall allow its eligible employee who has exhausted the 160 hours of leave with pay authorized by ORS 659A.283 to take reasonable additional unpaid leave for the purposes in ORS 659A.272 and OAR 839-009-0345.

Stat. Auth.: ORS 659A.805
Stats. Implemented: ORS 659A.270 - 659A.285
Hist.: BLI 32-2007, f. 12-27-07, cert. ef. 1-1-08; BLI 10-2010, f. & cert. ef. 2-24-10; BLI 16-2013, f. & cert. ef. 12-31-13; BLI 5-2015, f. & cert. ef. 5-18-15

839-009-0365
Enforcement and Denial of leave under ORS 659A.270 to 659A.285 for Victims of Domestic Violence, Harassment, Sexual Assault or Stalking

(1) A covered employer's duties and obligations under ORS 659A.270 to 659A.285 extend to a successor employer as defined in federal Family and Medical Leave Act rules at 29 CFR 825.107.

(2) It is an unlawful employment practice for a covered employer to count leave under ORS 659A.270 to 659A.285 against an employee in determining the employee's compliance with attendance policies or to count such leave against an employee when determining eligibility for bonuses based on attendance. An employee is entitled to continue eligibility for a bonus based on attendance upon return from leave under 659A.270 to 659A.285 and may not be disqualified from the bonus as a result of taking leave.

(3) Pursuant to ORS 659A.030(1)(g), it is an unlawful employment practice for any person, whether an employer or an employee, to aid, abet, incite, compel or coerce the doing of any of the acts in violation of 659A.270 to 659A.285 or to attempt to do so.

Stat. Auth.: ORS 659A.805
Stats. Implemented: ORS 659A.270 - 659A.285
Hist.: BLI 32-2007, f. 12-27-07, cert. ef. 1-1-08; BLI 10-2010, f. & cert. ef. 2-24-10; BLI 8-2011, f. 10-13-11, cert. ef. 10-14-11; BLI 14-2011, f. 12-30-11, cert. ef. 1-1-12; BLI 3-2012, f. & cert. ef. 2-8-12; BLI 5-2015, f. & cert. ef. 5-18-15

839-009-0380
Definitions: OMFLA

(1) "Active duty or call to active duty status" means duty under a call or order to active duty, or notification of an impending call or order to active duty, during a contingency operation, pursuant to Title 10 of the United States Code. "Contingency operation" means a military operation that:

(a) Is designated by the Secretary of Defense as an operation in which members of the armed forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force; or

(b) Results in the call or order to, or retention on, active duty of members of the uniformed services under section 688, 12301(a), 12302, 12304, 12305, or 12406 of Title 10 of the United States Code, chapter 15 of Title 10 of the United States Code, or any other provision of law during a war or during a national emergency declared by the President or Congress. (See 10 U.S.C. 101(a)(13))

(2) "Covered employer" means:

(a) The State of Oregon, and a department, agency, board or commission of the State of Oregon; and

(b) A local government, including but not limited to a county, city, town, municipal corporation, independent public corporation or political subdivision of the State of Oregon.

(c) A person, firm, corporation, partnership, legal representative, or other business entity that engages in any business, industry, profession, or activity in the state of Oregon and that employs 25 or more individuals in the state of Oregon for each working day during each of 20 or more calendar workweeks in the year in which an eligible employee takes OMFLA leave or in the year immediately preceding the year in which an eligible employee takes OMFLA leave.

(3) "Domestic partner" means an individual joined in a domestic partnership.

(4) "Domestic partnership" for the purposes of ORS Chapter 659A means two individuals of the same sex who have received a Certificate of Registered Domestic Partnership from the State of Oregon in compliance with ORS 432.405(1) and rules adopted by the State Registrar of the Center for Health Statistics.

(5) "Eligible employee" means an individual who performs services for compensation for an employer for an average of at least 20 hours per week and includes all individuals employed at any site owned or operated in Oregon by an employer, but does not include independent contractors.

(a) In determining an average of at least 20 hours per week, the employer must count actual hours worked using guidelines set out pursuant to the federal Fair Labor Standards Act. (See 29 CFR § 785)

(b) For the purpose of qualifying as an eligible employee, the employee need not perform services solely in the state of Oregon.

(c) Eligibility of employees reemployed following a period of uniformed service: The federal Uniformed Services Employment and Reemployment Act, 38 USC 43 (USERRA) provides that an employee reemployed following a period of uniformed service is entitled to the seniority and seniority-based rights and benefits that the employee had on the date the uniformed service began, plus any seniority and seniority-based

rights and benefits that the employee would have attained if the employee had remained continuously employed. U.S. Department of Labor regulation 20 CFR §1002.210 provides that in determining entitlement to seniority and seniority-based rights and benefits, the period of absence from employment due to or necessitated by uniformed service is not considered a break in employment. The rights and benefits protected by USERRA upon reemployment include those provided by the employer and those required by statute. Under USERRA, a reemployed service member would be eligible for OMFLA leave if the number of days and the number of hours of work for which the service member was employed by the civilian employer, together with the number of days and number of hours of work for which the service member would have been employed by the civilian employer during the period of uniformed service, meet the eligibility requirements of these rules. In the event that a service member is denied OMFLA leave for failing to satisfy the days and hours of work requirement due to absence from employment necessitated by uniformed service, the service member may have a cause of action under USERRA but not under OMFLA.

(d) ORS 659A.082–659A.088 provides that an employee reemployed following a period of uniformed service is entitled to the seniority and seniority-based rights and benefits that the employee had on the date the uniformed service began, plus any seniority and seniority-based rights and benefits that the employee would have attained if the employee had remained continuously employed. In determining entitlement to seniority and seniority-based rights and benefits, the period of absence from employment due to or necessitated by uniformed service is not considered a break in employment. If a reemployed service member was eligible for leave under OMFLA prior to the date uniformed service began, OMFLA's eligibility requirements are considered met.

(6) "Intermittent leave" means leave taken in multiple blocks of time and/or requiring an altered or reduced work schedule.

(7) "Period of Military Conflict" means a period of war:

(a) Declared by the United States Congress;

(b) Declared by executive order of the President of the United States; or

(c) In which a reserve component of the Armed Forces of the United States is ordered to active duty pursuant to Title 32 of the United States Code or section 12301 or 12302 of Title 10 of the United States Code.

(8) "Spouse" has the meaning given in OAR 839-009-0210 (21).

Stat. Auth.: ORS 659A.093(6)
Stats. Implemented: ORS 659A.090 - 659A.099
Hist.: BLI 10-2010, f. & cert. ef. 2-24-10; BLI 16-2013, f. & cert. ef. 12-31-13; BLI 5-2015, f. & cert. ef. 5-18-15

839-009-0410
Relationship of OMFLA to OFLA

(1) An eligible employee need not be eligible for protected leave under the Oregon Family Leave Act ("OFLA") in order to take protected leave under the Oregon Military Family Leave Act ("OMFLA").

(2) Protected leave taken by an eligible employee under OMFLA may be included in the total amount of leave authorized under ORS 659A.162(1) of OFLA if the employee is also eligible for OFLA leave and has any leave entitlement remaining.

Stat. Auth.: ORS 659A.093(6)
Stats. Implemented: ORS 659A.090 - 659A.099
Hist.: BLI 10-2010, f. & cert. ef. 2-24-10; BLI 10-2010, f. & cert. ef. 2-24-10; BLI 12-2012, f. & cert. ef. 11-21-12; BLI 5-2015, f. & cert. ef. 5-18-15

839-009-0420
Relationship of OMFLA to FMLA

To the extent the employee's need for OMFLA leave is also covered by the Qualifying Exigency entitlements of the Family and Medical Leave Act (FMLA) under 29 CFR §825.126, the employer may run OMFLA leave and FMLA leave concurrently.

Stat. Auth.: ORS 659A.093(6)
Stats. Implemented: ORS 659A.090 – 659A.099
Hist.: BLI 10-2010, f. & cert. ef. 2-24-10; BLI 5-2015, f. & cert. ef. 5-18-15

839-009-0430
Notice by Employee: OMFLA

(1) An eligible employee seeking Oregon Military Family Leave must provide the employer with notice of the intention to take leave within five business days of receiving official notice of an impending call or order to active duty or of a leave from deployment, or as soon as is practicable when official notice is provided fewer than five days before commencement of the leave.

(2) The active duty orders of a covered military member will generally specify if the service member is serving in support of a period of military conflict by citation to the relevant section of Title 10 of the United States Code and/or by reference to the specific name of the military conflict (see OAR 839-009-0380(7)).

(3) An eligible employee's notice of intention to take OMFLA leave must follow the covered employer's known, customary, and uniformly applied procedures for requesting any kind of leave. A covered employer may provide an OMFLA leave request form. An example is found at Appendix A of this rule.

(a) The covered employer may require in writing that the eligible employee provide a photocopy of the service member's orders to verify that the leave is for the purpose defined in OAR 839-009-0380(7).

(b) The eligible employee will provide any required photocopy of the service member's orders within a reasonable time after receiving the covered employer's written request.

(c) The covered employer may provisionally designate an absence as OMFLA leave until any requested photocopy of the service member's orders is received.

[ED. NOTE: Appendices referenced are available from the agency.]
Stat. Auth.: ORS 659A.093(6)
Stats. Implemented: ORS 659A.090 – 659A.099
Hist.: BLI 10-2010, f. & cert. ef. 2-24-10; BLI 16-2013, f. & cert. ef. 12-31-13; BLI 5-2015, f. & cert. ef. 5-18-15

839-009-0460
Enforcement and Retaliation

(1) A covered employer's duties and obligations under OMFLA extend to a successor employer as defined in the federal Family and Medical Leave Act, 29 CFR §825.107.

(2) In accordance with the provisions of OMFLA an eligible employee claiming a violation of the OMFLA may file a complaint with the Civil Rights Division of the Bureau of Labor and Industries in the manner provided by ORS 659A.820.

(3) It is an unlawful employment practice for a covered employer to retaliate or in any way discriminate against any person with respect to hiring, tenure or any other term or condition of employment because the person has inquired about OMFLA leave, submitted a request for OMFLA leave or invoked any provision of OMFLA.

(4) Pursuant to ORS 659A.030(1)(f), it is an unlawful employment practice for a covered employer to discharge, expel or otherwise discriminate against any person because the person has filed a complaint, testified or assisted in any proceeding in connection with OMFLA.

(5) It is an unlawful employment practice for a covered employer to count OMFLA leave against an employee in determining the employee's compliance with attendance policies, or to count OMFLA leave against an employee when determining eligibility for bonuses based on attendance.

(6) Pursuant to ORS 659A.030(1)(g), it is an unlawful employment practice for any person, whether an employer or an employee, to aid, abet, incite, compel or coerce the doing of any of the acts in violation of OMFLA or to attempt to do so.

Stat. Auth.: ORS 659A.093(6)
Stats. Implemented: ORS 659A.090 – 659A.099
Hist.: BLI 10-2010, f. & cert. ef. 2-24-10; BLI 5-2015, f. & cert. ef. 5-18-15

• • • • • • • • • •

Rule Caption: Changes and clarifications to the requirements for apprenticeship and records processing.
Adm. Order No.: BLI 6-2015(Temp)
Filed with Sec. of State: 6-1-2015
Certified to be Effective: 6-1-15 thru 11-27-15
Notice Publication Date:
Rules Amended: 839-011-0140, 839-011-0143, 839-011-0145, 839-011-0170, 839-011-0270, 839-011-0310
Subject: Temporary Rules changes unanimously approved in the September 2014 Rules and Policy Subcommittee meeting by the State Apprenticeship Council. The temporary rules changes consist of the following changes:

839-011-0140: Changes to the dissolution of inactive standards in order to make the reactivation process easier for committees and stay in compliance with 29 CFR 29.6(a).

839-011-0143: Language added to clarify the rule.

839-011-0145: Changes made to the compliance requirements concerning committee appearance before council when out-of-compliance determinations have been established.

839-011-0170: Changes made from 10 business days to 14 business days for processing time for the Division for internal efficiency purposes.

830-011-0270: Changes made to administratively complete apprentices after one (1) year after referral to Exam in licensed occupations.

830-011-0310: Determination established by the State Approving Council to clarify that an apprentice is to be paid the apprenticeship wage when working during a normal business day regardless if the apprentice is traveling or not.

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

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 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 from the date of the notice.

(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

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, 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

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. Committees maintaining a completion rate of at least 70% for all standards during the three (3) previous consecutive years will receive a Program Operation Compliance Review every five (5) 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

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 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

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 660.060(7) or;

(C) In the case of program deregistration, or for lack of 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.

(3) Such actions by the Director or the committee shall be taken pursuant to the following procedure:

(a) Notice shall be provided by certified mail to the apprentice, committee, 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 or completion as an order other than a contested case order under ORS 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

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. "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:

(A) Physically harming an apprentice or damaging an apprentice's property; or

(B) Knowingly placing an apprentice in reasonable fear of physical harm to the apprentice or damage to the apprentice's property; or

(C) 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.

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

• • • • • • • • • •

Rule Caption: Amends the prevailing rates of wage for the period beginning July 1, 2015

Adm. Order No.: BLI 7-2015

Filed with Sec. of State: 6-15-2015

Certified to be Effective: 7-1-15

Notice Publication Date: 6-1-2015

Rules Amended: 839-025-0700

Subject: The amended rule amends the prevailing rates of wage as determined by the Commissioner of the Bureau of Labor and Industries for the period beginning July 1, 2015.

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

839-025-0700

Prevailing Wage Rate Determination/Amendments to Determination

(1) Pursuant to ORS 279C.815, the Commissioner of the Bureau of Labor and Industries has determined that the wage rates stated in the publication of the Bureau of Labor and Industries entitled *Prevailing Wage Rates on Public Works Contracts in Oregon* dated July 1, 2015, are the prevailing rates of wage for workers upon public works in each trade or occupation in the locality where work is performed for the period beginning July 1, 2015, and the effective dates of the applicable special wage determination and rates amendments.

(2) Copies of *Prevailing Wage Rates on Public Works Contracts in Oregon* dated July 1, 2015, are available from any office of the Wage and Hour Division of the Bureau of Labor and Industries. The offices are located in Eugene, Portland and Salem. Copies are also available on the bureau's webpage at www.oregon.gov/boli or may be obtained from the Prevailing Wage Rate Coordinator, Prevailing Wage Rate Unit, Wage and Hour Division, Bureau of Labor and Industries, 800 NE Oregon Street #1045, Portland, Oregon 97232; (971) 673-0839.

Stat. Auth.: ORS 279C.815, 651.060

Stats. Implemented: ORS.279C.815

Hist.: BLI 7-1998(Temp), f. & cert. ef. 10-29-98 thru 4-27-99; BLI 1-1999, f. 1-8-99, cert. ef. 1-15-99; BLI 4-1999, f. 6-16-99, cert. ef. 7-1-99; BLI 6-1999, f. & cert. ef. 7-23-99; BLI 9-1999, f. 9-14-99, cert. ef. 10-1-99: BLI 16-1999, f. 12-8-99, cert. ef. 1-1-00; BLI 4-2000, f. & cert. ef. 2-1-00; BLI 9-2000, f. & cert. ef. 3-1-00; BLI 10-2000, f. 3-17-00, cert. ef. 4-1-00; BLI 22-2000, f. 9-25-00, cert. ef. 10-1-00; BLI 26-2000, f. 12-14-00 cert. ef. 1-1-01; BLI 1-2001, f. & cert. ef. 1-5-01; BLI 3-2001, f. & cert. ef. 3-15-01; BLI 4-2001, f. 3-27-01, cert. ef. 4-1-01; BLI 5-2001, f. 6-21-01, cert. ef. 7-1-01; BLI 8-2001, f. & cert. ef. 7-20-01; BLI 14-2001, f. 9-26-01, cert. ef. 10-1-01; BLI 16-2001, f. 12-28-01, cert. ef. 1-1-02; BLI 2-2002, f. 1-16-02, cert. ef. 1-18-02; BLI 8-2002, f. 3-25-02, cert. ef. 4-1-02; BLI 12-2002 f. 6-19-02 cert. ef. 7-1-02; BLI 16-2002, f. 12-24-02 cert. ef. 1-1-03; BLI 1-2003, f. 1-29-03, cert. ef. 2-14-03; BLI 3-2003, f. & cert. ef. 4-1-03; BLI 4-2003, f. 6-26-03, cert. ef. 7-1-03; BLI 5-2003, f. 9-17-03, cert. ef. 10-1-03; BLI 9-2003, f. 12-31-03, cert. ef. 1-5-04; BLI 1-2004, f. 4-9-04, cert. ef. 4-15-04; BLI 6-2004, f. 6-25-04, cert. ef. 7-1-04; BLI 11-2004, f. & cert. ef. 10-1-04; BLI 17-2004, f. 12-10-04 cert. ef. 12-13-04; BLI 18-2004, f. 12-20-04, cert. ef. 1-1-05; Renumbered from 839-016-0700, BLI 7-2005, f. 2-25-05, cert. ef. 3-1-05; BLI 8-2005, f. 3-29-05, cert. ef. 4-1-05; BLI 18-2005, f. 9-19-05, cert. ef. 9-20-05; BLI 19-2005, f. 9-23-05, cert. ef. 10-1-05; BLI 26-2005, f. 12-23-05, cert. ef. 1-1-06; BLI 1-2006, f. 1-24-06, cert. ef. 1-25-06; BLI 2-2006, f. & cert. ef. 2-9-06; BLI 4-2006, f. 2-23-06, cert. ef. 2-24-06; BLI 14-2006, f. 3-30-06, cert. ef. 4-1-06; BLI 20-2006, f. & cert. ef. 6-16-06; BLI 21-2006, f. 6-16-06 cert. ef. 7-1-06; BLI 23-2006, f. 6-27-06 cert. ef. 6-29-06; BLI 25-2006, f. & cert. ef. 7-11-06; BLI 26-2006, f. & cert. ef. 7-13-06; BLI 28-2006, f. 7-21-06, cert. ef. 7-24-06; BLI 29-2006, f. 8-8-06, cert. ef. 8-9-06; BLI 32-2006, f. & cert. ef. 9-13-06; BLI 33-2006, f. 9-28-06, cert. ef. 10-1-06; BLI 36-2006, f. & cert. ef. 10-4-06; BLI 37-2006, f. & cert. ef. 10-19-06; BLI 40-2006, f. 11-17-06, cert. ef. 11-20-06; BLI 43-2006, f. 12-7-06, cert. ef. 12-8-06; BLI 45-2006, f. 12-26-06, cert. ef. 1-1-07; BLI 5-2007, f. 1-30-07, cert. ef. 1-31-07; BLI 6-2007, f. & cert. ef. 3-5-07; BLI 7-2007, f. 3-28-07, cert. ef. 3-30-07; BLI 8-2007, f. 3-29-07, cert. ef. 4-1-07; BLI 9-2007, f. & cert. ef. 4-2-07; BLI 10-2007, f. & cert. ef. 4-30-07; BLI 12-2007, f. & cert. ef. 5-31-07; BLI 13-2007, f. 6-8-07, cert. ef. 6-11-07; BLI 14-2007, f. 6-27-07, cert. ef. 6-28-07; BLI 15-2007, f. & cert. ef. 6-28-07; BLI 16-2007, f. 6-29-07, cert. ef. 7-1-07; BLI 18-2007, f. 7-10-07, cert. ef. 7-12-07; BLI 21-2007, f. 8-3-07, cert. ef. 8-8-07; BLI 22-2007, cert. & ef. 8-30-07; BLI 23-2007, f. 8-31-07, cert. ef. 9-4-07; BLI 24-2007, f. 9-11-07, cert. ef. 9-12-07; BLI 25-2007, f. 9-19-07, cert. ef. 9-20-07; BLI 26-2007, f. 9-25-07 cert. ef. 9-26-07; BLI 27-2007, f. 9-25-07 cert. ef. 10-1-07; BLI 28-2007, f. 9-26-07 cert. ef. 10-1-07; BLI 31-2007, f. 11-20-07, cert. ef. 11-23-07; BLI 34-2007, f. 12-27-07, cert. ef. 1-1-08; BLI 1-2008, f. & cert. ef. 1-4-08; BLI 2-2008, f. & cert. ef. 1-11-08; BLI 3-2008, f. & cert. ef. 2-21-08; BLI 6-2008, f. & cert. ef. 3-13-08; BLI 8-2008, f. 3-31-08, cert. ef. 4-1-08; BLI 9-2008, f. & cert. ef. 4-14-08; BLI 11-2008, f. & cert. ef. 4-24-08; BLI 12-2008, f. & cert. ef. 4-30-08; BLI 16-2008, f. & cert. ef. 6-11-08; BLI 17-2008, f. & cert. ef. 6-18-08; BLI 19-2008, f. & cert. ef. 6-26-08; BLI 20-2008, f. & cert. ef. 7-1-08; BLI 23-2008, f. & cert. ef. 7-10-08; BLI 26-2008, f. & cert. ef. 7-30-08; BLI 28-2008, f. & cert. ef. 9-3-08; BLI 30-2008, f. & cert. ef. 9-25-08; BLI 31-2008, f. 9-29-08, cert. ef. 10-1-08; BLI 32-2008, f. & cert. ef. 10-8-08; BLI 36-2008, f. & cert. ef. 10-29-08; BLI 41-2008, f. & cert. ef. 11-12-08; BLI 42-2008, f. & cert. ef. 12-1-08; BLI 44-2008, f. & cert. ef. 12-29-08; BLI 45-2008, f. 12-31-08, cert. ef. 1-1-09; BLI 1-2009, f. & cert. ef. 1-6-09, BLI 2-2009, f. & cert. ef. 1-12-09; BLI 4-2009, f. & cert. ef. 2-11-09; BLI 6-2009, f. & cert. ef. 3-17-09; BLI 7-2009, f. & cert. ef. 3-24-09; BLI 8-2009, f. 3-31-09, cert. ef. 4-1-09; BLI 10-2009, f. 6-9-09, cert. ef. 6-10-09; BLI 11-2009, f. 6-29-09, cert. ef. 6-30-09; BLI 12-2009, f. 6-29-09, cert. ef. 7-1-09; BLI 13-2009, f. & cert. ef. 7-1-09; BLI 14-2009, f. & cert. ef. 7-10-09; BLI 15-2009, f. & cert. ef. 7-16-09; BLI 16-2009, f. & cert. ef. 7-22-09; BLI 17-2009, f. & cert. ef. 7-29-09; BLI 19-2009, f. & cert. ef. 8-18-09; BLI 20-2009, f. & cert. ef. 9-14-09; BLI 21-2009, f. & cert. ef. 9-21-09; BLI 22-2009, f. 9-30-09, cert. ef. 10-1-09; BLI 23-2009, f. & cert. ef. 10-8-09; BLI 24-2009, f. & cert. ef. 11-12-09; BLI 25-2009, f. & cert. ef. 11-23-09; BLI 29-2009, f. 12-31-09, cert. ef. 1-1-10; BLI 1-2010, f. 1-8-10, cert. ef. 1-12-10; BLI 2-2010, f. 1-11-10, cert. ef. 1-13-10; BLI 3-2010, f. & cert. ef 1-19-10; BLI 4-2010, f. & cert. ef 1-27-10; BLI 13-2010, f. & cert. ef. 4-1-10; BLI 17-2010, f. 6-29-10, cert. ef. 7-1-10; BLI 20-2010, f. & cert. ef. 10-1-10; BLI 24-2010, f. 12-30-10, cert. ef. 1-1-11; BLI 2-2011, f. 3-25-11, cert. ef. 4-1-11; BLI 4-2011, f. 6-30-11, cert. ef. 7-1-11; BLI 7-2011, f. & cert. ef. 10-12-11; BLI 10-2011, f. 12-30-11, cert. ef. 1-1-12; BLI 4-2012, f. & cert. ef. 3-29-12; BLI 6-2012, f. & cert. ef. 7-2-12; BLI 10-2012, f. 9-26-12, cert. ef. 10-1-12; BLI 13-2012, f. 12-28-12, cert. ef. 1-1-13; BLI 1-2013, f. & cert. ef. 3-25-13; BLI 2-2013, f. & cert. ef. 9-20-13; BLI 3-2013, f. 9-30-13, cert. ef. 10-1-13; BLI 5-2013, f. 12-16-13, cert. ef. 1-1-14; BLI 3-2014, f. & cert. ef. 4-2-14; BLI 8-2014, f. 6-13-14, cert. ef. 7-1-14; BLI 11-2014, f. 9-24-14, cert. ef. 10-1-14; BLI 15-2014, f. 12-9-14, cert. ef. 1-1-15; BLI 3-2015, f. 3-13-15, cert. ef. 4-1-15; BLI 7-2015, f. 6-15-15, cert. ef. 7-1-15

• • • • • • • • • •

Department of Administrative Services
Chapter 125

Rule Caption: Repeal, Amend & Renumber Rules for clarity and to amend Charitable Fund Drive costs.

Adm. Order No.: DAS 3-2015

Filed with Sec. of State: 5-29-2015

Certified to be Effective: 5-29-15

Notice Publication Date: 11-122012

Rules Repealed: 125-021-0005

Rules Ren. & Amend: 121-020-0010 to 125-020-0010, 121-020-0020 to 125-020-0020, 121-020-0030 to 125-020-0030, 121-020-0040 to 125-020-0040, 121-020-0050 to 125-020-0050, 121-030-0000 to 125-030-0006, 121-030-0010 to 125-030-0016, 121-030-0020 to 125-030-0021, 121-030-0030 to 125-030-0031, 121-030-0040 to 125-030-0041, 121-030-0050 to 125-030-0051, 121-030-0060 to 125-030-0061, 121-030-0070 to 125-030-0071, 121-030-0080 to 125-030-0083, 121-030-0090 to 125-030-0090, 121-040-0010 to 125-170-0010

Subject: The new rules better organize the administrative rules for DAS, eliminating Chapter 121, Office of Business Administration by amending and renumbering rules under DAS Chapter 125. Also, to reflect a division name change due to the reorganization effective July 1, 2012.

Amend & Renumber Division 30, Rules 121-030-0000 through 121-030-0090 to 125-030-0000 through 125-030-0000, Annual Charitable Fund Drive Program. The rule is being amended to put an upper limit on the funds the Campaign Management Organization can expend in coordinating the campaign.

This is a re-file of a DAS Permanent Rulemaking from December 2012, due to a Legislative Counsel 10-day period filing error.

Rules Coordinator: Janet Chambers—(503) 378-5522

125-020-0010

Definitions

The following definitions shall apply to all Oregon Administrative Rules contained in OAR chapter 125, division 20, unless the context requires otherwise:

(1) "Custodian" refers to a public body mandated, directly or indirectly, to create, maintain, care for or control a public record. "Custodian" does not include a public body that has custody of a public record as an agent of another public body that is the custodian, unless the public record is not otherwise available.

(2) "Department" refers to the Oregon Department of Administrative Services.

(3) "Designee" refers to any officer or employee of the Department, appointed by the Director to respond to requests for public records of the Department of Administrative Services.

(4) "Director" refers to the Director of the Department of Administrative Services.

(5) "Division" refers to an organizational component or operating unit of the Department of Administrative Services.

(6) "Duplication or Duplicating" refers to the process of reproducing a public record or writing in any format.

(7) "Person" includes any natural person, corporation, partnership, firm or association.

(8) "Photocopy(ing)" includes a photograph, microphotograph and any other reproduction on paper or film in any scale, or the process of reproducing, in the form of a photocopy, a public record or writing.

(9) "Public body" includes every state officer, agency, department, division, bureau, board and commission; every county and city governing body, school district, municipal corporation, and any board, department, commission, council, or agency thereof; and any other public agency of this state.

(10) "Public record or writing" includes a document, book, paper, photograph, file, sound recording, machine readable electronic record or other material regardless of physical form or characteristics, made, received, filed or recorded in pursuance of law or in connection with the transaction of public business, whether or not confidential or restricted in use.

(11) "Requestor" refers to the person requesting inspection, copies, or other reproduction of a public record of the Department.

Stat. Auth.: ORS 184.340 & 192.430
Stats. Implemented: ORS 192.410 - 192.505
Hist.: BAD 2-1997, f. 6-18-97, cert. ef. 7-1-97; Renumbered from 121-020-0010 by DAS 2-2012, f. 11-20-12, cert. ef. 12-1-12; DAS 3-2015, f. & cert. ef. 5-29-15

125-020-0020
Applicability of Rules

The Administrative Rules set forth in Chapter 125, Division 20 shall apply to all public records for which the Department is custodian, except as otherwise administered under OAR 105-010-0011 and 105-010-0016 of the Department's Human Resource Services Division.

Stat. Auth.: ORS 184.340 & 192.430
Stats. Implemented: ORS 192.410 - 192.505
Hist.: BAD 2-1997, f. 6-18-97, cert. ef. 7-1-97; Renumbered from 121-020-0020 by DAS 2-2012, f. 11-20-12, cert. ef. 12-1-12; DAS 3-2015, f. & cert. ef. 5-29-15

125-020-0030
Access to Public Records

The Director or designee, in carrying out responsibilities of ORS 192.430, as custodian of public records:

(1) Shall allow access to and disclosure of the public records subject to ORS 192.410 to 192.505.

(2) Shall make restrictions and take precautions necessary to protect the integrity of the records and prevent interference with the regular discharge of the Department's duties; and

(3) Shall allow for inspection of the Department's public records during normal working days and hours at the location which the records reside, or any other reasonable location designated by the Director or designee.

Stat. Auth.: ORS 184.340 & 192.430
Stats. Implemented: ORS 192.410 - 192.505
Hist.: BAD 2-1997, f. 6-18-97, cert. ef. 7-1-97; Renumbered from 121-020-0030 by DAS 2-2012, f. 11-20-12, cert. ef. 12-1-12; DAS 3-2015, f. & cert. ef. 5-29-15

125-020-0040
Requests to Inspect or Obtain Copies of Public Records

(1) A request to inspect or obtain copies of a public record of the Department shall be made in writing to the Director, and shall include:

(a) The name, address and telephone number of the requestor;

(b) Identification of the records from which information is requested, if known.

(c) The time period the records were produced and officials involved in producing the records or other relevant information, if known;

(d) The format in which the information is needed (i.e. photocopies, audio or video cassette, machine readable, or electronic format, etc.);

(e) The number of copies needed, if copies are requested; and

(f) Instruction to the Department to certify copies, if necessary.

(2) The Director or designee may waive the requirement, under paragraph (1) of this rule, for a request to be in writing, if it is determined that effective administration is aided by the waiver.

(3) A review of the requested records will be conducted by the Department as necessary to determine whether the records are exempt from disclosure, in accordance with ORS 192.410 to 192.505 and any other references establishing an exemption to disclosure of public records.

(4) The Director or designee will advise the requestor, within a reasonable amount of time, whether the records may be disclosed, the date, time, and place they may be inspected or obtain copies of the records, and the estimated cost of inspection, duplication, and other related fees as described in OAR 125-020-0050.

(5) If the requested records contain information exempt from disclosure, the requestor will be furnished a copy of the record with the exempt material removed.

(6) The Director or designee may require and designate a Department employee to supervise the inspection of requested records.

Stat. Auth.: ORS 184.340 & 192.430
Stats. Implemented: ORS 192.410 - 192.505
Hist.: BAD 2-1997, f. 6-18-97, cert. ef. 7-1-97; Renumbered from 121-020-0040 by DAS 2-2012, f. 11-20-12, cert. ef. 12-1-12; DAS 3-2015, f. & cert. ef. 5-29-15

125-020-0050
Fees for Public Records and Other Services

(1) The Department will establish fees and miscellaneous charges, for providing access to or copies of public records in paper, electronic, or other format, based on the Department's actual costs of preparing and providing the records. Costs associated with a request for public records may include per page copy and facsimile fees, postage when applicable, staff time to locate, review, remove information exempt from disclosure, and/or transfer the material to a requested electronic or other necessary format appropriate for releasing the public record(s).

(2) No additional fee will be charged for providing records in an alternative format when required by the Americans with Disabilities Act.

(3) The Director or designee may reduce or waive fees when:

(a) Time spent making the records available for inspection or preparation for photocopying was negligible; or

(b) Supplying the requested records is within the normal scope of Department activity; or

(c) Payment would cause extreme or undue financial hardship upon the requestor; or

(d) Making the record available primarily benefits the general public.

(4) All fees and charges must be paid in advance of releasing the requested public records for inspection or before photocopies are provided. Payments must be made by check or money order and made payable to the Department of Administrative Services.

(5) Consistent with ORS 279.550, to conserve and protect the State's resources, photocopies will be produced on recycled paper in double-sided print format whenever feasible to reduce costs and paper waste.

(6) Due to the threat of computer virus, the Department will not permit requestors to provide diskettes for electronic reproduction of computer records. Requests for other electronic reproduction will be evaluated at the time of the request and a determination made as to the feasibility and accessibility of the requested electronic format. The Department may require the requestor to provide the electronic media to which the record(s) will be copied.

(7) A request for public records requiring the Department to access the State's mainframe computer system, may include but not be limited to fees for computer usage time, data transfer costs, disk work space costs, programming, and fixed portion costs for printing and/or tape drive usage. Any fees charged the requestor as a result of accessing the State's mainframe computer system would be included in subsection (9)(h) of this rule.

(8) The Department limits the transmission of facsimile copies for public record requests to 30 pages.

(9) Fees:

(a) Photocopies (single or double-sided): 25 cents per page;

(b) Facsimile: $5 1st page, $1 per page thereafter;

(c) Diskette — 3 1/2 in.: $1 ea.;

(d) Audio Cassette — 90 min.: $1 ea.;

(e) Video Cassette — 2 hrs.: $2 ea.;

(f) Postage/Freight: First Class or Bulk rate based on weight;

(g) Staff Time: Calculated based on employee(s) hourly rate of pay;

(h) Indirect Costs/Third Party Charges: Based on actual/ invoiced fees;

(i) Publications: Fees for specific publications will be based on actual costs of development, printing and distribution, and determined by the Division distributing or releasing the publication.

(j) Certification of Public Record: $5

Stat. Auth.: ORS 184.340 & 192.430
Stats. Implemented: ORS 192.410 - 192.505
Hist.: BAD 2-1997, f. 6-18-97, cert. ef. 7-1-97; Renumbered from 121-020-0050 by DAS 2-2012, f. 11-20-12, cert. ef. 12-1-12; DAS 3-2015, f. & cert. ef. 5-29-15

125-030-0006
Annual Charitable Fund Drive Program

(1) The purpose of the Annual Charitable Fund Drive Program is to:

(a) Provide a wide range of choices for state employees and retirees from state service who wish to give to charitable organizations and support Oregon communities;

(b) Encourage volunteer leadership;

(c) Consolidate charitable solicitation and minimize work-place disruption;

(d) Minimize cost to government and charitable organizations in charitable solicitation efforts;

(e) Ensure funds are solicited by qualified funds or federations;

(f) Ensure solicitation is conducted in a voluntary atmosphere.

(2) No organized charitable solicitations of state employees in state offices, facilities or other places of employment shall be permitted without prior approval of the Director of the Department of Administrative Services.

(3) All solicitations by charitable organizations that are approved in accordance with this rule shall be made in one combined annual fund drive for cash contributions or payroll deductions that shall be conducted on dates established by order of the Director of the Department of Administrative Services.

(4) OAR chapter 125, division 30, does not apply to the Governor's Annual Food Drive, the annual Christmas Toys for Joy Program or the Campaign for Equal Justice.

Stat. Auth.: ORS 184.340, 292.045 & 184.305
Stats. Implemented: ORS 292.043, 292.045
Hist.: EX 2-1988(Temp), f. & ef. 7-27-88; EX 1-1989, f. & ef. 1-27-89; EX 1-1990, f. & cert. ef. 5-8-90; EX 3-1990(Temp), f. & cert. ef. 8-3-90; EX 1-1991, f. & cert. ef. 1-28-91; EX 1-1993(Temp), f. & cert. ef. 4-13-93; ASD 1-1993, f. 12-29-93, cert. ef. 1-1-94; BAD 2-2002, f. & cert. ef. 7-30-02; BAD 1-2008, f. 9-16-08, cert. ef. 9-19-08; Renumbered from 121-030-0000 by DAS 2-2012, f. 11-20-12, cert. ef. 12-1-12; DAS 3-2015, f. & cert. ef. 5-29-15

125-030-0016
Definitions

As used in OAR 125-030-0000 through 125-030-0090:

(1) "Charitable Organization" means either:

(a) A nonprofit organization that is recognized as a 501(c)(3) organization under the Internal Revenue Code and is registered as a charitable organization with the Attorney General as required by ORS 128.610 to 128.995; or

(b) A state-created nonprofit fund that receives donations, which may be deducted from taxable income as "charitable contributions" under Section 170(a) and (c) of the Internal Revenue Code.

(2) "Fund" means an entity that disburses charitable contributions to ten or more charitable organizations.

(3) "Federation" means an entity that serves as the agent for a group of at least ten charitable organizations.

(4) "Local Presence" means a demonstrated presence in the State of Oregon as evidenced by the provision of direct and substantial charitable services or activities benefiting Oregonians in Oregon throughout the previous calendar year.

(5) "Charitable Fund Drive Management Organization" means the person or organization selected to administer the annual Charitable Fund Drive on behalf of all participating funds and federations.

(6) "Charitable Fund Drive Committee" or "Committee" means the committee appointed to set policies and implement the Charitable Fund Drive Program for state employees.

(7) A "conflict of interest," whether actual or potential, means any action, decision or recommendation, the effect of which would be or could be to the pecuniary benefit or detriment of a fund, federation or associated charitable organization.

(8) "Department" means the Department of Administrative Services.

(9) "Director" means the Director of the Department of Administrative Services.

[Publications: Publications referenced are available from the agency.]
Stat. Auth.: ORS 184.340, 292.045 & 184.305
Stats. Implemented: ORS 292.043, 292.045
Hist.: ASD 1-1993, f. 12-29-93, cert. ef. 1-1-94; BAD 1-2008, f. 9-16-08, cert. ef. 9-19-08; Renumbered from 121-030-0010 by DAS 2-2012, f. 11-20-12, cert. ef. 12-1-12; DAS 3-2015, f. & cert. ef. 5-29-15

125-030-0021
Charitable Fund Drive Committee

(1) The Charitable Fund Drive Committee shall be composed of seven members, all of whom must be employees of the State of Oregon.

(2) The Director shall appoint members who:

(a) Reflect the diversity of employees including, but not limited to, geography, race, gender, age, chosen profession, disability, and agency affiliation;

(b) Have skills in the following areas:

(A) Marketing;

(B) Fundraising;

(C) Organizational skills;

(D) Accounting; and

(E) Payroll.

(3) The Director will appoint members to serve a term of one to three years.

(4) No member may serve more than two consecutive terms.

(5) No member shall take any action that creates a conflict of interest with respect to any fund, federation, or affiliated charitable organization that the member is associated with in a leadership capacity.

(6) The Director will appoint one member as chair. The Governor shall be the honorary chair.

(7) The responsibilities of the Committee are to:

(a) Implement OAR 125-030-0000 to 125-030-0090 and propose changes for adoption by the Director as necessary;

(b) Establish and enforce policies and procedures for managing the Charitable Fund Drive, recommending any rules for the Director's adoption;

(c) Prescribe, review and approve initial and renewal applications of funds and federations;

(d) Select, supervise, and establish guidelines for the Charitable Fund Drive Management Organization;

(e) Ensure the funds and federations have equal access to state resources;

(f) Provide and communicate fund drive information to state agencies and fund drive participants;

(g) Ensure the fund drive is free from coercion and unfair or misleading conduct;

(h) Approve budget and costs and ensure funds are properly accounted for;

(i) Hear grievances of funds and federations; and

(j) Prepare and distribute requests for proposals to be used in evaluating and selecting the Charitable Fund Drive Management Organization and make a final recommendation to the Director.

Stat. Auth.: ORS 184.340, 292.045 & 184.305
Stats. Implemented: ORS 184.340, 292.045 & 184.345
Hist.: ASD 1-1993, f. 12-29-93, cert. ef. 1-1-94; BAD 1-1998(Temp), f. & cert. ef. 6-25-98 thru 8-31-98; BAD 2-1998, f. 12-17-98, cert. ef. 12-24-98; BAD 1-2008, f. 9-16-08, cert. ef. 9-19-08; Renumbered from 121-030-0020 by DAS 2-2012, f. 11-20-12, cert. ef. 12-1-12; DAS 3-2015, f. & cert. ef. 5-29-15

125-030-0031
Quorum

A majority of the members of the Charitable Fund Drive Committee constitutes a quorum for the transaction of business.

Stat. Auth.: ORS 184.340, 292.045 & 184.305
Stats. Implemented: ORS 292.043 & 292.045
Hist.: ASD 1-1993, f. 12-29-93, cert. ef. 1-1-94; BAD 1-2008, f. 9-16-08, cert. ef. 9-19-08; Renumbered from 121-030-0030 by DAS 2-2012, f. 11-20-12, cert. ef. 12-1-12; DAS 3-2015, f. & cert. ef. 5-29-15

125-030-0041
Participation Requirements for Charitable Organizations

(1) To participate in the Annual Charitable Fund Drive, each organization claiming to be a charitable organization must participate as a member of an eligible fund or federation and must satisfy each of the following requirements:

(a) The organization must meet the definition of "charitable organization" in OAR 125-030-0010;

(b) The organization must have a "local presence" as defined in OAR 125-030-0010;

(c) The organization must have an Internal Revenue Service determination letter or advance ruling indicating that it is an exempt organization under Internal Revenue Code Section 501(c)(3), if applicable; and;

(d) The organization must comply with the relevant provisions of ORS 128.610 to 128.995 concerning registration with and reporting to the Attorney General, if required.

(2) Any organization claiming to be a charitable organization must provide the following information to the fund(s) or federation(s) for submission to the Committee upon request:

(a) Evidence that the organization meets the definition of "charitable organization" in OAR 125-030-0010, including a copy of the Internal Revenue Service determination letter indicating that the charitable organi-

zation is an exempt organization under Internal Revenue Code Section 501(c)(3), if applicable;

(b) Evidence of the organization's local presence as defined in OAR 125-030-0010;

(c) Evidence that the organization has complied with the relevant provisions of ORS 128.610 to 128.995, concerning registration with and reporting to the attorney general, if required, or an explanation of why the organization has not registered and reported; and

(d) A copy of the charitable organization's written policy on nondiscrimination regarding race, color, religion, national origin, disability, age, sex, sexual orientation, or association with any of these protected classes, and applicable to persons served by it.

(3) Public Accountability Standards: Each charitable organization shall annually prepare and make a report available to the fund(s) and federation(s) that represent it. The report shall include a full description of the organization's activities, including types of solicitation for contributions, the names of its chief administrative personnel, and full disclosure of the source of and use of all contributions. The report shall also disclose the charitable organization's fund-raising costs and the estimated percentage of money collected that will be applied to administrative costs and to charitable activities. The funds and federations shall make this information available to state employees upon request during the annual solicitation.

(4) A charitable organization shall be denied participation in the current year's Annual Charitable Fund Drive for failure to meet the eligibility requirements set forth in OAR 125-030-0040(1) through (3). The Committee will notify the fund or federation representing the charitable organization in writing of the denial of participation.

(5) A charitable organization shall be removed from participation in the current year's Annual Charitable Fund Drive and denied participation in the Annual Charitable Fund Drive for the following two years, if the charitable organization fails to properly account for, allocate, or represent financial transactions. The Committee will notify the fund or federation representing the charitable organization in writing of the charitable organization's removal from participation from the current year's Annual Charitable Fund Drive and denial of participation in the Annual Charitable Fund Drive for the following two years within 45 days after the date a quorum of Committee members determines that a disqualifying event has occurred.

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

Stat. Auth.: ORS 184.340, 292.045 & 184.305

Stats. Implemented: ORS 184.340, 292.045 & 184.305

Hist.: ASD 1-1993, f. 12-29-93, cert. ef. 1-1-94; BAD 2-1998, f. 12-17-98, cert. ef. 12-24-98; BAD 2-2002, f. & cert. ef. 7-30-02; BAD 1-2003(Temp), f. & cert. ef. 6-11-03 thru 12-8-03; BAD 3-2003, f. & cert. ef. 11-10-03; BAD 1-2008, f. 9-16-08, cert. ef. 9-19-08; Renumbered from 121-030-0040 by DAS 2-2012, f. 11-20-12, cert. ef. 12-1-12; DAS 3-2015, f. & cert. ef. 5-29-15

125-030-0051

Participation Requirements for Funds and Federations

(1) To participate in the Annual Charitable Fund Drive, each fund or federation must satisfy each of the following requirements:

(a) The organization must meet the definition of "charitable organization" in OAR 125-030-0010;

(b) The organization must meet the definition of a "fund" or "federation" in OAR 125-030-0010;

(c) The organization must have a "local presence" as defined in OAR 125-030-0010;

(d) The organization must have an Internal Revenue Service determination letter or advance ruling indicating that it is an exempt organization under Internal Revenue Code Section 501(c)(3), if applicable;

(e) The organization must comply with the relevant provisions of ORS 128.610 to 128.995 concerning registration with and reporting to the Attorney General, if required;

(2) Any organization claiming to be a fund or federation must submit the following information to the Committee upon request:

(a) Evidence that the fund or federation meets the definition of "charitable organization" in OAR 125-030-0010, including a copy of the Internal Revenue Service determination letter indicating that the fund or federation is an exempt organization under Internal Revenue Code Section 501(c)(3), if applicable;

(b) Evidence that the fund or federation meets the definition of a "fund" or "federation" in OAR 125-030-0010;

(c) Evidence of the fund's or federation's local presence as defined in OAR 125-030-0010;

(d) Evidence that the fund or federation has complied with the relevant provisions of ORS 128.610 to 128.995, concerning registration with and reporting to the Attorney General, if required, or an explanation of why the organization has not registered and reported; and

(e) A copy of the organization's written policy on nondiscrimination regarding race, color, religion, national origin, disability, age, sex, sexual orientation, or association with any of these protected classes, and applicable to persons served by it.

(3) Public Accountability Standards: Each fund or federation shall annually prepare and submit to the Committee, as part of the application, a report that includes a full description of its activities, including types of solicitation for contributions, the names of its chief administrative personnel, and full disclosure of the source of and use of all contributions. The report shall also disclose the fund-raising costs and the estimated percentage of money collected that will be applied to administrative costs and to charitable activities. The funds and federations shall make this information available to state employees upon request during the annual solicitation.

(4) Each fund or federation that participates in the Annual Charitable Fund Drive, shall support and participate in the events and activities associated with the fund drive.

(5) Each fund or federation must submit an application to the Charitable Fund Drive Committee in the form prescribed by the Committee and by the date established by the Committee. At a minimum, the funds and federations shall be asked to provide the information required by OAR 125-030-0050(1) through (3) and to affirm their intention to participate as required by 125-030-0050(4). The Committee may request additional information or clarification of the information submitted with an application.

(6) Once a fund or federation has been accepted for participation in the Annual Charitable Fund Drive, the Committee may exercise discretion and accept previous application information in determining eligibility for participation in subsequent Annual Charitable Fund Drives. The Committee will notify the fund or federation in writing if it elects to exercise such discretion.

(7) A fund or federation shall be denied participation in the current year's Annual Charitable Fund Drive for:

(a) Failure to meet the eligibility requirements set forth in OAR 125-030-0050(1) through (4); or

(b) Failure to apply or renew the application to participate in the Annual Charitable Fund Drive by the deadline set by the Committee.

(8) A fund or federation shall be notified in writing of acceptance for or denial of participation in the current year's Annual Charitable Fund Drive within 45 days after the application deadline.

(9) A fund or federation shall be removed from participation in the current year's Annual Charitable Fund Drive and denied participation in the Annual Charitable Fund Drive for the following two years if the fund or federation fails:

(a) To properly account for, allocate, or represent financial transactions; or

(b) To pay the fund's or federation's allocated share of the costs of the fund drive.

(10) A fund or federation shall be notified in writing of its removal from participation from the current year's Annual Charitable Fund Drive and denial of participation in the Annual Charitable Fund Drive for the following two years within 45 days after the date a quorum of Committee members determines that a disqualifying event has occurred.

Stat. Auth.: ORS 184.340, 292.045 & 184.305

Stats. Implemented: ORS 292.043 & 292.045

Hist.: ASD 1-1993, f. 12-29-93, cert. ef. 1-1-94; BAD 2-1998, f. 12-17-98, cert. ef. 12-24-98; BAD 1-2008, f. 9-16-08, cert. ef. 9-19-08; Renumbered from 121-030-0050 by DAS 2-2012, f. 11-20-12, cert. ef. 12-1-12; DAS 3-2015, f. & cert. ef. 5-29-15

125-030-0061

Charitable Fund Drive Management Organization

(1) The Charitable Fund Drive Committee will select a person or organization as the Charitable Fund Drive Management Organization through an open competitive process.

(2) The selection process will consider cost, experience, and ability to conduct a statewide fund drive.

Stat. Auth.: ORS 184.340, 292.045 & 184.305

Stats. Implemented: ORS 292.043 & 292.045

Hist.: ASD 1-1993, f. 12-29-93, cert. ef. 1-1-94; ASD 1-1994(Temp), f. & cert. ef. 4-14-94; DAS 2-1995(Temp), f. & cert. ef. 5-19-95; BAD 1-2002(Temp), f. 1-31-02, cert. ef. 2-1-02 thru 7-30-02; BAD 2-2002, f. & cert. ef. 7-30-02; BAD 1-2008, f. 9-16-08, cert. ef. 9-19-08; Renumbered from 121-030-0060 by DAS 2-2012, f. 11-20-12, cert. ef. 12-1-12; DAS 3-2015, f. & cert. ef. 5-29-15

125-030-0071

Charitable Fund Drive Costs

(1) It is the responsibility of the Charitable Fund Drive Committee to allocate the costs of the fund drive to each participating fund and federation. The Charitable Fund Drive Committee will consider such factors as

the contributions received by each fund and federation, the exposure of each fund and federation to the employee base, and fixed costs.

(2) Participating funds and federations shall sign a memorandum of agreement with the Charitable Fund Drive Committee and the Charitable Fund Drive Management Organization to develop a cooperative fund drive and pay all costs of the fund drive. Such costs include, but are not limited to, costs incurred for the overall management and coordination of the Annual Charitable Fund Drive; design and printing of brochures and payroll deduction forms; training provided to employee volunteers; promotional events; and any other expenditure deemed necessary and approved by the Charitable Fund Drive Committee.

(3) The Charitable Fund Drive Committee is committed to keeping administrative costs reasonable. Charitable Fund Drive costs are ideally held to less than 10% of total donations per campaign; because donations are not known at the time the campaign budget is set and because donation levels fluctuate, the total campaign budget shall not exceed 12% of the prior year's total donations.

(4) Interest accrued on employee and retiree donations may be used by the Charitable Fund Drive Committee to offset fund drive costs, including bank transaction fees.

Stat. Auth.: ORS 184.340, 292.045 & 184.305
Stats. Implemented: ORS 292.043 & 292.045
Hist.: ASD 1-1993, f. 12-29-93, cert. ef. 1-1-94; BAD 1-2008, f. 9-16-08, cert. ef. 9-19-08; Renumbered from 121-030-0070 by DAS 2-2012, f. 11-20-12, cert. ef. 12-1-12; DAS 3-2015, f. & cert. ef. 5-29-15

125-030-0083
Appeals

(1) Funds and federations may appeal:

(a) Denial of participation;

(b) Removal from participation; and

(c) Actions of the Charitable Fund Drive Committee with respect to the Committee's policies and procedures.

(2) Any appeal by a fund or federation must be in writing and received by the Charitable Fund Drive Committee within ten business days of the mailing of the written notice of denial, removal, or Committee action. The appeal must specify the particular action that is being appealed and why.

(3) The Charitable Fund Drive Committee has 45 days from the date of the appeal letter to respond.

(4) A fund or federation that is not satisfied with the response of the Committee may appeal in writing to the Director within ten business days of the date on which the Committee mailed its response.

(5) The decision of the Director shall be final.

Stat. Auth.: ORS 184.340, 292.045 & 184.305
Stats. Implemented: ORS 292.043 & 292.045
Hist.: ASD 1-1993, f. 12-29-93, cert. ef. 1-1-94; BAD 1-2008, f. 9-16-08, cert. ef. 9-19-08; Renumbered from 121-030-0080 by DAS 2-2012, f. 11-20-12, cert. ef. 12-1-12; DAS 3-2015, f. & cert. ef. 5-29-15

125-030-0090
Designation of Direct Recipients

Funds and federations shall allow state employees and retirees to designate any affiliated charitable organization eligible to participate in the Annual Charitable Fund Drive as the direct recipient of an employee's or retiree's contribution.

Stat. Auth.: ORS 184.340, 292.045 & 184.305
Stats. Implemented: ORS 292.043 & 292.045
Hist.: BAD 1-2008, f. 9-16-08, cert. ef. 9-19-08; Renumbered from 121-030-0090 by DAS 2-2012, f. 11-20-12, cert. ef. 12-1-12; DAS 3-2015, f. & cert. ef. 5-29-15

125-170-0010
Process for Allocating Available Moneys in the Administrative Services Economic Development Fund

(1) The Department of Administrative Services will distribute lottery proceeds to recipients on a quarterly basis. This allocation will be based on a plan approved by the Chief Financial Office.

(2) If, in any quarter, the moneys transferred from the State Lottery Fund to the Administrative Services Economic Development Fund are insufficient to pay for the quarterly allocations, the Department of Administrative Services shall allocate funds in the following priority order:

(a) Satisfy current debt service obligations for the Westside Light Rail (allocated in the first and fifth quarters);

(b) Satisfy all other current debt service obligations (allocated in the first and fifth quarters);

(c) Satisfy all Constitutionally mandated allocations.

(d) Satisfy all statutorily mandated allocations.

(e) Satisfy all other allocations on a proportional basis. Allocations in a particular quarter may be based on the cash flow needs of the recipients. This may require deferring allocations to a recipient in one quarter with the objective of funding the full allocation during the balance of the biennium.

Stat. Auth.: OR Const. Art. XV, Sec. 4(4)(d) & ORS 461.500 - 461.555
Stat. Implemented: 2003 HB 5076
Hist.: BAD 1-2001, f. & cert. ef. 10-1-01; BAD 4-2003, f. 12-23-03, cert. ef. 12-24-03; Renumbered from 121-040-0010 by DAS 2-2012, f. 11-20-12, cert. ef. 12-1-12; DAS 3-2015, f. & cert. ef. 5-29-15

• • • • • • • • • •

Department of Agriculture
Chapter 603

Rule Caption: Housekeeping changes to two rules; adds a virus to grape quarantine per industry's request.
Adm. Order No.: DOA 8-2015
Filed with Sec. of State: 5-29-2015
Certified to be Effective: 5-29-15
Notice Publication Date: 5-1-2015
Rules Amended: 603-052-0051, 603-052-0385
Subject: 603-052-0051: Removes a treatment requirement that is no longer needed and, per industry's request, adds a virus to the list of regulated organisms. 603-052-0385: Corrects a typo in one section that was leading to confusion about inspection requirements for Trial Grounds. These are considered housekeeping changes to the rules.
Rules Coordinator: Sue Gooch—(503) 986-4583

603-052-0051
Quarantine: Grape Pests and Diseases

(1) Establishing Quarantine: A quarantine is established against harmful pests and diseases of wine grapes.

(2) Area Under Quarantine: All states, districts, and territories of the United States, and in Oregon, any property where a harmful pest or disease is found (see Section (4)).

(3) Commodities Covered: Plants, cuttings, and all other plant parts of grape (Vitis species).

(4) Harmful Pests and Diseases: Grapevine fanleaf virus, grapevine leaf roll-associated viruses, grapevine corky bark disease agent, grapevine red blotch virus, grape phylloxera (Daktulosphaira vitifoliae), vine mealybug (Planococcus ficus), and European grapevine moth (Lobesia botrana), and Pierce's Disease (Xylella fastidiosa).

(5) Restrictions: All covered commodities are prohibited entry into the State of Oregon unless they meet the requirements in (a) through (e) below:

(a) Freedom from Soil: Only non-rooted grape cuttings or rooted plants produced in sterile soil-less media are permitted entry into Oregon. Grape cuttings and rooted plants must be treated with an approved insecticide effective against vine mealybug and any pests that may be present on the roots prior to shipment.

(b) Freedom from harmful pests and diseases: Cuttings, fruit, and plants must be free of harmful pests and diseases.

(A) Grape cuttings and rooted plants must be tested and found free of Xylella fastidiosa. Grape vine sampling and analysis procedure for Xylella fastidiosa:

(i) Samples shall be taken from plants located in lots identified for shipment to Oregon.

(ii) Samples from up to five individual plants may be combined (bulked) for analysis purposes.

(iii) Samples shall be composed of petiole and/or midrib tissue, with one sample comprised of three to five leaves from a single plant. If foliar symptoms are present, the symptomatic leaf tissue must be tested.

(iv) Analysis of samples for X. fastidiosa shall be done using ELISA or PCR testing by a laboratory operated by an official state or federal regulatory agency or by an approved cooperator. PCR testing must be conducted using a method approved by the Department.

(I) Sampling and analysis with ELISA or PCR of non-dormant (green) plant material must take place within 60 days before the date of shipment of the plants into Oregon.

(II) Sampling and analysis with ELISA or PCR of plants to be shipped dormant must take place prior to leaf drop, but within 60 days of leaf drop during the previous season. Alternatively, sampling and analysis of such plants with PCR must be done on newly emerged leaves no less than 10-days after bud break.

(v) Sampling and analysis of plant material shall be under the direct supervision of state or county regulatory officials.

(vi) Sampling of each lot intended for shipment to Oregon must be done in a manner that provides 95% confidence that an infestation level of 1.0% or higher will be detected as described in the International Standards

for Phytosanitary Measures ISPM No. 31, last modified August 2011.

(B) Grape cuttings and rooted plants must be officially inspected and found free of grapevine fanleaf virus, grapevine leaf roll-associated viruses, grapevine corky bark disease agent, grapevine red blotch virus, and European grapevine moth prior to shipment. The cuttings and plants must be inspected during the season most appropriate for symptom expression and pest detection. Alternatively, the cuttings and plants must originate from an official certification program for freedom from grapevine fanleaf virus, grapevine leaf roll-associated virus, grapevine corky bark disease agent, grapevine red blotch virus, and European grapevine moth.

(c) Fruit may be imported under the following conditions:

(A) Table grapes must be commercially packed in compliance with USDA recommendations for protecting perishable food products shipped interstate by truck (USDA-Agricultural Marketing Service-Transportation and Marketing Programs, In: Protecting Perishable Foods During Transport by Truck, Handbook No. 669 (2008), pp. 40-41). Table grapes shipped under these conditions may be shipped without an official phytosanitary certificate.

(B) The wine grapes have been:

(i) Harvested from a county known to be free of vine mealybug or from a vineyard that has been officially inspected and found free of vine mealybug; or,

(ii) The fruit has been hand harvested from a vineyard infested with vine mealybug and shipped in a covered container. Any pomace resulting from pressing of the wine grapes must be placed in piles located away from vineyard rows and securely covered with clear plastic for four (4) weeks or composted for four (4) weeks or any other appropriate method approved by the Department before spreading in vineyards rows.

(d) Phytosanitary Certificate Required: All shipments must be accompanied by a phytosanitary certificate issued by an official of the state of origin certifying that the fruit, grape cuttings, or rooted plants have been inspected and to the best of the knowledge of the inspecting official are free from harmful pests and diseases. In addition, the phytosanitary certificate must certify that rooted plants were grown in sterile soil-less media and treated with a soil or systemic insecticide effective against vine mealybug and any other pests that may be present in the plant. The phytosanitary certificate must include one of following additional declarations: "Grape plants in this shipment originate from an area that has been officially surveyed and found free of Xylella fastidiosa," or "A representative sample of [fill in number tested] grape plants in this shipment has been tested and found free of Xylella fastidiosa."

NOTE: Depending on origin, other State quarantines may apply (e.g. glassywinged sharpshooter, European brown garden snail, Japanese beetle) and may require other additional declarations on the phytosanitary certificate.

(e) Notification of regulated commodity shipment of Vitis plants, cuttings, or similar propagative material is required as described in OAR 603-054-0027, Notification of Imported Trees and Shrubs. The Department may require that shipments be held until inspected and released. If the recipient is not a licensed nursery, the Department may charge established rates for time and mileage to recover the cost of inspection.

(6) Control and eradication methods for harmful pests and diseases. Control and eradication methods used shall only be those approved by the Department and will be based on the best available science. These methods may include:

(a) Destruction of infected plants or composting of infected fruit, including pomace;

(b) A directive specifying implementation of Departmentally approved mitigation measures to prevent the spread of the harmful pest or disease;

(c) A directive requiring the equipment, tools, and machinery used within an infested area be thoroughly cleaned of all dirt and debris by the use of steam under pressure.

(7) Properties within Oregon. Properties where harmful pests and diseases are known to occur must implement mitigation methods as approved by the Department to prevent further spread of the harmful pest or disease (see Section (6)).

(8) Violation of Quarantine. All covered commodities determined to be in violation of this quarantine, shall be immediately returned by the recipient to the point of origin or, at their option and without expense or indemnity paid by the Department, destroyed. Violation of this quarantine may result in a fine, if convicted, of not less than $500 nor more than $5,000 as provided by ORS 561.990(4). Violators may also be subject to civil penalties of up to $10,000 as provided by 561.995 and 570.990 and 570.995; nursery license suspension or nursery license revocation.

(9) Exceptions. The Department, upon receipt of an application in writing, may issue a special permit allowing movement into this state, or movement within this state, of regulated commodities not otherwise eligible for movement under the provisions of this quarantine order. Movement of such commodities will be subject to any conditions or restrictions stipulated in the special permit, and these conditions and restrictions may vary depending upon the intended use of the commodity and the potential risk of escape or spread of a harmful pest or disease.

(10) Review. The Department and other interested parties shall review the quarantine pest list and restrictions biennially for accuracy and effectiveness.

Stat. Auth.: ORS 561.190, 561.510 - 561.600, 570.305, 570.405 & 570.410 - 570.415
Stats. Implemented: ORS 561.190, 561.510 - 561.600, 570.305, 570.405 & 570.410 - 570.415
Hist.: AD 913(19-69), f. 12-26-69, ef. 1-25-70; AD 939(7-71), f. 8-18-71, ef. 9-1-71; Suspended by DOA 19-2001(Temp), f. & cert. ef. 9-11-01 thru 2-22-02; DOA 14-2002, f. & cert. ef. 5-23-02; DOA 2-2005, f. & cert. ef. 2-14-05; DOA 5-2010, f. & cert. ef. 1-28-10; DOA 12-2014, f. & cert. ef. 7-29-14; DOA 8-2015, f. & cert. ef. 5-29-15

603-052-0385
Malheur County Bean Disease Control Area and Procedures

(1) As authorized by ORS 570.405 to 570.435, a control area is established for the protection of the bean seed industry in the following described area through the eradication or control of seedborne bacterial diseases, specifically: Halo Blight caused by Pseudomonas syringae pv. phaseolicola; Common Bean Blight caused by Xanthomonas axonopodis pv. phaseoli (= X. campestris pv. phaseoli and Xanthomonas campestris pv. phaseoli var. fuscans); Bacterial Brown Spot caused by Pseudomonas syringae pv. syringae (only strains virulently pathogenic to Phaseolus sp.); Bacterial Wilt caused by Curtobacterium flaccumfaciens pv. flaccumfaciens; Anthracnose caused by Colletotrichum lindemuthianum (teleomorph = Glomerella lindemuthiana), soybean cyst nematode caused by Heterodera glycines, Asian soybean rust caused by Phakopsora pachyrhizi, or any variations or new strains of these diseases, which are recognized as virulently pathogenic and seedborne, and/or a potential threat to seed production, all of which are hereafter referred to as diseases of beans; such control area includes all of Malheur County, Oregon.

(2) The following methods of control are declared to be the proper methods to be used in the control area described in section (1) of this rule, for the control and prevention of the introduction of diseases of beans. All non-Phaseolus species beans, from whatever source, used for planting purposes within Malheur County must meet the requirements as dictated in Section 7 of this rule. All Phaseolus species bean seed from whatever source, used for planting purposes within Malheur County are subject to the following:

(a) Phaseolus species bean seed grown in Malheur County for planting in Malheur County:

(A) Shall be certified in accordance with the procedures and provisions of section (3) of this rule;

(B) Shall have a Malheur County planting certificate number assigned by the Department;

(C) Shall have been Departmentally inspected or bear approved tags; and

(D) Shall have been grown and inspected for two consecutive preceding generations in Malheur County under rill irrigation prior to growing under sprinkler irrigation.

(b) Imported bean seed grown west of the Continental Divide in the contiguous states:

(A) May not be grown under sprinkler irrigation in Malheur County;

(B) Must have an approved phytosanitary certificate from the state of origin affirming freedom from the diseases listed in section (1) of this rule, based on growing season and windrow inspection, this seed may be planted in Malheur County only with the prior approval of the Department and provided that each field planted within Malheur county is submitted for Departmental inspections; and

(C) Shall successfully pass standard testing methods conducted by the Department from officially drawn samples; except

(D) Idaho grown bean seed shall be exempt from the requirements of this paragraph provided that:

(i) It has been certified for in-state planting by the Idaho State Department of Agriculture;

(ii) It bears Idaho State Department of Agriculture inspected or approved tags;

(iii) It is certified by the Idaho State Department of Agriculture or their official cooperator to have been grown and inspected for two consecutive preceding generations in Idaho under rill irrigation prior to planting for growing under sprinkler irrigation in Malheur County;

(iv) Imported bean seed grown east of the Continental Divide in the contiguous states or in foreign countries or otherwise ineligible for planting

in Malheur County may be planted in Malheur County only on Departmentally approved Trial Grounds, and are subject to the provisions of section (6) of this rule.

(3) All bean fields in Malheur County shall be subject to entry and inspection by the Department. Growing season inspections of all bean fields shall be done as many times as deemed necessary by the Department, in accordance with the following:

(a) Bean fields grown for seed to be certified for planting in Malheur County shall be inspected by the Department during the growing season and in the windrow, including:

(A) Such bean fields grown under rill irrigation shall be inspected a minimum of one time during the growing season before plants mature seed, and again in the windrow;

(B) Such bean fields grown under sprinkler irrigation shall be inspected a minimum of two times during the growing season before plants mature seed, and once in the windrow; and,

(C) The tolerance for the diseases (identified in section (1) of this rule) in any field or part thereof for seed to be certified for planting in Malheur County shall be zero.

(b) Bean crops requiring field inspections to qualify for phytosanitary certifications shall be subject to the same inspection requirements and tolerances as set forth in subsection (a) of this section;

(c) Oregon State University certification inspections may replace the Departmental inspections for certification of seed for planting in Malheur County, if appropriate growing season and windrow inspection requirements as set forth in subsection (a) of this section are met;

(d) Every grower, seed company, or handler of bean seed for planting crops to be grown in Malheur County shall submit his written request to the Department to make the inspections required under this Bean Disease Control Area Order, on or before July 1 of each year. Such written request shall include acreage, general location of field, method of irrigation, name and address and telephone number of applicant.

(4) Eradication methods used shall only be those approved by the Department, including:

(a) Any bean seed found or known to be contaminated with disease which is now within the boundaries of Malheur County shall not be planted in Malheur County;

(b) Any bean fields within the boundaries of Malheur County which show contamination of disease shall be destroyed in part or in total as may be required to eliminate the presence of disease in the field, by and at the expense of the grower, or landlord, or his authorized agents. The Department shall notify the grower, or landlord, or his authorized agents, of the method and extent of destruction and any safeguards to be taken against disease spread;

(c) The true identity of a regulated disease on growing plants or plants in the windrow will be based upon the observance of symptoms of a regulated disease and, when necessary to establish identity or pathogenicity, standard testing methods to be conducted by the Department, including:

(A) The definitive verification of identity or pathogenicity shall include isolation of the suspected pathogen and inoculation of seedlings of a known susceptible host;

(B) Until verification of the suspected pathogen is completed the involved planting shall be placed under quarantine for a period of 30 days subject to review or extension as determined by the Department, and entry to the quarantined area shall be restricted to the grower, his agents, the Departmental officials, or persons authorized in writing by the Department, who shall be required to take all necessary sanitary precautions, as prescribed by the quarantine order, to safeguard against the possible spread of the suspected regulated disease; and

(C) The true identity of a regulated disease when found in or on seed shall be based on standard laboratory testing methods, the positive results of which shall be conclusive that the plants are subject to this control order, unless the owner of the seed requests verification of pathogenicity to be performed at his expense.

(d) When any regulated disease is verified by the Department, the grower or seed company shall be notified by the Department of such findings, and shall have 48 hours to view the involved planting or laboratory results prior to any action being taken by the Department.

(5) Exemption and special situations to these requirements are as follows:

(a) Any commercial or garden beans first found infected during windrow inspection, are exempt from destruction if the diseased portion of the field and an appropriate buffer area (not less than a 50-foot radius) surrounding the infected site are promptly destroyed;

(b) Beans for processing or fresh consumption are exempt from destruction if the diseased portion of the field is destroyed or harvested within five days after first detection or laboratory verification of the disease, and the crop residue is promptly and completely plowed under after harvest;

(c) A field contaminated with brown spot (P. syringae pv. syringae) may be eligible for a Special Permit as dictated in Section 8 of this rule and at the discretion of the Department.

(6) Trial Grounds are defined as parcels of land approved by the Department to be set aside for research, testing, or increase of: bean seed grown on Trial Grounds in Malheur County during previous seasons; bean seed eligible for planting in Malheur County; or bean seed otherwise ineligible for planting within the Malheur County. Trial Grounds shall be utilized in accordance with the following:

(a) They shall be under the supervision of technically trained personnel approved by the Department;

(b) The land upon which they are situated shall be owned or leased by the grower and, if leased, a copy of the lease shall accompany the application for approval;

(c) Applications for approval shall be submitted to the Department prior to May 20 of any year and shall contain:

(A) The name of supervisor in charge;

(B) The location and size of the Trial Ground; and

(C) A detailed varietal planting plan (if the original planting plan is changed, the Department shall be notified).

(d) An applicant may have more than one Trial Ground approved, provided a separate application is submitted for each Trial Ground and provided it meets the requirements of this section;

(e) Any seed grown on Trial Grounds to be released to farmer growers for replanting within Malheur County or requiring phytosanitary certification shall meet the inspection requirements of section (3) of this rule;

(f) All information submitted with the approval applications shall be deemed to be confidential under ORS 192.500(1)(b) and (c);

(g) Experimental Plots are defined as subdivision areas within Trial Grounds used for the introduction of imported seed otherwise ineligible for planting in Malheur County. A maximum of one pound of bean seed per variety may be planted in an Experimental Plot without standard testing, except as noted in this section;

(h) Introduction Plots are defined as subdivision areas within Trial Grounds used for the introduction or increase of imported bean seed grown east of the Continental Divide or in foreign countries, imported bean seed from west of the Continental Divide not meeting the requirements of section (2) of this rule, any bean seed previously grown in Malheur County, or any bean seed eligible for planting in Malheur County. A maximum of two (2) acres per variety in any given year may be planted in an Introduction Plot. Imported seed shall have successfully passed standard testing methods conducted by the Department from officially drawn samples prior to planting. Only one Introduction Plot may be maintained by a holder of more than one approved Trial Ground;

(i) Trial Grounds shall be subject to the following restrictions and inspection procedures:

(A) All machinery used in production of bean seed on Trial Grounds shall be disinfected to the satisfaction of the Department prior to the movement to other bean field;

(B) There shall be a minimum of four growing season and one windrow inspection, by the Department, for which the fees and charges will be $7.50 per acre (or fraction thereof) per inspection of seed from east of the Continental Divide or foreign countries; and $3.50 per acre (or fraction thereof, see OAR 603-045-0315) per inspection of seed from west of the Continental Divide; and

(C) If disease is found on Trial Ground, none of the seed produced on that Trial Ground may be certified but shall under go one additional year of Trial Ground growing to assure that contamination did not occur.

(7) Non-Phaseolus species beans grown in Malheur County for planting must meet the following conditions:

(a) Requirements for planting non-Phaseolus species beans in Malheur County:

(A) Malheur County origin seeds are from a lot that has been inspected in accordance with these rules and has been issued official inspected or approved tags;

(B) Idaho-grown non-Phaseolus species bean seed shall be exempt from the requirements of this paragraph provided that:

(i) It has been certified for in-state planting by the Idaho State Department of Agriculture;

(ii) It bears Idaho State Department of Agriculture inspected or approved tags;

(iii) It is certified by the Idaho State Department of Agriculture or their official cooperator as having been inspected in the growing season and pre-harvest or in the windrow for diseases of bean.

(C) Imported seed from areas other than Idaho must be certified and issued official tags by the seed certification agency of the state of origin and be accompanied by an official state phytosanitary certificate verifying the seed was inspected, tested, and found free of diseases of bean.

(b) Every grower, seed company, or handler of non-Phaseolus species bean seed for planting crops to be grown in Malheur County shall submit his written request to the Department to make growing season and pre-harvest or windrow inspections on or before July 1 of each year. Such written request shall include acreage, general location of field, method of irrigation, name and address and telephone number of applicant.

(c) The tolerance for the diseases of bean in any field or part thereof for non-Phaseolus bean seed to be certified for planting in Malheur County shall be zero. Eradication of said diseases of bean shall be performed as described in section (4) of this rule.

(8) Special Permits: The Department, upon receipt of an application in writing, may issue a Special Permit allowing movement into this state, or movement within this state, of regulated commodities not otherwise eligible for movement under the provisions of this quarantine order. Movement of such commodities will be subject to any conditions or restrictions stipulated in the Special Permit, and these conditions and restrictions may vary depending upon the intended use of the commodity and the potential risk of escape or spread of the regulated pests as described in Section 1 of this rule.

(9) Review of quarantine: The Department and other interested parties shall review the quarantine requirements biennially for accuracy and effectiveness.

Stat. Auth.: ORS 561 & 570

Stats. Implemented: ORS 561.190, 561.510 - 561.600, 570.305, 570.405 & 570.410 - 570.415

Hist.: AD 5-1978, f. 5-17-78, ef. 6-10-78; DOA 9-2005, f. & cert. ef. 2-15-05; DOA 1-2006, f. & cert. ef. 1-13-06; DOA 13-2014, f. & cert. ef. 8-20-14; DOA 8-2015, f. & cert. ef. 5-29-15

• • • • • • • • • •

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

Rule Caption: Retroactively amends certification and registration fees for the certified providers and registered master trustees.
Adm. Order No.: FCS 3-2015(Temp)
Filed with Sec. of State: 5-21-2015
Certified to be Effective: 5-21-15 thru 11-13-15
Notice Publication Date:
Rules Amended: 441-930-0270
Subject: This rule retroactively reduces fees assessed to certified providers and registered matter trustees by the Oregon Department of Consumer and Business Services.

In 2010, the department adopted certification and registration fees for certified providers and registered master trustees engaged in preconstruction or prearrangement sales contracts. In 2011, the Legislature enacted House Bill 5014, which reduced allowable fees the department could charge. As part of that rulemaking process, the department submitted copies of the final rule to the Secretary of State and to the Office of the Legislative Counsel. Due to circumstances outside of the department's control, the notice to Legislative Counsel arrived 7 days late. On May 6, 2015, the department received notification from the Office of the Legislative Counsel that the adopted rules were not submitted within 10 days after the certified copy of the rule was filed to the Secretary of State, as required under ORS 183.715(1).

These temporary rules are necessary to ensure the department's fees remain consistent with the legislative direction provided by HB 5014 and maintain consistency in registration and certification fees with the previous four year period. In order to maintain consistency, it is also necessary to make the rules retroactive to October 3, 2011, the effective date of the previously adopted rules.
Rules Coordinator: Shelley Greiner—(503) 947-7484

441-930-0270
Fees Assessed to Certified Providers and Registered Master Trustees

The director shall annually assess the following fees for each registered master trustee, certified provider, or applicant:

(1) Certification Fee — $390 per certified provider. Each location is a separate entity for purposed of this fee.

(2) Registration Fee — $390 per master trustee.

(3) Limited Operations Fee — $80.

(4) Exam Fees — $75 per hour for each examiner, plus costs of an examination.

(5) If the books and records are located outside Oregon, the certified provider or master trustee must pay travel and per diem expenses.

(6) This rule applies retroactively to fees assessed by the director on or after October 3, 2011.

Stat. Auth.: ORS 97.926, 97.933 & 97.935

Stats. Implemented: ORS 97.933, 97.935, 2011 HB 5014

Hist.: DO 1-2002, f. & cert. ef. 1-10-02; Renumbered from 440-300-0270; FCS 3-2004, f. & cert. ef. 9-30-04; FCS 7-2004, f. 12-14-04, cert. ef. 1-1-05; FCS 3-2005, f. & cert. ef. 9-6-05; FCS 2-2006, f. & cert. ef. 2-22-06; FCS 8-2008, f. & cert. ef. 8-28-08; FCS 14-2010, f. 12-30-10, cert. ef. 1-1-11; FCS 6-2011(Temp), f. 6-30-11, cert. ef. 7-1-11 thru 12-28-11; FCS 9-2011, f. & cert. ef. 10-3-11; FCS 3-2015(Temp), f. & cert. ef 5-21-15 thru 11-13-15

• • • • • • • • • •

Rule Caption: Retroactively amends fees for mortgage banker, mortgage broker and mortgage loan originator licenses.
Adm. Order No.: FCS 4-2015(Temp)
Filed with Sec. of State: 5-21-2015
Certified to be Effective: 5-21-15 thru 11-13-15
Notice Publication Date:
Rules Amended: 441-860-0101, 441-880-0400
Subject: This rule retroactively reduces licensing fees for mortgage bankers, mortgage brokers, and mortgage loan originators.

In 2009, the department adopted fees for mortgage banker, mortgage broker and mortgage loan originator licenses. In 2011, the Legislature enacted House Bill 5014, which reduced allowable fees the department could charge. In response, the department adopted rules to conform to the enrolled bill (Admin. Or. FCS 8-2011).

As part of that rulemaking process, the department submitted copies of the final rule to the Secretary of State and to the Office of the Legislative Counsel. Due to circumstances outside of the department's control, the notice to Legislative Counsel arrived 7 days late.

On May 6, 2015, the department received notification from the Office of the Legislative Counsel that the adopted rules were not submitted within 10 days after the certified copy of the rule was filed to the Secretary of State, as required under ORS 183.715(1). These temporary rules are necessary to ensure the department's fees remain consistent with the legislative direction provided by HB 5014 and maintain consistency in licensing fees with the previous four year period. In order to maintain consistency, it is also necessary to make the rules retroactive to October 3, 2011, the effective date of the previously adopted rules.
Rules Coordinator: Shelley Greiner—(503) 947-7484

441-860-0101
Fees Payable to the Director

In addition to any fees required to participate in the National Mortgage Licensing System and Registry, a mortgage banker or a mortgage broker shall pay to the director the following fees at the time of application or renewal:

(1) A nonrefundable application fee for a mortgage banker or mortgage broker license of $960 plus a $330 nonrefundable application fee for each branch the mortgage banker or mortgage broker establishes in Oregon.

(2) A nonrefundable renewal application fee for a mortgage banker or mortgage broker license of $480 plus a $165 nonrefundable renewal application fee for each branch the mortgage banker or mortgage broker maintains in Oregon.

(3) This rule retroactively applies to fees assessed by the director on or after October 3, 2011.

Stat. Auth.: ORS 86A.136

Stats. Implemented: ORS 86A.106, 2011 OL Ch. 618 § 1

Hist.: FCS 12-2009, f. 12-2-09, cert. ef. 1-1-10; FCS 5-2011(Temp), f. 6-30-11, cert. ef. 7-1-11 thru 12-28-11; FCS 8-2011, f. & cert. ef. 10-3-11; FCS 4-2015(Temp), f. & cert. ef. 5-21-15 thru 11-13-15

441-880-0400
Fees Payable to the Director

(1) In addition to any fees required to participate in the National Mortgage Licensing System and Registry, a person applying for a mortgage loan originator license shall pay to the director a nonrefundable fee of $80 for the issuance of a mortgage loan originator license.

(2) In addition to any fees required to participate in the National Mortgage Licensing System and Registry, a person renewing a mortgage loan originator license shall pay to the director a nonrefundable fee of $65 for the renewal of a mortgage loan originator license.

(3) This rule retroactively applies to fees assessed by the director on or after October 3, 2011.

Stat. Auth.: ORS 86A.242
Stats. Implemented: ORS 86A.136, 86A.206, 2011 OL Ch. 816 § 1
Hist.: FCS 12-2009, f. 12-2-09, cert. ef. 1-1-10; FCS 5-2011(Temp), f. 6-30-11, cert. ef. 7-1-11 thru 12-28-11; FCS 8-2011, f. & cert. ef. 10-3-11; FCS 4-2015(Temp), f. & cert. ef. 5-21-15 thru 11-13-15

• • • • • • • • • •

Rule Caption: Repeals the rule allowing pawnbrokers to charge $5.00 fee for certified mailings.
Adm. Order No.: FCS 5-2015
Filed with Sec. of State: 6-1-2015
Certified to be Effective: 6-1-15
Notice Publication Date: 12-1-2014
Rules Repealed: 441-740-0015
Subject: This rule repeals a provision allowing pawnbrokers to pass through a "reasonable" fee for the preparation and posting of a notice of forfeiture through certified mail. In 2014, House Bill 4011 amended statutory language that a pledgor would bear postal costs and could be assessed a reasonable fee by a pawnbroker for preparing the notice to be delivered by certified mail. HB 4011 removed the requirement for certified mail and shifted the cost of postage from the pledgor to the pawnbroker. In order to comply with the new language of ORS 726.400(5), the division is repealing the rule.
Rules Coordinator: Shelley Greiner—(503) 947-7484

• • • • • • • • • •

Department of Consumer and Business Services,
Insurance Division
Chapter 836

Rule Caption: Adoption of Uniform Prescription Drug Prior Authorization Request Form
Adm. Order No.: ID 4-2015
Filed with Sec. of State: 5-27-2015
Certified to be Effective: 5-27-15
Notice Publication Date: 1-1-2015
Rules Adopted: 836-053-1205
Subject: This new proposed permanent rule adopts requirements for payers to accept a uniform prescription drug prior authorization form. This requirement was established by the 2013 Legislative Assembly in Senate Bill 382 (SB 382). Acceptance of a uniform form by all payers in Oregon is expected to streamline and simplify requests for prior approval for prescription drugs prescribed by providers. The proposed rule applies to payers as defined in ORS 743.061 which includes health insurers, third party administrators, prepaid managed care health services organizations, any person or public body that either individually or jointly establishes a self-insurance plan, program, or contract, including but not limited to persons and public bodies that are otherwise exempt from the Insurance Code under ORS 731.036, health care clearinghouses or other entities that process or facilitate the processing of health care financial and administrative transactions from a nonstandard format to a standard format, and any other person identified by the department that processes health care financial and administrative transactions between a health care provider and an entity described in this subsection.
Rules Coordinator: Jenny Craig—(503) 947-7484

836-053-1205
Uniform Prescription Drug Prior Authorization Request Form

(1) As used in this rule:

(a) "Material information" means information that is:

(A) Related to the patient's clinical condition sufficient to enable an individual with the appropriate training and experience to determine whether the prescription authorization request should be approved or disapproved; or

(B) Required by state or federal law for dispensing restricted prescription drugs.

(b) "Payer" means a person described in ORS 743.061(2) that requires prior authorization for prescription drug benefits.

(c) "Request form" means the Uniform Prescription Drug Prior Authorization Request Form set forth in Exhibit A of this rule.

(2) Any payer that requires prior authorization for a prescription drug benefit must accept a request for prior authorization for a prescription drug on the request form. A payer also may accept a prescription drug prior authorization request submitted on a form other than the request form.

(3)(a) On or before July 1, 2015, a payer shall make the request form electronically available on their websites.

(b) On and after July 1, 2015, a payer shall:

(A) Accept the request form through any reasonable means of transmission, including but not limited to paper, electronic, or another mutually agreeable accessible method of transmission or using an internet or web-based system.

(B) Request from the prescribing provider only the minimum amount of material information necessary to approve or disapprove the prescription drug prior authorization request.

(C) Notify the prescribing provider within two business days after receipt of a completed request form that:

(i) The prescribing provider's request is approved;

(ii) The prescribing provider's request is disapproved as not medically necessary or not a covered benefit;

(iii) The prescribing provider's request is missing material information necessary to approve or disapprove the request; or

(iv) The patient is no longer eligible for coverage.

(4) A payer shall deliver any notice to a prescribing provider required under section (3) of this rule in the same manner the provider submitted the request form, or another mutually agreeable accessible method of notification.

(5) If a provider requests prescription drug prior authorization telephonically, through a web portal, or by any other manner of transmission, the payer may not require the prescribing provider to provide more information than is required by the request form.

(6) If a payer disapproves a prescribing provider's prior authorization request:

(a) Pursuant to paragraph (3)(b)(C))(ii) or (iii), the payer shall include in the notice of disapproval an accurate and clear written explanation of the specific reasons for disapproving the prior authorization request.

(b) Pursuant to paragraph (3)(b)(C)(iii), the payer also shall include in the notice of disapproval an accurate and clear written explanation that specifically identifies the missing material information that is necessary to approve or disapprove the prior authorization request.

(7) Every payer that conducts prescription drug prior authorizations shall have written policies and procedures in place to ensure that the payer complies with the requirements of ORS 743.065 and this rule.

(8) Requiring information in excess of the minimum material information specified by the request form shall constitute a failure to accept the request form, in violation of section (2) of this rule. A payer may not disapprove a request form on grounds of missing information under paragraph (3)(b)(C)(iii) of this rule if the form provides the minimum amount of material information in accordance with subsection (3)(b)(B) of this rule.

Stat. Auth.: ORS 731.244, 743.065
Stats. Implemented: ORS 743.065
Hist.: ID 4-2015, f. & cert. ef. 5-27-15

• • • • • • • • • •

Rule Caption: Amend long term care rules to protect consumers and adopt recent model regulation changes.
Adm. Order No.: ID 5-2015
Filed with Sec. of State: 6-10-2015
Certified to be Effective: 1-1-16
Notice Publication Date: 1-1-2015
Rules Adopted: 836-052-0680, 836-052-0637
Rules Amended: 836-052-0531, 836-052-0566, 836-052-0636, 836-052-0676, 836-052-0740, 836-052-0746
Subject: Recently long term care insurance has experienced extremely high rate increases and other actions that have harmed consumers, in some cases, resulting in the loss of a policy at a time the

insured is most likely to need the insurance afforded under a policy. These rules adopt provisions to protect the consumer while still complying with federal requirements for long term care partnership policies.

These rules incorporate portions of the August 2014 update to the NAIC Long Term Care Insurance Model Regulation #641. In addition, new policy options are established for Long Term Care Partnership Policies while still complying with federal requirements.

Rules Coordinator: Jenny Craig—(503) 947-7484

836-052-0531
Long Term Care Insurance Partnership Program

(1) As used in this rule, "qualified long term care insurance partnership policy" or "partnership policy" means a long term care insurance policy that meets all of the following requirements:

(a) The policy was issued on or after January 1, 2008 or exchanged as provided in section (8) of this rule on or after January 1, 2008, and covers an insured who was a resident of this state or of another state that has entered into a reciprocal agreement with this state when coverage first became effective under the policy.

(b) The policy is a qualified long term care insurance policy.

(c) The policy meets all of the applicable requirements of ORS 743.650 to 743.656 and OAR 836-052-500 to 836-052-0786 and the requirements of the National Association of Insurance Commissioners long term care insurance model act and model regulation as those requirements are set forth in sec. 1917(b)(5)(A) of the Social Security Act (42 USC sec. 1396p(b)(5)(A)).

(d) The policy provides the following inflation protections:

(A) If the policy is sold to an individual who has not attained age 61 as of the date of purchase, the policy shall provide a compound annual inflation protection that is at least equivalent to the option for inflation protection in OAR 836-052-0616(1)(a).

(B) If the policy is sold to an individual who has attained age 61 but has not attained age 76 as of the date of purchase, the policy shall provide an inflation protection that is at least equivalent to an option for inflation protection in OAR 836-052-0616.

(C) If the policy is sold to an individual who has attained age 76 as of the date of purchase, the policy may provide inflation protection, but must at least comply with the provisions for inflation protections in OAR 836-052-0616.

(2) An insurer may use as one means of providing inflation protection under section (1)(d) of this rule a guarantee of automatic benefit increases of not less than an annual percentage change in the Consumer Price Index or an alternative index approved by the Director. If this inflation protection is included in a policy sold to a person who has not attained age 61, the index adjustments must be made on a compounding basis.

(3) Any person who purchases a partnership policy that meets the inflation protection criteria specified in section (1)(d) of this rule may adjust the person's inflation protection as the person ages. The person's policy will maintain partnership status as long as the inflation protection continues to meet the minimum requirements for the attained age.

(4) An insurer or insurance producer soliciting or offering to sell a policy that is intended to qualify as a partnership policy shall provide to each prospective applicant the notice prescribed in Exhibit 1 to this rule, indicating the requirements and benefits of a partnership policy. The notice shall be provided with the required Outline of Coverage.

(5) A partnership policy or certificate delivered or issued for delivery in this state shall include a Partnership Disclosure Notice prescribed in Exhibit 2 or 3 to this rule as appropriate, explaining the benefits associated with a partnership policy or certificate and indicating that, at the time issued, the policy or certificate is a qualified state long term care insurance partnership policy or certificate.

(6) When an insurer is made aware that a policyholder has initiated action that will result in the loss of partnership status, the insurer shall provide an explanation of how such action impacts the insured in writing. The policyholder shall also be advised how to retain partnership status, if retention is possible. If a partnership policy subsequently loses partnership status, the insurer shall explain to the policyholder in writing the reason for the loss of status.

(7) Each insurer offering a partnership policy shall provide regular reports to the United States Secretary of Health and Human Services in accordance with regulations of the Secretary that include notification of the date benefits were paid, the amount paid, the date the policy terminates, and such other information as the Secretary determines may be appropriate to the administration of partnership policies.

(8) An insurer must file a long term care insurance policy for approval for use as a partnership policy.

(9) A long term care insurance policy that is not a qualified partnership policy may be exchanged for a qualified partnership policy, subject to underwriting criteria and any increased premium, as provided in this section. The qualified policy so exchanged is treated as newly issued and as such is eligible for partnership status. A rider, endorsement or change in schedule page that is made to a policy issued prior to January 1, 2008, but after February 8, 2006 for the purpose of meeting the requirements of this rule may be treated as giving rise to an exchange.

(10) At the request of the insured or an authorized representative of the insured, an insurer shall provide to the insured or representative a copy of the Approved Long Term Care Partnership Program Policy Summary prescribed in **Exhibit 4** to this rule.

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

Stat. Auth.: ORS 731.244, 743.655, 743.656 & 746.240

Stats. Implemented: ORS 731.244, 743.650, 743.653, 743.655, 743.656, 746.240

Hist.: ID 10-2007, f. 12-3-07, cert. ef. 1-1-08; ID 5-2015, f. 6-10-15, cert. ef. 1-1-16

836-052-0566
Initial Rate Filing Requirements

(1)(a) Except as provided in subsection (b) of this section, this rule applies to any long-term care insurance policy issued in this state on or after March 1, 2006.

(b) Sections (2)(b)(D) and (3) of this rule apply to any long-term care policy issued in this state on or after January 1, 2016.

(2) An insurer shall provide the following information to the Director for prior approval before making a long-term care insurance form available for sale:

(a) A copy of the disclosure documents required in OAR 836-052-0556; and

(b) An actuarial certification consisting of at least the following:

(A) A statement that the initial premium rate schedule is sufficient to cover anticipated costs under moderately adverse experience and that the premium rate schedule is reasonably expected to be sustainable over the life of the form with no future premium increases anticipated;

(B) A statement that the policy design and coverage provided have been reviewed and taken into consideration;

(C) A statement that the underwriting and claims adjudication processes have been reviewed and taken into consideration;

(D) A statement that the premiums contain at least the minimum margin for moderately adverse experience defined in subparagraph (i) of this paragraph or the specification of and justification for a lower margin as required by subparagraph (ii) of this paragraph.

(i) A composite margin shall not be less than 10 percent of lifetime claims.

(ii) A composite margin that is less than 10 percent may be justified in uncommon circumstances. The proposed amount, full justification of the proposed amount and methods to monitor developing experience that would be the basis for withdrawal of approval for such lower margins must be submitted.

(iii) A composite margin that is lower than otherwise considered appropriate for the stand-alone long-term care policy may be justified for long-term care benefits provided through a life policy or an annuity contract. Such lower composite margin, if used, shall be justified by appropriate actuarial demonstration addressing margins and volatility when considering the entirety of the product.

(iv) A greater margin may be appropriate in circumstances where the company has less credible experience to support its assumptions used to determine the premium rates.

(E)(i) A statement that the premium rate schedule is not less than the premium rate schedule for existing similar policy forms also available from the insurer except for reasonable differences attributable to benefits; or

(ii) A comparison of the premium schedules for similar policy forms that are currently available from the insurer with an explanation of the differences.

(F) A statement that reserve requirements have been reviewed and considered. Support for this statement shall include:

(i) Sufficient detail or sample calculations provided so as to have a complete depiction of the reserve amounts to be held; and

(ii) A statement that the difference between the gross premium and the net valuation premium for renewal years is sufficient to cover expected renewal expenses, or if such a statement cannot be made, a complete description of the situations where this does not occur. An aggregate distribution of anticipated issues may be used as long as the underlying gross premiums maintain a reasonably consistent relationship.

(3) An insurer must include an actuarial memorandum prepared, dated and signed by a member of the Academy of Actuaries. The actuarial memorandum shall address and support each specific item required as part of the actuarial certification and provide at a minimum all of the following information:

(a) An explanation of the review performed by the actuary prior to making the statements in section (2)(b)(B) and (C) of this rule.

(b) A complete description of pricing assumptions.

(c) Sources and levels of margins incorporated into the gross premiums that are the basis for the statement in the actuarial certification required by section (2)(b)(A) of this rule and an explanation of the analysis and testing performed in determining the sufficiency of the margins. Deviations in margins between ages, sexes, plans or states shall be clearly described. Deviations in margins required to be described are other than those produced utilizing generally accepted actuarial methods for smoothing and interpolating gross premium scales.

(d) A demonstration that the gross premiums include the minimum composite margin specified in section (2)(b)(D) of this rule.

(4) An insurer shall provide an actuarial demonstration showing that benefits are reasonable in relation to premiums. The actuarial demonstration shall include either premium and claims experience on similar policy forms adjusted for any premium and benefit differences, or relevant and credible data from other studies, or both.

(5) In any review of the actuarial certification and actuarial memorandum, the Director may request review by an actuary with experience in long-term care pricing who is independent of the company.

Stat. Auth.: ORS 731.244, 742.023, 743.013, 743.655, 743.656 & 746.240
Stats. Implemented: ORS 731.244, 742.003, 742.005, 742.009, 743.010(3), 743.013(3), 743.650, 743.653, 743.655, 743.656 & 746.240
Hist.: ID 3-2005, f. & cert. ef. 3-1-05; ID 10-2007, f. 12-3-07, cert. ef. 1-1-08; ID 5-2015, f. 6-10-15, cert. ef. 1-1-16

836-052-0636
Reporting Requirements

(1) Every insurer shall maintain records for each insurance producer of that insurance producer's amount of replacement sales as a percent of the insurance producer's total annual sales and the amount of lapses of long-term care insurance policies sold by the insurance producer as a percent of the insurance producer's total annual sales.

(2) Reported replacement and lapse rates do not alone constitute a violation of insurance laws or necessarily imply wrongdoing. The reports are for the purpose of reviewing more closely agent activities regarding the sale of long-term care insurance.

(3) Every insurer shall report to the Director annually by June 30 the ten percent of its insurance producers with the greatest percentages of lapses and replacements as measured by section (1) of this rule using the form provided by the director on the Insurance Division website or a similar form and shall also include the following information in the annual report:

(a) The number of lapsed policies as a percent of its total annual sales and as a percent of its total number of policies in force as of the end of the preceding calendar year.

(b) The number of replacement policies sold as a percent of its total annual sales and as a percent of its total number of policies in force as of the preceding calendar year.

(4) Every insurer shall report to the Director annually by June 30, for qualified long-term care insurance contracts, the number of claims denied for each class of business, expressed as a percentage of claims denied using the form provided by the director on the Insurance Division website or a similar form.

(5) An insurer shall file the reports required under this rule with the director.

(6) As used in this rule:

(a) "Claim" means, subject to subsection (b) of this section, a request for payment of benefits under an in force policy regardless of whether the benefit claimed is covered under the policy or any terms or conditions of the policy have been met;

(b) "Denied" means the insurer refuses to pay a claim for any reason other than for claims not paid for failure to meet the waiting period or because of an applicable preexisting condition;

(c) "Policy" means only long term care insurance; and

(d) "Report" means on a statewide basis.

[ED. NOTE: Exhibits referenced are available from the agency.]
Stat. Auth.: ORS 731.244, 742.023, 743.013, 743.655, 743.656 & 746.240
Stats. Implemented: ORS 731.244, 742.003, 742.005, 742.009, 743.010(3), 743.013(3), 743.650, 743.653, 743.655, 743.656 & 746.240
Hist.: ID 3-2005, f. & cert. ef. 3-1-05; ID 10-2007, f. 12-3-07, cert. ef. 1-1-08; ID 4-2011, f. & cert. ef. 2-10-11; ID 5-2015, f. 6-10-15, cert. ef. 1-1-16

836-052-0637
Annual Rate Certification Requirements

(1) This rule applies to any long-term care policy issued in this state on or after January 1, 2016.

(2) The following annual submission requirements apply subsequent to initial rate filings for individual long-term care insurance policies made under this rule:

(a) An actuarial certification prepared, dated and signed by the member of the American Academy of Actuaries who provides the information. The actuarial certification shall provide at least:

(A) A statement of the sufficiency of the current premium rate schedule and the following:

(i) For the rate schedules currently marketed:

(I) The premium rate schedule continues to be sufficient to cover anticipated costs under moderately adverse experience and that the premium rate schedule is reasonably expected to be sustainable over the life of the form with no future premium increase anticipated; or

(II) If the above statement cannot be made, a statement that margins for moderately adverse experience may no longer be sufficient. In this situation, the insurer shall provide to the Director within 60 days of the date the actuarial certification is submitted to the Director, a plan of action, including a time frame, for the re-establishment of adequate margins for moderately adverse experience so that the ultimate premium rate schedule would be reasonably expected to be sustainable over the future life of the form with no future premium increases anticipated. Failure to submit a plan of action to the Director within 60 days or to comply with the time frame stated in the plan of action constitutes grounds for the Director to withdraw or modify its approval of the form for future sales pursuant to ORS 742.007.

(ii) For the rate schedules that are no longer marketed:

(I) That the premium rate schedule continues to be sufficient to cover anticipated costs under best estimate assumptions; or

(II) That the premium rate schedule may no longer be sufficient. In this situation, the insurer shall provide to the Director, within 60 days of the date the actuarial certification is submitted to the Director, a plan of action, including a time frame, for the re-establishment of adequate margins for moderately adverse experience.

(B) A description of the review performed that led to the statement.

(b) An actuarial memorandum dated and signed by a member of the American Academy of Actuaries who prepares the information shall be prepared to support the actuarial certification. The actuarial memorandum shall provide at least the following information:

(A) A detailed explanation of the data sources and review performed by the actuary prior to making the statement in subsection (a) of this section.

(B) A complete description of experience assumptions and their relationship to the initial pricing assumptions.

(C) A description of the credibility of the experience data.

(D) An explanation of the analysis and testing performed in determining the current presence of margins.

(3) The actuarial certification required under section (2)(a) and (b) of this rule must be based on calendar year data and submitted annually no later than May 1st of each year starting in the second year following the year in which the initial rate schedules are first used. The actuarial memorandum required under section (2)(a) and (b) of this rule must be submitted at least once every three years with the certification.

Stat. Auth.: ORS 731.244, 742.023, 743.013, 743.655, 743.656 & 746.240
Stats. Implemented: ORS 731.244, 742.003, 742.005, 742.009, 743.010(3), 743.013(3), 743.650, 743.653, 743.655, 743.656 & 746.240
Hist.: ID 5-2015, f. 6-10-15, cert. ef. 1-1-16

836-052-0676
Premium Rate Schedule Increases

(1) This rule applies as follows:

(a) Except as provided in subsection (b) of this section, this rule applies to any long-term care insurance policy or certificate issued in this state on or after March 1, 2006 and prior to January 1, 2016.

(b) For certificates issued on or after March 1, 2005 under a group long-term care insurance policy as defined in ORS 743.652(3)(a) that was in force on March 1, 2005, this rule applies on the policy anniversary following March 1, 2006.

(2) An insurer shall obtain approval of a premium rate schedule increase from the Director of the Department of Consumer and Business Services, including an exceptional increase as defined in section (3) of this rule, prior to the notice to the policyholders and shall include the following in the submission to the director:

(a) Information required by OAR 836-052-0556;

(b) Certification by a qualified actuary that:

(A) If the requested premium rate schedule increase is implemented and the underlying assumptions that reflect moderately adverse conditions are realized, no further premium rate schedule increases are anticipated; and

(B) The premium rate filing is in compliance with this rule; or

(C) The insurer may request a premium rate schedule increase that is less than what is required under this rule and the director may approve such premium rate schedule increase, without submission of the certification required under this subsection, if the actuarial memorandum discloses the premium rate schedule necessary to make the certification required under OAR 836-052-0676(2)(b), the premium rate schedule increase filing satisfies all other requirements of this rule and is, in the opinion of the director, in the best interest of policyholders.

(c) An actuarial memorandum justifying the rate schedule change request that includes:

(A) Lifetime projections of earned premiums and incurred claims based on the filed premium rate schedule increase; and the method and assumptions used in determining the projected values, including reflection of any assumptions that deviate from those used for pricing other forms currently available for sale, as follows:

(i) Annual values for the five years preceding and the three years following the valuation date shall be provided separately;

(ii) The projections shall include the development of the lifetime loss ratio according to OAR 836-052-0666, unless the rate increase is an exceptional increase;

(iii) The projections shall demonstrate compliance with section (3) of this rule; and

(iv) For exceptional increases:

(I) The projected experience must be limited to the increases in claims expenses attributable to the approved reasons for the exceptional increase; and

(II) In the event the director determines as provided in OAR 836-052-0508(1)(d) that offsets may exist, the insurer shall use appropriate net projected experience.

(B) Disclosure of how reserves have been incorporated in this rate increase whenever the rate increase will trigger contingent benefit upon lapse;

(C) Disclosure of the analysis performed to determine why a rate adjustment is necessary, which pricing assumptions were not realized and why, and what other actions taken by the insurer have been relied on by the actuary;

(D) A statement that policy design, underwriting and claims adjudication practices have been taken into consideration; and

(E) Composite rates reflecting projections of new certificates, in the event that it is necessary to maintain consistent premium rates for new certificates and certificates receiving a rate increase; and

(F) A demonstration that actual and projected costs exceed costs anticipated at the time of initial pricing under moderately adverse experience and that the composite margin specified in OAR 836-052-0566(2)(b)(D) is projected to be exhausted.

(d) A statement that renewal premium rate schedules are not greater than new business premium rate schedules except for differences attributable to benefits, unless sufficient justification is provided to the director; and

(e) Sufficient information for review and approval of the premium rate schedule increase by the director.

(3) As used in this rule, "exceptional increase" means only those increases filed by an insurer as exceptional for which the director determines the need for the premium rate increase is justified, owing to changes in statutes or rules applicable to long-term care insurance in this state or owing to increased and unexpected utilization that affects the majority of insurers of similar products. An exceptional increase is subject to the following provisions:

(a) Except as provided in this rule, an exceptional increase is subject to the same requirements as other premium rate schedule increases.

(b) The director may request a review by an independent actuary or a professional actuarial body of the basis for a request that an increase be considered an exceptional increase.

(c) The director, in determining that the necessary basis for an exceptional increase exists, shall also determine any potential offsets to higher claims costs.

(4) All premium rate schedule increases shall be determined in accordance with the following requirements:

(a) Each exceptional increase shall provide that 70 percent of the present value of projected additional premiums from the exceptional increase will be returned to policyholders in benefits;

(b) Each premium rate schedule increase shall be calculated such that the sum of the accumulated value of incurred claims, without the inclusion of active life reserves, and the present value of future projected incurred claims, without the inclusion of active life reserves, will not be less than the sum of the following:

(A) The accumulated value of the initial earned premium times 58 percent;

(B) 85 percent of the accumulated value of prior premium rate schedule increases on an earned basis;

(C) The present value of future projected initial earned premiums times 58 percent; and

(D) 85 percent of the present value of future projected premiums not in paragraph (C) of this subsection on an earned basis.

(c) In the event that a policy form has both exceptional and other increases, the values in subsection (b)(B) and (D) of this section will also include 70 percent for exceptional rate increase amounts; and

(d) All present and accumulated values used to determine rate increases shall use the maximum valuation interest rate specified in ORS 733.310 for the valuation of life insurance issued on the same date as the long-term care insurance. The actuary shall disclose as part of the actuarial memorandum the use of any appropriate averages.

(5) For each rate increase that is implemented, the insurer shall file for review and approval by the director updated projections, as defined in section (2)(c)(A) of this rule, annually for the next three years and include a comparison of actual results to projected values. The director may extend the period to greater than three years if actual results are not consistent with projections values from prior projections. For group insurance policies that meet the conditions in section (12) of this rule, the projections required by this section shall be provided to the policyholder in lieu of filing with the director.

(6) If any premium rate in the revised premium rate schedule is greater than 200 percent of the comparable rate in the initial premium schedule, lifetime projections, as defined in section (2)(c)(A) of this rule, shall be filed for review and approval by the director every five years following the end of the required period in section (5) of this rule. For group insurance policies that meet the conditions in section (12) of this rule, the projections required by this section shall be provided to the policyholder in lieu of filing with the director.

(7)(a) If the director has determined that the actual experience following a rate increase does not adequately match the projected experience and that the current projection under moderately adverse conditions demonstrates that incurred claims will not exceed proportions of premiums specified in section (4) of this rule, the director may require the insurer to implement any of the following:

(A) Premium rate schedule adjustments; or

(B) Other methods to reduce the difference between the projected and actual experience.

(b) In determining whether the actual experience adequately matches the projected experience, consideration shall be given to section (2)(c)(E) of this rule, if applicable.

(8) If the majority of the policies or certificates to which the increase is applicable are eligible for the contingent benefit upon lapse, the insurer shall file:

(a) A plan, subject to director approval, for improved administration or claims processing designed to eliminate the potential for further deterioration of the policy form requiring further premium rate schedule increase, or both, or to demonstrate that appropriate administration and claims processing have been implemented or are in effect, otherwise the director may impose the condition in section (9) of this rule; and

(b) The original anticipated lifetime loss ratio and the premium rate schedule increase that would have been calculated according to section (4) of this rule had the greater of the original anticipated lifetime loss ratio or 58 percent been used in the calculations described in section (4)(a)(A) and (C) of this rule.

(9)(a) For a rate increase filing that meets the following criteria, the director shall review, for all policies included in the filing, the projected lapse rates and past lapse rates during the 12 months following each increase to determine if a significant adverse lapse has occurred or is anticipated:

(A) The rate increase is not the first rate increase requested for the specific policy form or forms;

(B) The rate increase is not an exceptional increase; and

(C) The majority of the policies or certificates to which the increase is applicable are eligible for the contingent benefit upon lapse.

(b) In the event significant adverse lapse has occurred, is anticipated in the filing or is evidenced in the actual results as presented in the updated projections provided by the insurer following the requested rate increase, the director may determine that a rate spiral exists. Following the determination that a rate spiral exists:

(A) The director may require the insurer to offer, without underwriting, to all in force insureds subjected to the rate increase the option to replace existing coverage with one or more reasonably comparable products being offered by the insurer or its affiliates.

(B) An offer under paragraph (A) of this subsection shall:

(i) Be subject to the approval of the director;

(ii) Be based on actuarially sound principles, but not be based on attained age;

(iii) Provide that maximum benefits under any new policy accepted by an insured shall be reduced by comparable benefits already paid under the existing policy; and

(iv) Shall credit any unearned premium to the new coverage.

(C) The insurer shall maintain the experience of all the replacement insureds separate from the experience of insureds originally issued the policy forms. In the event of a request for a rate increase on the policy form, the rate increase shall be limited to the lesser of:

(i) The maximum rate increase determined based on the combined experience; and

(ii) The maximum rate increase determined based only on the experience of the insureds originally issued the form plus ten percent.

(10) If the director determines that the insurer has exhibited a persistent practice of filing inadequate initial premium rates for long-term care insurance, the director may, in addition to the provisions of section (9) of this rule, prohibit the insurer from doing either of the following:

(a) Filing and marketing comparable coverage for a period of up to five years; or

(b) Offering all other similar coverages and limiting marketing of new applications to the products subject to recent premium rate schedule increases.

(11) Sections (1) to (10) of this rule do not apply to policies for which long-term care benefits provided by the policy are incidental if the policy complies with all of the provisions of this section. For the purpose of this section, "incidental" means that the value of the long-term care benefits provided is less than ten percent of the total value of the benefits provided over the life of the policy. These values shall be measured as of the date of issue. The provisions are as follows:

(a) The interest credited internally to determine cash value accumulations, including long-term care, if any, must be guaranteed not to be less than the minimum guaranteed interest rate for cash value accumulations without long-term care set forth in the policy.

(b) The portion of the policy that provides insurance benefits other than long-term care coverage must meet the nonforfeiture requirements for those benefits.

(c) The policy must meet the disclosure requirements under OAR 836-052-0706 for long-term care insurance policies.

(d) The portion of the policy that provides insurance benefits other than long term care coverage must meet the requirements as applicable for life and annuity policies.

(e) An actuarial memorandum that includes the following items must be filed with the director:

(A) A description of the basis on which the long term care rates were determined.

(B) A description of the basis for the reserves.

(C) A summary of the type of policy, benefits, renewability, general marketing method and limits on ages of issuance.

(D) A description and a table of each actuarial assumption used. For expenses, an insurer must include percent of premium dollars per policy and dollars per unit of benefits, if any.

(E) A description and a table of the anticipated policy reserves and additional reserves to be held in each future year for active lives.

(F) The estimated average annual premium per policy and the average issue age.

(G) A statement as to whether underwriting is performed at the time of application. The statement must indicate whether underwriting is used and, if used, the statement must include a description of the type or types of underwriting used, such as medical underwriting or functional assessment underwriting. Concerning a group policy, the statement shall indicate whether the enrollee or any dependent will be underwritten and when underwriting occurs.

(H) A description of the effect of the long term care policy provision on the required premiums, nonforfeiture values and reserves on the underlying insurance policy, both for active lives and those in long term care claim status.

(12) Sections (6) and (8) of this rule do not apply to group insurance policies as defined in ORS 743.652(3)(a) when:

(a) The policies insure 250 or more persons and the policyholder has 5,000 or more eligible employees of a single employer; or

(b) The policyholder and not the certificate holders pays a material portion of the premium, which shall not be less than 20 percent of the total premium for the group in the calendar year prior to the year a rate increase is filed.

Stat. Auth.: ORS 731.244

Stats. Implemented: ORS 742.005, 743.018, 743.650 & 743.652

Hist.: ID 3-2005, f. & cert. ef. 3-1-05; ID 12-2005(Temp), f. & cert. ef. 10-3-05 thru 3-20-06; ID 5-2006, f. 3-15-06, cert. ef. 3-20-06; ID 10-2007, f. 12-3-07, cert. ef. 1-1-08; ID 12-2013, f. 12-31-13, cert. ef. 1-1-14; ID 5-2015, f. 6-10-15, cert. ef. 1-1-16

836-052-0680

Premium Rate Schedule Increases for Policies Subject to Loss Ratio Limits Related to Original Filings

(1) This rule applies as follows:

(a) Except as provided in section (1)(b) of this rule, this rule applies to any long-term care policy or certificate issued in this state on or after January 1, 2016.

(b) For certificates issued on or after January 1, 2016 under a group long-term care insurance policy as defined in ORS 743.652(4), which policy was in force at the time this amended rule became effective, the provisions of this section shall apply on the policy anniversary following July 1, 2016.

(2) An insurer shall obtain approval of a premium rate increase from the Director of the Department of Consumer and Business Services prior to the notice to the policyholders and shall include the following in the submission to the director:

(a) Information required by OAR 836-052-0556;

(b) Certification by a qualified actuary that:

(A)(i) If the requested premium rate schedule increase is implemented and the underlying assumptions, which reflect moderately adverse conditions, are realized, no further premium rate schedule increases are anticipated; and

(ii) The premium rate filing is in compliance with the provisions of this rule; or

(B) The insurer may request a premium rate schedule increase less than what is required under this rule and the director may approve such premium rate schedule increase, without submission of the certification in subsection (b) of this section, if the actuarial memorandum discloses the premium rate schedule increase necessary to make the certification required under subsection (b) of this section, the premium rate schedule increase filing satisfies all other requirements of this section, and is, in the opinion of the director, in the best interest of policyholders.

(c) An actuarial memorandum justifying the rate schedule change request that includes all of the following:

(A) Lifetime projections of earned premiums and incurred claims based on the filed premium rate schedule increase; and the method and assumptions used in determining the projected values, including reflection of any assumptions that deviate from those used for pricing other forms currently available for sale;

(i) Annual values for the five years preceding and the three years following the valuation date shall be provided separately;

(ii) The projections shall include the development of the lifetime loss ratio, unless the rate increase is an exceptional increase; and

(iii) The projections shall demonstrate compliance with section (3) of this rule; and

(B) For exceptional increases:

(i) The projected experience should be limited to the increases in claims expenses attributable to the approved reasons for the exceptional increase; and

(ii) In the event the Director determines as provided in OAR 836-052-0676(3)(c) that offsets may exist, the insurer shall use appropriate net projected experience.

(C) Disclosure of how reserves have been incorporated in this rate increase whenever the rate increase will trigger contingent benefit upon lapse.

(D) Disclosure of the analysis performed to determine why a rate adjustment is necessary, which pricing assumptions were not realized and

why, and what other actions taken by the company have been relied on by the actuary.

(E) A statement that policy design, underwriting and claims adjudication practices have been taken into consideration.

(F) In the event that it is necessary to maintain consistent premium rates for new certificates and certificates receiving a rate increase, the insurer must file composite rates reflecting projections of new certificates.

(G) A demonstration that actual and projected costs exceed costs anticipated at the time of initial pricing under moderately adverse experience and that the composite margin specified in OAR 836-052-0566(2)(b) is projected to be exhausted.

(d) A statement that renewal premium rate schedules are not greater than new business premium rate schedules except for differences attributable to benefits, unless sufficient justification is provided to the director; and

(e) Sufficient information for the director to review and approve the premium rate schedule increase.

(3) All premium rate schedule increases shall be determined in accordance with all of the following requirements:

(a) Exceptional increases shall provide that 70 percent of the present value of projected additional premiums from the exceptional increase will be returned to policyholders in benefits.

(b) Premium rate schedule increases shall be calculated such that the sum of the lesser of the accumulated value of actual incurred claims, without the inclusion of active life reserves, or the accumulated value of historic expected claims, without the inclusion of active life reserves, plus the present value of the future expected incurred claims, projected without the inclusion of active life reserves, will not be less than the sum of the following:

(A) The accumulated value of the initial earned premium times the greater of 58 percent and the lifetime loss ratio consistent with the original filing including margins for moderately adverse experience;

(B) Eighty-five percent of the accumulated value of prior premium rate schedule increases on an earned basis;

(C) The present value of future projected initial earned premiums times the greater of 58 percent and the lifetime loss ratio consistent with the original filing including margins for moderately adverse experience; and

(D) Eighty-five percent of the present value of future projected premiums not in paragraph (C) of this subsection on an earned basis.

(c) Expected claims shall be calculated based on the original filing assumptions assumed until new assumptions are filed as part of a rate increase. New assumptions shall be used for all periods beyond each requested effective date of a rate increase. Expected claims are calculated for each calendar year based on the in-force at the beginning of the calendar year. Expected claims shall include margins for moderately adverse experience; either amounts included in the claims that were used to determine the lifetime loss ratio consistent with the original filing or as modified in any rate increase filing.

(d) If a policy form has both exceptional and other increases, the values in subsection (b)(B) and (D) of this section will also include 70 percent for exceptional rate increase amounts.

(e) All present and accumulated values used to determine rate increases, including the lifetime loss ratio consistent with the original filing reflecting margins for moderately adverse experience, shall use the maximum valuation interest rate for contract reserves as specified in ORS 733.310. The actuary shall disclose as part of the actuarial memorandum the use of any appropriate averages.

(4) For each rate increase that is implemented, the insurer shall file for approval by the director updated projections, as defined in section (2)(c)(A) of this rule, annually for the next three years and include a comparison of actual results to projected values. The director may extend the period to greater than three years if actual results are not consistent with projected values from prior projections. For group insurance policies that meet the conditions in section (11) of this rule, the projections required by this section shall be provided to the policyholder in lieu of filing with the director.

(5) If any premium rate in the revised premium rate schedule is greater than 200 percent of the comparable rate in the initial premium schedule, lifetime projections, as defined in section (2)(c)(A) of this rule, shall be filed for approval by the director every five years following the end of the required period in section (4) of this rule. For group insurance policies that meet the conditions in section (11) of this rule, the projections required by this section shall be provided to the policyholder in lieu of filing with the director.

(6)(a) If the director has determined that the actual experience following a rate increase does not adequately match the projected experience and that the current projections under moderately adverse conditions demonstrate that incurred claims will not exceed proportions of premiums specified in section (3) of this rule, the director may require the insurer to implement any of the following:

(A) Premium rate schedule adjustments; or

(B) Other measures to reduce the difference between the projected and actual experience.

(b) In determining whether the actual experience adequately matches the projected experience, consideration should be given to section (2)(c)(F) of this rule, if applicable.

(7) If the majority of the policies or certificates to which the increase is applicable are eligible for the contingent benefit upon lapse, the insurer shall file a plan, subject to director approval, for improved administration or claims processing designed to eliminate the potential for further deterioration of the policy form requiring further premium rate schedule increases, or both, or to demonstrate that appropriate administration and claims processing have been implemented or are in effect; otherwise the director may impose the condition in section (8) of this rule.

(8)(a) For a rate increase filing that meets the following criteria, the director shall review, for all policies included in the filing, the projected lapse rates and past lapse rates during the 12 months following each increase to determine if significant adverse lapsation has occurred or is anticipated:

(A) The rate increase is not the first rate increase requested for the specific policy form or forms;

(B) The rate increase is not an exceptional increase; and

(C) The majority of the policies or certificates to which the increase is applicable are eligible for the contingent benefit upon lapse.

(b) In the event significant adverse lapsation has occurred, is anticipated in the filing or is evidenced in the actual results as presented in the updated projections provided by the insurer following the requested rate increase, the director may determine that a rate spiral exists. Following the determination that a rate spiral exists, the director may require the insurer to offer, without underwriting, to all in force insureds subject to the rate increase the option to replace existing coverage with one or more reasonably comparable products being offered by the insurer or its affiliates.

(A) The offer shall:

(i) Be subject to the approval of the director;

(ii) Be based on actuarially sound principles, but not be based on attained age; and

(iii) Provide that maximum benefits under any new policy accepted by an insured shall be reduced by comparable benefits already paid under the existing policy.

(B) The insurer shall maintain the experience of all the replacement insureds separate from the experience of insureds originally issued the policy forms. In the event of a request for a rate increase on the policy form, the rate increase shall be limited to the lesser of:

(i) The maximum rate increase determined based on the combined experience; and

(ii) The maximum rate increase determined based only on the experience of the insureds originally issued the form plus ten percent.

(9) If the director determines that the insurer has exhibited a persistent practice of filing inadequate initial premium rates for long-term care insurance, the director may, in addition to the provisions of section (8) of this rule, prohibit the insurer from either of the following:

(a) Filing and marketing comparable coverage for a period of up to five years; or

(b) Offering all other similar coverages and limiting marketing of new applications to the products subject to recent premium rate schedule increases.

(10) Sections (1) to (9) of this rule shall not apply to policies for which the long-term care benefits provided by the policy are incidental, as defined in OAR 836-052-0676(11), if the policy complies with all of the following provisions:

(a) The interest credited internally to determine cash value accumulations, including long-term care, if any, are guaranteed not to be less than the minimum guaranteed interest rate for cash value accumulations without long-term care set forth in the policy.

(b) The portion of the policy that provides insurance benefits other than long-term care coverage meets the nonforfeiture requirements as applicable in any of the following:

(A) ORS 743.204 to 743.222; and

(B) ORS 743.275 to 743.295.

(c) The policy meets the disclosure requirements of ORS 743.650 to 743.656.

(d) The portion of the policy that provides insurance benefits other than long-term care coverage meets the requirements as applicable in the following:

(A) Policy illustrations as required by OAR 836-051-0500 to 836-051-0600; and

(B) Disclosure requirements in OAR 836-051-0900 to 836-051-0925.

(e) An actuarial memorandum is filed with the department that includes all of the following:

(A) A description of the basis on which the long-term care rates were determined.

(B) A description of the basis for the reserves.

(C) A summary of the type of policy, benefits, renewability, general marketing method and limits on ages of issuance.

(D) A description and a table of each actuarial assumption used. For expenses, an insurer must include percent of premium dollars per policy and dollars per unit of benefits, if any.

(E) A description and a table of the anticipated policy reserves and additional reserves to be held in each future year for active lives.

(F) The estimated average annual premium per policy and the average issue age.

(G) A statement as to whether underwriting is performed at the time of application. The statement shall indicate whether underwriting is used and, if used, the statement shall include a description of the type or types of underwriting used, such as medical underwriting or functional assessment underwriting. For a group policy, the statement must indicate whether the enrollee or any dependent will be underwritten and when underwriting occurs.

(H) A description of the effect of the long-term care policy provision on the required premiums, nonforfeiture values and reserves on the underlying insurance policy, both for active lives and those in long-term care claim status.

(11) Sections (6) and (8) of this rule shall not apply to group insurance policies as defined in ORS 743.652(3) if:

(a) The policies insure 250 or more persons and the policyholder has 5,000 or more eligible employees of a single employer; or

(b) The policyholder, and not the certificate holders, pays a material portion of the premium, which shall not be less than 20 percent of the total premium for the group in the calendar year prior to the year a rate increase is filed.

Stat. Auth.: ORS 731.244
Stats. Implemented: Sec. 9, Ch. 486, OL 2007 (Enrolled SB 191) ORS 744.088
Hist.: ID 5-2015, f. 6-10-15, cert. ef. 1-1-16

836-052-0740
Right to Reduce Coverage and Lower Premiums

(1) Every long term care insurance policy and certificate must include a provision that allows the policyholder or certificate holder to reduce coverage and lower the policy or certificate premium in at least one of the following ways:

(a) Reducing the maximum benefit; or

(b) Reducing the daily, weekly, or monthly benefit amount.

(2) An insurer may offer other reduction options that are consistent with the policy or certificate design or the insurer's administrative processes, in addition to the provision required in section (1) of this rule.

(3) If a reduction in coverage involves the reduction or elimination of the inflation protection provision, the insurer must allow the policyholder to continue the benefit amount in effect at the time of the reduction.

(4) The provision required in section (1) of this rule must include a description of the ways in which coverage may be reduced and the process for requesting and implementing a reduction in coverage.

(5) The premium for the reduced coverage shall:

(a) Be based on the same age and underwriting class used to determine the premium for the coverage currently in force; and

(b) Be consistent with the approved rate table.

(6) The insurer may limit any reduction in coverage to plans or options available for that policy form and to those for which benefits will be available after consideration of claims paid or payable.

(7) If a policy or certificate is about to lapse, the insurer shall provide a written reminder to the policyholder or certificate holder of the right of the policyholder or certificate holder to reduce coverage and premiums in the notice required by OAR 836-052-0536(1)(c).

(8) This rule does not apply to life insurance policies or riders containing accelerated long term care benefits.

(9) This rule applies to any long term care policy issued in this state on or after December 1, 2008.

(10) A premium increase notice required by OAR 836-052-0556(5) shall include:

(a) Information about the amount requested and the implementation schedule;

(b) Available benefit reduction or rate increase mitigation actions and the impact such action will have on the policy, such as the loss of asset protection in a partnership plan;

(c) A disclosure stating that all options available to the policyholder may not be of equal value;

(d) Clear disclosure addressing guaranteed renewable nature of policy and possibility of future rate increases;

(e) Offer of contingent benefit upon lapse or other nonforfeiture benefits, if applicable;

(f) Information about how to contact the insurer;

(g) A statement that the increase is on a class basis rather than for a particular individual and is related to expected future claims rather than economic conditions; and

(h) In the case of a partnership policy, a disclosure that some benefit reduction options may result in a loss in partnership status that may reduce policyholder protections.

(11) The requirements of section (10) of this rule apply to any rate increase implemented in this state on or after January 1, 2016.

Stat. Auth.: ORS 731.244
Stats. Implemented: Sec. 9, Ch. 486, OL 2007 (Enrolled SB 191)
Hist.: ID 10-2007, f. 12-3-07, cert. ef. 1-1-08; ID 5-2015, f. 6-10-15, cert. ef. 1-1-16

836-052-0746
Nonforfeiture Benefit Requirement

(1) This rule does not apply to life insurance policies or riders containing accelerated long-term care benefits.

(2) To comply with the requirement to offer a nonforfeiture benefit pursuant to the provisions of ORS 743.664:

(a) A long-term care policy, certificate or rider offered with nonforfeiture benefits must have coverage elements, eligibility, benefit triggers and benefit length that are the same as coverage to be issued without nonforfeiture benefits. The nonforfeiture benefit included in the offer must be the benefit described in section (6) of this rule.

(b) The offer must be in writing if the nonforfeiture benefit is not otherwise described in the Outline of Coverage or other materials given to the prospective policyholder.

(3) If the offer required to be made under ORS 743.664 is rejected, the insurer shall provide the contingent benefit upon lapse described in this rule. Even if this offer is accepted for a policy with a fixed or limited premium paying period, the contingent benefit on lapse in section (4)(d) of this rule shall still apply.

(4)(a) After rejection of an offer required under section ORS 743.664, for an individual or group policy without nonforfeiture benefits issued after the effective date of this section, the insurer shall provide a contingent benefit upon lapse.

(b) In the event a group policyholder elects to make the nonforfeiture benefit an option to the certificate holder, a certificate shall provide either the nonforfeiture benefit or the contingent benefit upon lapse.

(c) The contingent benefit on lapse shall be triggered every time an insurer increases the premium rates to a level that results in a cumulative increase of the annual premium equal to or exceeding the percentage of the insured's initial annual premium set forth in this subsection based on the insured's issue age, and the policy or certificate lapses within 120 days of the due date of the premium so increased. Unless otherwise required, a policyholder shall be notified at least 30 days prior to the due date of the premium reflecting the rate increase. [Table not included. See ED. NOTE.]

(d) A contingent benefit on lapse shall also be triggered for policies with a fixed or limited premium paying period every time an insurer increases the premium rates to a level that results in a cumulative increase of the annual premium equal to or exceeding the percentage of the insured's initial annual premium set forth in this paragraph based on the insured's issue age, the policy or certificate lapses within 120 days of the due date of the premium so increased, and the ratio in subsection (e)(B) of this section is 40 percent or more. Unless otherwise required, policyholders shall be notified at least 30 days prior to the due date of the premium reflecting the rate increase. This provision is in addition to the contingent benefit provided by subsection (c) of this section, and when both are triggered, the benefit provider shall be at the option of the insured. [Table not included. See ED. NOTE.]

(e) On or before the effective date of a substantial premium increase as defined in subsection (c) of this section, the insurer shall:

(A) Offer to reduce policy benefits provided by the current coverage consistent with the requirements of OAR 836-052-0740 so that the required premium payments are not increased.

(B) Offer to convert the coverage to a paid-up status with a shortened benefit period in accordance with the provisions of section (6) of this rule. This option may be elected at any time during the 120-day period referenced in subsection (c) of this section; and

(C) Notify the policyholder or certificate holder that a default or lapse at any time during the 120-day period referenced in subsection (c) of this section shall be deemed to be the election of the offer to convert in paragraph (B) of this subsection unless the automatic option in subsection (f)(C) applies.

(f) On or before the effective date of a substantial premium increase as defined in subsection (d) of this section, the insurer shall:

(A) Offer to reduce policy benefits provided by the current coverage consistent with the requirements of OAR 836-052-0740 so that required premium payments are not increased;

(B) Offer to convert the coverage to a paid up status when the amount payable for each benefit is 90 percent of the amount payable in effect immediately prior to lapse times the ratio of the number of completed months of paid premiums divided by the number of months in the premium paying period. This option may be elected at any time during the 120-day period referenced in subsection (d) of this section; and

(C) Notify the policyholder or certificate holder that a default or lapse at any time during the 120-day period referenced in subsection (d) of this section shall be deemed to be the election of the offer to convert in paragraph (B) of this subsection if the ration is 40 percent or more.

(5) For any long-term care policy issued in this state on or after January 1, 2016:

(a) In the event the policy or certificate was issued at least 20 years prior to the effective date of the increase, a value of zero percent shall be used in place of all values in the table referenced in OAR 836-052-0746(4)(d).

(b) Values above 100 percent in the table referenced in OAR 836-052-0746(4)(d) shall be reduced to 100 percent.

(6) Benefits that must be continued as nonforfeiture benefits, including contingent benefits upon lapse in accordance with section (4)(c) of this rule but not section (4)(d) of this rule, are described in this section as follows:

(a) For purposes of this section, attained age rating is defined as a schedule of premiums starting from the issue date that increases age at least one percent per year prior to age 50, and at least three percent per year beyond age 50.

(b) For purposes of this section, the nonforfeiture benefit shall be of a shortened benefit period providing paid-up long-term care insurance coverage after lapse. The same benefits (amounts and frequency in effect at the time of lapse but not increased thereafter) must be payable for a qualifying claim, but the lifetime maximum dollars or days of benefits shall be determined as specified in subsection (c) of this section.

(c) The standard nonforfeiture credit must be equal to 100% of the sum of all premiums paid, including the premiums paid prior to any changes in benefits. The insurer may offer additional shortened benefit period options, as long as the benefits for each duration equal or exceed the standard nonforfeiture credit for that duration. However, the minimum nonforfeiture credit shall not be less than 30 times the daily nursing home benefit at the time of lapse. In either event, the calculation of the nonforfeiture credit is subject to the limitation of section (7) of this rule.

(d)(A) The nonforfeiture benefit shall begin not later than the end of the third year following the policy or certificate issue date. The contingent benefit upon lapse shall be effective during the first three years as well as thereafter.

(B) Notwithstanding paragraph (a) of this subsection, for a policy or certificate with attained age rating, the nonforfeiture benefit shall begin on the earlier of:

(i) The end of the tenth year following the policy or certificate issue date; or

(ii) The end of the second year following the date the policy or certificate is no longer subject to attained age rating.

(e) Nonforfeiture credits may be used for all care and services qualifying for benefits under the terms of the policy or certificate, up to the limits specified in the policy or certificate.

(7) All benefits paid by the insurer while the policy or certificate is in premium paying status and in the paid up status may not exceed the maximum benefits that would be payable if the policy or certificate had remained in premium paying status.

(8) There shall be no difference in the minimum nonforfeiture benefits as required under this rule for group and individual long term care insurance policies.

(9) The requirements set forth in this rule become effective March 1, 2006, after adoption of this provision and shall apply as follows:

(a) Except as provided in paragraphs (b) and (c) of this subsection, the provisions of this rule apply to any long-term care policy issued in this state on or after March 1, 2005.

(b) For certificates issued on or after March 1, 2006 under a group long-term care insurance policy as defined in ORS 743.652(3)(a), which policy was in force March 1, 2005, the provisions of this rule do not apply.

(c) The last sentence in section (3) and section (4)(d) and (f) of this rule apply to any long term care insurance policy or certificate issued in this state after May 31, 2008, except new certificates on a group policy as defined in ORS 743.652(3)(a) after December 1, 2008.

(10) Premiums charged for a policy or certificate containing nonforfeiture benefits or a contingent benefit on lapse shall be subject to the loss ratio requirements of OAR 836-052-0666, 836-052-0676, or 836-052-0680, whichever is applicable, treating the policy as a whole.

(11) To determine whether contingent nonforfeiture upon lapse provisions are triggered under section (4)(c) or (d) of this rule, a replacing insurer that purchased or otherwise assumed a block or blocks of long-term care insurance policies from another insurer shall calculate the percentage increase based on the initial annual premium paid by the insured when the policy was first purchased from the original insurer.

(12) A nonforfeiture benefit for qualified long-term care insurance contracts that are level premium contracts shall be offered that meets the following requirements:

(a) The nonforfeiture provision shall be appropriately captioned;

(b) The nonforfeiture provision shall provide a benefit available in the event of a default in the payment of any premiums and shall state that the amount of the benefit may be adjusted subsequent to being initially granted only as necessary to reflect changes in claims, persistency and interest as reflected in changes in rates for premium paying contracts approved by the Director for the same contract form; and

(c) The nonforfeiture provision shall provide at least one of the following:

(A) Reduced paid-up insurance;

(B) Extended term insurance;

(C) Shortened benefit period; or

(D) Other similar offerings approved by the Director.

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

Stat. Auth.: ORS 731.244, 742.023, 743.013, 743.655, 743.656 & 746.240

Stats. Implemented: ORS 731.244, 742.003, 742.005, 742.009, 743.010(3), 743.013(3), 743.650, 743.653, 743.655, 743.656 & 746.240

Hist.: ID 3-2005, f. & cert. ef. 3-1-05; ID 10-2007, f. 12-3-07, cert. ef. 1-1-08; ID 5-2015, f. 6-10-15, cert. ef. 1-1-16

• • • • • • • • • •

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

Rule Caption: Notice of Closure if worker is deceased; interpreter services at deposition for reconsideration record

Adm. Order No.: WCD 4-2015(Temp)

Filed with Sec. of State: 5-21-2015

Certified to be Effective: 5-21-15 thru 11-16-15

Notice Publication Date:

Rules Amended: 436-030-0005, 436-030-0015, 436-030-0020, 436-030-0023, 436-030-0115, 436-030-0125, 436-030-0135, 436-030-0145

Subject: These temporary amendments make the rules governing claim closure consistent with ORS 656.268, as amended by Senate Bill 371 (2015), by:

- Redefining "Notice of Closure" from a "notice to the worker" to a "notice to the worker or beneficiary";

- Modifying the statements that must appear on the Updated Notice of Acceptance and Closure issued in an instant fatality to provide that a beneficiary may request reconsideration of the Notice of Closure, and that if a copy of the Notice of Closure was not sent to a beneficiary, that beneficiary may request reconsideration within one year from the date the notice was mailed to the estate of the worker;

- Requiring the Notice of Closure to include appeal rights of beneficiaries;

- Providing to whom the Notice of Closure should be mailed if the worker is deceased;

- Requiring insurers and self-insured employers to pay costs for necessary interpreter services to prepare a deposition that is submitted to the reconsideration record;

- Requiring that if reconsideration is requested by a beneficiary, the request must include the name of the beneficiary and the beneficiary's attorney (if any);

- Requiring that if reconsideration is requested by a beneficiary, the insurer must distribute a copy of the record to be used for the reconsideration proceeding to the beneficiary or the beneficiary's attorney; and

- Specifying that a request for reconsideration must be mailed by a beneficiary within 60 days of the mailing date of the Notice of Closure if the Notice was mailed to the beneficiary, or within one year of the date the Notice of Closure was mailed to the estate of the worker if the Notice of Closure was not mailed to the beneficiary.

The agency has posted the rules to its website: http://wcd.oregon.gov/policy/rules/rules.html. To obtain a free paper copy, contact Fred Bruyns, 503-947-7717, fred.h.bruyns@oregon.gov.

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

436-030-0005
Definitions

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

(1) "Authorized Nurse Practitioner" means a nurse practitioner authorized to provide compensable medical services under ORS 656.245 and OAR 436-010.

(2) "Day" means calendar day unless otherwise specified (e.g., "working day").

(3) "Direct medical sequela" means a condition that is clearly established medically and originates or stems from an accepted condition. For example: The accepted condition is low back strain with herniated disc at L4-5. The worker develops permanent weakness in the leg and foot due to the accepted condition. The weakness is considered a "direct medical sequela."

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

(5) "Division" means the Workers' Compensation Division of the Department of Consumer and Business Services.

(6) "Instant Fatality" means a compensable claim for death benefits where the worker dies within 24 hours of the injury.

(7) "Insurer" means the State Accident Insurance Fund, an insurer authorized under ORS Chapter 731 to transact workers' compensation insurance in Oregon, a self-insured employer, or a self-insured employer group.

(8) "Mailed or Mailing Date," for the purposes of determining timeliness under these rules, means the date a document is postmarked. Requests submitted by electronic transmission (by facsimile or "fax") will be considered mailed as of the date printed on the banner automatically produced by the transmitting fax machine. Hand-delivered requests will be considered mailed as of the date stamped or punched in by the Workers' Compensation Division. Phone or in-person requests, where allowed under these rules, will be considered mailed as of the date of the request.

(9) "Notice of Closure" means a notice to the worker or beneficiary issued by the insurer to:

(a) Close an accepted disabling claim, including fatal claims;

(b) Correct, rescind, or rescind and reissue a Notice of Closure previously issued; or

(c) Reduce permanent total disability to permanent partial disability.

(10) "Reconsideration" means review by the director of an insurer's Notice of Closure.

(11) "Statutory closure date" means the date the claim satisfies the criteria for closure under ORS 656.268(1)(b) and (c).

(12) "Statutory appeal period" means the time frame for appealing a Notice of Closure or Order on Reconsideration.

(13) "Work disability," for purposes of determining permanent disability, means the separate factoring of impairment as modified by age, education, and adaptability to perform the job at which the worker was injured.

(14) "Worksheet" means a summary of facts used to derive the awards stated in the Notice of Closure.

Stat. Auth.: ORS 656.268, 656.726
Stats. Implemented: ORS 656.005, 656.268 (2015 Enrolled SB 371), 656.726
Hist.: WCD 8-1978(Admin), f. 6-30-78, ef. 7-10-78; WCD 4-1980(Admin), f. 3-20-80, ef. 4-1-80; WCD 5-1981(Admin), 12-30-81, ef. 1-1-82; Renumbered from 436-065-0004, 5-1-85; WCD 13-1987, f. 12-18-87, ef. 1-1-88; WCD 5-1990(Temp), f. 6-18-90, cert. ef. 7-1-90; WCD 31-1990, f. 12-10-90, cert. ef. 12-26-90; WCD 12-1994, f. 11-18-94, cert. ef. 1-1-95; WCD 8-1996, f. 2-14-96, cert. ef. 2-17-96; WCD 17-1997, f. 12-22-97, cert. ef. 1-15-98; WCD 9-2000, f. 11-13-00, cert. ef. 1-1-01; WCD 14-2003(Temp), f. 12-15-03, cert. ef. 1-1-04 thru 6-28-03; WCD 2-2004, f. 2-19-04 cert. ef. 2-29-04; WCD 9-2004, f. 10-26-04, cert. ef. 1-1-05; WCD 8-2005, f. 12-6-05, cert. ef. 1-1-06; WCD 3-2009, f. 12-1-09, cert. ef. 1-1-10; WCD 1-2015, f. 1-29-15, cert. ef. 3-1-15; WCD 4-2015(Temp), f. & cert. ef. 5-21-15 thru 11-16-15

436-030-0015
Insurer Responsibility

(1) When an insurer issues a Notice of Closure (Form 440-1644, 1644c, 1644r), the insurer is responsible for:

(a) Providing the director, the parties, and the worker's attorney if the worker is represented, a copy of the Notice of Closure, a copy of the worksheet (Form 440-2807) upon which the Notice is based, a completed "Insurer Notice of Closure Summary" (Form 440-1503) and an Updated Notice of Acceptance at Closure that specifies which conditions are compensable, as prescribed in OAR 436-030-0020;

(b) Maintaining a copy of the worksheet and records upon which the Notice of Closure is based in its claim file for audit purposes under OAR 436-050; and

(c) Issuing the Updated Notice of Acceptance at Closure on the same date as the Notice of Closure.

(A) The Updated Notice of Acceptance at Closure must contain the following title, information, and language:

(i) Title: "Updated Notice of Acceptance at Closure";

(ii) Information: A list of all compensable conditions that have been accepted, even if a condition was denied, ordered accepted by litigation, and is under appeal. Any conditions under appeal and those which were the basis for this claim opening must be specifically identified;

(iii) Language, in bold print:

"Notice to Worker: This notice restates and includes all prior acceptances. The conditions that were the basis of this claim opening were the only conditions considered at the time of claim closure. The insurer or self-insured employer is not required to pay any disability compensation for any condition specifically identified as under appeal, unless and until the condition is found to be compensable after all litigation is complete. Appeal of any denied conditions or objections to this notice will not delay claim closure. Any condition found compensable after the Notice of Closure is issued will require the insurer to reopen the claim for processing of that condition. If you believe a condition has been incorrectly omitted from this notice, or this notice is otherwise deficient, you must communicate the specific objection to the insurer in writing.";

(B) In the case of an instant fatality, the Updated Notice of Acceptance may be combined with the Notice of Closure if the following is included:

(i) Title: "Updated Notice of Acceptance and Closure";

(ii) Information: Names of all known beneficiaries, the beneficiaries' right to and the extent of fatal benefits due under ORS 656.204 and the medically stationary date.

(iii) Language, in bold print:

"Notice to Worker's Beneficiary or Estate: This notice restates any prior acceptances. The insurer is required to determine the appropriate benefits to be paid to any beneficiaries and begin those payments within 30 days of the mailing date of this notice.

If you disagree with the notice of acceptance, you may appeal the decision to the Workers' Compensation Board, (insert current address for Workers' Compensation Board) within 30 days of the mailing date.

A beneficiary who was mailed this notice may request reconsideration of the notice by the Workers' Compensation Division, Appellate Review Unit, (insert current address for Workers' Compensation Division) within 60 days of the mailing date of this notice.

Beneficiaries who were not mailed a copy of this notice may request reconsideration of this notice within one year of the date this notice was mailed to the estate of the worker.

If you have questions about this notice, you may contact the Ombudsman for Injured Workers, the Workers' Compensation Division, or consult with an attorney."

(C) If the "Initial Notice of Acceptance" is issued at the same time as the "Updated Notice of Acceptance at Closure," both titles must appear near the top of the document.

(D) When an omission or error requires a corrected Updated Notice of Acceptance at Closure, the word "CORRECTED" must appear in capital letters adjacent to the word "Updated".

(2) The insurer or self-insured employer is not required to pay any disability compensation for any condition under appeal and specifically identified as such, unless and until the condition is found to be compensable after all litigation is complete.

(3) Copies of Notices of Refusal to Close must be mailed to the director and the parties, and to the worker's attorney, if the worker is represented.

(4) In claims with a date of injury on or after January 1, 2005, where the worker has not returned to regular work and ORS 656.726(4)(f) does not apply, or in claims with a date of injury on or after January 1, 2006, when the worker has not been released to regular work and ORS 656.726(4)(f) does not apply, the insurer must consider:

(a) The worker's age at the time the notice is issued;

(b) Adaptability to return to employment;

(c) The worker's level of education; and

(d) The worker's work history, including an accurate description of the physical requirements of the worker's job held at the time of injury, for the period from five years before the date of injury to the mailing date of the notice of closure with dates or period of time spent at each position, tasks performed or level of specific vocational preparation (SVP), and physical requirements. If the insurer cannot obtain five years of work history despite all reasonable efforts, the insurer must document its efforts and provide as much work history as it can obtain.

(5) In claims where the date of injury is before January 1, 2005, the worker has not returned or been released to regular work, ORS 656.726(4)(f) does not apply, and the claim involves injury to, or disease of, unscheduled body parts, areas, or systems, the insurer must consider:

(a) The worker's age at time the notice is issued;

(b) Adaptability to return to employment:

(c) The worker's level of education; and

(d) The worker's work history, including an accurate description of the physical requirements of the worker's job held at the time of injury, for the period from five years before the date of injury to the mailing date of the notice of closure with dates or period of time spent at each position, tasks performed or level of specific vocational preparation (SVP), and physical requirements.

(6) The insurer must consider any other records or information pertinent to claim determination prior to issuing a notice of closure.

(7) The insurer must notify the worker and the worker's attorney, if the worker is represented, in writing, when the insurer receives information that the worker's claim qualifies for closure under these rules.

(a) The insurer must send the written notice within three working days from the date the insurer receives the information, unless the claim has already been closed.

(b) The notice must advise the worker of his or her impending claim closure and that any time loss disability payments will end soon.

(8) The insurer must, within 14 days of closing the claim, provide the worker's attorney the same documents relied upon for claim closure.

(9) The insurer must not issue a Notice of Closure on an accepted nondisabling claim. Notices of Closure issued by the insurer in violation of this rule are void and without legal effect. Medically stationary status in nondisabling claims may be documented by the attending physician's statement of medically stationary status.

(10) When a condition is accepted after a closure and the claim has been reopened under ORS 656.262, the insurer must issue a Notice of Closure, considering only the newly accepted condition.

(11) Denials issued under ORS 656.262(7)(b), must clearly identify the phrase "major contributing cause" in the text of the denial.

(12) When a claim is closed where a designation of paying agent order (ORS 656.307) has been issued and the responsibility issue is not final by operation of law, the insurer processing the claim at the time of closure must send copies of the closure notice to the worker, the worker's attorney if the worker is represented, the director, and all parties involved in the responsibility issue.

Stat. Auth.: ORS 656.268, 656.726

Stats. Implemented: ORS 656.268 (2015 Enrolled SB 371), 656.331, 656.726

Hist.: WCD 12-1994, f. 11-18-94, cert. ef. 1-1-95; WCD 8-1996, f. 2-14-96, cert. ef. 2-17-96; WCD 17-1997, f. 12-22-97, cert. ef. 1-15-98; WCD 9-2000, f. 11-13-00, cert. ef. 1-1-01; WCD 10-2001, f. 11-16-01, cert. ef. 1-1-02; WCD 2-2004, f. 2-19-04 cert. ef. 2-29-04; WCD 3-2009, f. 12-1-09, cert. ef. 1-1-10; WCD 4-2015(Temp), f. & cert. ef. 5-21-15 thru 11-16-15

436-030-0020

Requirements for Claim Closure

(1) Issuance of a Notice of Closure. Unless the worker is enrolled and actively engaged in training, the insurer must issue a Notice of Closure on an accepted disabling claim within 14 days when:

(a) Medical information establishes that there is sufficient information to determine the extent of permanent disability and indicates that the worker is medically stationary;

(b) The compensable injury is no longer the major contributing cause of the worker's combined or consequential condition(s), a major contributing cause denial has been issued, and there is sufficient information to determine the extent of permanent disability;

(c) The worker fails to seek medical treatment for 30 days for reasons within the worker's control and the worker has been notified of pending actions in accordance with these rules;

(d) The worker fails to attend a mandatory closing examination for reasons within the worker's control and the worker has been notified of pending actions in accordance with these rules; or

(e) A worker receiving permanent total disability benefits has materially improved and is capable of regularly performing work at a gainful and suitable occupation.

(2) Sufficient Information. For purposes of determining the extent of permanent disability, "sufficient information" requires: a qualifying statement of no permanent disability under subsection (a) of this section or a qualifying closing report under subsection (b) of this section. Additional documentation is required under subsection (c) of this section unless there is clear and convincing evidence that an attending physician or authorized nurse practitioner has released the worker to the job held at the time of injury or that the worker has returned to the job held at the time of injury.

(a) Qualifying statements of no permanent disability. A statement indicating that there is no permanent disability is sufficient if it meets all of the following requirements:

(A) Qualified providers. An authorized nurse practitioner or attending physician must provide or concur with the statement.

(B) Support by the medical record. The statement must be supported by the medical record. If the medical record reveals otherwise, a closing examination and report specified under subsection (b) of this section are required.

(C) In initial injury claims. In an initial injury claim, the statement must clearly indicate the following:

(i) There is no reasonable expectation of any permanent impairment caused in any part by an accepted condition, a direct medical sequela of an accepted condition, or a condition directly resulting from the work injury; and

(ii) There is no reasonable expectation of any permanent work restriction that:

(I) Prevents the worker from returning to the job held at the time of injury; and

(II) Is caused in any part by an accepted condition, a direct medical sequela of an accepted condition, or a condition directly resulting from the work injury.

(D) In new or omitted condition claims. In a new or omitted condition claim, the statement must clearly indicate the following:

(i) There is no reasonable expectation of any permanent impairment caused in any part by an accepted new or omitted condition or a direct medical sequela of an accepted new or omitted condition; and

(ii) There is no reasonable expectation of any permanent work restriction that:

(I) Prevents the worker from returning to the job held at the time of injury; and

(II) Is caused in any part by an accepted new or omitted condition or a direct medical sequela of an accepted new or omitted condition.

(E) In aggravation claims. In an aggravation claim, the statement must clearly indicate the following:

(i) There is no reasonable expectation of any permanent impairment caused in any part by an accepted worsened condition or a direct medical sequela of an accepted worsened condition; and

(ii) There is no reasonable expectation of any permanent work restriction that:

(I) Prevents the worker from returning to the job held at the time of injury; and

(II) Is caused in any part by an accepted worsened condition or a direct medical sequela of an accepted worsened condition.

(F) In occupational disease claims. In an occupational disease claim, the statement must clearly indicate the following:

(i) There is no reasonable expectation of any permanent impairment caused in any part by an accepted occupational disease or a direct medical sequela of an accepted occupational disease; and

(ii) There is no reasonable expectation of any permanent work restriction that:

(I) Prevents the worker from returning to the job held at the time of injury; and

(II) Is caused in any part by an accepted occupational disease or a direct medical sequela of an accepted occupational disease.

(b) Qualifying closing reports. A closing medical examination and report are required if there is a reasonable expectation of permanent disability. A closing report is sufficient if it meets all of the following requirements:

(A) Qualified providers. A type A attending physician or a chiropractic physician serving as the attending physician must provide or concur with the closing report.

(B) Release to regular work. If the worker has no permanent work restriction, the closing report must include a statement indicating that:

(i) The worker has no permanent work restriction; or

(ii) The worker is released, without restriction, to the job held at the time of injury.

(C) In initial injury claims. In an initial injury claim, the closing report must include detailed documentation of all measurements, findings, and limitations regarding:

(i) Any permanent impairment caused in any part by an accepted condition, a direct medical sequela of an accepted condition, or a condition directly resulting from the work injury; and

(ii) Any permanent work restriction that:

(I) Prevents the worker from returning to the job held at the time of injury; and

(II) Is caused in any part by an accepted condition, a direct medical sequela of an accepted condition, or a condition directly resulting from the work injury.

(D) In new or omitted condition claims. In a new or omitted condition claim, the closing report must include detailed documentation of all measurements, findings, and limitations regarding:

(i) Any permanent impairment caused in any part by an accepted new or omitted condition or a direct medical sequela of an accepted new or omitted condition; and

(ii) Any permanent work restriction that:

(I) Prevents the worker from returning to the job held at the time of injury; and

(II) Is caused in any part by an accepted new or omitted condition or a direct medical sequela of an accepted new or omitted condition.

(E) In aggravation claims. In an aggravation claim, the closing report must include detailed documentation of all measurements, findings, and limitations regarding:

(i) Any permanent impairment caused in any part by an accepted worsened condition or a direct medical sequela of an accepted worsened condition; and

(ii) Any permanent work restriction that:

(I) Prevents the worker from returning to the job held at the time of injury; and

(II) Is caused in any part by an accepted worsened condition or a direct medical sequela of an accepted worsened condition.

(F) In occupational disease claims. In an occupational disease claim, the closing report must include detailed documentation of all measurements, findings, and limitations regarding:

(i) Any permanent impairment caused in any part by an accepted occupational disease or a direct medical sequela of an accepted occupational disease; and

(ii) Any permanent work restriction that:

(I) Prevents the worker from returning to the job held at the time of injury; and

(II) Is caused in any part by an accepted occupational disease or a direct medical sequela of an accepted occupational disease.

(c) Additional documentation. Unless there is clear and convincing evidence that an attending physician or authorized nurse practitioner has released the worker to the job held at the time of injury (for dates of injury on or after January 1, 2006) or that the worker has returned to the job held at the time of injury, all of the following is required:

(A) An accurate description of the physical requirements of the worker's job held at the time of injury, which has been provided by certified mail to the worker and the worker's legal representative, if any, either before closing the claim or at the time the claim is closed;

(B) The worker's wage established consistent with OAR 436-060;

(C) The worker's date of birth;

(D) Except as provided in OAR 436-030-0015(4)(d), the worker's work history for the period beginning five years before the date of injury to the mailing date of the Notice of Closure, including tasks performed or level of SVP, and physical demands; and

(E) The worker's level of formal education.

(3) When determining disability and issuing the Notice of Closure, the insurer must apply all statutes and rules consistent with their provisions, particularly as they relate to major contributing cause denials, worker's failure to seek treatment, worker's failure to attend a mandatory examination, medically stationary status, temporary disability, permanent partial and total disability, review of permanent partial and total disability.

(4) When issuing a Notice of Closure, the insurer must prepare and attach a summary worksheet, "Notice of Closure Worksheet," Form 440-2807 (Form 2807), as described by bulletin of the director.

(5) The "Notice of Closure," Form 440-1644 (Form 1644), is effective the date it is mailed to the worker and to the worker's attorney if the worker is represented, or to the worker's estate if the worker is deceased, regardless of the date on the Notice itself.

(6) The notice must be in the form and format prescribed by the director in these rules and include only the following:

(a) The worker's name, address, and claim identification information;

(b) The appropriate dollar value of any individual scheduled or unscheduled permanent disability based on the value per degree for injuries occurring before January 1, 2005 or, for injuries occurring on or after January 1, 2005, the appropriate dollar value of any "whole person" permanent disability, including impairment and work disability as determined appropriate under OAR 436-035;

(c) The body part(s) awarded disability, coded to the table of body part codes as prescribed by the director;

(d) The percentage of loss of the specific body part(s), including either the number of degrees that loss represents as appropriate for injuries occurring before January 1, 2005, or the percentage of the whole person the worker's loss represents as appropriate for injuries occurring on or after January 1, 2005;

(e) If there is no permanent disability award for this Notice of Closure, a statement to that effect;

(f) The duration of temporary total and temporary partial disability compensation;

(g) The date the Notice of Closure was mailed;

(h) The medically stationary date or the date the claim statutorily qualifies for closure under OAR 436-030-0035 or 436-030-0034;

(i) The date the worker's aggravation rights end;

(j) The appeal rights of the worker and any beneficiaries;

(k) A statement that the worker has the right to consult with the Ombudsman for Injured Workers;

(l) For claims with dates of injury before January 1, 2005, the rate in dollars per degree at which permanent disability, if any, will be paid based on date of injury as identified in Bulletin 111;

(m) For claims with dates of injury on or after January 1, 2005, the state's average weekly wage applicable to the worker's date of injury;

(n) The worker's return to work status;

(o) A general statement that the insurer has the authority to recover an overpayment;

(p) A statement that the worker has the right to be represented by an attorney; and

(q) A statement that the worker has the right to request a vocational eligibility evaluation under ORS 656.340.

(7) The Notice of Closure (Form 440-1644) must be accompanied by the following:

(a) The brochure "Understanding Claim Closure and Your Rights";

(b) A copy of summary worksheet Form 2807 containing information and findings which result in the data appearing on the Notice of Closure;

(c) An accurate description of the physical requirements of the worker's job held at the time of injury unless it is not required under section (2)(a) of this rule or it was previously provided under section (2)(b)(A) of this rule;

(d) The Updated Notice of Acceptance at Closure which clearly identifies all accepted conditions in the claim and specifies those which have been denied and are on appeal or which were the basis for this opening of the claim; and

(e) A cover letter that:

(A) Specifically explains why the claim has been closed (e.g., expiration of a period of suspension without the worker resolving the problems identified, an attending physician stating the worker is medically stationary, worker failure to treat without attending physician authorization or establishing good cause for not treating, etc.);

(B) Lists and describes enclosed documents; and

(C) Notifies the worker about the end of temporary disability benefits, if any, and the anticipated start of permanent disability benefits, if any.

(8) A copy of the Notice of Closure must be mailed to each of the following persons at the same time, with each copy clearly identifying the intended recipient:

(a) The worker;

(b) The employer;

(c) The director; and

(d) The worker's attorney, if the worker is represented.

(9) If the worker is deceased at the time the Notice of Closure is issued:

(a) The worker's copy of the notice must be addressed to the estate of the worker and mailed to the worker's last known address; and

(b) Copies of the notice may be mailed to any known or potential beneficiaries to the worker's estate.

(10) The worker's and any beneficiaries' copy of the Notice of Closure must be mailed by both regular mail and certified mail return receipt requested.

(11) An insurer may use electronically produced Notice of Closure forms if consistent with the form and format prescribed by the director.

(12) Insurers may allow adjustments of benefits awarded to the worker under the documentation requirements of OAR 436-060-0170 for the following purposes:

(a) To recover payments for permanent disability which were made prematurely;

(b) To recover overpayments for temporary disability; and

(c) To recover overpayments for other than temporary disability such as prepaid travel expenses where travel was not completed, prescription reimbursements, or other benefits payable under ORS 656.001 to 656.794.

(13) The insurer may allow overpayments made on a claim with the same insurer to be deducted from compensation to which the worker is entitled but has not yet been paid.

(14) If after claim closure, the worker becomes enrolled and actively engaged in an approved training program under OAR 436-120, a new Notice of Closure must be issued consistent with the following:

(a) In claims with dates of injury on or after January 1, 2005, the insurer must redetermine work disability when:

(A) The worker has ended training; and either

(B) The worker is medically stationary; or

(C) The claim otherwise qualifies for closure in accordance with these rules.

(b) For claims with dates of injury before January 1, 2005, permanent disability must be redetermined by the insurer when:

(A) The worker has ended training; and either

(B) The worker is medically stationary; or

(C) The claim otherwise qualifies for closure in accordance with these rules, except

(D) When the worker became medically stationary after June 7, 1995 for a scheduled disability. Then the scheduled disability must remain unchanged from the last award of compensation in that claim unless the condition did not remain medically stationary through training.

(c) For claims with dates of injury before January 1, 2005, if the worker has remained medically stationary throughout training and the closing examination is six months old or older, a current medical examination is required for redetermination unless the worker's attending physician provides a written statement that there has been no change in the worker's accepted condition since the previous closing examination.

(15) When, after a claim is closed, the insurer changes or is ordered to change the worker's weekly wage upon which calculation of the work disability portion of a permanent disability award may be based, the insurer must notify the parties and the division of the change and the effect of the change on any permanent disability award. For purposes of this rule, the insurer must complete Form 440-1502 consistent with the instructions of the director and distribute it within 14 days of the change.

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

Stat. Auth.: ORS 656.268, 656.726

Stats. Implemented: ORS 656.210, 656.212, 656.214, 656.268 (2015 Enrolled SB 371), 656.726, 656.745

Hist.: WCD 4-1980(Admin), f. 3-20-80, ef. 4-1-80; WCD 5-1981(Admin), f. 12-30-81, ef. 1-1-82; Renumbered from 436-065-0006, 5-1-85; WCD 13-1987, f. 12-18-87, ef. 1-1-88; WCD 5-1990(Temp), f. 6-18-90, cert. ef. 7-1-90; WCD 31-1990, f. 12-10-90, cert. ef. 12-26-90; WCD 5-1992, f. 1-17-92, cert. ef. 2-20-92; WCD 12-1994, f. 11-18-94, cert. ef. 1-1-95; WCD 8-1996, f. 2-14-96, cert. ef. 2-17-96; WCD 17-1997, f. 12-22-97, cert. ef. 1-15-98; WCD 9-2000, f. 11-13-00, cert. ef. 1-1-01; WCD 2-2004, f. 2-19-04 cert. ef. 2-29-04; WCD 9-2004, f. 10-26-04, cert. ef. 1-1-05; WCD 8-2005, f. 12-6-05, cert. ef. 1-1-06; WCD 11-2007, f. 11-1-07, cert. ef. 1-2-08; WCD 3-2009, f. 12-1-09, cert. ef. 1-1-100; WCD 1-2015, f. 1-29-15, cert. ef. 3-1-15; WCD 4-2015(Temp), f. & cert. ef. 5-21-15 thru 11-16-15

436-030-0023

Correcting and Rescinding Notices of Closure

(1) An insurer may rescind or correct its Notice of Closure prior to the expiration of the appeal period for that Notice and prior to or on the same day that the director receives a request for reconsideration of the Notice of Closure.

(2) The form, format, and completion of the Correcting and Rescinding Notices of Closure are the same as those of the Notice of Closure except that, to correct a Notice of Closure, a Form 440-1644c (Form 1644c) must be used and, to rescind a Notice of Closure, a Form 440-1644r (Form 1644r) must be used. An insurer may rescind and reissue a Notice of Closure by using a Form 440-1644 (Form 1644) when such actions can be accomplished at the same time, the claim remains closed, and other provisions of these rules are met.

(3) The "Date of closure (mailing date)" on the Correcting or Rescinding Notice of Closure must be the date the correction or rescission is mailed. The mailing date of the Notice of Closure being rescinded or corrected must be identified within the body of the Correcting or Rescinding Notice of Closure.

(4) The worker's copy of the Correcting and Rescinding Notices of Closure must be mailed by both regular mail and certified mail return receipt requested, consistent with OAR 436-030-0020(8) and (10).

(5) Rescinding Notices of Closure, Form 1644r, are used to rescind the Notice of Closure and return the claim to open status. Examples of appropriate uses of Rescinding Notices of Closure include, but are not limited to:

(a) The worker was not medically stationary at the time the Notice of Closure was issued;

(b) The closure was otherwise premature;

(c) To grant PPD when the Notice of Closure being rescinded granted TTD only.

(6) The Rescinding Notice of Closure must:

(a) Advise the worker that the claim remains open and no aggravation rights end date has been established, if it is rescinding the first closure of the claim;

(b) Initiate an appeal period as provided in OAR 436-030-0145(1) during which any request for reconsideration must be received by the director;

(c) Explain the reason for the action being taken; and

(d) Be distributed and mailed to the parties consistent with these rules.

(7) When a Notice of Closure granting only time loss has been issued, if the insurer determines the worker's medically stationary status is unchanged and the worker is entitled to an award of permanent disability, the insurer must use a Notice of Closure, Form 1644, to rescind and reissue the closure. In such cases, the Notice of Closure must:

(a) Contain all required information consistent with these rules;

(b) Bear the heading "Rescind and Reissue;

(c) Explain the reason the action is being taken;

(d) Identify the permanent disability award being granted consistent with OAR 436-030 and 436-035;

(e) Establish a new appeal period as provided in OAR 436-030-0145(1);

(f) Set a new aggravation rights end date if the Notice of Closure being rescinded is the first closure of the claim; and

(g) Be distributed and mailed to the parties consistent with these rules.

(8) Correcting Notices of Closure, Form 1644c, are used to correct errors or omissions and do not change the closure status or the action taken by the Notice of Closure being corrected. Correcting Notices of Closure must not be used to grant permanent disability in claims where the Notice of Closure being corrected did not include an award of permanent disability. Examples of appropriate uses of Correcting Notices of Closure include, but are not limited to:

(a) Permanent disability award computation errors (dollars, degrees, percentages);

(b) An incorrect "mailing date";

(c) Return-to-work status errors or omissions;

(d) Incorrect or incomplete statement of temporary disability.

(9) A Correcting Notice of Closure must:

(a) Be issued when the director has instructed the insurer to do so because the Notice of Closure did not contain the information required by OAR 436-030-0020(4);

(b) Not be used to add a new condition to the claim closure, rate a new condition not considered in the Notice of Closure being corrected, or rescind a Notice of Closure;

(c) State in the body of the correcting notice only the information being corrected on the Notice of Closure and the basis for the correction;

(d) Not change the appeal period for the Notice of Closure being corrected; and

(e) Initiate a new appeal period as provided in OAR 436-030-0145(1) during which any request for reconsideration must be received, but only for those items being corrected.

[Forms: Forms referenced are available from the agency.]
Stat. Auth.: ORS 656.268, ORS 656.726
Stats. Implemented: ORS 656.210, 656.212, 656.214, 656.268 (2015 Enrolled SB 371), 656.270, 656.726, 656.745
Hist.: WCD 2-2004, f. 2-19-04 cert. ef. 2-29-04; WCD 9-2004, f. 10-26-04, cert. ef. 1-1-05; WCD 8-2005, f. 12-6-05, cert. ef. 1-1-06; WCD 4-2015(Temp), f. & cert. ef. 5-21-15 thru 11-16-15

436-030-0115
Reconsideration of Notices of Closure

(1) A worker, insurer, or beneficiary may request reconsideration of a Notice of Closure by mailing, phoning, or delivering the request to the director within the statutory appeal period as defined in OAR 436-030-0005 and 436-030-0145(1). The reconsideration proceeding begins as described in OAR 436-030-0145(2).

(2) For the purpose of these rules, "reconsideration proceeding" means the procedure established to reconsider a Notice of Closure and does not include personal appearances by any of the parties to the claim or their representatives, unless requested by the director. All information to correct or clarify the record and any medical evidence regarding the worker's condition as of the time of claim closure that should have been but was not submitted by the attending physician or authorized nurse practitioner at the time of claim closure and all supporting documentation must be presented during the reconsideration proceeding. When the reconsideration proceeding is postponed because the worker's condition is not medically stationary under OAR 436-030-0165(10), medical evidence submitted may address the worker's condition after claim closure as long as the evidence satisfies the conditions of OAR 436-030-0145(3).

(3) All parties have an opportunity to submit documents to the record regarding the worker's status at the time of claim closure. Other factual information and written argument may be submitted for incorporation into the record under ORS 656.268(6) within the time frames outlined in OAR 436-030-0145. Such information may include, but is not limited to, responses to the documentation and written arguments, written statements, and sworn affidavits from the parties.

(4) The worker may submit a deposition to the reconsideration record subject to ORS 656.268(6) and the following:

(a) The deposition must be limited to the testimony and cross-examination of a worker about the worker's condition at the time of claim closure.

(b) The deposition must be arranged by the worker and held during the reconsideration proceeding time frame unless a good cause reason is established. If a good cause reason is established, the time frame for holding the deposition may be extended but must not extend beyond 30 days from the date of the Order on Reconsideration. The deposition must be held at a time and place that permits the insurer or self-insured employer the opportunity to cross-examine the worker.

(c) The insurer or self-insured employer must, within 30 days of receiving a bill for the deposition, pay the fee of the court reporter, the costs for the original transcript and one copy for each party, and the cost of necessary interpreter services. An original transcript of the deposition must be sent to the department and each party must be sent a copy of the transcript.

(d) If the transcript is not completed and presented to the department prior to the deadline for issuing an Order on Reconsideration, the Order on Reconsideration may not be postponed to receive a deposition under this rule and the order will be issued based on the evidence in the record. However, the transcript may be received as evidence at a hearing for an appeal of the Order on Reconsideration.

(5) Only one reconsideration proceeding may be completed on each Notice of Closure and the director will review those issues raised by the parties and the requirements under ORS 656.268(1). Once the reconsideration proceeding is initiated, issues must be raised and further evidence submitted within the time frames allowed for processing the reconsideration request. When the director requires additional information to complete the record, the reconsideration proceeding may be postponed under ORS 656.268(6).

Stat. Auth.: ORS 656.726
Stats. Implemented: ORS 656.268 (2015 Enrolled SB 371)
Hist.: WCD 12-1994, f. 11-18-94, cert. ef. 1-1-95; WCD 11-1995(Temp), f. & cert. ef. 8-23-95; WCD 8-1996, f. 2-14-96, cert. ef. 2-17-96; WCD 17-1997, f. 12-22-97, cert. ef. 1-15-98; WCD 9-2000, f. 11-13-00, cert. ef. 1-1-01; WCD 10-2001, f. 11-16-01, cert. ef. 1-1-02; WCD 14-2003(Temp), f. 12-15-03, cert. ef. 1-1-04 thru 6-28-03; WCD 2-2004, f. 2-19-04 cert. ef. 2-29-04; WCD 9-2004, f. 10-26-04, cert. ef. 1-1-05; WCD 8-2005, f. 12-6-05, cert. ef. 1-1-06; WCD 11-2007, f. 11-1-07, cert. ef. 1-2-08; WCD 3-2009, f. 12-1-09, cert. ef. 1-1-10; WCD 4-2015(Temp), f. & cert. ef. 5-21-15 thru 11-16-15

436-030-0125
Reconsideration Form and Format

A request for reconsideration may be in the form and format the director provides by bulletin. A reconsideration request should include at least the following:

(1) Worker's name;
(2) Date of injury;
(3) Date of the closure being appealed;
(4) Any specific issues regarding the Notice of Closure;
(5) The name of the worker's attorney;
(6) The name of the insurer's attorney;
(7) If the request is made by a beneficiary of the worker, the name of the beneficiary and the beneficiary's attorney, if any;
(8) Any special language needs;
(9) Whether there is disagreement with the specific impairment findings used to determine permanent disability at the time of claim closure;
(10) Any information and documentation deemed necessary to correct or clarify any part of the claim record believed to be erroneous; and
(11) Any medical evidence that should have been but was not submitted at the time of the claim closure including clarification or correction of the medical record based on the examination(s) at, before, or pertaining to claim closure.

Stat. Auth.: ORS 656.726
Stats. Implemented: ORS 656.268 (2015 Enrolled SB 371)
Hist.: WCD 12-1994, f. 11-18-94, cert. ef. 1-1-95; WCD 8-1996, f. 2-14-96, cert. ef. 2-17-96; WCD 17-1997, f. 12-22-97, cert. ef. 1-15-98; WCD 9-2000, f. 11-13-00, cert. ef. 1-1-01; WCD 14-2003(Temp), f. 12-15-03, cert. ef. 1-1-04 thru 6-28-03; WCD 2-2004, f. 2-19-04 cert. ef. 2-29-04; WCD 4-2015(Temp), f. & cert. ef. 5-21-15 thru 11-16-15

436-030-0135
Reconsideration Procedure

(1) Within 14 days from the date of the director's notice of the start of the reconsideration proceeding, the insurer must provide the director and the worker or the worker's attorney, or the beneficiary or beneficiary's attorney if the request was made by the beneficiary, in chronological order by document date, all documents pertaining to the claim which include, but are not limited to, the complete medical record and all official action and notices on the claim.

(2) The request for reconsideration and all other information submitted to the director by any party during the reconsideration process must be copied to all interested parties. Failure to comply with this requirement may result in the information not being included as part of the record on reconsideration.

(3) The director may issue an order rescinding a Notice of Closure if any of the following apply:

(a) The claim was not closed as prescribed by rule.

(b) In a claim closed under ORS 656.268(1)(a), the worker was not medically stationary at the time of claim closure.

(c) In a claim closed under ORS 656.268(1)(a) or 656.268(1)(b), the claim was closed without sufficient information to determine the extent of permanent disability under OAR 436-030-0020(2).

(d) In a claim closed under ORS 656.268(1)(c), the claim was not closed in strict compliance with OAR 436-030-0034.

(4) When a worker has requested and cashed a lump sum payment, under ORS 656.230, of an award granted by a Notice of Closure, the director will not consider the adequacy of that award in a reconsideration proceeding.

(5) When a new condition is accepted after a prior claim closure, and the newly accepted condition is subsequently closed, the director and the parties may mutually agree to consolidate requests for review of the closures into one reconsideration proceeding, provided the director has jurisdiction and neither of the closures have become final by operation of law.

(6) The reconsideration order may affirm, reduce, or increase the compensation awarded by the Notice of Closure.

(7) After the reconsideration order has been issued and before the end of the 30-day appeal period for the order on reconsideration, if a party discovers that additional documents were not provided by the opposing party in accordance with this rule, the Order on Reconsideration may be abated and withdrawn to give the party an opportunity to respond to the new information.

Stat. Auth.: ORS 656.726
Stats. Implemented: ORS 656.268 (2015 Enrolled SB 371)
Hist.: WCD 12-1994, f. 11-18-94, cert. ef. 1-1-95; WCD 8-1996, f. 2-14-96, cert. ef. 2-17-96; WCD 17-1997, f. 12-22-97, cert. ef. 1-15-98; WCD 9-2000, f. 11-13-00, cert. ef. 1-1-01; WCD 14-2003(Temp), f. 12-15-03, cert. ef. 1-1-04 thru 6-28-03; WCD 2-2004, f. 2-19-04 cert. ef. 2-29-04; WCD 9-2004, f. 10-26-04, cert. ef. 1-1-05; WCD 11-2007, f. 11-1-07, cert. ef. 1-2-08; WCD 3-2009, f. 12-1-09, cert. ef. 1-1-10; WCD 1-2015, f. 1-29-15, cert. ef. 3-1-15; WCD 4-2015(Temp), f. & cert. ef. 5-21-15 thru 11-16-15

436-030-0145
Reconsideration Time Frames and Postponements

(1) When appealing a Notice of Closure for claims that are medically stationary or that statutorily qualified for closure on or after June 7, 1995, a request for reconsideration must be mailed within:

(a) Sixty (60) days of the mailing date of the Notice of Closure for a worker's request.

(b) Seven (7) days of the mailing date of the Notice of Closure for an insurer's request. An insurer's request for reconsideration is limited to the findings used to rate impairment.

(c) Sixty (60) days of the mailing date of the Notice of Closure for a beneficiary's request if the Notice of Closure was mailed to the beneficiary under ORS 656.268(5)(b).

(d) One year of the date the Notice of Closure was mailed to the estate of the worker if the Notice of Closure was not mailed to the beneficiary under ORS 656.268(5)(b).

(2) The reconsideration proceeding begins upon:

(a) The director's receipt of the worker's or beneficiary's request for reconsideration, if the insurer has not previously requested reconsideration consistent with subsection (1)(b) of this rule; or

(b) The 61st day after the closure of the claim, if the insurer has requested reconsideration consistent with subsection (1)(b) of this rule, unless the director receives, within the appeal time frames in section (1) of this rule, a request for reconsideration or a statement by the worker or beneficiary instructing the director to start the reconsideration proceeding.

(3) Fourteen days from the date of the director's notice of the start of the reconsideration proceeding, the reconsideration request and all other appropriate information submitted by the parties will become part of the record used in the reconsideration proceeding. Requests for a medical arbiter panel must be submitted within this time frame.

(a) Evidence received or issues raised subsequent to the 14-day deadline will be considered in the reconsideration proceeding to the extent practicable.

(b) Upon review of the record the director may request, under ORS 656.268(6), any additional information deemed necessary for the reconsideration and set appropriate time frames for response.

(c) Except as provided in sections (4), (5), and (6) of this rule, the director will either mail an Order on Reconsideration within 18 working days from the date the reconsideration proceeding begins or notify the parties that the reconsideration proceeding is postponed for not more than 60 additional days as provided under ORS 656.268(6).

(4) The director may delay the reconsideration proceeding and toll the reconsideration timeline for up to 45 days when both parties provide written notice to the director requesting the delay for settlement negotiations. The notice is only effective if the director receives it before the 18th working day after the reconsideration proceeding begins.

(a) This delay of the reconsideration proceeding expires:

(A) When the director receives a written request from either party to resume the reconsideration proceeding;

(B) When the director receives a copy of the approved settlement resolving some or all of the issues raised at the reconsideration proceeding; or

(C) On the next calendar day following the authorized delay period.

(b) The director may authorize only one delay period for each reconsideration proceeding.

(5) When the director provides notice the worker failed to attend the medical arbiter examination without good cause or failed to cooperate with the arbiter examination and suspends benefits under ORS 656.268(8), the reconsideration proceeding will be postponed for up to 60 additional days from the date the director determines and provides notice, to allow completion of the arbiter process.

(6) The reconsideration proceeding may be stayed for one of the following reasons:

(a) The parties consent to deferring the reconsideration proceeding, under ORS 656.268(8)(i)(B), when the medical arbiter examination is not medically appropriate because the worker's medical condition is not stationary; or

(b) When a claim disposition agreement (CDA) is filed, the reconsideration proceeding is stayed until the CDA is either approved or set aside.

(7) If the director fails to mail an Order on Reconsideration or a Notice of Postponement under the time frames specified in ORS 656.268, the reconsideration request is automatically deemed denied. The parties may immediately thereafter proceed as though the director had issued an Order on Reconsideration affirming the Notice of Closure.

(8) Notwithstanding any other provision regarding the reconsideration proceeding, the director may extend nonstatutory time frames to allow the parties sufficient time to present evidence and address their issues and concerns.

Stat. Auth.: ORS 656.726
Stats. Implemented: ORS 656.268 (2015 Enrolled SB 371)
Hist.: WCD 12-1994, f. 11-18-94, cert. ef. 1-1-95; WCD 8-1996, f. 2-14-96, cert. ef. 2-17-96; WCD 17-1997, f. 12-22-97, cert. ef. 1-15-98; WCD 9-2000, f. 11-13-00, cert. ef. 1-1-01; WCD 14-2003(Temp), f. 12-15-03, cert. ef. 1-1-04 thru 6-28-03; WCD 2-2004, f. 2-19-04 cert. ef. 2-29-04; WCD 9-2004, f. 10-26-04, cert. ef. 1-1-05; WCD 11-2007, f. 11-1-07, cert. ef. 1-2-08; WCD 3-2009, f. 12-1-09, cert. ef. 1-1-10; WCD 5-2011, f. 11-18-11, cert. ef. 1-1-12; WCD 4-2015(Temp), f. & cert. ef. 5-21-15 thru 11-16-15

• • • • • • • • • •

Department of Corrections
Chapter 291

Rule Caption: Custody Classification Levels of Inmates in DOC Facilities
Adm. Order No.: DOC 5-2015
Filed with Sec. of State: 5-21-2015
Certified to be Effective: 5-21-15
Notice Publication Date: 3-1-2015
Rules Amended: 291-104-0111, 291-104-0116, 291-104-0125, 291-104-0135, 291-104-0140
Rules Repealed: 291-104-0111(T), 291-104-0116(T), 291-104-0125(T), 291-104-0135(T), 291-104-0140(T)
Subject: These rule amendments are necessary to update the policy and procedure of the classification system for assigning inmates with the appropriate custody level, which includes utilization of the violence predictor score; clarification of escape definitions within the custody classification guide; and clarification for classification level 5 inmates.
Rules Coordinator: Janet R. Worley—(503) 945-0933

291-104-0111
Definitions for OAR 291-104-0106 to 291-104-0140

(1) Administrative Review: A review of classification scoring, classification level, or classification override requested by an inmate and completed by the designated institution committee, facility functional unit manager, or Classification Manager.

(2) Arrest: For the purposes of these rules, arrest means placing a person under full custody (i.e. after being fully restrained or after being placed in a law enforcement vehicle for transport) for the purpose of charging that person with an offense.

(3) Classification Action: Initiation of initial classification, classification review, or classification override to determine an inmate's custody classification level.

(4) Classification Manager: A Department of Corrections employee responsible for the development, implementation, training, auditing, oversight and management of the classification function within the department.

(5) Classification Review: The process used by the department to re-evaluate an inmate's assigned custody classification level. The assigned custody classification level may be changed as a result of the review.

(6) 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.

(7) Custody: As it relates to escape, a person is in custody if a peace officer has placed the person under arrest for the purpose of charging that person with an offense.

(8) Custody Classification Guide (Attachment 1): Criteria and guidelines that assist in understanding an inmate's assigned custody classification level utilizing scoring elements determined by the Department of Corrections.

(9) Custody Classification Level: One of five levels of supervision assigned to an inmate through initial and classification review procedures.

(a) Level 5: An inmate assigned at this custody classification level meets one of the following criteria:

(A) Has demonstrated behaviors causing serious management concerns, or has demonstrated behaviors that in the judgment of the department present a threat sufficient to require special security housing on intensive management status.

(B) Has a sentence of death or is pending retrial in a case in which a sentence of death may be re-imposed.

(C) Has a pending trial for a case in which a sentence of death may be imposed.

(D) Is under investigation for or has been charged with the in-custody murder of another inmate or staff.

(b) Level 4: An inmate assigned at this custody classification level presents a serious risk of escape or institutional violence, or has time remaining of more than 120 months to life, with or without parole.

(c) Level 3: An inmate assigned at this custody classification level presents a moderate risk of escape, has a Level 3 detainer, has demonstrated behavior causing moderate management concern, or has time remaining of more than 48 to 120 months.

(d) Level 2: An inmate assigned at this custody classification level presents a limited risk of escape, or has demonstrated behavior causing limited management concern, and has time remaining of less than 48 months.

(e) Level 1: An inmate assigned at this custody classification level presents a minimal risk of escape, meets the criteria for Detainer-Not Applicable, has demonstrated behavior causing minimal management concern and has time remaining of less than 48 months.

(10) Department of Corrections (DOC) Facility: Any institution, facility or staff office, including the grounds, operated by the Department of Corrections.

(11) Designators: Information, alerts or statutory designations important for sentence computation and crucial to determining work crew eligibility, unfenced housing assignment, and the management of inmates and offenders both in institutions and in the community.

(12) Escape:

(a) For purposes of these rules, escape means an unlawful departure of a person from custody (as defined herein); or escape, attempted escape, or conspiracy to escape from any correctional facility, including state, federal, county or juvenile facilities; or departure and failure to return to any facility in which a person was court ordered to reside.

(b) Escape includes the unauthorized departure or absence from this state by a person who is under the jurisdiction of the Psychiatric Security Review Board, or under the jurisdiction of the Oregon Health Authority under ORS 161.315 to 161.351; abscond while on temporary release or transitional leave from a facility; or escape, attempted escape or conspiracy to escape from the custody of officials while in a legitimate criminal justice building for a court appearance.

(13) Initial Classification: The process used by the Department of Corrections to assign an inmate a custody level upon his/her admission to the physical custody of the Department.

(14) Inmate: Any person under the supervision of the Department of Corrections who is not on parole, post-prison supervision, or probation status.

(15) Office of Population Management: A functional unit of the department that overseas capacity and resource management, the inmate classification system, high risk inmate placement, Interstate Corrections Compact, treatment and program screening, Oregon Youth Authority/ghost caseloads, centralized Static 99R assessments, centralized transfer authority, and state and inmate conflict review.

(16) Override: An option utilized when there is a documented issue(s) not addressed in the classification scoring elements, or a degree of seriousness in a classification factor that justifies a higher or lower custody classification level than indicated by the classification action.

(17) Peace Officer: A civil officer appointed to preserve law and order, such as a sheriff, police officer, or parole officer.

(18) Policy Elements: Areas of potential risk that determine the inmate's custody classification level: escape history, sentence remaining, detainers, and institutional behavior.

(19) Serious Management Concerns: Participation either individually, or in a group, in behavior which poses a significant threat to the safe and secure operation of the facility, including, but not limited to,

(a) Threatening or inflicting bodily injury on another person;

(b) Posing an immediate risk of escape;

(c) Promoting or engaging in disruptive group behavior;

(d) Promoting security threat group activities; or

(e) Being involved in any other activity that could significantly threaten the safe and secure operation of the facility, and that such behavior poses a sufficient threat that, in the judgment of the department, can only be adequately controlled in appropriate special housing.

(20) Special Population Management (SPM) Committee: A committee composed of at least three department administrative staff to include a representative from Institution Operations, Behavioral Health Services, and the Office of Population Management.

(21) Violence Predictor Score (VPS): A score based on a mathematical equation used to determine an inmate's potential risk for violence in an institutional setting during the first twelve months of incarceration. The equation includes calculations based on an inmate's age, gender, prior incarcerations, type of crime, aggression, drug history, and certain personality disorders.

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

Stat Auth: ORS 179.040, 423.020, 423.030, 423.075

Stat Impl: ORS 179.040, 423.020, 423.030, 423.075

Hist.: DOC 4-2006, f. 5-31-06, cert. ef. 6-1-06; DOC 11-2008, f. 5-8-08, cert. ef. 5-13-08; DOC 11-2012(Temp), f. & cert. ef. 11-5-12 thru 5-4-13; DOC 4-2013, f. & cert. ef. 4-15-13; DOC 9-2013(Temp), f. & cert. ef. 10-23-13 thru 4-21-14; DOC 6-2014(Temp), f. 2-6-14, cert. ef. 2-12-14 thru 8-11-14; DOC 11-2014, f. & cert. ef. 5-1-14; DOC 1-2015(Temp), f. & cert. ef. 1-6-15 thru 7-3-15; DOC 5-2015, f. & cert. ef. 5-21-15

291-104-0116
Initial Classification

(1) The Department of Corrections shall assign inmates an initial custody level in accordance with the Custody Classification Guide (Attachment 1) or the inmate's Violence Predictor Score, whichever is higher. An inmate will generally be assigned an initial custody classification level within 30 days of admission to the physical custody of the Department of Corrections.

(2) The Violence Predictor Score is used as a classification scoring element only during the first twelve months of an inmate's incarceration in the Department of Corrections, and may be applied at the discretion of a Department of Corrections counselor after a thorough review of an inmate's records.

(3) Upon admission to the physical custody of the Department of Corrections, the inmate's assigned counselor will determine an inmate's initial custody level and forward the classification action to the functional unit manager or designee for approval.

(4) No classification action is official until the functional unit manager or designee approves the classification action.

(5) Final approval for any override of one step will be made by Intake or institution staff and shall be documented on the classification override comment screen, describing the override reason.

(6) A custody classification override of more than a single step is not official until approved by the designated institution committee and the Classification Manager or designee.

(7) A custody classification of Level 5 is not official until approved by the designated institution committee, the SPM Committee and the High Risk Placement Manager or designee.

(8) An inmate may request a copy of his/her official classification action.

(9) All official classification actions are historically recorded and maintained in the CIS system.

(10) The Office of Population Management may modify any classification. In such cases, the affected facility will be notified of the reason(s) for the modification.

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

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

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

Hist.: DOC 4-2006, f. 5-31-06, cert. ef. 6-1-06; DOC 11-2008, f. 5-8-08, cert. ef. 5-13-08; DOC 6-2014(Temp), f. 2-6-14, cert. ef. 2-12-14 thru 8-11-14; DOC 11-2014, f. & cert. ef. 5-1-14; DOC 1-2015(Temp), f. & cert. ef. 1-6-15 thru 7-3-15; DOC 5-2015, f. & cert. ef. 5-21-15

291-104-0125
Classification Review

(1) An inmate's custody classification level will be reviewed when new information is received that affects a classification scoring policy element or when an inmate's Violence Predictor Score has expired.

(2) Custody Classification Levels 1–4: When new information is received that affects the inmate's custody classification level, the inmate's assigned counselor will review the classification action for accuracy and forward it to the functional unit manager for approval.

(a) No classification action is official until the functional unit manager or designee approves the classification action.

(b) Final approval for any override of one step will be made at the institutional level and shall be documented on the classification override comment screen describing the override reason.

(c) Overrides of more than a single step are not official until approved by the designated institution committee and the Classification Manager or designee.

(d) An inmate may request a copy of his/her official classification action.

(e) All official classification actions are historically recorded and maintained in the CIS.

(f) The Office of Population Management may modify any classification action. In such cases, the affected facility will be formally notified of the reason(s) for the modification.

(g) Counselors may opt to review inmates with ICE detainers for override to Level 2 for placement or retention in a minimum facility.

(3) Custody Classification Level 5:

(a) When an inmate's institutional behavior is determined to create serious management concerns, the classification action will be reviewed by the designated institution committee and forwarded to the Special Population Management (SPM) Committee for review. If the SPM committee approves an inmate's classification at Level 5, the Office of Population Management will add an IMU5 designator and generate a new classification, which will be scored as custody classification Level 5.

(b) Once an inmate is assigned to custody classification Level 5, the automated classification program will maintain the inmate's Level 5 custody classification status until the IMU5 designator is removed, an IMUR designator is added, and a new classification is generated. The new classification will be scored at custody classification Level 4 for one year.

Stat. Auth.: ORS 179.040, 423.020, 423.030 & 423.075
Stats. Implemented: ORS 179.040, 423.020, 423.030 & 423.075
Hist.: DOC 4-2006, f. 5-31-06, cert. ef. 6-1-06; DOC 11-2008, f. 5-8-08, cert. ef. 5-13-08; DOC 6-2014(Temp), f. 2-6-14, cert. ef. 2-12-14 thru 8-11-14; DOC 11-2014, f. & cert. ef. 5-1-14; DOC 1-2015(Temp), f. & cert. ef. 1-6-15 thru 7-3-15; DOC 5-2015, f. & cert. ef. 5-21-15

291-104-0135
Administrative Review

(1) An inmate may request an administrative review of his/her classification action by completing and submitting the Department of Corrections Request for Administrative Review form (CD1120aD) or Request for Administrative Review of IMU Level 5 Custody form (CD1120aE).

(2) Issues Subject to Administrative Review: Administrative review is available to an inmate to contest three aspects of his/her classification action:

(a) The accuracy of custody classification levels 1–4 scoring;

(b) An override of a scored custody classification level; or

(c) A Level 5 custody classification.

(3) Custody Classification Level 1-4 Accuracy of Scoring:

(a) To obtain an administrative review of a Level 1-4 custody classification score, an inmate must complete the top portion of a CD1120aD form, and send the completed form, together with any supporting documentation, to the designated institution committee at the facility where the inmate is currently housed. The institution committee must receive the request within 30 calendar days of the classification approval date. The institution committee should complete its review within 30 days after receiving an inmate's review request.

(b) If, after receiving the review decision of the designated institution committee, an inmate is not satisfied with the decision, the inmate may obtain further review of the custody classification Level 1–4 score by sending another completed CD1120aD form, together with any supporting documentation, and a copy of the institution committee's decision, to the functional unit manager or designee of the institution where the inmate is currently housed. The functional unit manager or designee must receive the review request within 30 calendar days of the institution committee's review decision. The functional unit manager or designee should complete his/her review within 30 days after receiving the inmate's review request. There shall be no further administrative review of a custody classification Level 1-4 score.

(c) Inmates engaged in the intake process may not submit a request for review of their custody classification score until they are no longer housed at the Intake Center.

(4) Override of a Scored Custody Classification Level 1–4: To obtain an administrative review of classification that has been overridden at the institution level, an inmate must complete the bottom portion of a CD1120aD form and send the completed form to the Classification Manager, together with any supporting documentation. The Classification Manager must receive the review request within 30 calendar days of the classification action approval date. The Classification Manager should complete the review within 30 days after receiving an inmate's review request. There shall be no further administrative review of an override decision.

(5) Level Five:

(a) To obtain an administrative review of a Level 5 custody classification, an inmate must complete the CD1120aD form and send it to the Classification Manager. The request for review by the inmate shall include any supporting documentation to be considered in reviewing the appropriateness of the Level 5 custody classification.

(b) If an inmate has been assigned to the Intensive Management Unit (IMU), the matter shall be reviewed only once while the inmate is completing IMU programming.

(c) If an inmate has been assigned to IMU and retained at custody Level 5 due to serious management concerns, the inmate will be provided a packet containing a Request for Administrative Review of Retention at Custody Classification Level 5/IMU (CD1120aE). An inmate may request further review of the Level 5 custody classification once annually.

(6) A copy of administrative review decisions will be provided to the inmate and retained in the inmate's institution file.

Stat. Auth.: ORS 179.040, 423.020, 423.030 & 423.075
Stats. Implemented: ORS 179.040, 423.020, 423.030 & 423.075
Hist.: DOC 4-2006, f. 5-31-06, cert. ef. 6-1-06; DOC 11-2008, f. 5-8-08, cert. ef. 5-13-08; DOC 6-2014(Temp), f. 2-6-14, cert. ef. 2-12-14 thru 8-11-14; DOC 11-2014, f. & cert. ef. 5-1-14; DOC 1-2015(Temp), f. & cert. ef. 1-6-15 thru 7-3-15; DOC 5-2015, f. & cert. ef. 5-21-15

291-104-0140
Classification Quality Assurance Review

(1) The Classification Manager is responsible for reviewing facility classification procedures and decisions.

(2) Reviewing shall consist of routine review of custody Level 1 and 2 placements and review of individual classification actions at each facility. Such reviews shall be conducted to ensure:

(a) The policies and procedures set forth in this rule are followed; and

(b) The actions taken by the facility are adequately documented.

(3) Findings inconsistent with rule and established procedures shall be documented and reported to the appropriate functional unit manager or to the Institution Administrator(s) for corrective action.

(4) The Classification Manager is responsible to review the last classification action for any inmate who is involved in an escape or escape attempt from a Department of Corrections facility and to submit a report to the Operations Division Institution Administrators.

Stat. Auth.: ORS 179.040, 423.020, 423.030 & 423.075
Stats. Implemented: ORS 179.040, 423.020, 423.030 & 423.075
Hist.: DOC 11-2008, f. 5-8-08, cert. ef. 5-13-08; DOC 6-2014(Temp), f. 2-6-14, cert. ef. 2-12-14 thru 8-11-14; DOC 11-2014, f. & cert. ef. 5-1-14; DOC 1-2015(Temp), f. & cert. ef. 1-6-15 thru 7-3-15; DOC 5-2015, f. & cert. ef. 5-21-15

• • • • • • • • • •

Rule Caption: Assignment and Supervision of Inmates for Work Assignments and Unfenced Minimum Housing
Adm. Order No.: DOC 6-2015
Filed with Sec. of State: 5-21-2015
Certified to be Effective: 5-21-15
Notice Publication Date: 3-1-2015
Rules Amended: 291-082-0100, 291-082-0105, 291-082-0110, 291-082-0115, 291-082-0120, 291-082-0130, 291-082-0135, 291-082-0140, 291-082-0145
Rules Repealed: 291-082-0100(T), 291-082-0105(T), 291-082-0110(T), 291-082-0115(T), 291-082-0120(T), 291-082-0130(T), 291-082-0135(T), 291-082-0140(T), 291-082-0145(T)
Subject: These rule modifications are necessary to update the policy for the assessment and assignment of inmates for work assignments and unfenced minimum housing, and to ensure these rules align with revisions to the department rules for assigning custody classification levels to inmates (OAR 291-104). Other changes are necessary to reflect organizational changes within the agency.
Rules Coordinator: Janet R. Worley—(503) 945-0933

291-082-0100
Authority, Purpose, and Policy

(1) Authority: The authority for this rule is granted to the Director of the Department of Corrections in accordance with ORS 179.040, 421.445, 423.020, 423.030, 423.075 and Article I, Section 41 of the Oregon Constitution.

(2) Purpose: The purpose of these rules is to establish Department of Corrections policy and procedures relating to the assessment, assignment, and supervision of inmates assigned to community custody work crews, on-site work assignments and unfenced minimum housing.

(3) Policy: It is the policy of the department to establish specific eligibility criteria for inmates who are assigned to community custody work crews, on-site work assignments and unfenced minimum housing.

(a) Consistent with the mandates and purposes of Article I, section 41 of the Oregon Constitution, the Department of Corrections will seek opportunities to enter into cooperative agreements with local, state, federal gov-

ernmental agencies, private non-profit and private entities for the use of inmate labor and services on work projects.

(b) The department will enforce the following procedures for inmate work crew supervision to support the safety and security of the community, staff, supervisors, and inmates.

Stat. Auth.: ORS 179.040, 421.445, 423.020, 423.030 & 423.075
Stats. Implemented: ORS 179.040, 421.425, 423.020, 423.030 & 423.075
Hist.: CD 29-1997(Temp), f. & cert. ef. 12-12-97 thru 6-11-98; DOC 13-1998, f. & cert. ef. 6-10-98; DOC 3-2002, f. & cert. ef. 1-16-02; DOC 1-2005(Temp), f. & cert. ef. 1-7-05 thru 7-6-05; Administrative correction 7-20-05; DOC 10-2005, f. & cert. ef. 8-1-05; Renumbered from 291-082-0010, DOC 10-2008(Temp), f. 5-8-08, cert. ef. 5-13-08 thru 11-7-08; DOC 27-2008, f. & cert. ef. 11-7-08; DOC 2-2015(Temp), f. & cert. ef. 1-6-15 thru 7-3-15; DOC 6-2015, f. & cert. ef. 5-21-15

291-082-0105
Definitions

(1) Agency Work Crew: One or more inmates assigned to work on an on-site or community crew.

(2) Agency Work Crew Supervisor: An employee or agent of the local, state or federal governmental agency or private non-profit and private entities who may supervise inmates assigned to an agency work crew pursuant to an intergovernmental agreement entered into by the agency and the Department of Corrections.

(3) 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.

(4) Custody Classification Level: One of five levels of supervision assigned to an inmate through initial and classification procedures in accordance with the DOC rule on Classification (Inmate) (OAR 291-104).

(a) Level 5: An inmate assigned at this custody level meets one of the following criteria:

(A) Has demonstrated behaviors causing serious management concerns, or has demonstrated behaviors that in the judgment of the department present a threat sufficient to require special security housing on intensive management status.

(B) Has a sentence of death or is pending retrial in a case in which a sentence of death may be re-imposed.

(C) Has a pending trial for a case in which a sentence of death may be imposed.

(D) Is under investigation for or has been charged with the in-custody murder of another inmate or staff.

(b) Level 4: An inmate assigned at this custody level presents a serious risk of escape or institutional violence, or has time remaining of more than 120 months to life, with or without parole.

(c) Level 3: An inmate assigned at this custody level presents a moderate risk of escape, has a Level 3 detainer, has demonstrated behavior causing moderate management concern, or has time remaining of more than 48 to 120 months.

(d) Level 2: An inmate assigned at this custody level presents a limited risk of escape, or has demonstrated behavior causing limited management concern, and has time remaining of less than 48 months.

(e) Level 1: An inmate assigned at this custody level presents a minimal risk of escape, meets the criteria for Detainer-Not Applicable, has demonstrated behavior causing minimal management concern, has time remaining of less than 48 months.

(6) Department of Corrections Facility: Any institution, facility or staff office, including the grounds, operated by the Department of Corrections.

(7) Designator: Information, alerts or statutory designations important for sentence computation and crucial to determining work crew eligibility, unfenced housing assignment, and the management of inmates and offenders both in institutions and in the community.

(8) Direct Supervision: The responsibility of authorized supervisors to ensure the on-site presence of an inmate while outside the institution secure perimeter, and to immediately report any authorized absence or departure.

(9) Functional Unit Manager: Any person within the Department of Corrections who reports to either the Director, Deputy Director, an Assistant Director, or an administrator and has responsibility for the delivery of program services or coordination of program operations.

(10) Inmate: Any person under the supervision of the Department of Corrections who is not on parole, post-prison supervision or probation status.

(11) Protection/Restraining Order: Any valid court order intended to protect one person from another and restraining one person from any form of contact with another person.

(12) Static-99R: A ten item actuarial assessment instrument designed to determine a sex offender's risk of re-offense. Scoring ranges between 3 (low) and 10 (high).

(13) Stalking Conviction: Any court conviction for stalking as described in ORS 163.732 and 163.750.

(14) Stalking Order: Any court order prohibiting one person from stalking another as described in ORS 163.732 and 163.750.

(15) Unfenced Housing Assignment: A housing assignment to a Department of Corrections facility that does not have a secure perimeter fence.

(16) WHALE Work Assignment Levels:

(a) Inside: A work assignment restricted to inside the perimeter fence of a Department of Corrections facility.

(b) On-Site: A work assignment on the grounds of the facility in which an inmate is housed, but outside the perimeter fence of the facility.

(c) Community: A work assignment located outside the perimeter fence and off the grounds of the Department of Corrections facility in which an inmate is housed.

(17) Work Housing Assignment Level Evaluation (WHALE): The automated assessment program in the Corrections Information System (CIS) used by the Department of Corrections to determine an inmate's work assignment levels and unfenced housing assignment.

[ED. NOTE: Forms referenced are available from the agency.]
Stat. Auth.: ORS 179.040, 421.445, 423.020, 423.030 & 423.075
Stats. Implemented: ORS 179.040, 421.425, 423.020, 423.030 & 423.075
Hist.: CD 29-1997(Temp), f. & cert. ef. 12-12-97 thru 6-11-98; DOC 13-1998, f. & cert. ef. 6-10-98; DOC 3-2002, f. & cert. ef. 1-16-02; DOC 1-2005(Temp), f. & cert. ef. 1-7-05 thru 7-6-05; Administrative correction 7-20-05; DOC 10-2005, f. & cert. ef. 8-1-05; Renumbered from 291-082-0020, DOC 10-2008(Temp), f. 5-8-08, cert. ef. 5-13-08 thru 11-7-08; DOC 27-2008, f. & cert. ef. 11-7-08; DOC 21-2011(Temp), f. & cert. ef. 10-17-11 thru 4-13-12; DOC 5-2012, f. & cert. ef. 3-1-12; DOC 2-2015(Temp), f. & cert. ef. 1-6-15 thru 7-3-15; DOC 6-2015, f. & cert. ef. 5-21-15

291-082-0110
Work Housing Assignment Level Evaluation (WHALE) Eligibility

(1) Inside Work Assignment: All inmates at custody classification Level 1 or 2 are minimally eligible for an inside work assignment.

(2) On-Site Work Assignment: An inmate must meet the following criteria to be considered for an on-site work assignment:

(a) Meets criteria for an inside work assignment on the WHALE.

(b) Has served more than 60 days in DOC custody.

(c) Has no predatory sex offender designation in Oregon or any other state, and if a sex offender, score 5 or below on the Static 99R. The Static 99R and definitions (version 2003, age coding August 2012) are attached to this rule.

(d) Has not been sentenced under the sexually violent dangerous offender law.

(e) Is approved by the functional unit manager or designee.

(3) Community Work Assignment: An inmate must meet the following criteria to be considered for a community work assignment:

(a) Served more than 60 days in DOC custody.

(b) No conviction for Arson I or Attempted Arson I.

(c) No conviction for a sex offense or a crime with a sexual element.

(d) No active protection/restraining order(s).

(e) No conviction for a Stalking offense.

(f) No active court Stalking Order.

(g) Not found in violation of Sexual Assault or Sexual Coercion as described in OAR 291-105-0015, Rules of Misconduct.

(h) Minimal escape risk as defined in the Custody Classification Guide and the rule on Classification (Inmate) (OAR 291-104).

(i) No felony detainer(s) that are untried or expire after the inmate's projected release date.

(j) No multiple misdemeanor detainers that expire after the inmate's projected release date.

(k) No designators on file disqualifying community assignment.

(4) Unfenced Housing: An inmate must meet the following criteria to be considered for an unfenced housing assignment:

(a) Custody Classification Level 1.

(b) Meets all community work assignment criteria listed in subsection (3) above.

(c) No conviction for Arson II, Attempted Arson II, Reckless Burning or other related arson crimes, including attempts.

(d) No current escape designator, or any ESMO or ESSV designators, as defined in the Custody Classification Guide (OAR 291-104-0116).

(e) No misdemeanor detainer that is untried.

(f) No consecutive misdemeanor detainer that expires one year or less from the inmate's projected release date.

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

Stat. Auth.: ORS 179.040, 421.445, 423.020, 423.030 & 423.075
Stats. Implemented: ORS 179.040, 421.425, 423.020, 423.030 & 423.075
Hist.: DOC 10-2008(Temp), f. 5-8-08, cert. ef. 5-13-08 thru 11-7-08; DOC 27-2008, f. & cert. ef. 11-7-08; DOC 21-2011(Temp), f. & cert. ef. 10-17-11 thru 4-13-12; DOC 5-2012, f. & cert. ef. 3-1-12; DOC 2-2015(Temp), f. & cert. ef. 1-6-15 thru 7-3-15; DOC 6-2015, f. & cert. ef. 5-21-15

291-082-0115
Initial Work Housing Assignment Level Evaluation (WHALE)

(1) A WHALE shall be completed on all inmates who have been classified as Level 1 or Level 2 in order for the inmate to be considered for a community work assignment or for housing in an unfenced facility.

(2) The assigned counselor shall initiate the automated WHALE, review for accuracy of information imported from the CIS, and enter any additional information gleaned from file review or other sources.

(3) The WHALE shall be forwarded to the Correctional Rehabilitation Manager for approval. An evaluation is not considered official until approved by the Correctional Rehabilitation Manager or designee.

(4) All approved WHALE actions are historically recorded and maintained in the CIS system.

Stat. Auth.: ORS 179.040, 421.445, 423.020, 423.030 & 423.075
Stats. Implemented: ORS 179.040, 421.425, 423.020, 423.030 & 423.075
Hist.: DOC 10-2008(Temp), f. 5-8-08, cert. ef. 5-13-08 thru 11-7-08; DOC 27-2008, f. & cert. ef. 11-7-08; DOC 2-2015(Temp), f. & cert. ef. 1-6-15 thru 7-3-15; DOC 6-2015, f. & cert. ef. 5-21-15

291-082-0120
Work Housing Assignment Level Evaluation (WHALE) Review

(1) An inmate's WHALE shall be reviewed when new information is received that affects the WHALE level.

(2) The inmate's assigned counselor will receive an automated alert when new information is received that will affect the WHALE level.

(3) The new WHALE action shall be forwarded to the Correctional Rehabilitation Manager or designee for approval. No WHALE action is official until approved by the Correctional Rehabilitation Manager or designee.

Stat. Auth.: ORS 179.040, 421.445, 423.020, 423.030 & 423.075
Stats. Implemented: ORS 179.040, 421.425, 423.020, 423.030 & 423.075
Hist.: DOC 10-2008(Temp), f. 5-8-08, cert. ef. 5-13-08 thru 11-7-08; DOC 27-2008, f. & cert. ef. 11-7-08; DOC 2-2015(Temp), f. & cert. ef. 1-6-15 thru 7-3-15; DOC 6-2015, f. & cert. ef. 5-21-15

291-082-0130
Work Housing Assignment Level Evaluation Quality Assurance Review

(1) The Office of Population Management is responsible for reviewing institution WHALE procedures and decisions.

(2) Reviewing shall consist of routine review of Work Housing Assignment Level Evaluations at each DOC facility. Such reviews shall be conducted to ensure:

(a) The policies and procedures set forth in this rule are followed; and

(b) The actions taken by the facility are adequately documented.

(3) Findings inconsistent with rule and established procedures shall be documented and reported to the appropriate functional unit manager or to the appropriate Operations Division Institution Administrator for corrective action.

(4) The Office of Population Management is responsible to review the last WHALE for any inmate who is involved in an escape or escape attempt from a Department of Corrections facility and to submit a report to the appropriate Institution Administrator.

Stat. Auth.: ORS 179.040, 421.445, 423.020, 423.030 & 423.075
Stats. Implemented: ORS 179.040, 421.425, 423.020, 423.030 & 423.075
Hist.: DOC 10-2008(Temp), f. 5-8-08, cert. ef. 5-13-08 thru 11-7-08; DOC 27-2008, f. & cert. ef. 11-7-08; DOC 2-2015(Temp), f. & cert. ef. 1-6-15 thru 7-3-15; DOC 6-2015, f. & cert. ef. 5-21-15

291-082-0135
Inmate Work Crews Agreements

(1) The Department of Corrections may, at its discretion, assign inmate work crews to work in the community on local, state, federal governmental agencies, private non-profit or private entity work projects.

(2) Facility functional unit managers will use private partnership review guidelines in determining appropriateness of private sector agreement requests.

Stat. Auth.: ORS 179.040, 421.445, 423.020, 423.030 & 423.075
Stats. Implemented: ORS 179.040, 421.425, 423.020, 423.030 & 423.075
Hist.: CD 29-1997(Temp), f. & cert. ef. 12-12-97 thru 6-11-98; DOC 13-1998, f. & cert. ef. 6-10-98; DOC 3-2002, f. & cert. ef. 1-16-02; DOC 1-2005(Temp), f. & cert. ef. 1-7-05 thru 7-6-05; Administrative correction 7-20-05; Renumbered from 291-082-0030, DOC 10-2005, f. & cert. ef. 8-1-05; Renumbered from 291-082-0021, DOC 10-2008(Temp), f. 5-8-08, cert. ef. 5-13-08 thru 11-7-08; DOC 27-2008, f. & cert. ef. 11-7-08; DOC 2-2015(Temp), f. & cert. ef. 1-6-15 thru 7-3-15; DOC 6-2015, f. & cert. ef. 5-21-15

291-082-0140
Supervision/Security Provisions for Inmate Work Crews

(1) If the Department of Corrections assigns an inmate work crew within three blocks of a school, the functional unit manager or designee will ensure notification is made to the affected school on dates, times and location of inmate work crew.

(2) When an inmate work crew is scheduled to work within city limits, a designee of the institution will notify the appropriate local law enforcement agency prior to the project start date.

(3) Inmate work crews working out-of-doors within a city or in a residential community located outside of a city will be supervised by a minimum of one supervisor for every ten inmates. The facility functional unit manager or designee may, with the approval of the Assistant Director of Operations or designee, assign additional inmates without an additional supervisor if an unforeseen and unique circumstance arises.

(4) The provisions specified in sections (2) and (3) are not required for inmate work crews deployed during natural disasters, including but not limited to, floods and forest fires.

(5) The provisions specified in sections (2) and (3) do not apply to inmate work crews assigned to work in programs operated by Oregon Corrections Enterprises under ORS 421.344 to 421.367.

(6) All assigned inmates will be dressed uniformly in clothing clearly stenciled in orange writing, or black writing for better contrast, that designates them as inmates.

(7) Upon arrival at a worksite, Department of Corrections signs stating an inmate work crew is present will be posted in or near the work area in a place that is visible to the public.

(8) While at the work site, supervisors will maintain direct supervision of all assigned inmates, unless the nature of a work task requires the supervisor to monitor an inmate by physically moving throughout the worksite.

(9) At a minimum, the inmate work crew supervisor will account for each inmate once every 30 minutes.

(10) All inmate work crews will be supervised by an employee of the Department of Corrections or Oregon Corrections Enterprises, unless performing a work project for a local, state, or federal governmental agency. The crew may be supervised by an employee of a governmental agency pursuant to an intergovernmental agreement entered into by that agency and the Department of Corrections.

(11) The department will require in its intergovernmental agreements with local, state or federal government agencies that the employees exercising supervision over inmates assigned to agency work crews receive appropriate training in accordance with OAR 291-082-0145.

(12) Institution post orders will be maintained in support of this rule.

Stat. Auth.: ORS 179.040, 421.445, 423.020, 423.030 & 423.075
Stats. Implemented: ORS 179.040, 421.425, 423.020, 423.030 & 423.075
Hist.: DOC 3-2002, f. & cert. ef. 1-16-02; Renumbered from 291-082-0035, DOC 10-2008(Temp), f. 5-8-08, cert. ef. 5-13-08 thru 11-7-08; DOC 27-2008, f. & cert. ef. 11-7-08; DOC 2-2015(Temp), f. & cert. ef. 1-6-15 thru 7-3-15; DOC 6-2015, f. & cert. ef. 5-21-15

291-082-0145
Work Crew Supervision Training

(1) Before supervising a community inmate work crew, all employees of the Department of Corrections and other local, state or federal governmental agencies that have been designated to supervise inmates assigned to community work crews will minimally receive eight hours of supervisory training. This training shall be developed, approved, and provided by the Department of Corrections Professional Development Unit staff member or adjunct training.

(2) The department will provide the designated employees periodic follow-up training at least annually. Training may be provided by the department more frequently if the department determines additional training to be necessary or advisable.

Stat. Auth.: ORS 179.040, 421.445, 423.020, 423.030 & 423.075
Stats. Implemented: ORS 179.040, 421.425, 423.020, 423.030 & 423.075
Hist.: DOC 3-2002, f. & cert. ef. 1-16-02; Renumbered from 291-082-0045, DOC 10-2008(Temp), f. 5-8-08, cert. ef. 5-13-08 thru 11-7-08; DOC 27-2008, f. & cert. ef. 11-7-08; DOC 2-2015(Temp), f. & cert. ef. 1-6-15 thru 7-3-15; DOC 6-2015, f. & cert. ef. 5-21-15

• • • • • • • • • •

Department of Energy, Energy Facility Siting Council
Chapter 345

Rule Caption: Amend EFSC rules relating to the Council's balancing authority for consistency with Oregon statutes.
Adm. Order No.: EFSC 1-2015
Filed with Sec. of State: 5-18-2015

Certified to be Effective: 5-18-15
Notice Publication Date: 4-1-2015
Rules Amended: 345-022-0000, 345-027-0070
Subject: In 2013, ORS 469.501(3) and ORS 469.503(1) were amended by Oregon Laws 2013, Chapter 263, Sections 1 and 2. These statutes grant the Energy Facility Siting Council (EFSC or "the Council") its "balancing authority." As amended, these statutes authorize the Council to issue a site certificate or amended site certificate for a facility that does not meet one or more of the applicable Council standards if the Council finds that the overall public benefits of the facility outweigh any adverse effects on a resource or interest protected by the applicable standards the facility does not meet. The 2013 amended statutory language added "applicable" to the standards to which the authority applies; and replaced "the damage to the resource" with "any adverse effects on a resource or interest" under ORS 469.501(3) and ORS 469.503(1). These amendments require changes to the Council's existing balancing authority rules to accurately reflect the statutory language. Most of the proposed language changes occur in OAR Chapter 345, Division 22; one proposed change is in Division 27.

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

345-022-0000
General Standard of Review

(1) To issue a site certificate for a proposed facility or to amend a site certificate, the Council shall determine that the preponderance of evidence on the record supports the following conclusions:

(a) The facility complies with the requirements of the Oregon Energy Facility Siting statutes, ORS 469.300 to 469.570 and 469.590 to 469.619, and the standards adopted by the Council pursuant to 469.501 or the overall public benefits of the facility outweigh any adverse effects on a resource or interest protected by the applicable standards the facility does not meet as described in section (2);

(b) Except as provided in OAR 345-022-0030 for land use compliance and except for those statutes and rules for which the decision on compliance has been delegated by the federal government to a state agency other than the Council, the facility complies with all other Oregon statutes and administrative rules identified in the project order, as amended, as applicable to the issuance of a site certificate for the proposed facility. If the Council finds that applicable Oregon statutes and rules, other than those involving federally delegated programs, would impose conflicting requirements, the Council shall resolve the conflict consistent with the public interest. In resolving the conflict, the Council cannot waive any applicable state statute.

(2) The Council may issue or amend a site certificate for a facility that does not meet one or more of the applicable standards adopted under ORS 469.501 if the Council determines that the overall public benefits of the facility outweigh any adverse effects on a resource or interest protected by the applicable standards the facility does not meet. The Council shall make this balancing determination only when the applicant has shown that the proposed facility cannot meet applicable Council standards or has shown, to the satisfaction of the Council, that there is no reasonable way to meet the applicable Council standards through mitigation or avoidance of any adverse effects on a protected resource or interest. The applicant has the burden to show that the overall public benefits outweigh any adverse effects on a resource or interest, and the burden increases proportionately with the degree of adverse effects on a resource or interest. The Council shall weigh overall public benefits and any adverse effects on a resource or interest as follows:

(a) The Council shall evaluate any adverse effects on a resource or interest by considering factors including, but not limited to, the following:

(A) The uniqueness and significance of the resource or interest that would be affected;

(B) The degree to which current or future development may adversely affect the resource or interest, if the proposed facility is not built;

(C) Proposed measures to reduce any adverse effects on a resource or interest by avoidance of impacts;

(D) The magnitude of any anticipated adverse effects on a resource or interest, taking into account any proposed mitigation.

(b) The Council shall evaluate overall public benefits by considering factors including, but not limited to, the following:

(A) The overall environmental effects of the facility, considering both beneficial and adverse environmental effects;

(B) The degree to which the proposed facility promotes Oregon energy policy as described in ORS 469.010 by demonstrating or advancing new efficiency or renewable technology or by expanding electric generating capacity from renewable energy sources;

(C) Recommendations from any special advisory group designated by the Council under ORS 469.480;

(D) Evidence that the benefits are likely to occur only if the proposed facility is built;

(E) For facilities that are subject to a need standard, evidence underlying the Council's decision on compliance with the rules in OAR 345, Division 23, except that the Council shall not find that need for a facility is sufficient, by itself, to outweigh any adverse effects on a resource or interest affected by the proposed facility.

(3) Notwithstanding section (2) of this rule, the Council shall not apply the balancing determination to the following standards:

(a) The organizational expertise standard described in OAR 345-022-0010;

(b) The land use standard described in OAR 345-022-0030;

(c) The retirement and financial assurance standard described in OAR 345-022-0050;

(d) The need standards described in OAR 345-023-0005;

(e) The standards for energy facilities that emit carbon dioxide described in OAR 345-024-0500 through 345-024-0720; or

(f) The protected areas standard described in OAR 345-022-0040, if the statutes or administrative rules governing the management of the protected area prohibit location of the proposed facility in that area.

(4) In making determinations regarding compliance with statutes, rules and ordinances normally administered by other agencies or compliance with requirements of the Council statutes if other agencies have special expertise, the Department of Energy shall consult with such other agencies during the notice of intent, site certificate application and site certificate amendment processes. Nothing in these rules is intended to interfere with the state's implementation of programs delegated to it by the federal government.

Stat. Auth.: ORS 469.470 & 469.501
Stats. Implemented: ORS 469.501, 469.503, 469.504 & 469.505
Hist.: EFSC 6-1980, f. & ef. 8-26-80; 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 7-1986, f. & ef. 9-18-86; EFSC 9-1980, f. & ef. 12-22-80 ; EFSC 1-1993, f. & cert. ef. 1-15-93, Renumbered from 345-079-0080, 345-080-0075, 345-100-0052, 345-011-0055, 345-115-0052 & 345-125-0070(8); EFSC 5-1993(Temp), f. & cert. ef. 8-16-93; EFSC 1-1994, f. & cert. ef. 1-28-94; EFSC 2-1994, f. & cert. ef. 5-6-94; EFSC 2-1994, f. & cert. ef. 5-6-94; 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 1-2003, f. & cert. ef. 9-3-03; EFSC 1-2007, f. & cert. ef. 5-15-07; EFSC 1-2015, f. & cert. ef. 5-18-15

345-027-0070
Review of a Request for Amendment

Except as specified in OAR 345-027-0080, the Council shall review a request for amendment of a site certificate as follows:

(1) Within 15 days after receiving a request to amend a site certificate, the Department of Energy shall determine whether the amendment requires extended review based on the criteria in section (2) and:

(a) Distribute copies of the request, or instruct the certificate holder to distribute copies of the request, to the persons on a distribution list that includes the reviewing agencies as defined in OAR 345-001-0010 and that may include additional persons, with a request for comments on the request by a specified date. The distribution may be done by courier delivery or mailing of printed copies or, with the approval of the Department, any form of electronic delivery.

(b) Send a notice of the amendment request by mail or email to all persons on the Council's general mailing list as defined in OAR 345-011-0020, to any special list established for the facility and to the updated property owner list supplied by the certificate holder under 345-027-0060(1)(g) and specify a date by which comments on the request are due.

(c) Post an announcement on the Department's website to notify the public that an amendment request has been received.

(d) Send a notice by mail or email to the certificate holder specifying a date for issuance of a proposed order. The Department shall specify a date

that is no later than 60 days after the date of the notice unless the Department has determined that the amendment requires extended review. For extended review, the Department shall explain the basis of its determination and specify a date that is not more than 180 days after the date of the notice. Within 10 days after the Department sends notification that an amendment requires extended review, the certificate holder may request Council review of the determination. Upon a request for Council review, the Department shall refer its determination to the Council for concurrence, modification or rejection.

(2) The Department may determine that an amendment requires extended review if:

(a) The certificate holder requests extended review;

(b) The Department finds that the amendment request does not contain the information required by OAR 345-027-0060 or does not contain information sufficient for the Department to prepare a proposed order;

(c) The Department needs to hire a consultant to assist in reviewing the request;

(d) The amendment:

(A) Would require construction on land zoned residential or exclusive farm use;

(B) Would require construction in a zone for which the use is not permitted;

(C) Would require construction on land that may qualify as Habitat Category 1 or 2 land as described in OAR 635-415-0025;

(D) Would result in incremental carbon dioxide emissions that the certificate holder elects to offset, in compliance with the applicable carbon dioxide emissions standard, by a means other than by payments described under OAR 345-024-0560(3), 345-024-0600(3) and (4) or 345-024-0630(2), (4) and (5); or

(E) Could require the Council to determine, according to OAR 345-022-0000(2), that the overall public benefits of the facility outweigh any adverse effects on a resource or interest that is protected by an applicable standard the facility would not meet if the amendment is approved; or

(e) The Department anticipates a high volume of public comment.

(3) The Office may hold one or more public meetings during the review of a request for amendment of the site certificate.

(4) Except as otherwise provided in this section, no later than the date the Department has specified in the notice described in subsection (1)(d), the Department shall issue a proposed order, recommending approval, modification or disapproval of the requested amendment. If the Department needs additional time to prepare the proposed order, the Department may issue the proposed order at a later date, but the Department shall, no later than the date the Department has specified in the notice, notify the certificate holder in writing of the circumstances that justify the delay.

(5) After issuing the proposed order, the Department shall send a notice of the proposed order by mail or email to the persons on the Council's general mailing list as defined in OAR 345-011-0020, to any special list established for the facility, to the updated property owner list supplied by the certificate holder under OAR 345-027-0060(1)(g) and to the distribution list described in subsection (1)(a). In the notice, the Department shall state that all comments must be submitted in writing and must be received by the Department by a specified deadline that is at least 30 days from the date of the notice. The Department shall post an announcement on its website to notify the public of the issuance of the proposed order.

(6) Any person may, by written request submitted to the Department no later than the deadline described in section (5), ask the Council to hold a contested case proceeding on the proposed order. For the purpose of this rule, the request is submitted when it is received by the Department. In the request, the person shall provide a description of the issues to be contested, a statement of the facts believed to be at issue and the person's mailing address and email address.

(7) To determine that an issue justifies a contested case proceeding under section (8), the Council must find that the request raises a significant issue of fact or law that may affect the Council's determination that the facility, with the change proposed by the amendment, meets an applicable standard. If the Council finds that the request would not affect the Council's determination if the alleged facts were found to be true but that those facts could affect a site certificate condition, the Council may deny the request and may adopt appropriate conditions. If the Council does not have jurisdiction over the issue raised in the request, the Council must deny the request.

(8) The Council shall determine whether any issue identified in a request for a contested case proceeding justifies a contested case proceeding, and:

(a) If the Council finds that the request identifies one or more issues that justify a contested case proceeding, the Council shall conduct a contested case proceeding according to the applicable provisions of OAR 345-015-0012 to OAR 345-015-0085 limited to the issues that the Council found sufficient to justify the proceeding.

(b) If the Council finds that the request identifies one or more issues that an amendment of the proposed order would settle in a manner satisfactory to the Council, the Council may deny the request as to those issues and direct the Department to amend the proposed order and send a notice of the amended proposed order to the persons described in section (5). Any person may, by written request submitted to the Department within 30 days after the Department issues the notice of the amended proposed order, ask the Council to hold a contested case proceeding limited to issues raised by the amendment to the proposed order. For the purpose of this rule, the request is submitted when it is received by the Department. In the request, the person shall provide a description of the issues to be contested, a statement of the facts believed to be at issue and the person's mailing address and email address. As described in this section, the Council shall determine whether any issue identified in the request for a contested case proceeding justifies a contested case proceeding.

(c) If the Council finds that the request does not identify any issue that justifies a contested case proceeding, the Council shall deny the request. In a written order denying the request, the Council shall state the basis for the denial. The Council shall then adopt, modify or reject the proposed order based on the considerations described in section (10). In a written order, the Council shall either grant or deny issuance of an amended site certificate. If the Council grants issuance of an amended site certificate, the Council shall issue an amended site certificate, which is effective upon execution by the Council Chair and by the applicant.

(9) If there is no request for a contested case proceeding as described in section (6) or subsection (8)(b), the Council, may adopt, modify or reject the proposed order based on the considerations described in section (10). In a written order, the Council shall either grant or deny issuance of an amended site certificate. If the Council grants issuance of an amended site certificate, the Council shall issue an amended site certificate, which is effective upon execution by the Council Chair and by the applicant.

(10) In making a decision to grant or deny issuance of an amended site certificate, the Council shall apply the applicable substantive criteria, as described in OAR 345-022-0030, in effect on the date the certificate holder submitted the request for amendment and all other state statutes, administrative rules, and local government ordinances in effect on the date the Council makes its decision. The Council shall consider the following:

(a) For an amendment that would change the site boundary or the legal description of the site, the Council shall consider, for the area added to the site by the amendment, whether the facility complies with all Council standards;

(b) For an amendment that extends the deadlines for beginning or completing construction, the Council shall consider:

(A) Whether the Council has previously granted an extension of the deadline;

(B) Whether there has been any change of circumstances that affects a previous Council finding that was required for issuance of a site certificate or amended site certificate; and

(C) Whether the facility complies with all Council standards, except that the Council may choose not to apply a standard if the Council finds that:

(i) The certificate holder has spent more than 50 percent of the budgeted costs on construction of the facility;

(ii) The inability of the certificate holder to complete the construction of the facility by the deadline in effect before the amendment is the result of unforeseen circumstances that are outside the control of the certificate holder;

(iii) The standard, if applied, would result in an unreasonable financial burden on the certificate holder; and

(iv) The Council does not need to apply the standard to avoid a significant threat to the public health, safety or the environment;

(c) For any amendment not described above, the Council shall consider whether the amendment would affect any finding made by the Council in an earlier order.

(d) For all amendments, the Council shall consider whether the amount of the bond or letter of credit required under OAR 345-022-0050 is adequate.

Stat. Auth.: ORS 469.470

Stats. Implemented: ORS 469.405

Hist.: EFSC 1-1993, f. & cert. ef. 1-15-93; EFSC 5-1994, f. & cert. ef. 11-30-94; 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 1-2015, f. & cert. ef. 5-18-15

• • • • • • • • • •

Department of Fish and Wildlife
Chapter 635

Rule Caption: Columbia River Zone 6 and Tributary Treaty Indian Commercial Fisheries Set.
Adm. Order No.: DFW 46-2015(Temp)
Filed with Sec. of State: 5-18-2015
Certified to be Effective: 5-19-15 thru 7-31-15
Notice Publication Date:
Rules Amended: 635-041-0065
Rules Suspended: 635-041-0065(T)
Subject: These amended rules allow sales of fish from a platform and hook-and-line fishery in all of Zone 6 until further notice; a Yakama Nation tributary fishery through 11:59 p.m. July 31, 2015; and a gill net season in Zone 6 beginning at 6:00 a.m. Tuesday, May 19 through 6:00 p.m. Friday, May 22, 2015 (3.5 days). Modifications are consistent with action taken May 18, 2015 by the Oregon and Washington Departments of Fish and Wildlife, in cooperation with the Columbia River Treaty Tribes, at a meeting of the Columbia River Compact.
Rules Coordinator: Michelle Tate—(503) 947-6044

635-041-0065
Spring Season

(1) Salmon, steelhead, shad, walleye, catfish, bass, yellow perch, and carp may be taken for commercial purposes from the Zone 6 Columbia River Treaty Indian Fishery, from 7:00 p.m. Tuesday, May 5 until further notice.

(2) Gear is restricted to subsistence fishing gear which includes hoopnets, dipnets, rod and reel with hook-and-line. Beginning at 6:00 a.m. Tuesday, May 19 through 6:00 p.m. Friday, May 22, 2015 (3.5 days) fish may also be taken by gill net. There are no mesh size restrictions. Gill net caught fish landed during any open period may be sold after the close of that period.

(3) Closed areas as set forth in OAR 635-041-0045 remain in effect with the exception of Spring Creek Hatchery sanctuary.

(4) White sturgeon between 43–54 inches in fork length caught in The Dalles and John Day pools and white sturgeon between 38-54 inches in fork length caught in the Bonneville Pool may not be sold but may be kept for subsistence use.

(5) Beginning 7:00 p.m. Tuesday, May 5 through 11:59 p.m. Friday, July 31, 2015, commercial sales of salmon, steelhead, walleye, shad, catfish, carp, bass and yellow perch caught in Yakama Nation tributary fisheries in the Klickitat River; Wind River; and Drano Lake are allowed for Yakama Nation members during those days and hours when these tributaries are open under lawfully enacted Yakama Nation fishing periods.

(a) Sturgeon between 43–54 inches in fork length harvested in tributaries within The Dalles or John Day pools and sturgeon between 38–54 inches in fork length harvested in tributaries within Bonneville Pool may not be sold but may be kept for subsistence purposes.

(b) Gear is restricted to subsistence fishing gear which includes hoopnets, dipnets, and rod and reel with hook-and-line. Gillnets may only be used in Drano Lake.

Stat. Auth.: ORS 183.325, 506.109 & 506.119
Stats. Implemented: ORS 506.129 & 507.030
Hist.: FWC 89, f. & ef. 1-28-77; FWC 2-1978, f. & ef. 1-31-78; FWC 7-1978, f. & ef. 2-21-78; FWC 2-1979, f. & ef. 1-25-79; FWC 13-1979(Temp), f. & ef. 3-30-1979, Renumbered from 635-035-0065; FWC 6-1980, f. & ef. 1-28-80; 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 4-1984, f. & ef. 1-31-84; FWC 2-1985, f. & ef. l-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 3-1988(Temp), f. & cert. ef. 1-29-88; FWC 10-1988, f. & cert. ef. 3-4-88; FWC 5-1989, f. 2-6-89, cert. ef. 2-7-89; FWC 13-1989(Temp), f. & cert. ef. 3-21-89; FWC 15-1990(Temp), f. 2-8-90, cert. ef. 2-9-90; FWC 20-1990, f. 3-6-90, cert. ef. 3-15-90; FWC 13-1992(Temp), f. & cert. ef. 3-5-92; FWC 7-1993, f. & cert. ef. 2-1-93; FWC 12-1993(Temp), f. & cert. ef. 2-22-93; FWC 18-1993(Temp), f. & cert. ef. 3-2-93; FWC 7-1994, f. & cert. ef. 2-1-94; FWC 11-1994(Temp), f. & cert. ef. 2-28-94; FWC 9-1995, f. & cert. ef. 2-1-95; FWC 19-1995(Temp), f. & cert. ef. 3-3-95; FWC 5-1996, f. & cert. ef. 2-7-96; FWC 4-1997, f. & cert. ef. 1-30-97; DFW 8-1998(Temp), f. & cert. ef. 2-5-98 thru 2-28-98; DFW 14-1998, f. & cert. ef. 3-3-98; DFW 20-1998(Temp), f. & cert. ef. 3-13-98 thru 3-20-98; DFW 23-1998(Temp), f. & cert. ef. 3-20-98 thru 6-30-98; DFW 2-1999(Temp), f. & cert. ef. 2-1-99 through 2-19-99; DFW 9-1999, f. & cert. ef. 2-26-99; DFW 14-1999(Temp), f. 3-5-99, cert. ef. 3-6-99 thru 3-20-99; Administrative correction 11-17-99; DFW 6-2000(Temp), f. & cert. ef. 2-1-00 thru 2-29-00; DFW 9-2000, f. & cert. ef. 2-25-00; DFW 19-2000, f. 3-18-00, cert. ef. 3-18-00 thru 3-21-00; DFW 26-2000(Temp), f. 5-4-00, cert. ef. 5-6-00 thru 5-28-00; Administrative correction 5-22-00; DFW 3-2001, f. & cert. ef. 2-6-01; DFW 14-2001(Temp), f. 3-12-01, cert. ef. 3-14-01 thru 3-21-01; Administrative correction 6-20-01; DFW 9-2002, f. & cert. ef. 2-1-02; DFW 11-2002(Temp), f. & cert. ef. 2-8-02 thru 8-7-02; DFW 17-2002(Temp), f. 3-7-02, cert. ef. 3-8-02 thru 9-1-02; DFW 18-2002(Temp), f. 3-13-02, cert. ef. 3-15-02 thru 9-11-02; DFW 134-2002(Temp), f. & cert. ef. 12-19-02 thru 4-1-03; DFW 20-2003(Temp), f. 3-12-03, cert. ef. 3-13-03 thru 4-1-03; DFW 131-2003(Temp), f. 12-26-03, cert. ef. 1-1-04 thru 4-1-04; DFW 5-2004(Temp), f. 1-26-04, cert. ef. 2-2-04 thru 4-1-04; DFW 15-2004(Temp), f. 3-8-04, cert. ef. 3-10-04 thru 4-1-04; DFW 130-2004(Temp), f. 12-23-04, cert. ef. 1-1-05 thru 4-1-05; DFW 4-2005(Temp), f. & cert. ef 1-31-05 thru 4-1-05; DFW 18-2005(Temp), f. & cert. ef. 3-15-05 thru 3-21-05; Administrative correction 4-20-05; DFW 3-2006(Temp), f. & cert. ef. 1-27-06 thru 3-31-06; Administrative correction 4-19-06; DFW 7-2007(Temp), f. 1-31-07, cert. ef. 2-1-07 thru 7-30-07; DFW 9-2007, f. & cert. ef. 2-14-07; DFW 14-2007(Temp), f. & cert. ef. 3-9-07 thru 9-4-07; DFW 15-2007(Temp), f. & cert. ef. 3-14-07 thru 9-9-07; Administrative correction 9-16-07; DFW 6-2008(Temp), f. 1-29-08, cert. ef. 1-31-08 thru 7-28-08; DFW 20-2008(Temp), f. 2-28-08, cert. ef. 2-29-08 thru 7-28-08; DFW 21-2008(Temp), f. & cert. ef. 3-5-08 thru 7-28-08; DFW 22-2008(Temp), f. 3-7-08, cert. ef. 3-10-08 thru 7-28-08; Administrative correction 8-21-08; DFW 142-2008, f. & cert. ef. 11-21-08; DFW 6-2009(Temp), f. 1-30-09, cert. ef. 2-2-09 thru 8-1-09; DFW 11-2009(Temp), f. 2-13-09, cert. ef. 2-16-09 thru 7-31-09; DFW 22-2009(Temp), f. 3-5-09, cert. ef. 3-6-09 thru 7-31-09; Administrative correction 8-21-09; DFW 9-2010(Temp), f. & cert. ef. 2-3-10 thru 8-1-10; DFW 12-2010(Temp), f. 2-10-10, cert. ef. 2-11-10 thru 8-1-10; DFW 18-2010(Temp), f. 2-24-10, cert. ef. 2-26-10 thru 4-1-10; DFW 24-2010(Temp), f. 3-2-10, cert. ef. 3-3-10 thru 4-1-10; Administrative correction 4-21-10; DFW 8-2011(Temp), f. 1-31-11, cert. ef. 2-1-11 thru 4-1-11; DFW 9-2011(Temp), f. 2-9-11, cert. ef. 2-10-11 thru 4-1-11; DFW 23-2011, f. & cert. ef. 3-21-11; DFW 5-2012(Temp), f. 1-30-12, cert. ef. 2-1-12 thru 3-31-12; DFW 18-2012(Temp), f. 2-28-12, cert. ef. 2-29-12 thru 6-15-12; DFW 19-2012(Temp), f. 3-2-12, cert. ef. 3-5-12 thru 6-15-12; DFW 20-2012(Temp), f. & cert. ef. 3-5-12 thru 6-15-12; DFW 46-2012(Temp), f. 5-14-12, cert. ef. 5-15-12 thru 6-30-12; Administrative correction, 8-1-12; DFW 9-2013(Temp), f. 1-31-13, cert. ef. 2-1-13 thru 3-31-13; DFW 15-2013(Temp), f. 2-22-13, cert. ef. 2-27-13 thru 6-15-13; DFW 18-2013(Temp), f. 3-5-13, cert. ef. 3-6-13 thru 6-15-13; DFW 35-2013(Temp), f. & cert. ef. 5-21-13 thru 6-30-13; DFW 48-2013(Temp), f. 6-7-13, cert. ef. 6-8-13 thru 7-31-13; Administrative correction, 8-21-13; DFW 6-2014(Temp), f. 1-30-14, cert. ef. 2-1-14 thru 7-30-14; DFW 15-2014(Temp), f. 2-25-14, cert. ef. 2-26-14 thru 7-30-14; DFW 17-2014(Temp), f. 2-28-14, cert. ef. 3-1-14 thru 7-30-14; DFW 23-2014(Temp), f. 3-11-14, cert. ef. 3-12-14 thru 7-31-14; DFW 37-2014(Temp), f. & cert. ef. 5-6-14 thru 7-31-14; DFW 46-2014(Temp), f. 5-19-14, cert. ef. 5-20-14 thru 7-31-14; DFW 48-2014(Temp), f. 5-27-14, cert. ef. 5-28-14 thru 7-31-13; DFW 54-2014(Temp), f. 6-2-14, cert. ef. 6-3-14 thru 7-31-14; DFW 59-2014(Temp), f. 6-9-14, cert. ef. 6-10-14 thru 7-31-14; Administrative correction, 8-28-14; DFW 9-2015(Temp), f. 1-29-15, cert. ef. 2-2-15 thru 3-31-15; DFW 13-2015(Temp), f. 2-19-15, cert. ef. 2-20-15 thru 3-31-15; DFW 19-2015(Temp), f. 3-11-15, cert. ef. 3-12-15 thru 3-31-15; Administrative correction, 4-21-15; DFW 38-2015(Temp), f. & cert. ef. 5-5-15 thru 7-31-15; DFW 46-2015(Temp), f. 5-18-15, cert. ef. 5-19-15 thru 7-31-15

• • • • • • • • • •

Rule Caption: Purse Seine Fishery Requirements for Coastal Pelagic Species.
Adm. Order No.: DFW 47-2015(Temp)
Filed with Sec. of State: 5-21-2015
Certified to be Effective: 5-27-15 thru 11-22-15
Notice Publication Date:
Rules Adopted: 635-004-0376
Rules Amended: 635-004-0370, 635-004-0375, 635-004-0405, 635-004-0430, 635-005-0920, 635-012-0090, 635-012-0100
Rules Suspended: 635-004-0375(T), 635-004-0420, 635-004-0500, 635-004-0520, 635-004-0535
Subject: These temporary rules place requirements on commercial directed purse seine fisheries for coastal pelagic species (mackerels, anchovy, herring and market squid) consistent with appropriate conservation and management requirements currently in place for sardine fisheries. These requirements include logbooks, measures to minimize by-catch mortality, limits on landings allowed to be processed for reduction purposes, and prohibition on mackerel fishing within marine protected areas. To minimize wastage, these rules allow purse seine vessels to pump catch from another purse seine vessel and land this catch into Oregon.
Rules Coordinator: Michelle Tate—(503) 947-6044

635-004-0370
Organization of Rules

(1) Administrative rules contained in OAR 635-004-0375 and 635-004-0376 shall apply to all fisheries in the Coastal Pelagic and Smelt Species section, and are in addition to and not in lieu of Division 004 General Regulations contained in OAR 635-004-0200 through OAR 635-004-0265. The Coastal Pelagic and Smelt Species Section includes regulations for the Sardine, Inland Waters Herring, Yaquina Bay Roe-Herring, Pacific Ocean Herring, Anchovy and Smelt Fisheries.

(2) Market squid are managed under the Coastal Pelagic Species Fishery Management Plan and through the regulations adopted by reference in OAR 635-004-0375. However, market squid are managed as a shellfish when landed in Oregon, and are subject to regulations in the Squid Fishery Section in division 005.

Stat. Auth.: ORS 506.036, 506.109, 506.119 & 506.129
Stats. Implemented: ORS 506.109 & 506.129
Hist.: DFW 75-2012, f. 6-28-12, cert. ef. 7-1-12; DFW 47-2015(Temp), f. 5-21-15, cert. ef. 5-27-15 thru 11-22-15

635-004-0375
Scope, Inclusion, and Modification of Rules

(1) The commercial coastal pelagic species 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 coastal pelagic species. 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, Subpart I, (October 1, 2013 ed.); and

(b) Federal Register Vol. 78, No. 116, dated June 17, 2013 (78 FR 36117).

(2) Persons must consult the federal regulations in addition to Division 004 to determine all applicable coastal pelagic species 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) Notwithstanding the above, the third allocation period for the 2014-2015 commercial directed sardine fishery is closed as of 12:01 a.m. Saturday, April 25, 2015. Fishing vessels with Pacific sardine on board taken in the directed harvest fishery must be at shore/dock and in the process of offloading at the time of closure.

(4) 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 635-004-0380 through 635-004-0545 for additions or modifications to federal coastal pelagic species regulations. The following additions and modifications also apply to any coastal pelagic species in the ocean, except sardine and market squid:

(a) Fisheries using purse seine gear to fish for coastal pelagic species must comply with the fishing gear and bycatch restriction provisions as described in OAR 635-004-0425 and 635-004-0435 for the sardine fishery.

(b) No directed reduction fishery is allowed for any coastal pelagic species, as described in OAR 635-004-0440 for sardines.

(c) A vessel using purse seine gear to fish for a coastal pelagic species may operate as a coastal pelagic species catching vessel as described in provisions in OAR 635-004-0430 for the sardine fishery except for the purposes of this rule, "Coastal pelagic species catching vessel" means a vessel that lawfully deployed purse seine gear during the current year and pumped resultant catch onboard the same vessel for delivery to a port of landing or fish dealer in Oregon.

[Publications: Publications referenced are available from the agency.]
Stat. Auth.: ORS 496.138, 496.162, 506.036, 506.109, 506.119 & 506.129
Stats. Implemented: ORS 496.162, 506.109 & 506.129
Hist.: DFW 75-2012, f. 6-28-12, cert. ef. 7-1-12; DFW 110-2012(Temp), f. 8-21-12, cert. ef. 8-23-12 thru 9-14-12; Administrative correction 9-20-12; DFW 58-2013, f. & cert. ef. 6-19-13; DFW 90-2013(Temp), f. 8-20-13, cert. ef. 8-22-13 thru 9-14-13; DFW 76-2014(Temp), f. 6-24-14, cert. ef. 6-25-14 thru 7-31-14; DFW 99-2014, f. 7-21-14, cert. ef. 7-22-14 thru 9-30-14; DFW 104-2014(Temp), f. 7-29-14, cert. ef. 8-1-14 thru 9-30-14; DFW 114-2014, f. & cert. ef. 8-5-14; Suspended by DFW 129-2014(Temp), f. 9-10-14, cert. ef. 9-15-14 thru 9-30-14; DFW 136-2014(Temp), f. 9-19-14, cert. ef. 9-20-14 thru 12-31-14; Administrative correction, 1-27-15; DFW 30-2015(Temp), f. 4-22-15, cert. ef. 4-25-15 thru 6-30-15; DFW 47-2015(Temp), f. 5-21-15, cert. ef. 5-27-15 thru 11-22-15

635-004-0376
Logbook Required

(1) The Department shall make available a logbook to each licensed commercial fishing vessel used to take any Coastal Pelagic Species with purse seine gear.

(2) The vessel operator of such vessel is responsible for maintaining the logbook in an accurate and truthful manner and in accordance with the instructions contained therein.

(3) Upon request of an authorized representative of the Department or the Oregon State Police, the vessel operator shall permit examination and transcription of information of such logbook.

(4) Upon request of an authorized representative of the Department, the vessel operator shall surrender a legible copy of such logbook.

(5) For Coastal Pelagic Species fisheries requiring a Restricted Participation Permit, the permit holder and vessel operator are jointly responsible for complying with sections (2) through (4) of this rule.

(6) Information so received by the Department shall be considered confidential.

Stat. Auth.: ORS 506.036, 506.109, 506.119, 506.129
Stats. Implemented: ORS 506.109, 506.129, 508.765
Hist.: DFW 47-2015(Temp), f. 5-21-15, cert. ef. 5-27-15 thru 11-22-15

635-004-0405
Renewal of Permit

(1) Sardine Permits may be renewed for the following year:

(a) By submitting a $100.00 fee (plus a $2.00 license agent fee) and a complete application to the Department date-stamped or postmarked by December 31 of the year the permit is sought for renewal; and

(b) If all logbooks required under OAR 635-004-0376 were submitted;

(2) An application for renewal of a Sardine 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 shall 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 shall 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 75-2012, f. 6-28-12, cert. ef. 7-1-12; DFW 47-2015(Temp), f. 5-21-15, cert. ef. 5-27-15 thru 11-22-15

635-004-0420
Logbook Required

(1) The Department shall make available a logbook to each licensed commercial fishing vessel which holds a valid Sardine Permit.

(2) The permit holder is responsible for maintaining the logbook in an accurate and truthful manner and in accordance with the instructions contained therein.

(3) Upon request of an authorized representative of the Department or the Oregon State Police, the permit holder shall permit examination and transcription of information of such logbook.

(4) Upon request of an authorized representative of the Department, the permit holder shall surrender a legible copy of such logbook.

(5) Information so received by the Department shall be considered confidential.

Stat. Auth.: ORS 506.036, 506.109, 506.119 & 506.129
Stats. Implemented: ORS 506.109 & 506.129
Hist.: DFW 75-2012, f. 6-28-12, cert. ef. 7-1-12; Suspended by DFW 47-2015(Temp), f. 5-21-15, cert. ef. 5-27-15 thru 11-22-15

635-004-0430
Sardine Catching Vessel

(1) Only a sardine catching vessel may pump fish onboard, directly from the pursed seine of another sardine catching vessel, and lawfully land that catch.

(2) Any sardine catching vessel involved in pumping fish from the pursed seine of another sardine catching vessel must have onboard legal seine gear capable of catching sardine including, but not limited to seine net, skiff, and pumping gear. All gear must be in working order.

(3) Any sardine catching vessels involved in pumping fish from a pursed seine with other sardine catching vessels shall document in the logbooks required under OAR 635-004-0376 the vessel(s) that made the set, any other vessel(s) pumping fish from the pursed seine, as well as all appropriate information on catch and location.

(4) No more that 20% of the landings made by a sardine catching vessel may contain fish pumped from pursed seines of other sardine catching vessels.

(5) For the purposes of this rule, "Sardine catching vessel" means a vessel holding a valid Sardine Permit pursuant to OAR 635-004-0385 that lawfully deployed purse seine gear during the current year and pumped resultant catch onboard the same vessel for delivery to a port of landing or fish dealer.

Stat. Auth.: ORS 506.036, 506.109, 506.119 & 506.129
Stats. Implemented: ORS 506.109 & 506.129
Hist.: DFW 38-2009, f. & cert. ef. 4-22-09; Renumbered from 635-004-0012, DFW 75-2012, f. 6-28-12, cert. ef. 7-1-12; DFW 47-2015(Temp), f. 5-21-15, cert. ef. 5-27-15 thru 11-22-15

635-004-0500
Logbook Required

(1) The Department shall make available a logbook to each licensed commercial fishing vessel which holds a valid Yaquina Bay Roe-Herring Permit.

(2) The vessel operator of such vessel is responsible for maintaining the logbook in an accurate and truthful manner and in accordance with the instructions contained therein.

(3) Upon request of an authorized representative of the Department or the Oregon State Police, the vessel operator shall permit examination and transcription of information of such logbook.

(4) Upon request of an authorized representative of the Department, the vessel operator shall surrender a legible copy of such logbook.

(5) Information so received by the Department shall be considered confidential.

Stat. Auth.: ORS 506.036, 506.109, 506.119 & 506.129
Stats. Implemented: ORS 506.109, 506.129 & 508.765
Hist.: DFW 75-2012, f. 6-28-12, cert. ef. 7-1-12; Suspended by DFW 47-2015(Temp), f. 5-21-15, cert. ef. 5-27-15 thru 11-22-15

635-004-0520
Logbook Required

(1) The Department shall make available a logbook to each commercial fishing vessel licensed to take Pacific Ocean herring.

(2) The vessel operator of such vessel is responsible for maintaining the logbook in an accurate and truthful manner and in accordance with the instructions contained therein.

(3) Upon request of an authorized representative of the Department or the Oregon State Police, the vessel operator shall permit examination and transcription of information of such logbook.

(4) Upon request of an authorized representative of the Department, the vessel operator shall surrender a legible copy of such logbook.

(5) Information so received by the Department shall be considered confidential.

Stat. Auth.: ORS 506.036, 506.109, 506.119 & 506.129
Stats. Implemented: ORS 506.109 & 506.129
Hist.: DFW 75-2012, f. 6-28-12, cert. ef. 7-1-12; Suspended by DFW 47-2015(Temp), f. 5-21-15, cert. ef. 5-27-15 thru 11-22-15

635-004-0535
Logbook Required

(1) The Department shall make available a logbook to each individual or commercial fishing vessel permitted pursuant to OAR 635-004-0530 to harvest anchovies for live bait.

(2) Each individual or vessel operator is responsible for maintaining the logbook in an accurate and truthful manner and in accordance with the instructions contained therein.

(3) Upon request of an authorized representative of the Department or the Oregon State Police, the individual or vessel operator shall permit examination and transcription of information of such logbook.

(4) Upon request of an authorized representative of the Department, the individual or vessel operator shall surrender a legible copy of such logbook.

(5) Information so received by the Department shall be considered confidential.

Stat. Auth.: ORS 506.036, 506.109, 506.119 & 506.129
Stats. Implemented: ORS 506.109 & 506.129
Hist.: DFW 75-2012, f. 6-28-12, cert. ef. 7-1-12; Suspended by DFW 47-2015(Temp), f. 5-21-15, cert. ef. 5-27-15 thru 11-22-15

635-005-0920
Market Squid Fishery

Market squid (Loligo opalescens) are federally managed by the Coastal Pelagic Species Fishery Management Plan, and are subject to all federal regulations adopted by reference in OAR 635-004-0375. The following provisions apply to fisheries using purse seine gear to fish for market squid:

(1) A squid catching vessel may pump squid onboard, directly from the pursed seine of another squid catching vessel, and lawfully land that catch.

(2) Any squid catching vessel involved in pumping squid from the pursed seine of another squid catching vessel must have onboard legal seine gear capable of catching squid including, but not limited to seine net, skiff, and pumping gear. All gear must be in working order.

(3) Any squid catching vessels involved in pumping squid from a pursed seine with other squid catching vessels shall document in the logbooks required under OAR 635-005-0930 the vessel(s) that made the set, any other vessel(s) pumping squid from the pursed seine, as well as all appropriate information on catch and location.

(4) No more that 20% of the landings made by a squid catching vessel may contain squid pumped from pursed seines of other squid catching vessels.

(5) For the purposes of this rule, "Squid catching vessel" means a vessel that lawfully deployed purse seine gear during the current year and pumped resultant catch onboard the same vessel for delivery to a port of landing or fish dealer in Oregon.

(6) Groundfish and salmon, as defined by OAR 635-004-0215, must be returned to the water immediately. Every effort must be made to dipnet salmon out of the seine net before they go through a pump system.

(7) No more than ten percent of a squid landing may be used for the purposes of conversion into fish flour, fish meal, fish scrap, fertilizer, fish oil, other fishery products or by-products for purposes other than human consumption or fishing bait. Exceptions to the ten percent limit may be granted due to unforeseen circumstances with written authorization by the Director to avoid wastage of fish.

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 47-2015(Temp), f. 5-21-15, cert. ef. 5-27-15 thru 11-22-15

635-012-0090
Cape Perpetua South-East Marine Protected Area Prohibitions and Allowances

(1) Except as specified in (2) below, take of all species authorized by general Commission rule for this area is allowed.

(2) The following activities are prohibited within the Cape Perpetua South-East Marine Protected Area:

(a) Use of trawl gear to take any fish species.

(b) Take of the following species, used as seabird forage:

(A) Pacific herring;

(B) Pacific sardine (pilchard);

(C) Anchovies;

(D) Smelt as defined by OAR 635-004-0215;

(E) Pacific sand lance;

(F) Mackerels;

(G) Market squid.

Stat. Auth.: ORS 506.119 & 506.129
Stats. Implemented: ORS 196.540 - 196.555 & SB 1510 (2012)
Hist.: DFW 102-2012, f. & cert. ef. 8-6-12; DFW 47-2015(Temp), f. 5-21-15, cert. ef. 5-27-15 thru 11-22-15

635-012-0100
Cape Perpetua Seabird Protection Area Prohibitions and Allowances

(1) Except as specified in (2) below, take of all species authorized by general Commission rule for this area is allowed.

(2) Take of the following species, used as seabird forage, are prohibited within the Cape Perpetua Seabird Protection Area:

(a) Pacific herring;

(b) Pacific sardine (pilchard);

(c) Anchovies;

(d) Smelt as defined by OAR 635-004-0215;

(e) Pacific sand lance;

(f) Mackerels.

Stat. Auth.: ORS 506.119 & 506.129
Stats. Implemented: ORS 196.540 - 196.555 & SB 1510 (2012)
Hist.: DFW 102-2012, f. & cert. ef. 8-6-12; DFW 47-2015(Temp), f. 5-21-15, cert. ef. 5-27-15 thru 11-22-15

• • • • • • • • • •

Rule Caption: Columbia River Zone 6 Treaty Indian Commercial Gill Net Fishery Set.
Adm. Order No.: DFW 48-2015(Temp)
Filed with Sec. of State: 5-26-2015
Certified to be Effective: 5-27-15 thru 7-31-15
Notice Publication Date:
Rules Amended: 635-041-0065
Rules Suspended: 635-041-0065(T)
Subject: This amended rule allows sales of fish from a gill net season in Zone 6 beginning at 6:00 a.m. Wednesday, May 27 through 6:00 p.m. Saturday, May 30, 2015 (3.5 days). Modifications are consistent with action taken May 26, 2015 by the Oregon and Washington Departments of Fish and Wildlife, in cooperation with the Columbia River Treaty Tribes, at a meeting of the Columbia River Compact.
Rules Coordinator: Michelle Tate—(503) 947-6044

635-041-0065
Spring Season

(1) Salmon, steelhead, shad, walleye, catfish, bass, yellow perch, and carp may be taken for commercial purposes from the Zone 6 Columbia River Treaty Indian Fishery, from 7:00 p.m. Tuesday, May 5 until further notice.

(2) Gear is restricted to subsistence fishing gear which includes hoopnets, dipnets, rod and reel with hook-and-line. Beginning at 6:00 a.m. Wednesday, May 27 through 6:00 p.m. Saturday, May 30, 2015 (3.5 days) fish may also be taken by gill net. There are no mesh size restrictions. Gill net caught fish landed during any open period may be sold after the close of that period.

(3) Closed areas as set forth in OAR 635-041-0045 remain in effect with the exception of Spring Creek Hatchery sanctuary.

(4) White sturgeon between 43-54 inches in fork length caught in The Dalles and John Day pools and white sturgeon between 38-54 inches in fork length caught in the Bonneville Pool may not be sold but may be kept for subsistence use.

(5) Beginning 7:00 p.m. Tuesday, May 5 through 11:59 p.m. Friday, July 31, 2015, commercial sales of salmon, steelhead, walleye, shad, catfish, carp, bass and yellow perch caught in Yakama Nation tributary fisheries in the Klickitat River; Wind River; and Drano Lake are allowed for Yakama Nation members during those days and hours when these tributaries are open under lawfully enacted Yakama Nation fishing periods.

(a) Sturgeon between 43-54 inches in fork length harvested in tributaries within The Dalles or John Day pools and sturgeon between 38-54 inches in fork length harvested in tributaries within Bonneville Pool may not be sold but may be kept for subsistence purposes.

(b) Gear is restricted to subsistence fishing gear which includes hoopnets, dipnets, and rod and reel with hook-and-line. Gillnets may only be used in Drano Lake.

Stat. Auth.: ORS 183.325, 506.109 & 506.119

Stats. Implemented: ORS 506.129 & 507.030

Hist.: FWC 89, f. & ef. 1-28-77; FWC 2-1978, f. & ef. 1-31-78; FWC 7-1978, f. & ef. 2-21-78; FWC 2-1979, f. & ef. 1-25-79; FWC 13-1979(Temp), f. & ef. 3-30-1979, Renumbered from 635-035-0065; FWC 6-1980, f. & ef. 1-28-80; 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 4-1984, f. & ef. 1-31-84; FWC 2-1985, f. & ef. l-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 3-1988(Temp), f. & cert. ef. 1-29-88; FWC 10-1988, f. & cert. ef. 3-4-88; FWC 5-1989, f. 2-6-89, cert. ef. 2-7-89; FWC 13-1989(Temp), f. & cert. ef. 3-21-89; FWC 15-1990(Temp), f. 2-8-90, cert. ef. 2-9-90; FWC 20-1990, f. 3-6-90, cert. ef. 3-15-90; FWC 13-1992(Temp), f. & cert. ef. 3-5-92; FWC 7-1993, f. & cert. ef. 2-1-93; FWC 12-1993(Temp), f. & cert. ef. 2-22-93; FWC 18-1993(Temp), f. & cert. ef. 3-2-93; FWC 7-1994, f. & cert. ef. 2-1-94; FWC 11-1994(Temp), f. & cert. ef. 2-28-94; FWC 9-1995, f. & cert. ef. 2-1-95; FWC 19-1995(Temp), f. & cert. ef. 3-3-95; FWC 5-1996, f. & cert. ef. 2-7-96; FWC 4-1997, f. & cert. ef. 1-30-97; DFW 8-1998(Temp), f. & cert. ef. 2-5-98 thru 2-28-98; DFW 14-1998, f. & cert. ef. 3-3-98; DFW 20-1998(Temp), f. & cert. ef. 3-13-98 thru 3-20-98; DFW 23-1998(Temp), f. & cert. ef. 3-20-98 thru 6-30-98; DFW 2-1999(Temp), f. & cert. ef. 2-1-99 through 2-19-99; DFW 9-1999, f. & cert. ef. 2-26-99; DFW 14-1999(Temp), f. 3-5-99, cert. ef. 3-6-99 thru 3-20-99; Administrative correction 11-17-99; DFW 6-2000(Temp), f. & cert. ef. 2-1-00 thru 2-29-00; DFW 9-2000, f. & cert. ef. 2-25-00; DFW 19-2000, f. 3-18-00, cert. ef. 3-18-00 thru 3-21-00; DFW 26-2000(Temp), f. 5-4-00, cert. ef. 5-6-00 thru 5-28-00; Administrative correction 5-22-00; DFW 3-2001, f. & cert. ef. 2-6-01; DFW 14-2001(Temp), f. 3-12-01, cert. ef. 3-14-01 thru 3-21-01; Administrative correction 6-20-01; DFW 9-2002, f. & cert. ef. 2-1-02; DFW 11-2002(Temp), f. & cert. ef. 2-8-02 thru 8-7-02; DFW 17-2002(Temp), f. 3-7-02, cert. ef. 3-8-02 thru 9-1-02; DFW 18-2002(Temp), f. 3-13-02, cert. ef. 3-15-02 thru 9-11-02; DFW 134-2002(Temp), f. & cert. ef. 12-19-02 thru 4-1-03; DFW 20-2003(Temp), f. 3-12-03, cert. ef. 3-13-03 thru 4-1-03; DFW 131-2003(Temp), f. 12-26-03, cert. ef. 1-1-04 thru 4-1-04; DFW 5-2004(Temp), f. 1-26-04, cert. ef. 2-2-04 thru 4-1-04; DFW 15-2004(Temp), f. 3-8-04, cert. ef. 3-10-04 thru 4-1-04; DFW 130-2004(Temp), f. 12-23-04, cert. ef. 1-1-05 thru 4-1-05; DFW 4-2005(Temp), f. & cert. ef 1-31-05 thru 4-1-05; DFW 18-2005(Temp), f. & cert. ef. 3-15-05 thru 3-21-05; Administrative correction 4-20-05; DFW 3-2006(Temp), f. & cert. ef. 1-27-06 thru 3-31-06; Administrative correction 4-19-06; DFW 7-2007(Temp), f. 1-31-07, cert. ef. 2-1-07 thru 7-30-07; DFW 9-2007, f. & cert. ef. 2-14-07; DFW 14-2007(Temp), f. & cert. ef. 3-9-07 thru 9-4-07; DFW 15-2007(Temp), f. & cert. ef. 3-14-07 thru 9-9-07; Administrative correction 9-16-07; DFW 6-2008(Temp), f. 1-29-08, cert. ef. 1-31-08 thru 7-28-08; DFW 20-2008(Temp), f. 2-28-08, cert. ef. 2-29-08 thru 7-28-08; DFW 21-2008(Temp), f. & cert. ef. 3-5-08 thru 7-28-08; DFW 22-2008(Temp), f. 3-7-08, cert. ef. 3-10-08 thru 7-28-08; Administrative correction 8-21-08; DFW 142-2008, f. & cert. ef. 11-21-08; DFW 6-2009(Temp), f. 1-30-09, cert. ef. 2-2-09 thru 8-1-09; DFW 11-2009(Temp), f. 2-13-09, cert. ef. 2-16-09 thru 7-31-09; DFW 22-2009(Temp), f. 3-5-09, cert. ef. 3-6-09 thru 7-31-09; Administrative correction 8-21-09; DFW 9-2010(Temp), f. & cert. ef. 2-3-10 thru 8-1-10; DFW 12-2010(Temp), f. 2-10-10, cert. ef. 2-11-10 thru 8-1-10; DFW 18-2010(Temp), f. 2-24-10, cert. ef. 2-26-10 thru 4-1-10; DFW 24-2010(Temp), f. 3-2-10, cert. ef. 3-3-10 thru 4-1-10; Administrative correction 4-21-10; DFW 8-2011(Temp), f. 1-31-11, cert. ef. 2-1-11 thru 4-1-11; DFW 9-2011(Temp), f. 2-9-11, cert. ef. 2-10-11 thru 4-1-11; DFW 23-2011, f. & cert. ef. 3-21-11; DFW 5-2012(Temp), f. 1-30-12, cert. ef. 2-1-12 thru 3-31-12; DFW 18-2012(Temp), f. 2-28-12, cert. ef. 2-29-12 thru 6-15-12; DFW 19-2012(Temp), f. 3-2-12, cert. ef. 3-5-12 thru 6-15-12; DFW 20-2012(Temp), f. & cert. ef. 3-5-12 thru 6-15-12; DFW 46-2012(Temp), f. 5-14-12, cert. ef. 5-15-12 thru 6-30-12; Administrative correction, 8-1-12; DFW 9-2013(Temp), f. 1-31-13, cert. ef. 2-1-13 thru 3-31-13; DFW 15-2013(Temp), f. 2-22-13, cert. ef. 2-27-13 thru 6-15-13; DFW 18-2013(Temp), f. 3-5-13, cert. ef. 3-6-13 thru 6-15-13; DFW 35-2013(Temp), f. & cert. ef. 5-21-13 thru 6-30-13; DFW 48-2013(Temp), f. 6-7-13, cert. ef. 6-8-13 thru 7-31-13; Administrative correction, 8-21-13; DFW 6-2014(Temp), f. 1-30-14, cert. ef. 2-1-14 thru 7-30-14; DFW 15-2014(Temp), f. 2-25-14, cert. ef. 2-26-14 thru 7-30-14; DFW 17-2014(Temp), f. 2-28-14, cert. ef. 3-1-14 thru 7-30-14; DFW 23-2014(Temp), f. 3-11-14, cert. ef. 3-12-14 thru 7-31-14; DFW 37-2014(Temp), f. & cert. ef. 5-6-14 thru 7-31-14; DFW 46-2014(Temp), f. 5-19-14, cert. ef. 5-20-14 thru 7-31-14; DFW 48-2014(Temp), f. 5-27-14, cert. ef. 5-28-14 thru 7-31-13; DFW 54-2014(Temp), f. 6-2-14, cert. ef. 6-3-14 thru 7-31-14; DFW 59-2014(Temp), f. 6-9-14, cert. ef. 6-10-14 thru 7-31-14; Administrative correction, 8-28-14; DFW 9-2015(Temp), f. 1-29-15, cert. ef. 2-2-15 thru 3-31-15; DFW 13-2015(Temp), f. 2-19-15, cert. ef. 2-20-15 thru 3-31-15; DFW 19-2015(Temp), f. 3-11-15, cert. ef. 3-12-15 thru 3-31-15; Administrative correction, 4-21-15; DFW 38-2015(Temp), f. & cert. ef. 5-5-15 thru 7-31-15; DFW 46-2015(Temp), f. 5-18-19, cert. ef. 5-19-15 thru 7-31-15; DFW 48-2015, f. 5-26-15, cert. ef. 5-27-15 thru 7-31-15

Rule Caption: South Santiam River Gear Restriction at Waterloo Falls.
Adm. Order No.: DFW 49-2015(Temp)
Filed with Sec. of State: 5-27-2015
Certified to be Effective: 5-27-15 thru 11-22-15
Notice Publication Date:
Rules Amended: 635-017-0090
Subject: This amended rule restricts the type of angling gear allowed in a section of South Santiam River: From 200 feet above Waterloo Falls to Waterloo Road bridge, angling is restricted to fly angling and bobber angling only. Bobber gear must include a bobber and a leader no longer than 36 inches in length. Any weight attached (except the bobber) may be no more than 36 inches from the lowermost hook when suspended vertically. The leader below the bobber must remain suspended in the water column and not resting on the river bottom.
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; and

(e) 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

• • • • • • • • • •

Rule Caption: Youngs Bay Select Area Commercial Spring Fishery Modified.
Adm. Order No.: DFW 50-2015(Temp)
Filed with Sec. of State: 5-27-2015
Certified to be Effective: 5-27-15 thru 7-31-15
Notice Publication Date:
Rules Amended: 635-042-0145
Rules Suspended: 635-042-0145(T)
Subject: This amended rule modifies harvest regulations for a spring commercial fishery previously adopted for the Youngs Bay Select Area of the Columbia River. Retention and sale of non-adipose fin-clipped Chinook is prohibited for a seventeen (17) hour period beginning at 7:00 p.m. Wednesday, May 27, 2015. Modifications are consistent with the action taken May 26, 2015 by the Oregon and Washington Departments of Fish and Wildlife at a meeting of the Columbia River Compact.
Rules Coordinator: Michelle Tate—(503) 947-6044

635-042-0145
Youngs Bay Salmon Season

(1) Salmon and shad may be taken for commercial purposes during open 2015 fishing periods in waters of Youngs Bay as described below. Retention and sale of white sturgeon is prohibited.

(a) The 2015 open fishing periods are established in three segments categorized as the winter fishery, subsection (1)(a)(A); the spring fishery, subsection (1)(a)(B); and summer fishery, subsection (1)(a)(C), as follows:

(A) Winter Season: None scheduled.

(B) Spring Season: Open during the following periods:

Tuesday, May 5, 7:00 p.m. to 7:00 a.m. Wednesday, May 6 (12 hrs.);
Thursday, May 7, 7:00 p.m. to 7:00 a.m. Friday, May 8 (12 hrs.); and
Noon, Monday through Noon Friday (4 days/week) from May 11 through June 12 (20 days) except that retention and sale of non-adipose fin-clipped Chinook is prohibited from 7:00 p.m. Wednesday, May 27 through 12:00 noon Thursday, May 28, 2015 (17 hours).

(C) Summer Season: Beginning June 16 the following open periods apply:

Noon, Tuesday, June 16 through Noon Friday, June 19 (3 days);
Noon, Mondays through Noon Fridays, June 22-July 3 (8 days);
Noon, Monday, July 6 through Noon Thursday, July 9 (3 days); and
Noon, Tuesdays through Noon Thursdays, July 14 through July 30 (6 days).

(b) For the winter fisheries, the waters of Youngs Bay from the Highway 101 Bridge upstream to the upper boundary markers at the confluence of the Klaskanine and Youngs rivers including the lower Walluski River upstream to the Highway 202 Bridge are open. Those waters southerly of the alternate Highway 101 Bridge (Lewis and Clark River) are closed. For the spring and summer fisheries the fishing area is identified as the waters of Youngs Bay from the Highway 101 Bridge upstream to the upper boundary markers at the confluence of the Klaskanine and Youngs rivers and includes the lower Walluski River upstream to Highway 202 Bridge and the lower Lewis and Clark River upstream to the overhead power lines immediately upstream of Barrett Slough.

(2) Gill nets may not exceed 1,500 feet (250 fathoms) in length and weight may not exceed two pounds per any fathom except the use of additional weights and/or anchors attached directly to the leadline is allowed upstream of markers located approximately 200 yards upstream of the mouth of the Walluski River during all Youngs Bay commercial fisheries and upstream of the alternate Highway 101 Bridge in the Lewis and Clark River during the spring and summer seasons. A red cork must be placed on the corkline every 25 fathoms as measured from the first mesh of the net. Red corks at 25-fathom intervals must be in color contrast to the corks used in the remainder of the net.

(a) It is unlawful to use a gill net having a mesh size that is less than 7 inches during the winter season. It is unlawful to use a gill net having a mesh size that is more than 9.75 inches during the spring and summer seasons.

(b) Nets not specifically authorized for use in these areas may be onboard a vessel if properly stored. A properly stored net is defined as a net on a drum that is fully covered by a tarp (canvas or plastic) and bound with a minimum of ten revolutions of rope with a diameter of 3/8 (0.375) inches or greater.

(3) Non-resident commercial fishing and boat licenses are not required for Washington fishers participating in Youngs Bay commercial fisheries. A valid fishing and boat license issued by the state of Washington is considered adequate for participation in this fishery. The open area for non-resident commercial fishers includes all areas open for commercial fishing.

Stat. Auth.: ORS 183.325, 506.109 & 506.119
Stats. Implemented: ORS 506.129 & 507.030
Hist.: FWC 32-1979, f. & ef. 8-22-79; FWC 28-1980, f. & ef. 6-23-80; FWC 42-1980(Temp), f. & ef. 8-22-80; FWC 30-1981, f. & ef. 8-14-81; FWC 42-1981(Temp), f. & ef. 11-5-81; FWC 54-1982, f. & ef. 8-17-82; FWC 37-1983, f. & ef. 8-18-83; FWC 61-1983(Temp), f. & ef. 10-19-83; FWC 42-1984, f. & ef. 8-20-84; FWC 39-1985, f. & ef. 8-15-85; FWC 37-1986, f. & ef. 8-11-86; FWC 72-1986(Temp), f. & ef. 10-31-86; FWC 64-1987, f. & ef. 8-7-87; FWC 73-1988, f. & cert. ef. 8-19-88; FWC 55-1989(Temp), f. 8-7-89, cert. ef. 8-20-89; FWC 82-1990(Temp), f. 8-14-90, cert. ef. 8-19-90; FWC 86-1991, f. 8-7-91, cert. ef. 8-18-91; FWC 123-1991(Temp), f. & cert. ef. 10-21-91; FWC 30-1992(Temp), f. & cert. ef. 4-27-92; FWC 35-1992(Temp), f. 5-22-92, cert. ef. 5-25-92; FWC 74-1992 (Temp), f. 8-10-92, cert. ef. 8-16-92; FWC 28-1993(Temp), f. & cert. ef. 4-26-93; FWC 48-1993, f. 8-6-93, cert. ef. 8-9-93; FWC 21-1994(Temp), f. 4-22-94, cert. ef. 4-25-94; FWC 51-1994, f. 8-19-94, cert. ef. 8-22-94; FWC 64-1994(Temp), f. 9-14-94, cert. ef. 9-15-94; FWC 66-1994(Temp), f. & cert. ef. 9-20-94; FWC 27-1995, f. 3-29-95, cert. ef. 4-1-95; FWC 48-1995(Temp), f. & cert. ef. 6-5-95; FWC 66-1995, f. 8-22-95, cert. ef. 8-27-95; FWC 69-1995, f. 8-25-95, cert. ef. 8-27-95; FWC 8-1995, f. 2-28-96, cert. ef. 3-1-96; FWC 37-1996(Temp), f. 6-11-96, cert. ef. 6-12-96; FWC 41-1996, f. & cert. ef. 8-12-96; FWC 45-1996(Temp), f. 8-16-96, cert. ef. 8-19-96; FWC 54-1996(Temp), f. & cert. ef. 9-23-96; FWC 4-1997, f. & cert. ef. 1-30-97; FWC 47-1997, f. & cert. ef. 8-15-97; DFW 8-1998(Temp), f. & cert. ef. 2-5-98 thru 2-28-98; DFW 14-1998, f. & cert. ef. 3-3-98; DFW 18-1998(Temp), f. 3-9-98, cert. ef. 3-11-98 thru 3-31-98; DFW 60-1998(Temp), f. & cert. ef. 8-7-98 thru 8-21-98; DFW 67-1998, f. & cert. ef. 8-24-98; DFW 10-1999, f. & cert. ef. 2-26-99; DFW 52-1999(Temp), f. & cert. ef. 8-2-99 thru 8-6-99; DFW 55-1999, f. & cert. ef. 8-12-99; DFW 9-2000, f. & cert. ef. 2-25-00; DFW 42-2000, f. & cert. ef. 8-3-00; DFW 3-2001, f. & cert. ef. 2-6-01; DFW 66-2001(Temp), f. 8-2-01, cert. ef. 8-6-01 thru 8-14-01; DFW 76-2001(Temp), f. & cert. ef. 8-20-01 thru 10-31-01; DFW 106-2001(Temp), f. & cert. ef. 10-26-01 thru 12-31-01; DFW 15-2002(Temp), f. & cert. ef. 2-20-02 thru 8-18-02; DFW 82-2002(Temp), f. 8-5-02, cert. ef. 8-7-02 thru 9-1-02; DFW 96-2002(Temp), f. & cert. ef. 8-26-02 thru 12-31-02; DFW 12-2003, f. & cert. ef. 2-14-03; DFW 17-2003(Temp), f. 2-27-03, cert. ef. 3-1-03 thru 8-1-03; DFW 32-2003(Temp), f. & cert. ef. 4-23-03 thru 8-1-03; DFW 34-2003(Temp), f. & cert. ef. 4-24-03 thru 10-1-03; DFW 36-2003(Temp), f. 4-30-03, cert. ef. 5-1-03 thru 10-1-03; DFW 37-2003(Temp), f. & cert. ef. 5-7-03 thru 10-1-03; DFW 75-2003(Temp), f. & cert. ef. 8-1-03 thru 12-31-03; DFW 89-2003(Temp), f. 9-8-03, cert. ef. 9-9-03 thru 12-31-03; DFW 11-2004, f. & cert. ef. 2-13-04; DFW 19-2004(Temp), f. & cert. ef. 3-12-04 thru 3-31-04; DFW 22-2004(Temp), f. & cert. ef. 3-18-04 thru 3-31-04; DFW 28-2004(Temp), f. 4-8-04 cert. ef. 4-12-04 thru 4-15-04; DFW 39-2004(Temp), f. 5-5-04, cert.ef. 5-6-04 thru 7-31-04; DFW 44-2004(Temp), f. 5-17-04, cert. ef. 5-20-04 thru 7-31-04; DFW 79-2004(Temp), f. 8-2-04, cert. ef. 8-3-04 thru 12-31-04; DFW 109-2004(Temp), f. & cert. ef. 10-19-04 thru 12-31-04; DFW 6-2005, f. & cert.

ef. 2-14-05; DFW 15-2005(Temp), f. & cert. ef. 3-10-05 thru 7-31-05; DFW 18-2005(Temp), f. & cert. ef. 3-15-05 thru 3-21-05; Administrative correction 4-20-05; DFW 27-2005(Temp), f. & cert. ef. 4-20-05 thru 6-15-05; DFW 28-2005(Temp), f. & cert. ef. 4-28-05 thru 6-16-05; DFW 37-2005(Temp), f. & cert. ef. 5-5-05 thru 10-16-05; DFW 40-2005(Temp), f. & cert. ef. 5-10-05 thru 10-16-05; DFW 46-2005(Temp), f. 5-17-05, cert. ef. 5-18-05 thru 10-16-05; DFW 73-2005(Temp), f. 7-8-05, cert. ef. 7-11-05 thru 7-31-05; DFW 77-2005(Temp), f. 7-14-05, cert. ef. 7-18-05 thru 7-31-05; DFW 85-2005(Temp), f. 8-1-05, cert. ef. 8-3-05 thru 12-31-05; DFW 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05; DFW 110-2005(Temp), f. & cert. ef. 9-26-05 thru 12-31-05; DFW 116-2005(Temp), f. 10-4-05, cert. ef. 10-5-05 thru 12-31-05; DFW 120-2005(Temp), f. & cert. ef. 10-11-05 thru 12-31-05; DFW 124-2005(Temp), f. & cert. ef. 10-18-05 thru 12-31-05; Administrative correction 1-20-06; DFW 5-2006, f. & cert. ef. 2-15-06; DFW 14-2006(Temp), f. 3-15-06, cert. ef. 3-16-06 thru 7-27-06; DFW 15-2006(Temp), f. & cert. ef. 3-23-06 thru 7-27-06; DFW 17-2006(Temp), f. 3-29-06, cert. ef. 3-30-06 thru 7-27-06; DFW 29-2006(Temp), f. & cert. ef. 5-16-06 thru 7-31-06; DFW 32-2006(Temp), f. & cert. ef. 5-23-06 thru 7-31-06; DFW 35-2006(Temp), f. & cert. ef. 5-30-06 thru 7-31-06; DFW 52-2006(Temp), f. & cert. ef. 6-28-06 thru 7-27-06; DFW 73-2006(Temp), f. 8-1-06, cert. ef. 8-2-06 thru 12-31-06; DFW 103-2006(Temp), f. 9-15-06, cert. ef. 9-18-06 thru 12-31-06; DFW 119-2006(Temp), f. & cert. ef. 10-18-06 thru 12-31-06; Administrative correction 1-16-07; DFW 7-2007(Temp), f. 1-31-07, cert. ef. 2-1-07 thru 7-30-07; DFW 9-2007, f. & cert. ef. 2-14-07; DFW 13-2007(Temp), f. & cert. ef. 3-6-07 thru 9-1-07; DFW 16-2007(Temp), f. & cert. ef. 3-14-07 thru 9-9-07; DFW 25-2007(Temp), f. 4-17-07, cert. ef. 4-18-07 thru 7-26-07; DFW 45-2007(Temp), f. 6-15-07, cert. ef. 6-25-07 thru 7-31-07; DFW 50-2007(Temp), f. 6-29-07, cert. ef. 7-4-07 thru 7-31-07; DFW 61-2007(Temp), f. 7-30-07, cert. ef. 8-1-07 thru 10-31-07; DFW 108-2007(Temp), f. 10-12-07, cert. ef. 10-14-07 thru 12-31-07; Administrative correction 1-24-08; DFW 6-2008(Temp), f. 1-29-08, cert. ef. 1-31-08 thru 7-28-08; DFW 16-2008(Temp), f. 2-26-08, cert. ef. 3-2-08 thru 8-28-08; DFW 30-2008(Temp), f. 3-27-08, cert. ef. 3-30-08 thru 8-28-08; DFW 48-2008(Temp), f. & cert. ef. 5-12-08 thru 8-28-08; DFW 58-2008(Temp), f. & cert. ef. 6-4-08 thru 8-31-08; DFW 85-2008(Temp), f. 7-24-08, cert. ef. 8-1-08 thru 12-31-08; DFW 108-2008(Temp), f. 9-8-08, cert. ef. 9-9-08 thru 12-31-08; Administrative correction 1-23-09; DFW 12-2009(Temp), f. 2-13-09, cert. ef. 2-15-09 thru 7-31-09; DFW 24-2009(Temp), f. 3-10-09, cert. ef. 3-11-09 thru 7-31-09; DFW 49-2009(Temp), f. 5-14-09, cert. ef 5-17-09 thru 7-31-09; DFW 89-2009(Temp), f. 8-3-09, cert. ef. 8-4-09 thru 12-31-09; DFW 107-2009(Temp), f. 9-2-09, cert. ef. 9-5-09 thru 10-31-09; Administrative correction 11-19-09; DFW 17-2010(Temp), f. & cert. ef. 2-22-10 thru 7-31-10; DFW 20-2010(Temp), f. & cert. ef. 2-26-10 thru 7-31-10; DFW 30-2010(Temp), f. 3-11-10, cert. ef. 3-14-10 thru 7-31-10; DFW 35-2010(Temp), f. 3-23-10, cert. ef. 3-24-10 thru 7-31-10; DFW 40-2010(Temp), f. & cert. ef. 4-1-10 thru 7-31-10; DFW 46-2010(Temp), f. & cert. ef. 4-21-10 thru 7-31-10; DFW 53-2010(Temp), f. & cert. ef. 5-4-10 thru 7-31-10; DFW 57-2010(Temp), f. & cert. ef. 5-11-10 thru 7-31-10; DFW 69-2010(Temp), f. & cert. ef. 5-18-10 thru 7-31-10; DFW 113-2010(Temp), f. 8-2-10, cert. ef. 8-4-10 thru 10-31-10; DFW 129-2010(Temp), f. & cert. ef. 9-10-10 thru 10-31-10; Administrative correction 11-23-10; DFW 12-2011(Temp), f. 2-10-11, cert. ef. 2-13-11 thru 7-29-11; DFW 23-2011, f. & cert. ef. 3-21-11; DFW 32-2011(Temp), f. 4-20-11, cert. ef. 4-21-11 thru 7-29-11; DFW 35-2011(Temp), f. & cert. ef. 4-28-11 thru 7-29-11; DFW 46-2011(Temp), f. & cert. ef. 5-12-11 thru 7-29-11; DFW 52-2011(Temp), f. & cert. ef. 5-18-11 thru 7-29-11; DFW 76-2011(Temp), f. 6-24-11, cert. ef. 6-27-11 thru 7-29-11; DFW 106-2011(Temp), f. 8-2-11, cert. ef. 8-3-11 thru 10-31-11; DFW 121-2011(Temp), f. 8-29-11, cert. ef. 9-5-11 thru 10-31-11; Administrative correction, 11-18-11; DFW 12-2012(Temp), f. 2-8-12, cert. ef. 2-12-12 thru 7-31-12; DFW 24-2012(Temp), f. 3-15-12, cert. ef. 3-18-12 thru 7-31-12; DFW 26-2012(Temp), f. 3-20-12, cert. ef. 3-21-12 thru 7-31-12; DFW 27-2012(Temp), f. 3-27-12, cert. ef. 3-29-12 thru 7-31-12; DFW 28-2012(Temp), f. 3-30-12, cert. ef. 4-1-12 thru 7-31-12; DFW 30-2012(Temp), f. 4-4-12, cert. ef. 4-5-12 thru 7-31-12; DFW 36-2012(Temp), f. 4-16-12, cert. ef. 4-19-12 thru 7-31-12; DFW 82-2012(Temp), f. 6-29-12, cert. ef. 7-2-12 thru 7-31-12; DFW 96-2012(Temp), f. 7-30-12, cert. ef. 8-1-12 thru 10-31-12; Administrative correction 11-23-12; DFW 11-2013(Temp), f. 2-8-13, cert. ef. 2-11-13 thru 7-31-13; DFW 22-2013(Temp), f. 3-12-13, cert. ef. 3-13-13 thru 7-31-13; DFW 34-2013(Temp), f. 5-14-13, cert. ef. 5-15-13 thru 7-31-13; DFW 36-2013(Temp), f. & cert. ef. 5-22-13 thru 7-31-13; DFW 44-2013(Temp), f. & cert. ef. 5-29-13 thru 7-31-13; DFW 82-2013(Temp), f. 7-29-13, cert. ef. 7-31-13 thru 10-31-13; DFW 87-2013(Temp), f. & cert. ef. 8-9-13 thru 10-31-13; DFW 109-2013(Temp), f. 9-27-13, cert. ef. 9-30-13 thru 10-31-13; Administrative correction, 11-22-13; DFW 8-2014(Temp), f. & cert. ef. 2-10-14 thru 7-31-14; DFW 18-2014(Temp), f. 3-7-14, cert. ef. 3-10-14 thru 7-30-14; DFW 25-2014(Temp), f. 3-13-14, cert. ef. 3-17-14 thru 7-31-14; DFW 32-2014(Temp), f. 4-21-14, cert. ef. 4-22-14 thru 7-31-14; DFW 35-2014(Temp), f. & cert. ef. 4-24-14 thru 7-31-14; DFW 39-2014(Temp), f. 5-7-14, cert. ef. 5-8-14 thru 7-31-14; DFW 45-2014(Temp), f. 5-14-14, cert. ef. 5-20-14 thru 7-31-14; DFW 51-2014(Temp), f. & cert. ef. 5-28-14 thru 7-31-14; DFW 55-2014(Temp), f. 6-3-14, cert. ef. 6-4-14 thru 7-31-14; DFW 104-2014(Temp), f. 8-4-14, cert. ef. 8-5-14 thru 10-31-14; Administrative correction 11-24-14; DFW 10-2015(Temp), f. 2-3-15, cert. ef. 2-9-15 thru 7-30-15; DFW 17-2015(Temp), f. 3-5-15, cert. ef. 3-9-15 thru 7-30-15; DFW 21-2015(Temp), f. & cert. ef. 3-24-15 thru 7-30-15; DFW 29-2015(Temp), f. & cert. ef. 4-21-15 thru 7-30-15; DFW 37-2015(Temp), f. 5-1-15, cert. ef. 5-4-15 thru 7-30-15; DFW 42-2015(Temp), f. & cert. ef. 5-12-15 thru 7-31-15; DFW 50-2015(Temp), f. & cert. ef. 5-27-15 thru 7-31-15

• • • • • • • • • •

Rule Caption: Columbia River Commercial Spring Chinook Drift Net Fishery Set for May 27, 2015.
Adm. Order No.: DFW 51-2015(Temp)
Filed with Sec. of State: 5-27-2015
Certified to be Effective: 5-27-15 thru 5-28-15
Notice Publication Date:
Rules Amended: 635-042-0022
Subject: This amended rule authorizes a 10-hour non-Indian commercial spring Chinook drift net fishery in the mainstem Columbia River to commence on Wednesday, May 27 at 7:00 p.m. and run through 5:00 a.m. Thursday, May 28, 2015 from the mouth of the Columbia River upstream to Beacon Rock (Zones 1 thru 5). Modifications are consistent with action taken May 26, 2015 by the Oregon and Washington Departments of Fish and Wildlife at a meeting of the Columbia River Compact.
Rules Coordinator: Michelle Tate—(503) 947-6044

635-042-0022
Spring Chinook Gillnet and Tangle Net Fisheries

(1) Adipose fin-clipped Chinook salmon and shad may be taken by drift gillnet for commercial purposes from the mouth of the Columbia River upstream to Beacon Rock (Zones 1–5 during the period: 7:00 p.m Wednesday, May 27 to 5:00 a.m. Thursday, May 28, 2015 (10 hours).

(2) An adipose fin-clipped salmon is defined as a hatchery salmon with a clipped adipose fin and having a healed scar at the location of the fin. The adipose fin is the small fatty fin on salmonids located between the dorsal fin and tail.

(3) During the spring Chinook gillnet fishery:

(a) It is unlawful to use a gillnet having a mesh size less than 8 inches or more than 9-3/4 inches.

(b) Mesh size for the fishery is determined as described in OAR 635-042-0010(4).

(c) Nets not specifically authorized for use in this fishery may be onboard the vessel if properly stored. A properly stored net is defined as a net on a drum that is fully covered by a tarp (canvas or plastic) and bound with a minimum of ten revolutions of rope with a diameter of 3/8 (0.375) inches or greater. Other permanent gear regulations remain in effect.

(4) Nets shall not exceed 900 feet (150 fathoms) in length. A red cork must be placed on the corkline every 25 fathoms as measured from the first mesh of the net. Red corks at 25-fathom intervals must be in color contrast to the corks used in the remainder of the net.

(5) Nets shall be fished for no longer than 45 minutes per set. The time of fishing is measured from when the first mesh of the net is deployed into the water until the last mesh of the net is fully retrieved from the water.

(6) Sturgeon, nonadipose fin-clipped Chinook salmon, and steelhead must be released immediately to the river with care and with the least possible injury to the fish, or placed into an operating recovery box.

(a) One operating recovery box with two chambers or two operating recovery boxes with one chamber each to aid survival of released fish must be on board each fishing vessel participating in the fishery. Recovery boxes shall be operating during any time that a net is being retrieved or picked.

(b) Non-adipose fin-clipped salmon and all steelhead that are bleeding, in lethargic condition, or appearing dead must be placed in the recovery box for rehabilitation purposes prior to release to the river.

(c) Each chamber of the recovery box must meet the following dimensions as measured from within the box; the inside length measurement must be at or within 39-1/2 to 48 inches, the inside width measurement must be at or within 8 to 10 inches, and the inside height measurement must be at or within 14 to 16 inches.

(d) Each chamber of the recovery box must include an operating water pumping system capable of delivering a minimum flow of 16 gallons per minute not to exceed 20 gallons per minute of fresh river water into each chamber. The fisher must demonstrate to the Department and Washington Department of Fish and Wildlife employees, fish and wildlife enforcement officers, or other peace officers, upon request, that the pumping system is delivering the proper volume of fresh river water into each chamber.

(e) Each chamber of the recovery box must include a water inlet hole between 3/4 inch and 1 inch in diameter, centered horizontally across the door or wall of chamber and 1-3/4 inches from the floor of the chamber.

(f) Each chamber of the recovery box must include a water outlet that is at least 1-1/2 inches in diameter. The center of the outlet hole must be located a minimum of 12 inches above the floor of the box or chamber, on either the same or opposite end as the inlet.

(g) All fish placed in recovery boxes must be released to the river prior to landing or docking.

(7) At least one fisher on each boat engaged in the fishery must have attended a one-day workshop hosted by the Department or Washington Department of Fish and Wildlife to educate fishers on regulations and best methods for conduct of the fishery.

(8) Nothing in this section sets any precedent for any future spring Chinook fishery. The fact that an individual has attended a live capture training workshop does not entitle the individual to participate in any other fishery. If the Department authorizes a Live Capture fishery in the spring or at any other time, the Department may establish qualifications and requirements that are different from those already established. In particular, the Department may consider an individual's compliance with these rules in determining that individual's eligibility to participate in any future Live Capture fisheries.

(9) As authorized by OAR-635-006-0140 owners or operators of commercial fishing vessels must cooperate with Department fishery observers, or observers collecting data for the Department, when asked by

the Department to carry and accommodate an observer on fishing trips for observation and sampling during an open fishery. In addition, cooperation with department personel prior to a fishing period is expected.

(10) Closed waters, as described in OAR 635-042-0005 for Grays River, Elokomin-B, Cowlitz River, Kalama-B, Lewis-B, Sandy and Washougal sanctuaries are in effect during the open fishing periods identified.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
Stats. Implemented: ORS 496.162, 506.129 & 507.030
Hist.: DFW 11-2004, f. & cert. ef. 2-13-04; DFW 12-2004(Temp), f. & cert. ef. 3-1-04, thru 7-31-04; DFW 13-2004(Temp), f. & cert. ef. 3-3-04 thru 7-31-04; DFW 16-2004(Temp), f. & cert. ef. 3-8-04 thru 7-31-04; DFW 18-2004(Temp), f. & cert. ef. 3-10-04 thru 7-31-04; DFW 20-2004(Temp) f. & cert. ef. 3-15-04 thru 7-31-04; DFW 21-2004(Temp), f. & cert. ef. 3-18-04 thru 7-31-04; DFW 25-2004(Temp), f. 3-22-04, cert. ef. 3-23-04 thru 7-31-04; DFW 26-2004(Temp), f. & cert. ef. 3-25-04 thru 7-31-04; DFW 27-2004(Temp), f. & cert. ef. 3-29-04 thru 7-31-04; Administrative correction 8-19-04; DFW 6-2005, f. & cert. ef. 2-14-05; DFW 9-2005(Temp), f. & cert. ef. 3-1-05 thru 7-31-05; DFW 11-2005(Temp), f. 3-2-05, cert. ef. 3-3-05 & 7-31-05; DFW 13-2005(Temp), f. & cert. ef. 3-7-05 thru 7-31-05; DFW 14-2005(Temp), f. & cert. ef. 3-10-05 thru 7-31-05; DFW 18-2005(Temp), f. & cert. ef. 3-15-05 thru 3-21-05; DFW 20-2005(Temp), f. & cert. ef. 3-29-05 thru 3-30-05; DFW 21-2005(Temp), f. & cert. ef. 3-31-05 thru 4-1-05; Administrative correction, 4-20-05; DFW 5-2006, f. & cert. ef. 2-15-06; DFW 7-2006(Temp), f. & cert. ef. 2-23-06 thru 7-31-06; DFW 9-2006(Temp), f. 3-1-06, cert. ef. 3-2-06 thru 7-31-06; DFW 10-2006(Temp), f. 3-6-06, cert. ef. 3-7-06 thru 7-31-06; DFW 11-2006(Temp), f. & cert. ef. 3-9-06 thru 7-31-06; DFW 12-2006(Temp), f. 3-13-06, cert. ef. 3-14-06 thru 7-31-06; DFW 29-2006(Temp), f. & cert. ef. 5-16-06 thru 7-31-06; DFW 30-2006(Temp), f. & cert. ef. 5-18-06 thru 7-31-06; DFW 32-2006(Temp), f. & cert. ef. 5-23-06 thru 7-31-06; DFW 35-2006(Temp), f. & cert. ef. 5-30-06 thru 7-31-06; Administrative correction 8-22-06; DFW 9-2007, f. & cert. ef. 2-14-07; DFW 13-2007(Temp), f. & cert. ef. 3-6-07 thru 9-1-07; DFW 17-2007(Temp), f. & cert. ef. 3-20-07 thru 9-15-07; DFW 19-2007(Temp), f. & cert. ef. 3-22-07 thru 9-17-07; DFW 44-2007(Temp), f. & cert. ef. 6-14-07 thru 9-17-07; Administrative correction 9-18-07; DFW 31-2008(Temp), f. 3-31-08, cert. ef. 4-1-08 thru 9-27-08; DFW 33-2008(Temp), f. 4-7-08, cert. ef. 4-8-08 thru 9-27-08; DFW 34-2008(Temp), f. 4-14-08, cert. ef. 4-15-08 thru 9-27-08; Suspended by DFW 71-2008(Temp), f. 6-27-08, cert. ef. 6-28-08 thru 8-31-08; Administrative correction 10-21-08; DFW 142-2008, f. & cert. ef. 11-21-08; DFW 30-2009(Temp), f. 3-23-09, cert. ef. 3-27-09 thru 4-30-09; DFW 34-2009(Temp), f. 4-6-09, cert. ef. 4-7-09 thru 4-30-09; DFW 36-2009(Temp), f. 4-13-09, cert. ef. 4-14-09 thru 4-30-09; Administrative correction 5-20-09; DFW 38-2010(Temp), f. & cert. ef. 3-30-10 thru 4-30-10; DFW 41-2010(Temp), f. 4-6-10, cert. ef. 4-7-10 thru 4-30-10; Administrative correction 5-19-10; DFW 25-2011(Temp), f. & cert. ef. 3-29-11 thru 4-1-11; DFW 27-2011(Temp), f. 4-5-11, cert. ef. 4-6-11 thru 4-10-11; Administrative correction, 4-25-11; DFW 45-2011(Temp), f. & cert. ef. 5-12-11 thru 6-30-11; DFW 51-2011(Temp), f. & cert. ef. 5-18-11 thru 6-30-11; Administrative correction 7-22-11; DFW 29-2012(Temp), f. 4-2-12, cert. ef. 4-3-12 thru 4-30-12; DFW 32-2012(Temp), f. 4-9-12, cert. ef. 4-10-12 thru 4-30-12; Administrative correction, 5-25-12; DFW 27-2013(Temp), f. 4-8-13, cert. ef. 4-9-13 thru 4-30-13; DFW 34-2013(Temp), f. 5-14-13, cert. ef. 5-15-13 thru 7-31-13; DFW 37-2013(Temp), f. & cert. ef. 5-22-13 thru 5-31-13; DFW 45-2013(Temp), f. & cert. ef. 5-29-13 thru 6-15-13; Administrative correction, 7-18-13; DFW 28-2014(Temp), f. 3-31-14, cert .ef. 4-1-14 thru 7-31-14; DFW 38-2014(Temp), f. & cert. ef. 5-7-14 thru 7-31-14; DFW 43-2014(Temp), f. 5-14-14, cert. ef. 5-20-14 thru 7-31-14; DFW 50-2014(Temp), f. & cert. ef. 5-28-14 thru 7-31-14; DFW 55-2014(Temp), f. 6-3-14, cert. ef. 6-4-14 thru 7-31-14; Administrative correction, 8-28-14; DFW 22-2015(Temp), f. 3-30-15, cert. ef. 3-31-15 thru 4-1-15; DFW 24-2015(Temp), f. 4-6-15, cert. ef. 4-7-15 thru 4-8-15; Administrative correction, 4-21-15; DFW 36-2015(Temp), f. 5-1-15, cert. ef. 5-4-15 thru 5-5-15; DFW 39-2015(Temp), f. & cert. ef. 5-6-15 thru 5-7-15; DFW 43-2015(Temp), f. & cert. ef. 5-12-15 thru 5-13-15; Administrative correction, 5-21-15; DFW 51-2015(Temp), f. & cert. ef. 5-27-15 thru 5-28-15

• • • • • • • • • •

Rule Caption: Recreational Salmon and Steelhead Season Opens In Columbia River Above Tower Island Powerlines.
Adm. Order No.: DFW 52-2015(Temp)
Filed with Sec. of State: 5-27-2015
Certified to be Effective: 5-28-15 thru 6-15-15
Notice Publication Date:
Rules Amended: 635-023-0125
Rules Suspended: 635-023-0125(T)
Subject: This amended rule opens a recreational fishery for spring Chinook and steelhead on the Columbia River mainstem from the Tower Island powerlines upstream to the Oregon/Washington border beginning May 28, 2015. Further rule modifications allow boat angling from Beacon Rock upstream to the Bonneville Dam boat deadline beginning May 30, 2015. Modifications are consistent with action taken May 26, 2015 by the Oregon and Washington Departments of Fish and Wildlife at a meeting of the Columbia River Compact.
Rules Coordinator: Michelle Tate—(503) 947-6044

635-023-0125
Spring Sport Fishery

(1) The **2015 Oregon Sport Fishing Regulations** provide requirements for the Columbia River Zone and the Snake River Zone. However, additional regulations may be adopted in this rule division from time to time, and, to the extent of any inconsistency, they supersede the **2015 Oregon Sport Fishing Regulations**.

(2) The Columbia River recreational salmon and steelhead fishery downstream of Bonneville Dam is open from the Tongue Point/Rocky Point line upstream to Beacon Rock (boat and bank) plus bank angling only from Beacon Rock upstream to the Bonneville Dam deadline through Friday, May 29, 2015. Beginning Saturday, May 30 through Monday, June 15, 2015 (17 days) the area from Beacon Rock upstream to the Bonneville Dam boat deadline is open to boat angling for salmon, steelhead and shad with the following restrictions:

(a) No more than two adult adipose fin-clipped salmonids, of which only one may be a Chinook, may be retained per day. All sockeye, non-adipose fin-clipped salmon and non-adipose fin-clipped steelhead must be released immediately unharmed.

(b) All other permanent 2015 Oregon Sport Fishing Regulations apply.

(c) The upstream boat boundary at Beacon Rock is defined as: "a deadline marker on the Oregon bank (approximately four miles downstream from Bonneville Dam Powerhouse One) in a straight line through the western tip of Pierce Island to a deadline marker on the Washington bank at Beacon Rock."

(3) The Columbia River recreational salmon and steelhead fishery upstream of the Tower Island power lines (approximately 6 miles below The Dalles Dam) to the Oregon/Washington border, plus the Oregon and Washington banks between Bonneville Dam and the Tower Island power lines is open for retention of adipose fin-clipped Chinook and adipose fin-clipped steelhead from Thursday, May 28 through Monday, June 15, 2015 (19 days) with the following restrictions:

(a) No more than two adult adipose fin-clipped salmonids, of which only one may be a Chinook, may be retained per day. All non-adipose fin-clipped salmon and non-adipose fin-clipped steelhead must be released immediately unharmed.

(b) All other permanent 2015 Oregon Sport Fishing Regulations apply.

(4) During March 1 through June 15, the Columbia River Select Area recreational salmon and steelhead fisheries are subject to the following restrictions:

(a) On days when the recreational fishery below Bonneville Dam is open to retention of Chinook, the salmonid daily bag limit in Select Areas will be the same as mainstem Columbia River bag limits; and

(b) On days when the mainstem Columbia River fishery is closed to Chinook retention, the permanent salmonid bag limit regulations for Select Areas apply.

[Publications: Publications referenced are available from the agency.]
Stat. Auth.: ORS 496.138, 496.146 & 506.119
Stats. Implemented: ORS 496.162 & 506.129
Hist.: DFW 11-2004, f. & cert. ef. 2-13-04; DFW 17-2004(Temp), f. & cert. ef. 3-10-04 thru 7-31-04; DFW 29-2004(Temp), f. 4-15-04, cert. ef. 4-22-04 thru 7-31-04; DFW 30-2004(Temp), f. 4-21-04, cert. ef. 4-22-04 thru 7-31-04; DFW 36-2004(Temp), f. 4-29-04, cert. ef. 5-1-04 thru 7-31-04; DFW 39-2004(Temp), f. 5-5-04, cert.ef. 5-6-04 thru 7-31-04; DFW 44-2004(Temp), f. 5-17-04, cert. ef. 5-20-04 thru 7-31-04; DFW 51-2004(Temp), f. 6-9-04, cert. ef. 6-16-04 thru 7-31-04; Administrative correction 8-19-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 6-2005, f. & cert. ef. 2-14-05; DFW 27-2005(Temp), f. & cert. ef. 4-20-05 thru 6-15-05; DFW 35-2005(Temp), f. 5-4-05, cert. ef. 5-5-05 thru 10-16-05; DFW 38-2005(Temp), f. & cert. ef. 5-10-05 thru 10-16-05; DFW 44-2005(Temp), f. 5-17-05, cert. ef. 5-22-05 thru 10-16-05; DFW 51-2005(Temp), f. 6-3-05, cert. ef. 6-4-05 thru 7-31-05; Administrative correction 11-18-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 5-2006, f. & cert. ef. 2-15-06; DFW 21-2006(Temp), f. 4-13-06, cert. ef. 4-14-06 thru 5-15-06; DFW 27-2006(Temp), f. 5-12-06, cert. ef. 5-13-06 thru 6-15-06; DFW 29-2006(Temp), f. & cert. ef. 5-16-06 thru 7-31-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 7-2007(Temp), f. 1-31-07, cert. ef. 2-1-07 thru 7-30-07; DFW 9-2007, f. & cert. ef. 2-14-07; DFW 28-2007(Temp), f. & cert. ef. 4-26-07 thru 7-26-07; DFW 33-2007(Temp), f. 5-15-07, cert. ef. 5-16-07 thru 7-30-07; DFW 37-2007(Temp), f. & cert. ef. 5-31-07 thru 7-30-07; DFW 39-2007(Temp), f. 6-5-07, cert. ef. 6-6-07 thru 7-31-07; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 13-2008(Temp), f. 2-21-08, cert. ef. 2-25-08 thru 8-22-08; DFW 17-2008(Temp), f. & cert. ef. 2-27-08 thru 8-22-08; DFW 35-2008(Temp), f. 4-17-08, cert. ef. 4-21-08 thru 8-22-08; DFW 49-2008(Temp), f. & cert. ef. 5-13-08 thru 6-15-08; Administrative correction 7-22-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 10-2009(Temp), f. 2-13-09, cert. ef. 3-1-09 thru 6-15-09; DFW 18-2009, f. & cert. ef. 2-26-09; DFW 48-2009(Temp), f. 5-14-09, cert. ef. 5-15-09 thru 6-16-09; DFW 68-2009(Temp), f. 6-11-09, cert. ef. 6-12-09 thru 6-16-09; Administrative correction 7-21-09; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 19-2010(Temp), f. 2-26-10, cert. ef. 3-1-10 thru 8-27-10; DFW 23-2010(Temp), f. & cert. ef. 3-2-10 thru 8-27-10; DFW 45-2010(Temp), f. 4-21-10, cert. ef. 4-24-10 thru 7-31-10; DFW 49-2010(Temp), f. 4-27-10, cert. ef. 4-29-10 thru 7-31-10; DFW 55-2010(Temp), f. 5-7-10, cert. ef. 5-8-10 thru 7-31-10; Suspended by DFW 88-2010(Temp), f. 6-25-10, cert. ef. 6-26-10 thru 7-31-10; Administrative correction 8-18-10; DFW 171-2010, f. 12-30-10, cert. ef. 1-1-11; DFW 13-2011(Temp), f. & cert. ef. 2-14-11 thru 6-15-11; DFW 28-2011(Temp), f. 4-7-11, cert. ef. 4-8-11 thru 6-15-11; DFW 30-2011(Temp), f. 4-15-11, cert. ef. 4-16-11 thru 6-15-11; DFW 33-2011(Temp), f. & cert. ef. 4-21-11 thru 6-15-11; DFW 39-2011(Temp), f. 5-5-11, cert. ef. 5-7-11 thru 6-15-11; DFW 48-2011(Temp), f. 5-13-11, cert. ef. 5-15-11 thru 6-15-11; DFW 55-2011(Temp), f. 5-25-11, cert. ef. 5-27-11 thru 6-15-11; DFW 59-2011(Temp), f. & cert. ef. 6-2-11 thru 6-15-11; Administrative correction 6-28-11; DFW 163-2011, f. 12-27-11, cert. ef. 1-1-12; DFW 8-2012(Temp), f. 2-6-12, cert. ef. 2-15-12 thru 6-15-12; DFW 31-2012(Temp), f. 4-5-12, cert. ef. 4-6-12 thru 6-15-12; DFW 33-2012(Temp), f. 4-12-12, cert. ef. 4-14-12 thru 6-15-12; DFW 45-2012(Temp), f. 5-1-12, cert. ef. 5-2-12 thru 7-31-12; DFW 47-2012(Temp), f. 5-15-12, cert. ef. 5-16-12 thru 7-31-12; DFW 49-2012(Temp), f. 5-18-12, cert. ef. 5-19-12 thru 7-31-12; DFW 51-2012(Temp), f. 5-23-12, cert. ef. 5-26-12 thru 7-31-12; Suspended by DFW 85-2012(Temp),

f. 7-6-12, cert. ef. 7-9-12 thru 8-31-12; DFW 149-2012, f. 12-27-12, cert. ef. 1-1-13; DFW 12-2013(Temp), f. 2-12-13, cert. ef. 2-28-13 thru 7-31-13; DFW 26-2013(Temp), f. 4-4-13, cert. ef. 4-5-13 thru 7-1-13; DFW 38-2013(Temp), f. 5-22-13, cert. ef. 5-25-13 thru 7-1-13; DFW 49-2013(Temp), f. 6-7-13, cert. ef. 6-8-13 thru 6-30-13; Administrative correction, 7-18-13; DFW 137-2013, f. 12-19-13, cert. ef. 1-1-14; DFW 12-2014(Temp), f. 2-13-14, cert. ef. 3-1-14 thru 6-15-14; DFW 29-2014(Temp), f. 4-3-14, cert. ef. 4-4-14 thru 6-15-14; DFW 31-2014(Temp), f. 4-17-14, cert. ef. 4-19-14 thru 7-31-14; DFW 40-2014(Temp), f. 5-7-14, cert. ef. 5-9-14 thru 6-30-14; DFW 44-2014(Temp), f. 5-14-14, cert. ef. 5-15-14 thru 6-15-14; DFW 52-2014(Temp), f. 5-28-14, cert. ef. 5-31-14 thru 6-30-14; Administrative correction, 7-24-14; DFW 165-2014, f. 12-18-14, cert. ef. 1-1-15; DFW 12-2015(Temp), f. 2-3-15, cert. ef. 3-1-15 thru 6-15-15; DFW 16-2015(Temp), f. & cert. ef. 3-5-15 thru 6-15-15; DFW 26-2015(Temp), f. 4-8-15, cert. ef. 4-10-15 thru 6-15-15; DFW 35-2015(Temp), f. 4-30-15, cert. ef. 5-2-15 thru 6-15-15; DFW 40-2015(Temp), f. & cert. ef. 5-6-15 thru 6-15-15; DFW 52-2015(Temp), f. 5-27-15, cert. ef. 5-28-15 thru 6-15-15

• • • • • • • • • •

Rule Caption: Spring Chinook Fisheries Open In the Imnaha, Wallowa, and Lower Grande Ronde Rivers.
Adm. Order No.: DFW 53-2015(Temp)
Filed with Sec. of State: 5-27-2015
Certified to be Effective: 6-6-15 thru 8-31-15
Notice Publication Date:
Rules Amended: 635-019-0090
Rules Suspended: 635-019-0090(T)
Subject: This amended rule allows recreational anglers opportunities to harvest adipose fin-clipped adult Chinook salmon and adipose fin-clipped jack Chinook salmon, which are in excess of the Department's hatchery production needs: (1) In the Imnaha and Wallowa rivers beginning Saturday, June 6, 2015 until harvest guidelines are met; and (2) In the Grande Ronde River beginning June 13, 2015 until harvest guidelines are met.
Rules Coordinator: Michelle Tate—(503) 947-6044

635-019-0090
Inclusions and Modifications

(1) The **2015 Oregon Sport Fishing Regulations** provide requirements for the Northeast Zone. However, additional regulations may be adopted in this rule division from time to time and to the extent of any inconsistency, they supersede the 2015 Oregon Sport Fishing Regulations.

(2) The John Day River from the Hwy 207 bridge upstream to the mouth of North Fork John Day River is open to angling for Chinook salmon from May 20 through June 7, 2015.

(a) The daily bag limit is two (2) adult Chinook salmon and five (5) jacks; two daily limits in possession. It is illegal to continue fishing for jack Chinook salmon once the adult daily bag limit is met.

(b) Statewide salmon gear restrictions apply.

(c) All other General, Statewide and Northeast Zone regulations, as provided in the 2015 Oregon Sport Fishing Regulations, remain in effect.

(3) Lookingglass Creek from the Moses Creek Lane Bridge (County Road 42) to the confluence of Jarboe Creek is open to angling for adipose fin-clipped spring Chinook salmon from May 23, 2015 until further notice.

(a) The daily bag limit is two (2) adipose fin-clipped adult Chinook and five (5) adipose fin-clipped jacks; two daily limits in possession. It is illegal to continue fishing for jack Chinook once the adult bag limit is met.

(b) During the duration of the spring Chinook angling season, the area closure listed for Lookinglass Creek in the Northeast Zone Special Regulations is modified to: Lookingglass Creek closed between Jarboe Creek and 200 feet upstream of the hatchery water intake.

(c) Hook gap restrictions listed in the Northeast Zone Special Regulations for Lookingglass Creek are removed for the duration of the spring Chinook angling season.

(d) All other General, Statewide and Northeast Zone regulations, as provided in the 2015 Oregon Sport Fishing Regulations, remain in effect.

(4) The Imnaha River from the mouth to Summit Creek Bridge (River Mile 45) is open to angling for adipose fin-clipped adult Chinook salmon from June 6, 2015 until further notice.

(a) The daily bag limit is two (2) adipose fin-clipped adult Chinook and five (5) adipose fin-clipped jacks; two daily jack salmon limits in possession. It is illegal to continue fishing for jack Chinook once the adult bag limit is met.

(b) All other General, Statewide and Northeast Zone Regulations, as provided in the 2015 Oregon Sport Fishing Regulations, remain in effect.

(5) The Wallowa River from a deadline at the lower end of Minam State Park upstream to the confluence with the Lostine River is open to angling for adipose fin-clipped adult Chinook salmon from June 6, 2015 until further notice.

(a) The daily bag limit is two (2) adipose fin-clipped adult Chinook and five (5) adipose fin-clipped jacks; two daily jack salmon limits in possession. It is illegal to continue fishing for jack Chinook once the adult bag limit is met.

(b) All other General, Statewide and Northeast Zone Regulations, as provided in the 2015 Oregon Sport Fishing Regulations, remain in effect.

(6) The Grande Ronde River from the Oregon State line upstream to a deadline posted 300 feet upstream of the Grande Ronde River Road bridge below Wildcat Creek, with exception of the reach of river approximately 200 feet upstream and 1300 feet downstream of the footbridge at the town of Troy, is open to angling for adult Chinook salmon from June 13 until further notice.

(a) The daily bag limit is two (2) adult Chinook and five (5) jacks; two daily limits in possession. It is illegal to continue fishing for jack Chinook once the adult daily bag limit is met.

(b) Statewide salmon gear restrictions apply.

(c) All other General, Statewide and Northeast Zone Regulations, as provided in the 2015 Oregon Sport Fishing Regulations, remain in effect.

Stat. Auth.: ORS 183.325, 496.138, 496.146 & 506.119
Stats. Implemented: ORS 496.162 & 506.129
Hist.: FWC 82-1993, f. 12-22-93, cert. ef. 1-1-94; FWC 57-1994(Temp), f. 8-30-94, cert. ef. 10-1-94; FWC 22-1995, f. 3-7-95, cert. ef. 3-10-95; FWC 70-1995, f. 8-29-95, cert. ef. 9-1-95; FWC 77-1995, f. 9-13-95, cert. ef. 1-1-96; FWC 27-1996(Temp), f. 5-24-96, cert. ef. 5-25-96; FWC 57-1996(Temp), f. 9-27-96, cert. ef. 10-1-96; FWC 72-1996, f. 12-31-96, cert. ef. 1-1-97; FWC 26-1997(Temp), f. 4-23-97, cert. ef. 5-17-97; FWC 75-1997, f. 12-31-97, cert. ef. 1-1-98; DFW 13-1998(Temp), f. & cert. ef. 2-26-98 thru 4-15-98; DFW 100-1998, f. 12-23-98, cert. ef. 1-1-99; DFW 5-1999(Temp), f. 2-5-99, cert. ef. 2-6-99 thru 2-19-99; DFW 8-1999(Temp), f. & cert. ef. 2-23-99 thru 4-15-99; DFW 37-1999(Temp), f. 5-24-99, cert. ef. 5-29-99 thru 6-5-99; DFW 43-1999(Temp), f. & cert. ef. 6-10-99 thru 6-13-99; DFW 45-1999(Temp), f. & cert. ef. 6-14-99 thru 6-20-99; DFW 96-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 17-2000(Temp), f. 4-10-00, cert. ef. 4-16-00 thru 6-30-00; DFW 64-2000(Temp), f. 9-21-00, cert. ef. 9-22-00 thru 3-20-01; DFW 83-2000(Temp), f. 12-28-00, cert. ef. 1-1-01 thru 1-31-01; DFW 1-2001, f. 1-25-01, cert. ef. 2-1-01; DFW 5-2001(Temp), f. 2-22-01, cert. ef. 2-24-01 thru 4-15-01; DFW 39-2001(Temp) f. 5-23-01, cert. ef. 5-26-01 thru 7-1-01; DFW 40-2001(Temp) f. & cert. ef. 5-24-01 thru 11-20-01; DFW 45-2001(Temp), f. 6-1-01, cert. ef. 6-2-01 thru 7-31-01; DFW 49-2001(Temp), f. 6-19-01, cert. ef. 6-22-01 thru 7-31-01; DFW 70-2001, f. & cert. ef. 8-10-01; DFW 71-2001(Temp), f. 8-10-01, cert. ef. 9-1-01 thru 12-31-01; DFW 96-2001(Temp), f. 10-4-01, cert. ef. 12-1-01 thru 12-31-01; DFW 122-2001(Temp), f. & cert. ef. 12-31-01 thru 5-31-02; DFW 123-2001, f. 12-31-01, cert. ef. 1-1-02; DFW 26-2002, f. & cert. ef. 3-21-02; DFW 52-2002(Temp), f. 5-22-02, cert. ef. 5-26-02 thru 7-1-02; DFW 53-2002(Temp), f. 5-24-02, cert. ef. 5-26-02 thru 7-1-02; DFW 57-2002(Temp), f. & cert. ef. 5-30-02 thru 7-1-02; DFW 91-2002(Temp) f. 8-19-02, cert. ef 8-20-02 thru 11-1-02 (Suspended by DFW 101-2002(Temp), f. & cert. ef. 10-3-02 thru 11-1-02); DFW 130-2002, f. 11-21-02, cert. ef. 1-1-03; DFW 44-2003(Temp), f. 5-23-03, cert. ef. 5-28-03 thru 7-1-03; DFW 48-2003(Temp), f. & cert. ef. 6-5-03 thru 7-1-03; DFW 125-2003, f. 12-11-03, cert. ef. 1-1-04; DFW 40-2004(Temp), f. 5-7-04, cert. ef. 5-13-04 thru 7-1-04; DFW 46-2004(Temp), f. 5-21-04, cert. ef. 5-22-04 thru 7-1-04; DFW 55-2004(Temp), f. 6-16-04, cert. ef. 6-19-04 thru 7-5-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 42-2005(Temp), f. & cert. ef. 5-13-05 thru 9-1-05; DFW 61-2005(Temp), f. 6-22-05, cert. ef. 6-25-05 thru 7-4-05; Administrative correction 7-20-05; DFW 99-2005(Temp), f. 8-24-05, cert. ef. 8-26-05 thru 9-30-05; Administrative correction 10-19-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 28-2006(Temp), f. & cert. ef. 5-15-06 thru 6-30-06; DFW 33-2006(Temp), f. 5-24-06, cert. ef. 5-25-06 thru 6-30-06; Administrative correction 7-21-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 12-2007(Temp), f. 2-28-07, cert. ef. 3-1-07 thru 8-27-07; DFW 30-2007(Temp), f. 5-9-07, cert. ef. 5-10-07 thru 9-30-07; DFW 34-2007(Temp), f. 5-25-07, cert. ef. 5-26-07 thru 9-30-07; Administrative correction 10-16-07; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 56-2008(Temp), f. 5-30-08, cert. ef. 5-31-08 thru 6-30-08; DFW 76-2008(Temp), f. & cert. ef. 7-9-08 thru 9-1-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 128-2009(Temp), f. 10-12-09, cert. ef. 10-18-09 thru 4-15-10; DFW 131-2009(Temp), f. 10-14-09, cert. ef. 10-18-09 thru 4-15-10; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 54-2010(Temp), f. 5-6-10, cert. ef. 5-22-10 thru 9-1-10; DFW 95-2010(Temp), f. 7-1-10, cert. ef. 7-11-10 thru 9-1-10; DFW 102-2010(Temp), f. 7-20-10, cert. ef 7-25-10 thru 9-1-10; Administrative correction 9-22-10; DFW 171-2010, f. 12-30-10, cert. ef. 1-1-11; DFW 49-2011(Temp), f. 5-16-11, cert. ef. 5-28-11 thru 9-1-11; DFW 64-2011(Temp), f. 6-10-11, cert. ef. 6-13-11 thru 9-1-11; DFW 90-2011(Temp), f. & cert. ef. 7-11-11 thru 9-1-11; DFW 92-2011(Temp), f. 7-12-11, cert. ef. 7-16-11 thru 10-31-11; DFW 99-2011(Temp), f. 7-21-11, cert. ef. 7-23-11 thru 9-1-11; DFW 104-2011(Temp), f. 8-1-11, cert. ef. 8-7-11 thru 9-1-11; Administrative correction 9-23-11; DFW 163-2011, f. 12-27-11, cert. ef. 1-1-12; DFW 48-2012(Temp), f. 5-18-12, cert. ef. 5-23-12 thru 9-1-12; DFW 50-2012(Temp), f. 5-22-12, cert. ef. 5-24-12 thru 9-1-12; DFW 61-2012(Temp), f. & cert. ef. 6-11-12 thru 8-31-12; DFW 69-2012(Temp), f. 6-20-12, cert. ef. 6-22-12 thru 9-1-12; DFW 70-2012(Temp), f. 6-26-12, cert. ef. 6-27-12 thru 9-1-12; DFW 72-2012(Temp), f. 6-29-12, cert. ef. 7-1-12 thru 8-31-12; DFW 86-2012(Temp), f. 7-10-12, cert. ef. 7-15-12 thru 9-1-12; Administrative correction 9-20-12; DFW 149-2012, f. 12-27-12, cert. ef. 1-1-13; DFW 153-2012(Temp), f. 12-28-12, cert. ef. 1-1-13 thru 4-30-13; DFW 31-2013(Temp), f. 5-14-13, cert. ef. 5-16-13 thru 6-30-13; DFW 39-2013(Temp), f. 5-22-13, cert. ef. 5-24-13 thru 11-19-13; DFW 46-2013(Temp), f. 5-30-13, cert. ef. 6-1-13 thru 11-26-13; DFW 62-2013(Temp), f. 6-26-13, cert. ef. 7-5-13 thru 12-31-13; DFW 74-2013(Temp), f. 7-15-13, cert. ef. 7-19-13 thru 9-1-13; Administrative correction 11-1-13; DFW 121-2013(Temp), f. 10-24-13, cert. ef. 11-1-13 thru 12-31-13; DFW 137-2013, f. 12-19-13, cert. ef. 1-1-14; DFW 42-2014(Temp), f. 5-12-14, cert. ef. 5-17-14 thru 6-1-14; DFW 47-2014(Temp), f. 5-27-14, cert. ef. 5-31-14 thru 7-31-14; DFW 53-2014(Temp), f. 5-28-14, cert. ef. 6-1-14 thru 7-31-14; DFW 58-2014(Temp), f. 6-9-14, cert. ef. 6-21-14 thru 8-31-14; DFW 71-2014(Temp), f. 6-16-14, cert. ef. 6-18-14 thru 9-1-14; DFW 72-2014(Temp), f. & cert. ef. 6-19-14 thru 9-1-14; DFW 75-2014(Temp), f. 6-23-14, cert. ef. 6-27-14 thru 9-1-14; DFW 82-2014(Temp), f. 7-1-14, cert. ef. 7-5-14 thru 9-1-14; DFW 86-2014(Temp), f. 7-2-14, cert. ef. 7-5-14 thru 9-1-14; DFW 97-2014(Temp), f. 7-18-14, cert. ef. 7-21-14 thru 9-30-14; Administrative correction, 10-24-14; DFW 165-2014, f. 12-18-14, cert. ef. 1-1-15; DFW 45-2015(Temp), f. 5-15-15, cert. ef. 5-20-15 thru 6-30-15; DFW 53-2015(Temp), f. 5-27-15, cert. ef. 6-6-15 thru 8-31-15

• • • • • • • • • •

Rule Caption: Recreational White Sturgeon Retention Closes in the John Day Pool of the Columbia River.

Adm. Order No.: DFW 54-2015(Temp)
Filed with Sec. of State: 5-28-2015
Certified to be Effective: 6-3-15 thru 7-31-15
Notice Publication Date:
Rules Amended: 635-023-0095
Rules Suspended: 635-023-0095(T)
Subject: This amended rule closes the John Day Pool in the Columbia River to retention of white sturgeon at 12:01 a.m. Wednesday, June 3, 2015. Current harvest estimates through May 24 indicate white sturgeon harvest for the John Day Pool are at 77% of the harvest guideline. Revisions are consistent with action taken May 26, 2015 by the Oregon and Washington Departments of Fish and Wildlife at a meeting of the Columbia River Compact.
Rules Coordinator: Michelle Tate—(503) 947-6044

635-023-0095
Sturgeon Season

(1) The **2015 Oregon Sport Fishing Regulations** provide requirements for the Columbia River Zone and the Snake River Zone. However, additional regulations may be adopted in this rule division from time to time, and, to the extent of any inconsistency, they supersede the **2015 Oregon Sport Fishing Regulations**.

(2) Retention of white sturgeon between 38–54 inches in fork length is allowed Friday June 19 through Sunday, June 21; Friday, June 26 through Sunday, June 28; and Friday, July 3 through Sunday, July 5, 2015 (9 days) in the mainstem Columbia River from Bonneville Dam upstream to The Dalles Dam (Bonneville Pool) including adjacent tributaries.

(3) Retention of white sturgeon in The Dalles Pool and adjacent tributaries is prohibited beginning 12:01 a.m. Thursday, May 14, 2015 until further notice.

(4) Retention of white sturgeon in the John Day Pool and adjacent tributaries is prohibited beginning 12:01 a.m. Wednesday, June 3, 2015 until further notice. Catch-and-release remains open when the John Day Pool is closed except sturgeon fishing is prohibited from May through July in the sturgeon spawning sanctuary that runs from McNary Dam downstream to the I-82 Bridge.

Stat. Auth.: ORS 183.325, 506.109, 506.119
Stats. Implemented: ORS 506.129, 507.030
Hist.: DFW 129-2004(Temp), f. 12-23-04, cert. ef 1-1-05 thru 2-28-05; DFW 6-2005, f. & cert. ef. 2-14-05; DFW 22-2005(Temp), f. 4-1-05, cert. ef. 4-30-05 thru 7-31-05; DFW 50-2005(Temp), f. 6-3-05, cert. ef. 6-11-05 thru 11-30-05; DFW 60-2005(Temp), f. 6-21-05, cert. ef. 6-24-05 thru 12-21-05; DFW 65-2005(Temp), f. 6-30-05, cert. ef. 7-10-05 thru 12-31-05; DFW 76-2005(Temp), f. 7-14-05, cert. ef. 7-18-05 thru 12-31-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 145-2005(Temp), f. 12-21-05, cert. ef. 1-1-06 thru 3-31-06; DFW 5-2006, f. & cert. ef. 2-15-06; DFW 19-2006(Temp), f. 4-6-06, cert. ef. 4-8-06 thru 7-31-06; DFW 54-2006(Temp), f. 6-29-06, cert. ef. 7-1-06 thru 12-27-06; DFW 62-2006(Temp), f. 7-13-06, cert. ef. 7-24-06 thru 12-31-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 131-2006(Temp), f. 12-20-06, cert. ef. 1-1-07 thru 6-29-07; DFW 7-2007(Temp), f. 1-31-07, cert. ef. 2-1-07 thru 7-30-07; DFW 9-2007, f. & cert. ef. 2-14-07; DFW 20-2007(Temp), f. 3-26-07, cert. ef. 3-28-07 thru 7-30-07; DFW 38-2007(Temp), f. & cert. ef. 5-31-07 thru 11-26-07; DFW 59-2007(Temp), f. 7-18-07, cert .ef. 7-29-07 thru 12-31-07; DFW 75-2007(Temp), f. 8-17-07, cert. ef. 8-18-07 thru 12-31-07; DFW 102-2007(Temp), f. 9-28-07, cert. ef. 10-1-07 thru 12-31-07; DFW 135-2007(Temp), f. 12-28-07, cert. ef. 1-1-08 thru 6-28-08; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 8-2008, f. & cert. ef. 2-11-08; DFW 23-2008(Temp), f. 3-12-08, cert. ef. 3-15-08 thru 9-10-08; DFW 28-2008(Temp), f. 3-24-08, cert. ef. 3-26-08 thru 9-10-08; DFW 72-2008(Temp), f. 6-30-08, cert. ef. 7-10-08 thru 12-31-08; DFW 78-2008(Temp), f. 7-9-08, cert. ef. 7-12-08 thru 12-31-08; DFW 86-2008(Temp), f. & cert. ef. 7-25-08 thru 12-31-08; DFW 148-2008(Temp), f. 12-19-08, cert. ef. 1-1-09 thru 6-29-09; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 18-2009, f. & cert. ef. 2-26-09; DFW 33-2009(Temp), f. 4-2-09, cert ef. 4-13-09 thru 10-9-09; DFW 63-2009(Temp), f. 6-3-09, cert. ef. 6-6-09 thru 10-9-09; DFW 83-2009(Temp), f. 7-8-09, cert. ef. 7-9-09 thru 12-31-09; DFW 86-2009(Temp), f. 7-22-09, cert. ef. 7-24-09 thru 12-31-09; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 13-2010(Temp), f. 2-16-10, cert. ef. 2-21-10 thru 7-31-10; DFW 19-2010(Temp), f. 2-26-10, cert. ef. 3-1-10 thru 8-27-10; DFW 34-2010, f. 3-16-10, cert. ef. 4-1-10; DFW 49-2010(Temp), f. 4-27-10, cert. ef. 4-29-10 thru 7-31-10; DFW 50-2010(Temp), f. 4-29-10, cert. ef. 5-6-10 thru 11-1-10; DFW 88-2010(Temp), f. 6-25-10, cert. ef. 6-26-10 thru 7-31-10; DFW 91-2010(Temp), f. 6-29-10, cert. ef. 8-1-10 thru 12-31-10; DFW 99-2010(Temp), f. 7-13-10, cert. ef. 7-15-10 thru 12-31-10; DFW 165-2010(Temp), f. 12-28-10, cert. ef. 1-1-11 thru 6-29-11; DFW 171-2010, f. 12-30-10, cert. ef. 1-1-11; DFW 11-2011(Temp), f. 2-10-11, cert. ef. 2-11-1 thru 7-31-11; DFW 23-2011, f. & cert. ef. 3-21-11; DFW 26-2011(Temp), f. 4-5-11, cert. ef. 4-10-11 thru 9-30-11; DFW 74-2011(Temp), f. 6-24-11, cert. ef. 6-27-11 thru 7-31-11; DFW 87-2011(Temp), f. 7-8-11, cert. ef. 7-9-11 thru 7-31-11; DFW 96-2011(Temp), f. 7-20-11, cert. ef. 7-30-11 thru 12-31-11; DFW 129-2011(Temp), f. 9-15-11, cert. ef. 9-30-11 thru 12-31-11; DFW 163-2011, f. 12-27-11, cert. ef. 1-1-12; DFW 1-2012(Temp), f. & cert. ef. 1-5-12 thru 7-2-12; DFW 10-2012, f. & cert. ef. 2-7-12; DFW 16-2012(Temp), f. 2-14-12, cert. ef. 2-18-12 thru 7-31-12; DFW 44-2012(Temp), f. 5-1-12, cert. ef. 5-20-12 thru 7-31-12; DFW 73-2012(Temp), f. 6-29-12, cert. ef. 7-1-12 thru 8-31-12; DFW 97-2012(Temp), f. 7-30-12, cert. ef. 8-1-12 thru 12-31-12; DFW 129-2012(Temp), f. 10-3-12, cert. ef. 10-20-12 thru 12-31-12; DFW 140-2012(Temp), f. 10-31-12, cert. ef. 11-4-12 thru 12-31-12; DFW 152-2012, f. 12-27-12, cert. ef. 1-1-13; DFW 154-2012(Temp), f. 12-28-12, cert. ef. 1-1-13 thru 2-28-13; DFW 12-2013(Temp), f. 2-12-13, cert. ef. 2-28-13 thru 7-31-13; DFW 23-2013(Temp), f. 3-20-13, cert. ef. 4-1-13 thru 9-27-13; DFW 47-2013(Temp), f. 5-30-13, cert. ef. 6-14-13 thru 9-30-13; DFW 59-2013(Temp), f. 6-19-13, cert. ef. 6-21-13 thru 10-31-13; DFW 64-2013(Temp), f. 6-27-13, cert. ef. 6-29-13 thru 10-31-13; DFW 104-2013(Temp), f. 9-13-13, cert. ef. 10-19-13 thru 12-31-13; DFW 126-2013(Temp), f. 10-31-13, cert. ef. 11-12-13 thru 12-31-13; DFW 135-2013(Temp), f. 12-12-13, cert. ef. 1-1-14 thru 1-31-14; DFW 137-2013, f. 12-19-13, cert. ef. 1-1-14; DFW 5-2014(Temp), f. 1-30-14, cert. ef. 2-1-14 thru 7-30-14; DFW 14-2014(Temp), f. 2-20-14, cert. ef. 2-24-14 thru 7-31-14; DFW 27-2014(Temp), f. 3-28-14, cert. ef. 5-1-14 thru 7-31-14; DFW 56-2014(Temp), f. 6-9-14, cert. ef. 6-13-14 thru 7-31-14; DFW 87-2014(Temp), f. 7-2-14, cert. ef. 7-11-14 thru 12-31-14; DFW 94-2014(Temp), f. & cert. ef. 7-14-14 thru 12-31-14; DFW 165-2014, f. 12-18-14, cert. ef. 1-1-15; DFW 166-2014(Temp), f. 12-18-14, cert. ef. 1-1-15 thru 3-1-15; Administrative correction, 3-23-15; DFW 41-2015(Temp), f. & cert. ef. 5-12-15 thru 7-31-15; DFW 54-2015(Temp), f. 5-28-15, cert. ef. 6-3-15 thru 7-31-15

• • • • • • • • • •

Rule Caption: Columbia River Zone 6 Treaty Indian Commercial Gill Net Fishery Set.
Adm. Order No.: DFW 55-2015(Temp)
Filed with Sec. of State: 6-2-2015
Certified to be Effective: 6-2-15 thru 7-31-15
Notice Publication Date:
Rules Amended: 635-041-0065
Rules Suspended: 635-041-0065(T)
Subject: This amended rule allows sales of fish from a gill net season in Zone 6 beginning at 6:00 a.m. Tuesday, June 2 through 6:00 p.m. Friday, June 5, 2015 (3.5 days). Modifications are consistent with action taken June 1, 2015 by the Oregon and Washington Departments of Fish and Wildlife, in cooperation with the Columbia River Treaty Tribes, at a meeting of the Columbia River Compact.
Rules Coordinator: Michelle Tate—(503) 947-6044

635-041-0065
Spring Season

(1) Salmon, steelhead, shad, walleye, catfish, bass, yellow perch, and carp may be taken for commercial purposes from the Zone 6 Columbia River Treaty Indian Fishery, from 7:00 p.m. Tuesday, May 5 until further notice.

(2) Gear is restricted to subsistence fishing gear which includes hoopnets, dipnets, rod and reel with hook-and-line. Beginning at 6:00 a.m. Tuesday, June 2 through 6:00 p.m. Friday, June 5, 2015 (3.5 days) fish may also be taken by gill net. There are no mesh size restrictions. Gill net caught fish landed during any open period may be sold after the close of that period.

(3) Closed areas as set forth in OAR 635-041-0045 remain in effect with the exception of Spring Creek Hatchery sanctuary.

(4) White sturgeon between 43-54 inches in fork length caught in The Dalles and John Day pools and white sturgeon between 38-54 inches in fork length caught in the Bonneville Pool may not be sold but may be kept for subsistence use.

(5) Beginning 7:00 p.m. Tuesday, May 5 through 11:59 p.m. Friday, July 31, 2015, commercial sales of salmon, steelhead, walleye, shad, catfish, carp, bass and yellow perch caught in Yakama Nation tributary fisheries in the Klickitat River; Wind River; and Drano Lake are allowed for Yakama Nation members during those days and hours when these tributaries are open under lawfully enacted Yakama Nation fishing periods.

(a) Sturgeon between 43-54 inches in fork length harvested in tributaries within The Dalles or John Day pools and sturgeon between 38-54 inches in fork length harvested in tributaries within Bonneville Pool may not be sold but may be kept for subsistence purposes.

(b) Gear is restricted to subsistence fishing gear which includes hoopnets, dipnets, and rod and reel with hook-and-line. Gillnets may only be used in Drano Lake.

Stat. Auth.: ORS 183.325, 506.109 & 506.119
Stats. Implemented: ORS 506.129 & 507.030
Hist.: FWC 89, f. & ef. 1-28-77; FWC 2-1978, f. & ef. 1-31-78; FWC 7-1978, f. & ef. 2-21-78; FWC 2-1979, f. & ef. 1-25-79; FWC 13-1979(Temp), f. & ef. 3-30-1979, Renumbered from 635-035-0065; FWC 6-1980, f. & ef. 1-28-80; 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 4-1984, f. & ef. 1-31-84; FWC 2-1985, f. & ef. l-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 3-1988(Temp), f. & cert. ef. 1-29-88; FWC 10-1988, f. & cert. ef. 3-4-88; FWC 5-1989, f. 2-6-89, cert. ef. 2-7-89; FWC 13-1989(Temp), f. & cert. ef. 3-21-89; FWC 15-1990(Temp), f. 2-8-90, cert. ef. 2-9-90; FWC 20-1990, f. 3-6-90, cert. ef. 3-15-90; FWC 13-1992(Temp), f. & cert. ef. 3-5-92; FWC 7-1993, f. & cert. ef. 2-1-93; FWC 12-1993(Temp), f. & cert. ef. 2-22-93; FWC 18-1993(Temp), f. & cert. ef. 3-2-93; FWC 7-1994, f. & cert. ef. 2-1-94; FWC 11-1994(Temp), f. & cert. ef. 2-28-94; FWC 9-1995, f. & cert. ef. 2-1-95; FWC 19-1995(Temp), f. & cert. ef. 3-3-95; FWC 5-1996, f. & cert. ef. 2-7-96; FWC 4-1997, f. & cert. ef. 1-30-97; DFW 8-1998(Temp), f. & cert. ef. 2-5-98 thru 2-28-98; DFW 14-1998, f. & cert. ef. 3-3-98; DFW 20-1998(Temp), f. & cert. ef. 3-13-98 thru 3-20-98; DFW 23-1998(Temp), f. & cert. ef. 3-20-98 thru 6-30-98; DFW 2-1999(Temp), f. & cert. ef. 2-1-99 through 2-19-99; DFW 9-1999, f. & cert. ef. 2-26-99; DFW 14-1999(Temp), f. 3-5-99, cert. ef. 3-6-99 thru 3-20-99; Administrative correction 11-17-99; DFW 6-2000(Temp), f. & cert. ef. 2-1-00 thru 2-29-00; DFW 9-2000, f. & cert. ef. 2-25-00; DFW 19-2000, f. 3-18-00, cert. ef. 3-18-00 thru 3-21-00; DFW 26-2000(Temp), f. 5-4-00, cert. ef. 5-6-00 thru 5-28-00; Administrative correction

5-22-00; DFW 3-2001, f. & cert. ef. 2-6-01; DFW 14-2001(Temp), f. 3-12-01, cert. ef. 3-14-01 thru 3-21-01; Administrative correction 6-20-01; DFW 9-2002, f. & cert. ef. 2-1-02; DFW 11-2002(Temp), f. & cert. ef. 2-8-02 thru 8-7-02; DFW 17-2002(Temp), f. 3-7-02, cert. ef. 3-8-02 thru 9-1-02; DFW 18-2002(Temp), f. 3-13-02, cert. ef. 3-15-02 thru 9-11-02; DFW 134-2002(Temp), f. & cert. ef. 12-19-02 thru 4-1-03; DFW 20-2003(Temp), f. 3-12-03, cert. ef. 3-13-03 thru 4-1-03; DFW 131-2003(Temp), f. 12-26-03, cert. ef. 1-1-04 thru 4-1-04; DFW 5-2004(Temp), f. 1-26-04, cert. ef. 2-2-04 thru 4-1-04; DFW 15-2004(Temp), f. 3-8-04, cert. ef. 3-10-04 thru 4-1-04; DFW 130-2004(Temp), f. 12-23-04, cert. ef. 1-1-05 thru 4-1-05; DFW 4-2005(Temp), f. & cert. ef 1-31-05 thru 4-1-05; DFW 18-2005(Temp), f. & cert. ef. 3-15-05 thru 3-21-05; Administrative correction 4-20-05; DFW 3-2006(Temp), f. & cert. ef. 1-27-06 thru 3-31-06; Administrative correction 4-19-06; DFW 7-2007(Temp), f. 1-31-07, cert. ef. 2-1-07 thru 7-30-07; DFW 9-2007, f. & cert. ef. 2-14-07; DFW 14-2007(Temp), f. & cert. ef. 3-9-07 thru 9-4-07; DFW 15-2007(Temp), f. & cert. ef. 3-14-07 thru 9-9-07; Administrative correction 9-16-07; DFW 6-2008(Temp), f. 1-29-08, cert. ef. 1-31-08 thru 7-28-08; DFW 20-2008(Temp), f. 2-28-08, cert. ef. 2-29-08 thru 7-28-08; DFW 21-2008(Temp), f. & cert. ef. 3-5-08 thru 7-28-08; DFW 22-2008(Temp), f. 3-7-08, cert. ef. 3-10-08 thru 7-28-08; Administrative correction 8-21-08; DFW 142-2008, f. & cert. ef. 11-21-08; DFW 6-2009(Temp), f. 1-30-09, cert. ef. 2-2-09 thru 8-1-09; DFW 11-2009(Temp), f. 2-13-09, cert. ef. 2-16-09 thru 7-31-09; DFW 22-2009(Temp), f. 3-5-09, cert. ef. 3-6-09 thru 7-31-09; Administrative correction 8-21-09; DFW 9-2010(Temp), f. & cert. ef. 2-3-10 thru 8-1-10; DFW 12-2010(Temp), f. 2-10-10, cert. ef. 2-11-10 thru 8-1-10; DFW 18-2010(Temp), f. 2-24-10, cert. ef. 2-26-10 thru 4-1-10; DFW 24-2010(Temp), f. 3-2-10, cert. ef. 3-3-10 thru 4-1-10; Administrative correction 4-21-10; DFW 8-2011(Temp), f. 1-31-11, cert. ef. 2-1-11 thru 4-1-11; DFW 9-2011(Temp), f. 2-9-11, cert. ef. 2-10-11 thru 4-1-11; DFW 23-2011, f. & cert. ef. 3-21-11; DFW 5-2012(Temp), f. 1-30-12, cert. ef. 2-1-12 thru 3-31-12; DFW 18-2012(Temp), f. 2-28-12, cert. ef. 2-29-12 thru 6-15-12; DFW 19-2012(Temp), f. 3-2-12, cert. ef. 3-5-12 thru 6-15-12; DFW 20-2012(Temp), f. & cert. ef. 3-5-12 thru 6-15-12; DFW 46-2012(Temp), f. 5-14-12, cert. ef. 5-15-12 thru 6-30-12; Administrative correction, 8-1-12; DFW 9-2013(Temp), f. 1-31-13, cert. ef. 2-1-13 thru 3-31-13; DFW 15-2013(Temp), f. 2-22-13, cert. ef. 2-27-13 thru 6-15-13; DFW 18-2013(Temp), f. 3-5-13, cert. ef. 3-6-13 thru 6-15-13; DFW 35-2013(Temp), f. & cert. ef. 5-21-13 thru 6-30-13; DFW 48-2013(Temp), f. 6-7-13, cert. ef. 6-8-13 thru 7-31-13; Administrative correction, 8-21-13; DFW 6-2014(Temp), f. 1-30-14, cert. ef. 2-1-14 thru 7-30-14; DFW 15-2014(Temp), f. 2-25-14, cert. ef. 2-26-14 thru 7-30-14; DFW 17-2014(Temp), f. 2-28-14, cert. ef. 3-1-14 thru 7-30-14; DFW 23-2014(Temp), f. 3-11-14, cert. ef. 3-12-14 thru 7-31-14; DFW 37-2014(Temp), f. & cert. ef. 5-6-14 thru 7-31-14; DFW 46-2014(Temp), f. 5-19-14, cert. ef. 5-20-14 thru 7-31-14; DFW 48-2014(Temp), f. 5-27-14, cert. ef. 5-28-14 thru 7-31-13; DFW 54-2014(Temp), f. 6-2-14, cert. ef. 6-3-14 thru 7-31-14; DFW 59-2014(Temp), f. 6-9-14, cert. ef. 6-10-14 thru 7-31-14; Administrative correction, 8-28-14; DFW 9-2015(Temp), f. 1-29-15, cert. ef. 2-2-15 thru 3-31-15; DFW 13-2015(Temp), f. 2-19-15, cert. ef. 2-20-15 thru 3-31-15; DFW 19-2015(Temp), f. 3-11-15, cert. ef. 3-12-15 thru 3-31-15; Administrative correction, 4-21-15; DFW 38-2015(Temp), f. & cert. ef. 5-5-15 thru 7-31-15; DFW 46-2015(Temp), f. 5-18-19, cert. ef. 5-19-15 thru 7-31-15; DFW 48-2015, f. 5-26-15, cert. ef. 5-27-15 thru 7-31-15; DFW 55-2015(Temp), f. & cert. ef. 6-2-15 thru 7-31-15

• • • • • • • • • •

Rule Caption: Sport Pacific Halibut All-Depth Season Closes from Leadbetter Point, WA to Cape Falcon, OR.
Adm. Order No.: DFW 56-2015(Temp)
Filed with Sec. of State: 6-2-2015
Certified to be Effective: 6-3-15 thru 9-30-15
Notice Publication Date:
Rules Amended: 635-039-0085
Subject: This amended rule closes the all-depth sport fishery for Pacific halibut in the area between Leadbetter Point, WA and Cape Falcon, OR at 11:59 p.m. on Wednesday, June 3, 2015 due to the projected attainment of the pre-season quota of 9,754 pounds. This rule is consistent with regulations previously implemented by the federal government and the International Pacific Halibut Commission for the 2015 Oregon sport Pacific halibut fishery.
Rules Coordinator: Michelle Tate—(503) 947-6044

635-039-0085
Halibut Seasons

(1) The Pacific halibut sport fishery in Oregon is regulated by the federal government and the International Pacific Halibut Commission (IPHC). OAR chapter 635, division 039 incorporates into Oregon Administrative Rules, by reference:

(a) Title 50 of the Code of Federal Regulations, Part 300, Subpart E (October 1, 2014 ed.), as amended;

(b) Federal Register Vol. 80. No. 51, dated March 17, 2015; and

(c) Federal Register Vol. 80. No. 62, dated April 1, 2015.

(2) Therefore, persons must consult all publications referenced in this rule in addition to Division 039 to determine applicable halibut fishing seasons.

(3) Effective 11:59 p.m., Wednesday, June 3, 2015 the Columbia River Subarea (Leadbetter Point, WA to Cape Falcon, OR) all-depth season is closed to the retention of Pacific halibut.

[Publications: Publications referenced are available from the agency.]
Stat. Auth.: ORS 496.138, 496.162, 506.036, 506.109, 506.119, 506.129
Stats. Implemented: ORS 496.162, 506.129
Hist.: DFW 56-2005, f. 6-21-05, cert. ef. 7-1-05; DFW 89-2005(Temp), f. & cert. ef. 8-12-05 thru 12-12-05; DFW 107-2005(Temp), f. 9-14-05, cert. ef. 9-15-05 thru 10-31-05; DFW 121-2005(Temp), f. 10-12-05, cert. ef. 10-18-05 thru 12-31-05; Administrative correction 1-19-06; DFW 34-2006(Temp), f. 5-25-06, cert. ef. 5-27-06 thru 8-3-06; Administrative correction 8-22-06; DFW 3-2007, f. & cert. ef. 1-12-07; DFW 35-2007(Temp), f. 5-25-07, cert. ef. 5-26-07 thru 8-2-07; DFW 67-2007(Temp), f. 8-9-07, cert. ef. 8-12-07 thru 9-30-07; DFW 76-2007(Temp), f. 8-17-07, cert. ef. 8-24-07 thru 9-30-07; DFW 84-2007(Temp), f. 9-5-07, cert. ef. 9-15-07 thru 9-30-07; DFW 87-2007(Temp), f. 9-10-07, cert. ef. 9-14-07 thru 10-28-07; DFW 90-2007(Temp), f. 9-19-07, cert ef. 9-20-07 thru 10-31-07; Administrative corection 11-17-07; DFW 57-2008(Temp), f. 5-30-08, cert. ef. 6-1-08 thru 7-31-08; DFW 81-2008(Temp), f. 7-11-08, cert. ef. 8-2-08 thru 9-30-08; DFW 92-2008(Temp), f. & cert. ef. 8-11-08 thru 9-30-08; DFW 101-2008(Temp), f.8-25-08, cert. ef. 8-29-08 thru 9-30-08; DFW 107-2008(Temp), f. 9-5-08, cert. ef. 9-7-08 thru 12-31-08; DFW 111-2008(Temp), f. & cert. ef. 9-16-08 thru 12-31-08; DFW 120-2008(Temp), f. 9-25-08, cert. ef. 9-27-08 thru 12-31-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 39-2009, f. & cert. ef. 4-27-09; DFW 55-2009(Temp), f. & cert. ef. 5-22-09 thru 8-6-09; DFW 94-2009(Temp), f. 8-14-09, cert. ef. 8-16-09 thru 12-31-09; Administrative correction 1-25-10; DFW 32-2010, f. & cert. ef. 3-15-10; DFW 37-2010, f. 3-30-10, cert. ef. 4-1-10; DFW 100-2010(Temp), f. 7-15-10, cert. ef. 7-17-10 thru 10-31-10; DFW 118-2010(Temp), f. & cert. ef. 8-13-10 thru 10-31-10; Administrative correction 11-23-10; DFW 24-2011, f. & cert. ef. 3-22-11; DFW 58-2011(Temp), f. 5-27-11, cert. ef. 6-4-11 thru 8-4-11; DFW 82-2011(Temp), f. 6-30-11, cert. ef. 7-1-11 thru 8-4-11; DFW 85-2011(Temp), f. 7-5-11, cert. ef. 7-6-11 thru 10-31-11; DFW 114-2011(Temp), f. & cert. ef. 8-12-11 thru 10-31-11; DFW 135-2011(Temp), f. 9-21-11, cert. ef. 10-1-11 thru 12-31-11; DFW 39-2012, f. & cert. ef. 4-24-12; DFW 84-2012(Temp), f. & cert. ef. 7-5-12 thru 8-2-12; DFW 91-2012(Temp), f. 7-19-12, cert. ef. 7-22-12 thru 10-31-12; DFW 111-2012(Temp), f. 8-23-12, cert. ef. 8-24-12 thru 12-31-12; DFW 123-2012(Temp), f. 9-19-12, cert. ef. 9-24-12 thru 10-31-12; Administrative correction 11-23-12; DFW 65-2013(Temp), f. 6-27-13, cert. ef. 6-28-13 thru 8-2-13; DFW 78-2013(Temp), f. & cert. ef. 7-23-13 thru 10-31-13; DFW 86-2013(Temp), f. & cert. ef. 8-8-13 thru 10-31-13; Administrative correction, 11-22-13; DFW 36-2014, f. 4-29-14, cert. ef. 5-1-14; DFW 80-2014(Temp), f. 6-26-14, cert. ef. 6-27-14 thru 12-24-14; DFW 123-2014(Temp), f. & cert. ef. 8-21-14 thru 12-31-14; Administrative correction, 1-27-15; DFW 34-2015, f. & cert. ef. 4-28-15; DFW 56-2015(Temp), f. 6-2-15, cert. ef. 6-3-15 thru 9-30-15

• • • • • • • • • •

Rule Caption: Columbia River Commercial Spring Chinook Drift Net Fishery Set for June 2, 2015.
Adm. Order No.: DFW 57-2015(Temp)
Filed with Sec. of State: 6-2-2015
Certified to be Effective: 6-2-15 thru 6-3-15
Notice Publication Date:
Rules Amended: 635-042-0022
Subject: This amended rule authorizes a 10-hour non-Indian commercial spring Chinook drift net fishery in the mainstem Columbia River to commence on Tuesday, June 2 at 7:00 p.m. and run through 5:00 a.m. Wednesday, June 3, 2015 from the mouth of the Columbia River upstream to Beacon Rock (Zones 1 thru 5). Modifications are consistent with action taken June 1, 2015 by the Oregon and Washington Departments of Fish and Wildlife at a meeting of the Columbia River Compact.
Rules Coordinator: Michelle Tate—(503) 947-6044

635-042-0022
Spring Chinook Gillnet and Tangle Net Fisheries

(1) Adipose fin-clipped Chinook salmon and shad may be taken by drift gillnet for commercial purposes from the mouth of the Columbia River upstream to Beacon Rock (Zones 1–5 during the period: 7:00 p.m Tuesday, June 2 to 5:00 a.m. Wednesday, June 3, 2015 (10 hours).

(2) An adipose fin-clipped salmon is defined as a hatchery salmon with a clipped adipose fin and having a healed scar at the location of the fin. The adipose fin is the small fatty fin on salmonids located between the dorsal fin and tail.

(3) During the spring Chinook gillnet fishery:

(a) It is unlawful to use a gillnet having a mesh size less than 8 inches or more than 9-3/4 inches.

(b) Mesh size for the fishery is determined as described in OAR 635-042-0010(4).

(c) Nets not specifically authorized for use in this fishery may be onboard the vessel if properly stored. A properly stored net is defined as a net on a drum that is fully covered by a tarp (canvas or plastic) and bound with a minimum of ten revolutions of rope with a diameter of 3/8 (0.375) inches or greater. Other permanent gear regulations remain in effect.

(4) Nets shall not exceed 900 feet (150 fathoms) in length. A red cork must be placed on the corkline every 25 fathoms as measured from the first mesh of the net. Red corks at 25-fathom intervals must be in color contrast to the corks used in the remainder of the net.

(5) Nets shall be fished for no longer than 45 minutes per set. The time of fishing is measured from when the first mesh of the net is deployed into the water until the last mesh of the net is fully retrieved from the water.

(6) Sturgeon, nonadipose fin-clipped Chinook salmon, and steelhead must be released immediately to the river with care and with the least possible injury to the fish, or placed into an operating recovery box.

(a) One operating recovery box with two chambers or two operating recovery boxes with one chamber each to aid survival of released fish must be on board each fishing vessel participating in the fishery. Recovery boxes shall be operating during any time that a net is being retrieved or picked.

(b) Non-adipose fin-clipped salmon and all steelhead that are bleeding, in lethargic condition, or appearing dead must be placed in the recovery box for rehabilitation purposes prior to release to the river.

(c) Each chamber of the recovery box must meet the following dimensions as measured from within the box; the inside length measurement must be at or within 39-1/2 to 48 inches, the inside width measurement must be at or within 8 to 10 inches, and the inside height measurement must be at or within 14 to 16 inches.

(d) Each chamber of the recovery box must include an operating water pumping system capable of delivering a minimum flow of 16 gallons per minute not to exceed 20 gallons per minute of fresh river water into each chamber. The fisher must demonstrate to the Department and Washington Department of Fish and Wildlife employees, fish and wildlife enforcement officers, or other peace officers, upon request, that the pumping system is delivering the proper volume of fresh river water into each chamber.

(e) Each chamber of the recovery box must include a water inlet hole between 3/4 inch and 1 inch in diameter, centered horizontally across the door or wall of chamber and 1-3/4 inches from the floor of the chamber.

(f) Each chamber of the recovery box must include a water outlet that is at least 1-1/2 inches in diameter. The center of the outlet hole must be located a minimum of 12 inches above the floor of the box or chamber, on either the same or opposite end as the inlet.

(g) All fish placed in recovery boxes must be released to the river prior to landing or docking.

(7) At least one fisher on each boat engaged in the fishery must have attended a one-day workshop hosted by the Department or Washington Department of Fish and Wildlife to educate fishers on regulations and best methods for conduct of the fishery.

(8) Nothing in this section sets any precedent for any future spring Chinook fishery. The fact that an individual has attended a live capture training workshop does not entitle the individual to participate in any other fishery. If the Department authorizes a Live Capture fishery in the spring or at any other time, the Department may establish qualifications and requirements that are different from those already established. In particular, the Department may consider an individual's compliance with these rules in determining that individual's eligibility to participate in any future Live Capture fisheries.

(9) As authorized by OAR-635-006-0140 owners or operators of commercial fishing vessels must cooperate with Department fishery observers, or observers collecting data for the Department, when asked by the Department to carry and accommodate an observer on fishing trips for observation and sampling during an open fishery. In addition, cooperation with department personel prior to a fishing period is expected.

(10) Closed waters, as described in OAR 635-042-0005 for Grays River, Elokomin-B, Cowlitz River, Kalama-B, Lewis-B, Sandy and Washougal sanctuaries are in effect during the open fishing periods identified.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
Stats. Implemented: ORS 496.162, 506.129 & 507.030
Hist.: DFW 11-2004, f. & cert. ef. 2-13-04; DFW 12-2004(Temp), f. & cert. ef. 3-1-04, thru 7-31-04; DFW 13-2004(Temp), f. & cert. ef. 3-3-04 thru 7-31-04; DFW 16-2004(Temp), f. & cert. ef. 3-8-04 thru 7-31-04; DFW 18-2004(Temp), f. & cert. ef. 3-10-04 thru 7-31-04; DFW 20-2004(Temp) f. & cert. ef. 3-15-04 thru 7-31-04; DFW 21-2004(Temp), f. & cert. ef. 3-18-04 thru 7-31-04; DFW 25-2004(Temp), f. 3-22-04, cert. ef. 3-23-04 thru 7-31-04; DFW 26-2004(Temp), f. & cert. ef. 3-25-04 thru 7-31-04; DFW 27-2004(Temp), f. & cert. ef. 3-29-04 thru 7-31-04; Administrative correction 8-19-04; DFW 6-2005, f. & cert. ef. 2-14-05; DFW 9-2005(Temp), f. & cert. ef. 3-1-05 thru 7-31-05; DFW 11-2005(Temp), f. 3-2-05, cert. ef. 3-3-05 & 7-31-05; DFW 13-2005(Temp), f. & cert. ef. 3-7-05 thru 7-31-05; DFW 14-2005(Temp), f. & cert. ef. 3-10-05 thru 7-31-05; DFW 18-2005(Temp), f. & cert. ef. 3-15-05 thru 3-21-05; DFW 20-2005(Temp), f. & cert. ef. 3-29-05 thru 3-30-05; DFW 21-2005(Temp), f. & cert. ef. 3-31-05 thru 4-1-05; Administrative correction, 4-20-05; DFW 5-2006, f. & cert. ef. 2-15-06; DFW 7-2006(Temp), f. & cert. ef. 2-23-06 thru 7-31-06; DFW 9-2006(Temp), f. 3-1-06, cert. ef. 3-2-06 thru 7-31-06; DFW 10-2006(Temp), f. 3-6-06, cert. ef. 3-7-06 thru 7-31-06; DFW 11-2006(Temp), f. & cert. ef. 3-9-06 thru 7-31-06; DFW 12-2006(Temp), f. 3-13-06, cert. ef. 3-14-06 thru 7-31-06; DFW 29-2006(Temp), f. & cert. ef. 5-16-06 thru 7-31-06; DFW 30-2006(Temp), f. & cert. ef. 5-18-06 thru 7-31-06; DFW 32-2006(Temp), f. & cert. ef. 5-23-06 thru 7-31-06; DFW 35-2006(Temp), f. & cert. ef. 5-30-06 thru 7-31-06; Administrative correction 8-22-06; DFW 9-2007, f. & cert. ef. 2-14-07; DFW 13-2007(Temp), f. & cert. ef. 3-6-07 thru 9-1-07; DFW 17-2007(Temp), f. & cert. ef. 3-20-07 thru 9-15-07; DFW 19-2007(Temp), f. & cert. ef. 3-22-07 thru 9-17-07; DFW 44-2007(Temp), f. & cert. ef. 6-14-07 thru 9-17-07; Administrative correction 9-18-07; DFW 31-2008(Temp), f. 3-31-08, cert. ef. 4-1-08 thru 9-27-08; DFW 33-2008(Temp), f. 4-7-08, cert. ef. 4-8-08 thru 9-27-08; DFW 34-2008(Temp), f. 4-14-08, cert. ef. 4-15-08 thru 9-27-08; Suspended by DFW 71-2008(Temp), f. 6-27-08, cert. ef. 6-28-08 thru 8-31-08; Administrative correction 10-21-08; DFW 142-2008, f. & cert. ef. 11-21-08; DFW 30-2009(Temp), f. 3-23-09, cert. ef. 3-27-09 thru 4-30-09; DFW 34-2009(Temp), f. 4-6-09, cert. ef. 4-7-09 thru 4-30-09; DFW 36-2009(Temp), f. 4-13-09, cert. ef. 4-14-09 thru 4-30-09; Administrative correction 5-20-09; DFW 38-2010(Temp), f. & cert. ef. 3-30-10 thru 4-30-10; DFW 41-2010(Temp), f. 4-6-10, cert. ef. 4-7-10 thru 4-30-10; Administrative correction 5-19-10; DFW 25-2011(Temp), f. & cert. ef. 3-29-11 thru 4-1-11; DFW 27-2011(Temp), f. 4-5-11, cert. ef. 4-6-11 thru 4-10-11; Administrative correction, 4-25-11; DFW 45-2011(Temp), f. & cert. ef. 5-12-11 thru 6-30-11; DFW 51-2011(Temp), f. & cert. ef. 5-18-11 thru 6-30-11; Administrative correction 7-22-11; DFW 29-2012(Temp), f. 4-2-12, cert. ef. 4-3-12 thru 4-30-12; DFW 32-2012(Temp), f. 4-9-12, cert. ef. 4-10-12 thru 4-30-12; Administrative correction, 5-25-12; DFW 27-2013(Temp), f. 4-8-13, cert. ef. 4-9-13 thru 4-30-13; DFW 34-2013(Temp), f. 5-14-13, cert. ef. 5-15-13 thru 7-31-13; DFW 37-2013(Temp), f. & cert. ef. 5-22-13 thru 5-31-13; DFW 45-2013(Temp), f. & cert. ef. 5-29-13 thru 6-15-13; Administrative correction, 7-18-13; DFW 28-2014(Temp), f. 3-31-14, cert .ef. 4-1-14 thru 7-31-14; DFW 38-2014(Temp), f. & cert. ef. 5-7-14 thru 7-31-14; DFW 43-2014(Temp), f. 5-14-14, cert. ef. 5-20-14 thru 7-31-14; DFW 50-2014(Temp), f. & cert. ef. 5-28-14 thru 7-31-14; DFW 55-2014(Temp), f. 6-3-14, cert. ef. 6-4-14 thru 7-31-14; Administrative correction, 8-28-14; DFW 22-2015(Temp), f. 3-30-15, cert. ef. 3-31-15 thru 4-1-15; DFW 24-2015(Temp), f. 4-6-15, cert. ef. 4-7-15 thru 4-8-15; Administrative correction, 4-21-15; DFW 36-2015(Temp), f. 5-1-15, cert. ef. 5-4-15 thru 5-5-15; DFW 39-2015(Temp), f. & cert. ef. 5-6-15 thru 5-7-15; DFW 43-2015(Temp), f. & cert. ef. 5-12-15 thru 5-13-15; Administrative correction, 5-21-15; DFW 51-2015(Temp), f. & cert. ef. 5-27-15 thru 5-28-15; DFW 57-2015(Temp), f. & cert. ef. 6-2-15 thru 6-3-15

• • • • • • • • • •

Rule Caption: Youngs Bay Select Area Commercial Spring Fishery Modified.
Adm. Order No.: DFW 58-2015(Temp)
Filed with Sec. of State: 6-2-2015
Certified to be Effective: 6-2-15 thru 7-31-15
Notice Publication Date:
Rules Amended: 635-042-0145
Rules Suspended: 635-042-0145(T)
Subject: This amended rule modifies harvest regulations for a spring commercial fishery previously adopted for the Youngs Bay Select Area of the Columbia River. Retention and sale of non-adipose fin-clipped Chinook is prohibited for a seventeen (17) hour period beginning at 7:00 p.m. Tuesday, June 2, 2015. Modifications are consistent with the action taken June 1, 2015 by the Oregon and Washington Departments of Fish and Wildlife at a meeting of the Columbia River Compact.
Rules Coordinator: Michelle Tate—(503) 947-6044

635-042-0145
Youngs Bay Salmon Season

(1) Salmon and shad may be taken for commercial purposes during open 2015 fishing periods in waters of Youngs Bay as described below. Retention and sale of white sturgeon is prohibited.

(a) The 2015 open fishing periods are established in three segments categorized as the winter fishery, subsection (1)(a)(A); the spring fishery, subsection (1)(a)(B); and summer fishery, subsection (1)(a)(C), as follows:

(A) Winter Season: None scheduled.

(B) Spring Season: Open during the following periods:

Noon Monday through Noon Friday (4 days/week) from May 11 through June 12 (20 days) except that retention and sale of non-adipose fin-clipped Chinook is prohibited from 7:00 p.m. Tuesday, June 2 through 12:00 noon Wednesday, June 3, 2015 (17 hours).

(C) Summer Season: Beginning June 16 the following open periods apply:

Noon Tuesday, June 16 through Noon Friday, June 19 (3 days);
Noon Mondays through Noon Fridays, June 22–July 3 (8 days);
Noon Monday, July 6 through Noon Thursday, July 9 (3 days); and
Noon Tuesdays through Noon Thursdays, July 14 through July 30 (6 days).

(b) For the winter fisheries, the waters of Youngs Bay from the Highway 101 Bridge upstream to the upper boundary markers at the confluence of the Klaskanine and Youngs rivers including the lower Walluski River upstream to the Highway 202 Bridge are open. Those waters southerly of the alternate Highway 101 Bridge (Lewis and Clark River) are closed. For the spring and summer fisheries the fishing area is identified as the waters of Youngs Bay from the Highway 101 Bridge upstream to the upper boundary markers at the confluence of the Klaskanine and Youngs rivers and includes the lower Walluski River upstream to Highway 202 Bridge and the lower Lewis and Clark River upstream to the overhead power lines immediately upstream of Barrett Slough.

(2) Gill nets may not exceed 1,500 feet (250 fathoms) in length and weight may not exceed two pounds per any fathom except the use of additional weights and/or anchors attached directly to the leadline is allowed upstream of markers located approximately 200 yards upstream of the mouth of the Walluski River during all Youngs Bay commercial fisheries and upstream of the alternate Highway 101 Bridge in the Lewis and Clark River during the spring and summer seasons. A red cork must be placed on the corkline every 25 fathoms as measured from the first mesh of the net. Red corks at 25-fathom intervals must be in color contrast to the corks used in the remainder of the net.

(a) It is unlawful to use a gill net having a mesh size that is less than 7 inches during the winter season. It is unlawful to use a gill net having a

mesh size that is more than 9.75 inches during the spring and summer seasons.

(b) Nets not specifically authorized for use in these areas may be onboard a vessel if properly stored. A properly stored net is defined as a net on a drum that is fully covered by a tarp (canvas or plastic) and bound with a minimum of ten revolutions of rope with a diameter of 3/8 (0.375) inches or greater.

(3) Non-resident commercial fishing and boat licenses are not required for Washington fishers participating in Youngs Bay commercial fisheries. A valid fishing and boat license issued by the state of Washington is considered adequate for participation in this fishery. The open area for non-resident commercial fishers includes all areas open for commercial fishing.

Stat. Auth.: ORS 183.325, 506.109 & 506.119
Stats. Implemented: ORS 506.129 & 507.030
Hist.: FWC 32-1979, f. & ef. 8-22-79; FWC 28-1980, f. & ef. 6-23-80; FWC 42-1980(Temp), f. & ef. 8-22-80; FWC 30-1981, f. & ef. 8-14-81; FWC 42-1981(Temp), f. & ef. 11-5-81; FWC 54-1982, f. & ef. 8-17-82; FWC 37-1983, f. & ef. 8-18-83; FWC 61-1983(Temp), f. & ef. 10-19-83; FWC 42-1984, f. & ef. 8-20-84; FWC 39-1985, f. & ef. 8-15-85; FWC 37-1986, f. & ef. 8-11-86; FWC 72-1986(Temp), f. & ef. 10-31-86; FWC 64-1987, f. & ef. 8-7-87; FWC 73-1988, f. & cert. ef. 8-19-88; FWC 55-1989(Temp), f. 8-7-89, cert. ef. 8-20-89; FWC 82-1990(Temp), f. 8-14-90, cert. ef. 8-19-90; FWC 86-1991, f. 8-7-91, cert. ef. 8-18-91; FWC 123-1991(Temp), f. & cert. ef. 10-21-91; FWC 30-1992(Temp), f. & cert. ef. 4-27-92; FWC 35-1992(Temp), f. 5-22-92, cert. ef. 5-25-92; FWC 74-1992 (Temp), f. 8-10-92, cert. ef. 8-16-92; FWC 28-1993(Temp), f. & cert. ef. 4-26-93; FWC 48-1993, f. 8-6-93, cert. ef. 8-9-93; FWC 21-1994(Temp), f. 4-22-94, cert. ef. 4-25-94; FWC 51-1994, f. 8-19-94, cert. ef. 8-22-94; FWC 64-1994(Temp), f. 9-14-94, cert. ef. 9-15-94; FWC 66-1994(Temp), f. & cert. ef. 9-20-94; FWC 27-1995, f. 3-29-95, cert. ef. 4-1-95; FWC 48-1995(Temp), f. & cert. ef. 6-5-95; FWC 66-1995, f. 8-22-95, cert. ef. 8-27-95; FWC 69-1995, f. 8-25-95, cert. ef. 8-27-95; FWC 8-1995, f. 2-28-96, cert. ef. 3-1-96; FWC 37-1996(Temp), f. 6-11-96, cert. ef. 6-12-96; FWC 41-1996, f. & cert. ef. 8-12-96; FWC 45-1996(Temp), f. 8-16-96, cert. ef. 8-19-96; FWC 54-1996(Temp), f. & cert. ef. 9-23-96; FWC 4-1997, f. & cert. ef. 1-30-97; FWC 47-1997, f. & cert. ef. 8-15-97; DFW 8-1998(Temp), f. & cert. ef. 2-5-98 thru 2-28-98; DFW 14-1998, f. & cert. ef. 3-3-98; DFW 18-1998(Temp), f. 3-9-98, cert. ef. 3-11-98 thru 3-31-98; DFW 60-1998(Temp), f. & cert. ef. 8-7-98 thru 8-21-98; DFW 67-1998, f. & cert. ef. 8-24-98; DFW 10-1999, f. & cert. ef. 2-26-99; DFW 52-1999(Temp), f. & cert. ef. 8-2-99 thru 8-6-99; DFW 55-1999, f. & cert. ef. 8-12-99; DFW 9-2000, f. & cert. ef. 2-25-00; DFW 42-2000, f. & cert. ef. 8-3-00; DFW 3-2001, f. & cert. ef. 2-6-01; DFW 66-2001(Temp), f. 8-2-01, cert. ef. 8-6-01 thru 8-14-01; DFW 76-2001(Temp), f. & cert. ef. 8-20-01 thru 10-31-01; DFW 106-2001(Temp), f. & cert. ef. 10-26-01 thru 12-31-01; DFW 15-2002(Temp), f. & cert. ef. 2-20-02 thru 8-18-02; DFW 82-2002(Temp), f. 8-5-02, cert. ef. 8-7-02 thru 9-1-02; DFW 96-2002(Temp), f. & cert. ef. 8-26-02 thru 12-31-02; DFW 12-2003, f. & cert. ef. 2-14-03; DFW 17-2003(Temp), f. 2-27-03, cert. ef. 3-1-03 thru 8-1-03; DFW 32-2003(Temp), f. & cert. ef. 4-23-03 thru 8-1-03; DFW 34-2003(Temp), f. & cert. ef. 4-24-03 thru 10-1-03; DFW 36-2003(Temp), f. 4-30-03, cert. ef. 5-1-03 thru 10-1-03; DFW 37-2003(Temp), f. & cert. ef. 5-7-03 thru 10-1-03; DFW 75-2003(Temp), f. & cert. ef. 8-1-03 thru 12-31-03; DFW 89-2003(Temp), f. 9-8-03, cert. ef. 9-9-03 thru 12-31-03; DFW 11-2004, f. & cert. ef. 2-13-04; DFW 19-2004(Temp), f. & cert. ef. 3-12-04 thru 3-31-04; DFW 22-2004(Temp), f. & cert. ef. 3-18-04 thru 3-31-04; DFW 28-2004(Temp), f. 4-8-04 cert. ef. 4-12-04 thru 4-15-04; DFW 39-2004(Temp), f. 5-5-04, cert.ef. 5-6-04 thru 7-31-04; DFW 44-2004(Temp), f. 5-17-04, cert. ef. 5-20-04 thru 7-31-04; DFW 79-2004(Temp), f. 8-2-04, cert. ef. 8-3-04 thru 12-31-04; DFW 109-2004(Temp), f. & cert. ef. 10-19-04 thru 12-31-04; DFW 6-2005, f. & cert. ef. 2-14-05; DFW 15-2005(Temp), f. & cert. ef. 3-10-05 thru 7-31-05; DFW 18-2005(Temp), f. & cert. ef. 3-15-05 thru 3-21-05; Administrative correction 4-20-05; DFW 27-2005(Temp), f. & cert. ef. 4-20-05 thru 6-15-05; DFW 28-2005(Temp), f. & cert. ef. 4-28-05 thru 6-16-05; DFW 37-2005(Temp), f. & cert. ef. 5-5-05 thru 10-16-05; DFW 40-2005(Temp), f. & cert. ef. 5-10-05 thru 10-16-05; DFW 46-2005(Temp), f. 5-17-05, cert. ef. 5-18-05 thru 10-16-05; DFW 73-2005(Temp), f. 7-8-05, cert. ef. 7-11-05 thru 7-31-05; DFW 77-2005(Temp), f. 7-14-05, cert. ef. 7-18-05 thru 7-31-05; DFW 85-2005(Temp), f. 8-1-05, cert. ef. 8-3-05 thru 12-31-05; DFW 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05; DFW 110-2005(Temp), f. & cert. ef. 9-26-05 thru 12-31-05; DFW 116-2005(Temp), f. 10-4-05, cert. ef. 10-5-05 thru 12-31-05; DFW 120-2005(Temp), f. & cert. ef. 10-11-05 thru 12-31-05; DFW 124-2005(Temp), f. & cert. ef. 10-18-05 thru 12-31-05; Administrative correction 1-20-06; DFW 5-2006, f. & cert. ef. 2-15-06; DFW 14-2006(Temp), f. 3-15-06, cert. ef. 3-16-06 thru 7-27-06; DFW 15-2006(Temp), f. & cert. ef. 3-23-06 thru 7-27-06; DFW 17-2006(Temp), f. 3-29-06, cert. ef. 3-30-06 thru 7-27-06; DFW 29-2006(Temp), f. & cert. ef. 5-16-06 thru 7-31-06; DFW 32-2006(Temp), f. & cert. ef. 5-23-06 thru 7-31-06; DFW 35-2006(Temp), f. & cert. ef. 5-30-06 thru 7-31-06; DFW 52-2006(Temp), f. & cert. ef. 6-28-06 thru 7-27-06; DFW 73-2006(Temp), f. 8-1-06, cert. ef. 8-2-06 thru 12-31-06; DFW 103-2006(Temp), f. 9-15-06, cert. ef. 9-18-06 thru 12-31-06; DFW 119-2006(Temp), f. & cert. ef. 10-18-06 thru 12-31-06; Administrative correction 1-16-07; DFW 7-2007(Temp), f. 1-31-07, cert. ef. 2-1-07 thru 7-30-07; DFW 9-2007, f. & cert. ef. 2-14-07; DFW 13-2007(Temp), f. & cert. ef. 3-6-07 thru 9-1-07; DFW 16-2007(Temp), f. & cert. ef. 3-14-07 thru 9-9-07; DFW 25-2007(Temp), f. 4-17-07, cert. ef. 4-18-07 thru 7-26-07; DFW 45-2007(Temp), f. 6-15-07, cert. ef. 6-25-07 thru 7-31-07; DFW 50-2007(Temp), f. 6-29-07, cert. ef. 7-4-07 thru 7-31-07; DFW 61-2007(Temp), f. 7-30-07, cert. ef. 8-1-07 thru 10-31-07; DFW 108-2007(Temp), f. 10-12-07, cert. ef. 10-14-07 thru 12-31-07; Administrative correction 1-24-08; DFW 6-2008(Temp), f. 1-29-08, cert. ef. 1-31-08 thru 7-28-08; DFW 16-2008(Temp), f. 2-26-08, cert. ef. 3-2-08 thru 8-28-08; DFW 30-2008(Temp), f. 3-27-08, cert. ef. 3-30-08 thru 8-28-08; DFW 48-2008(Temp), f. & cert. ef. 5-12-08 thru 8-28-08; DFW 58-2008(Temp), f. & cert. ef. 6-4-08 thru 8-31-08; DFW 85-2008(Temp), f. 7-24-08, cert. ef. 8-1-08 thru 12-31-08; DFW 108-2008(Temp), f. 9-8-08, cert. ef. 9-9-08 thru 12-31-08; Administrative correction 1-23-09; DFW 12-2009(Temp), f. 2-13-09, cert. ef. 2-15-09 thru 7-31-09; DFW 24-2009(Temp), f. 3-10-09, cert. ef. 3-11-09 thru 7-31-09; DFW 49-2009(Temp), f. 5-14-09, cert. ef 5-17-09 thru 7-31-09; DFW 89-2009(Temp), f. 8-3-09, cert. ef. 8-4-09 thru 12-31-09; DFW 107-2009(Temp), f. 9-2-09, cert. ef. 9-5-09 thru 10-31-09; Administrative correction 11-19-09; DFW 17-2010(Temp), f. & cert. ef. 2-22-10 thru 7-31-10; DFW 20-2010(Temp), f. & cert. ef. 2-26-10 thru 7-31-10; DFW 30-2010(Temp), f. 3-11-10, cert. ef. 3-14-10 thru 7-31-10; DFW 35-2010(Temp), f. 3-23-10, cert. ef. 3-24-10 thru 7-31-10; DFW 40-2010(Temp), f. & cert. ef. 4-1-10 thru 7-31-10; DFW 46-2010(Temp), f. & cert. ef. 4-21-10 thru 7-31-10; DFW 53-2010(Temp), f. & cert. ef. 5-4-10 thru 7-31-10; DFW 57-2010(Temp), f. & cert. ef. 5-11-10 thru 7-31-10; DFW 69-2010(Temp), f. & cert. ef. 5-18-10 thru 7-31-10; DFW 113-2010(Temp), f. 8-2-10, cert. ef. 8-4-10 thru 10-31-10; DFW 129-2010(Temp), f. & cert. ef. 9-10-10 thru 10-31-10; Administrative correction 11-23-10; DFW 12-2011(Temp), f. 2-10-11, cert. ef. 2-13-11 thru 7-29-11; DFW 23-2011, f. & cert. ef. 3-21-11; DFW 32-2011(Temp), f. 4-20-11, cert. ef. 4-21-11 thru 7-29-11; DFW 35-2011(Temp), f. & cert. ef. 4-28-11 thru 7-29-11; DFW 46-2011(Temp), f. & cert. ef. 5-12-11 thru 7-29-11; DFW 52-2011(Temp), f. & cert. ef. 5-18-11 thru 7-29-11; DFW 76-2011(Temp), f. 6-24-11, cert. ef. 6-27-11 thru 7-29-11; DFW 106-2011(Temp), f. 8-2-11, cert. ef. 8-3-11 thru 10-31-11; DFW 121-2011(Temp), f. 8-29-11, cert. ef. 9-5-11 thru 10-31-11; Administrative correction, 11-18-11; DFW 12-2012(Temp), f. 2-8-12, cert. ef. 2-12-12 thru 7-31-12; DFW 24-2012(Temp), f. 3-15-12, cert. ef. 3-18-12 thru 7-31-12; DFW 26-2012(Temp), f. 3-20-12, cert. ef. 3-21-12 thru 7-31-12; DFW 27-2012(Temp), f. 3-27-12, cert. ef. 3-29-12 thru 7-31-12; DFW 28-2012(Temp), f. 3-30-12, cert. ef. 4-1-12 thru 7-31-12; DFW 30-2012(Temp), f. 4-4-12, cert. ef. 4-5-12 thru 7-31-12; DFW 36-2012(Temp), f. 4-16-12, cert. ef. 4-19-12 thru 7-31-12; DFW 82-2012(Temp), f. 6-29-12, cert. ef. 7-2-12 thru 7-31-12; DFW 96-2012(Temp), f. 7-30-12, cert. ef. 8-1-12 thru 10-31-12; Administrative correction 11-23-12; DFW 11-2013(Temp), f. 2-8-13, cert. ef. 2-11-13 thru 7-31-13; DFW 22-2013(Temp), f. 3-12-13, cert. ef. 3-13-13 thru 7-31-13; DFW 34-2013(Temp), f. 5-14-13, cert. ef. 5-15-13 thru 7-31-13; DFW 36-2013(Temp), f. & cert. ef. 5-22-13 thru 7-31-13; DFW 44-2013(Temp), f. & cert. ef. 5-29-13 thru 7-31-13; DFW 82-2013(Temp), f. 7-29-13, cert. ef. 7-31-13 thru 10-31-13; DFW 87-2013(Temp), f. & cert. ef. 8-9-13 thru 10-31-13; DFW 109-2013(Temp), f. 9-27-13, cert. ef. 9-30-13 thru 10-31-13; Administrative correction, 11-22-13; DFW 8-2014(Temp), f. & cert. ef. 2-10-14 thru 7-31-14; DFW 18-2014(Temp), f. 3-7-14, cert. ef. 3-10-14 thru 7-30-14; DFW 25-2014(Temp), f. 3-13-14, cert. ef. 3-17-14 thru 7-31-14; DFW 32-2014(Temp), f. 4-21-14, cert. ef. 4-22-14 thru 7-31-14; DFW 35-2014(Temp), f. & cert. ef. 4-24-14 thru 7-31-14; DFW 39-2014(Temp), f. 5-7-14, cert. ef. 5-8-14 thru 7-31-14; DFW 45-2014(Temp), f. 5-14-14, cert. ef. 5-20-14 thru 7-31-14; DFW 51-2014(Temp), f. & cert. ef. 5-28-14 thru 7-31-14; DFW 55-2014(Temp), f. 6-3-14, cert. ef. 6-4-14 thru 7-31-14; DFW 104-2014(Temp), f. 8-4-14, cert. ef. 8-5-14 thru 10-31-14; Administrative correction 11-24-14; DFW 10-2015(Temp), f. 2-3-15, cert. ef. 2-9-15 thru 7-30-15; DFW 17-2015(Temp), f. 3-5-15, cert. ef. 3-9-15 thru 7-30-15; DFW 21-2015(Temp), f. & cert. ef. 3-24-15 thru 7-30-15; DFW 29-2015(Temp), f. & cert. ef. 4-21-15 thru 7-30-15; DFW 37-2015(Temp), f. 5-1-15, cert. ef. 5-4-15 thru 7-30-15; DFW 42-2015(Temp), f. & cert. ef. 5-12-15 thru 7-31-15; DFW 50-2015(Temp), f. & cert. ef. 5-27-15 thru 11-22-15; DFW 58-2015(Temp), f. & cert. ef. 6-2-15 thru 7-31-15

• • • • • • • • • •

Rule Caption: Recreational Salmon and Steelhead Season Bag Limit Modified to Allow Retention of Two Chinook.
Adm. Order No.: DFW 59-2015(Temp)
Filed with Sec. of State: 6-2-2015
Certified to be Effective: 6-3-15 thru 6-15-15
Notice Publication Date:
Rules Amended: 635-023-0125
Rules Suspended: 635-023-0125(T)
Subject: This amended rule modifies the daily bag limit for spring Chinook and steelhead on the Columbia River mainstem from the Tongue Point/Rocky Point line upstream to the Oregon/Washington border to allow retention of two adult adipose fin-clipped Chinook per day beginning June 3, 2015. All sockeye and non adipose fin-clipped salmonids must be released. Modifications are consistent with action taken June 1, 2015 by the Oregon and Washington Departments of Fish and Wildlife at a meeting of the Columbia River Compact.
Rules Coordinator: Michelle Tate—(503) 947-6044

635-023-0125
Spring Sport Fishery

(1) The **2015 Oregon Sport Fishing Regulations** provide requirements for the Columbia River Zone and the Snake River Zone. However, additional regulations may be adopted in this rule division from time to time, and, to the extent of any inconsistency, they supersede the 2015 Oregon Sport Fishing Regulations.

(2) The Columbia River recreational salmon and steelhead fishery downstream of Bonneville Dam is open to angling for salmon, steelhead and shad through Monday June 15, 2015 from the Tongue Point/Rocky Point line upstream to the Bonneville Dam boat deadline with the following restrictions:

(a) No more than two adult adipose fin-clipped salmonids may be retained per day. All sockeye, non-adipose fin-clipped salmon and non-adipose fin-clipped steelhead must be released immediately unharmed.

(b) All other permanent 2015 Oregon Sport Fishing Regulations apply.

(c) The upstream boat boundary at Beacon Rock is defined as: "a deadline marker on the Oregon bank (approximately four miles downstream from Bonneville Dam Powerhouse One) in a straight line through the western tip of Pierce Island to a deadline marker on the Washington bank at Beacon Rock."

(3) The Columbia River recreational salmon and steelhead fishery upstream of the Tower Island power lines (approximately 6 miles below The Dalles Dam) to the Oregon/Washington border, plus the Oregon and Washington banks between Bonneville Dam and the Tower Island power lines is open for retention of adipose fin-clipped Chinook and adipose fin-

clipped steelhead from Thursday, May 28 through Monday, June 15, 2015 (19 days) with the following restrictions:

(a) No more than two adult adipose fin-clipped salmonids may be retained per day. All sockeye, non-adipose fin-clipped salmon and non-adipose fin-clipped steelhead must be released immediately unharmed.

(b) All other permanent 2015 Oregon Sport Fishing Regulations apply.

[Publications: Publications referenced are available from the agency.]
Stat. Auth.: ORS 496.138, 496.146 & 506.119
Stats. Implemented: ORS 496.162 & 506.129
Hist.: DFW 11-2004, f. & cert. ef. 2-13-04; DFW 17-2004(Temp), f. & cert. ef. 3-10-04 thru 7-31-04; DFW 29-2004(Temp), f. 4-15-04, cert. ef. 4-22-04 thru 7-31-04; DFW 30-2004(Temp), f. 4-21-04, cert. ef. 4-22-04 thru 7-31-04; DFW 36-2004(Temp), f. 4-29-04, cert. ef. 5-1-04 thru 7-31-04; DFW 39-2004(Temp), f. 5-5-04, cert.ef. 5-6-04 thru 7-31-04; DFW 44-2004(Temp), f. 5-17-04, cert. ef. 5-20-04 thru 7-31-04; DFW 51-2004(Temp), f. 6-9-04, cert. ef. 6-16-04 thru 7-31-04; Administrative correction 8-19-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 6-2005, f. & cert. ef. 2-14-05; DFW 27-2005(Temp), f. & cert. ef. 4-20-05 thru 6-15-05; DFW 35-2005(Temp), f. 5-4-05, cert. ef. 5-5-05 thru 10-16-05; DFW 38-2005(Temp), f. & cert. ef. 5-10-05 thru 10-16-05; DFW 44-2005(Temp), f. 5-17-05, cert. ef. 5-22-05 thru 10-16-05; DFW 51-2005(Temp), f. 6-3-05, cert. ef. 6-4-05 thru 7-31-05; Administrative correction 11-18-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 5-2006, f. & cert. ef. 2-15-06; DFW 21-2006(Temp), f. 4-13-06, cert. ef. 4-14-06 thru 5-15-06; DFW 27-2006(Temp), f. 5-12-06, cert. ef. 5-13-06 thru 6-15-06; DFW 29-2006(Temp), f. & cert. ef. 5-16-06 thru 7-31-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 7-2007(Temp), f. 1-31-07, cert. ef. 2-1-07 thru 7-30-07; DFW 9-2007, f. & cert. ef. 2-14-07; DFW 28-2007(Temp), f. & cert. ef. 4-26-07 thru 7-26-07; DFW 33-2007(Temp), f. 5-15-07, cert. ef. 5-16-07 thru 7-30-07; DFW 37-2007(Temp), f. & cert. ef. 5-31-07 thru 7-30-07; DFW 39-2007(Temp), f. 6-5-07, cert. ef. 6-6-07 thru 7-31-07; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 13-2008(Temp), f. 2-21-08, cert. ef. 2-25-08 thru 8-22-08; DFW 17-2008(Temp), f. & cert. ef. 2-27-08 thru 8-22-08; DFW 35-2008(Temp), f. 4-17-08, cert. ef. 4-21-08 thru 8-22-08; DFW 49-2008(Temp), f. & cert. ef. 5-13-08 thru 6-15-08; Administrative correction 7-22-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 10-2009(Temp), f. 2-13-09, cert. ef. 3-1-09 thru 6-15-09; DFW 18-2009, f. & cert. ef. 2-26-09; DFW 48-2009(Temp), f. 5-14-09, cert. ef. 5-15-09 thru 6-16-09; DFW 68-2009(Temp), f. 6-11-09, cert. ef. 6-12-09 thru 6-16-09; Administrative correction 7-21-09; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 19-2010(Temp), f. 2-26-10, cert. ef. 3-1-10 thru 8-27-10; DFW 23-2010(Temp), f. & cert. ef. 3-2-10 thru 8-27-10; DFW 45-2010(Temp), f. 4-21-10, cert. ef. 4-24-10 thru 7-31-10; DFW 49-2010(Temp), f. 4-27-10, cert. ef. 4-29-10 thru 7-31-10; DFW 55-2010(Temp), f. 5-7-10, cert. ef. 5-8-10 thru 7-31-10; Suspended by DFW 88-2010(Temp), f. 6-25-10, cert. ef. 6-26-10 thru 7-31-10; Administrative correction 8-18-10; DFW 171-2010, f. 12-30-10, cert. ef. 1-1-11; DFW 13-2011(Temp), f. & cert. ef. 2-14-11 thru 6-15-11; DFW 28-2011(Temp), f. 4-7-11, cert. ef. 4-8-11 thru 6-15-11; DFW 30-2011(Temp), f. 4-15-11, cert. ef. 4-16-11 thru 6-15-11; DFW 33-2011(Temp), f. & cert. ef. 4-21-11 thru 6-15-11; DFW 39-2011(Temp), f. 5-5-11, cert. ef. 5-7-11 thru 6-15-11; DFW 48-2011(Temp), f. 5-13-11, cert. ef. 5-15-11 thru 6-15-11; DFW 55-2011(Temp), f. 5-25-11, cert. ef. 5-27-11 thru 6-15-11; DFW 59-2011(Temp), f. & cert. ef. 6-2-11 thru 6-15-11; Administrative correction 6-28-11; DFW 163-2011, f. 12-27-11, cert. ef. 1-1-12; DFW 8-2012(Temp), f. 2-6-12, cert. ef. 2-15-12 thru 6-15-12; DFW 31-2012(Temp), f. 4-5-12, cert. ef. 4-6-12 thru 6-15-12; DFW 33-2012(Temp), f. 4-12-12, cert. ef. 4-14-12 thru 6-15-12; DFW 45-2012(Temp), f. 5-1-12, cert. ef. 5-2-12 thru 7-31-12; DFW 47-2012(Temp), f. 5-15-12, cert. ef. 5-16-12 thru 7-31-12; DFW 49-2012(Temp), f. 5-18-12, cert. ef. 5-19-12 thru 7-31-12; DFW 51-2012(Temp), f. 5-23-12, cert. ef. 5-26-12 thru 7-31-12; Suspended by DFW 85-2012(Temp), f. 7-6-12, cert. ef. 7-9-12 thru 8-31-12; DFW 149-2012, f. 12-27-12, cert. ef. 1-1-13; DFW 12-2013(Temp), f. 2-12-13, cert. ef. 2-28-13 thru 7-31-13; DFW 26-2013(Temp), f. 4-4-13, cert. ef. 4-5-13 thru 7-1-13; DFW 38-2013(Temp), f. 5-22-13, cert. ef. 5-25-13 thru 7-1-13; DFW 49-2013(Temp), f. 6-7-13, cert. ef. 6-8-13 thru 6-30-13; Administrative correction, 7-18-13; DFW 137-2013, f. 12-19-13, cert. ef. 1-1-14; DFW 12-2014(Temp), f. 2-13-14, cert. ef. 3-1-14 thru 6-15-14; DFW 29-2014(Temp), f. 4-3-14, cert. ef. 4-4-14 thru 6-15-14; DFW 31-2014(Temp), f. 4-17-14, cert. ef. 4-19-14 thru 7-31-14; DFW 40-2014(Temp), f. 5-7-14, cert. ef. 5-9-14 thru 6-30-14; DFW 44-2014(Temp), f. 5-14-14, cert. ef. 5-15-14 thru 6-15-14; DFW 52-2014(Temp), f. 5-28-14, cert. ef. 5-31-14 thru 6-30-14; Administrative correction, 7-24-14; DFW 165-2014, f. 12-18-14, cert. ef. 1-1-15; DFW 12-2015(Temp), f. 2-3-15, cert. ef. 3-1-15 thru 6-15-15; DFW 16-2015(Temp), f. & cert. ef. 3-5-15 thru 6-15-15; DFW 26-2015(Temp), f. 4-8-15, cert. ef. 4-10-15 thru 6-15-15; DFW 35-2015(Temp), f. 4-30-15, cert. ef. 5-2-15 thru 6-15-15; DFW 40-2015(Temp), f. & cert. ef. 5-6-15 thru 6-15-15; DFW 52-2015(Temp), f. 5-27-15, cert. ef. 5-28-15 thru 6-15-15; DFW 59-2015(Temp), f. 6-2-15, cert. ef. 6-3-15 thru 6-15-15

• • • • • • • • • •

Rule Caption: Columbia River Zone 6 Treaty Indian Commercial Gill Net Fishery Set.
Adm. Order No.: DFW 60-2015(Temp)
Filed with Sec. of State: 6-8-2015
Certified to be Effective: 6-9-15 thru 7-31-15
Notice Publication Date:
Rules Amended: 635-041-0065
Rules Suspended: 635-041-0065(T)
Subject: This amended rule allows sales of fish from a gill net season in Zone 6 beginning at 6:00 a.m. Tuesday, June 9 through 6:00 p.m. Thursday, June 11, 2015 (2.5 days). Modifications are consistent with action taken June 4, 2015 by the Oregon and Washington Departments of Fish and Wildlife, in cooperation with the Columbia River Treaty Tribes, at a meeting of the Columbia River Compact.
Rules Coordinator: Michelle Tate—(503) 947-6044

635-041-0065
Spring Season

(1) Salmon, steelhead, shad, walleye, catfish, bass, yellow perch, and carp may be taken for commercial purposes from the Zone 6 Columbia River Treaty Indian Fishery, from 7:00 p.m. Tuesday, May 5 until further notice.

(2) Gear is restricted to subsistence fishing gear which includes hoopnets, dipnets, rod and reel with hook-and-line. Beginning at 6:00 a.m. Tuesday, June 9 through 6:00 p.m. Thursday, June 11, 2015 (2.5 days) fish may also be taken by gill net. There are no mesh size restrictions. Gill net caught fish landed during any open period may be sold after the close of that period.

(3) Closed areas as set forth in OAR 635-041-0045 remain in effect with the exception of Spring Creek Hatchery sanctuary.

(4) White sturgeon between 43-54 inches in fork length caught in The Dalles and John Day pools and white sturgeon between 38-54 inches in fork length caught in the Bonneville Pool may not be sold but may be kept for subsistence use.

(5) Beginning 7:00 p.m. Tuesday, May 5 through 11:59 p.m. Friday, July 31, 2015, commercial sales of salmon, steelhead, walleye, shad, catfish, carp, bass and yellow perch caught in Yakama Nation tributary fisheries in the Klickitat River; Wind River; and Drano Lake are allowed for Yakama Nation members during those days and hours when these tributaries are open under lawfully enacted Yakama Nation fishing periods.

(a) Sturgeon between 43-54 inches in fork length harvested in tributaries within The Dalles or John Day pools and sturgeon between 38-54 inches in fork length harvested in tributaries within Bonneville Pool may not be sold but may be kept for subsistence purposes.

(b) Gear is restricted to subsistence fishing gear which includes hoopnets, dipnets, and rod and reel with hook-and-line. Gillnets may only be used in Drano Lake.

Stat. Auth.: ORS 183.325, 506.109 & 506.119
Stats. Implemented: ORS 506.129 & 507.030
Hist.: FWC 89, f. & ef. 1-28-77; FWC 2-1978, f. & ef. 1-31-78; FWC 7-1978, f. & ef. 2-21-78; FWC 2-1979, f. & ef. 1-25-79; FWC 13-1979(Temp), f. & ef. 3-30-1979, Renumbered from 635-035-0065; FWC 6-1980, f. & ef. 1-28-80; 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 4-1984, f. & ef. 1-31-84; FWC 2-1985, f. & ef. l-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 3-1988(Temp), f. & cert. ef. 1-29-88; FWC 10-1988, f. & cert. ef. 3-4-88; FWC 5-1989, f. 2-6-89, cert. ef. 2-7-89; FWC 13-1989(Temp), f. & cert. ef. 3-21-89; FWC 15-1990(Temp), f. 2-8-90, cert. ef. 2-9-90; FWC 20-1990, f. 3-6-90, cert. ef. 3-15-90; FWC 13-1992(Temp), f. & cert. ef. 3-5-92; FWC 7-1993, f. & cert. ef. 2-1-93; FWC 12-1993(Temp), f. & cert. ef. 2-22-93; FWC 18-1993(Temp), f. & cert. ef. 3-2-93; FWC 7-1994, f. & cert. ef. 2-1-94; FWC 11-1994(Temp), f. & cert. ef. 2-28-94; FWC 9-1995, f. & cert. ef. 2-1-95; FWC 19-1995(Temp), f. & cert. ef. 3-3-95; FWC 5-1996, f. & cert. ef. 2-7-96; FWC 4-1997, f. & cert. ef. 1-30-97; DFW 8-1998(Temp), f. & cert. ef. 2-5-98 thru 2-28-98; DFW 14-1998, f. & cert. ef. 3-3-98; DFW 20-1998(Temp), f. & cert. ef. 3-13-98 thru 3-20-98; DFW 23-1998(Temp), f. & cert. ef. 3-20-98 thru 6-30-98; DFW 2-1999(Temp), f. & cert. ef. 2-1-99 through 2-19-99; DFW 9-1999, f. & cert. ef. 2-26-99; DFW 14-1999(Temp), f. 3-5-99, cert. ef. 3-6-99 thru 3-20-99; Administrative correction 11-17-99; DFW 6-2000(Temp), f. & cert. ef. 2-1-00 thru 2-29-00; DFW 9-2000, f. & cert. ef. 2-25-00; DFW 19-2000, f. 3-18-00, cert. ef. 3-18-00 thru 3-21-00; DFW 26-2000(Temp), f. 5-4-00, cert. ef. 5-6-00 thru 5-28-00; Administrative correction 5-22-00; DFW 3-2001, f. & cert. ef. 2-6-01; DFW 14-2001(Temp), f. 3-12-01, cert. ef. 3-14-01 thru 3-21-01; Administrative correction 6-20-01; DFW 9-2002, f. & cert. ef. 2-1-02; DFW 11-2002(Temp), f. & cert. ef. 2-8-02 thru 8-7-02; DFW 17-2002(Temp), f. 3-7-02, cert. ef. 3-8-02 thru 9-1-02; DFW 18-2002(Temp), f. 3-13-02, cert. ef. 3-15-02 thru 9-11-02; DFW 134-2002(Temp), f. & cert. ef. 12-19-02 thru 4-1-03; DFW 20-2003(Temp), f. 3-12-03, cert. ef. 3-13-03 thru 4-1-03; DFW 131-2003(Temp), f. 12-26-03, cert. ef. 1-1-04 thru 4-1-04; DFW 5-2004(Temp), f. 1-26-04, cert. ef. 2-2-04 thru 4-1-04; DFW 15-2004(Temp), f. 3-8-04, cert. ef. 3-10-04 thru 4-1-04; DFW 130-2004(Temp), f. 12-23-04, cert. ef. 1-1-05 thru 4-1-05; DFW 4-2005(Temp), f. & cert. ef 1-31-05 thru 4-1-05; DFW 18-2005(Temp), f. & cert. ef. 3-15-05 thru 3-21-05; Administrative correction 4-20-05; DFW 3-2006(Temp), f. & cert. ef. 1-27-06 thru 3-31-06; Administrative correction 4-19-06; DFW 7-2007(Temp), f. 1-31-07, cert. ef. 2-1-07 thru 7-30-07; DFW 9-2007, f. & cert. ef. 2-14-07; DFW 14-2007(Temp), f. & cert. ef. 3-9-07 thru 9-4-07; DFW 15-2007(Temp), f. & cert. ef. 3-14-07 thru 9-9-07; Administrative correction 9-16-07; DFW 6-2008(Temp), f. 1-29-08, cert. ef. 1-31-08 thru 7-28-08; DFW 20-2008(Temp), f. 2-28-08, cert. ef. 2-29-08 thru 7-28-08; DFW 21-2008(Temp), f. & cert. ef. 3-5-08 thru 7-28-08; DFW 22-2008(Temp), f. 3-7-08, cert. ef. 3-10-08 thru 7-28-08; Administrative correction 8-21-08; DFW 142-2008, f. & cert. ef. 11-21-08; DFW 6-2009(Temp), f. 1-30-09, cert. ef. 2-2-09 thru 8-1-09; DFW 11-2009(Temp), f. 2-13-09, cert. ef. 2-16-09 thru 7-31-09; DFW 22-2009(Temp), f. 3-5-09, cert. ef. 3-6-09 thru 7-31-09; Administrative correction 8-21-09; DFW 9-2010(Temp), f. & cert. ef. 2-3-10 thru 8-1-10; DFW 12-2010(Temp), f. 2-10-10, cert. ef. 2-11-10 thru 8-1-10; DFW 18-2010(Temp), f. 2-24-10, cert. ef. 2-26-10 thru 4-1-10; DFW 24-2010(Temp), f. 3-2-10, cert. ef. 3-3-10 thru 4-1-10; Administrative correction 4-21-10; DFW 8-2011(Temp), f. 1-31-11, cert. ef. 2-1-11 thru 4-1-11; DFW 9-2011(Temp), f. 2-9-11, cert. ef. 2-10-11 thru 4-1-11; DFW 23-2011, f. & cert. ef. 3-21-11; DFW 5-2012(Temp), f. 1-30-12, cert. ef. 2-1-12 thru 3-31-12; DFW 18-2012(Temp), f. 2-28-12, cert. ef. 2-29-12 thru 6-15-12; DFW 19-2012(Temp), f. 3-2-12, cert. ef. 3-5-12 thru 6-15-12; DFW 20-2012(Temp), f. & cert. ef. 3-5-12 thru 6-15-12; DFW 46-2012(Temp), f. 5-14-12, cert. ef. 5-15-12 thru 6-30-12; Administrative correction, 8-1-12; DFW 9-2013(Temp), f. 1-31-13, cert. ef. 2-1-13 thru 3-31-13; DFW 15-2013(Temp), f. 2-22-13, cert. ef. 2-27-13 thru 6-15-13; DFW 18-2013(Temp), f. 3-5-13, cert. ef. 3-6-13 thru 6-15-13; DFW 35-2013(Temp), f. & cert. ef. 5-21-13 thru 6-30-13; DFW 48-2013(Temp), f. 6-7-13, cert. ef. 6-8-13 thru 7-31-13; Administrative correction, 8-21-13; DFW 6-2014(Temp), f. 1-30-14, cert. ef. 2-1-14 thru 7-30-14; DFW 15-2014(Temp), f. 2-25-14, cert. ef. 2-26-14 thru 7-30-14; DFW 17-2014(Temp), f. 2-28-14, cert. ef. 3-1-14 thru 7-30-14; DFW 23-2014(Temp), f. 3-11-14, cert. ef. 3-12-14 thru 7-31-14; DFW 37-2014(Temp), f. & cert. ef.

5-6-14 thru 7-31-14; DFW 46-2014(Temp), f. 5-19-14, cert. ef. 5-20-14 thru 7-31-14; DFW 48-2014(Temp), f. 5-27-14, cert. ef. 5-28-14 thru 7-31-13; DFW 54-2014(Temp), f. 6-2-14, cert. ef. 6-3-14 thru 7-31-14; DFW 59-2014(Temp), f. 6-9-14, cert. ef. 6-10-14 thru 7-31-14; Administrative correction, 8-28-14; DFW 9-2015(Temp), f. 1-29-15, cert. ef. 2-2-15 thru 3-31-15; DFW 13-2015(Temp), f. 2-19-15, cert. ef. 2-20-15 thru 3-31-15; DFW 19-2015(Temp), f. 3-11-15, cert. ef. 3-12-15 thru 3-31-15; Administrative correction, 4-21-15; DFW 38-2015(Temp), f. & cert. ef. 5-5-15 thru 7-31-15; DFW 46-2015(Temp), f. 5-18-19, cert. ef. 5-19-15 thru 7-31-15; DFW 48-2015, f. 5-26-15, cert. ef. 5-27-15 thru 7-31-15; DFW 55-2015(Temp), f. & cert. ef. 6-2-15 thru 7-31-15; DFW 60-2015(Temp), f. 6-8-15, cert. ef. 6-9-15 thru 7-31-15

• • • • • • • • • •

Rule Caption: 2015 Columbia River Summer Recreational Fisheries Implemented.
Adm. Order No.: DFW 61-2015(Temp)
Filed with Sec. of State: 6-8-2015
Certified to be Effective: 6-16-15 thru 7-31-15
Notice Publication Date:
Rules Amended: 635-023-0128
Subject: This amended rule implements 2015 summer recreational salmon fishing seasons in the Columbia River. Modifications to regulations for 2015 conform to regulation changes developed through this year's Pacific Fishery Management Council/North of Falcon process. Housekeeping and technical corrections to the regulations were made to ensure rule consistency with the State of Washington.
Rules Coordinator: Michelle Tate—(503) 947-6044

635-023-0128
Summer Sport Fishery

(1) The **2015 Oregon Sport Fishing Regulations** provide requirements for the Columbia River Zone and the Snake River Zone. However, additional regulations may be adopted in this rule division from time to time, and, to the extent of any inconsistency, they supersede the 2015 Oregon Sport Fishing Regulations.

(2) Retention of sockeye and adipose fin-clipped adult summer Chinook will be allowed in the mainstem Columbia River:

(a) From the Astoria-Megler Bridge upstream to Bonneville Dam beginning June 16 through July 6; and

(b) From Bonneville Dam upstream to the Oregon/Washington border beginning June 16 through July 31.

(c) The daily bag limit is two adult salmonids and five jacks. All sockeye are considered adults in the daily limit and must be recorded as adults on the combined angling tag.

(3) Retention of adipose fin-clipped jack summer Chinook (between 12 and 24 inches in length) and adipose fin-clipped steelhead is allowed from the Astoria-Megler Bridge upstream to the Oregon/Washington border beginning June 16 through July 31. The daily bag limit is two adults and five jacks.

[Publications: Publications referenced are available from the agency.]
Stat. Auth.: ORS 496.138, 496.146 & 506.119
Stats. Implemented: ORS 496.162 & 506.129
Hist.: DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 52-2005(Temp), f. 6-3-05, cert. ef. 6-16-05 thru 7-31-05; DFW 64-2005(Temp), f. 6-30-05, cert. ef. 7-1-05 thru 7-31-05; Administrative correction 8-17-05; DFW 26-2006(Temp), f. 4-20-06, cert. ef. 5-1-06 thru 10-27-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 24-2007, f. 4-16-07, cert. ef. 5-1-07; DFW 51-2007(Temp), f. 6-29-07, cert. ef. 7-2-07 thru 7-31-07; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 36-2008, f. 4-21-08, cert. ef. 5-1-08; DFW 61-2008(Temp), f. 6-13-08, cert. ef. 6-16-08 thru 7-31-08; DFW 68-2008(Temp), f. 6-20-08, cert. ef. 6-21-08 thru 8-31-08; DFW 71-2008(Temp), f. 6-27-08, cert. ef. 6-28-08 thru 8-31-08; Administrative correction 9-29-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 52-2009, f. & cert. ef. 5-18-09; DFW 69-2009(Temp), f. 6-11-09, cert. ef. 6-16-09 thru 7-31-09; Administrative correction 8-21-09; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 77-2010, f. 6-8-10, cert. ef. 6-16-10; DFW 88-2010(Temp), f. 6-25-10, cert. ef. 6-26-10 thru 7-31-10; Administrative correction 8-18-10; DFW 171-2010, f. 12-30-10, cert. ef. 1-1-11; DFW 65-2011(Temp), f. 6-14-11, cert. ef. 6-16-11 thru 7-31-11; DFW 95-2011(Temp), f. 7-15-11, cert. ef. 7-18-11 thru 7-31-11; Administrative correction 9-23-11; DFW 163-2011, f. 12-27-11, cert. ef. 1-1-12; DFW 64-2012(Temp), f. 6-12-12, cert. ef. 6-16-12 thru 7-31-12; [DFW 85-2012(Temp), f. 7-6-12, cert. ef. 7-9-12 thru 8-31-12; Temporary Suspended by DFW 100-2012(Temp), f. 7-31-12, cert. ef. 8-1-12 thru 12-31-12]; DFW 149-2012, f. 12-27-12, cert. ef. 1-1-13; DFW 55-2013(Temp), f. 6-12-13, cert. ef. 6-16-13 thru 7-31-13; DFW 66-2013(Temp), f. & cert. ef. 6-27-13 thru 7-31-13; DFW 70-2013(Temp), f. 7-11-13, cert. ef. 7-13-13 thru 7-31-13; Administrative correction, 8-21-13; DFW 137-2013, f. 12-19-13, cert. ef. 1-1-14; DFW 68-2014(Temp), f. 6-12-14, cert. ef. 6-16-14 thru 7-31-14; DFW 85-2014(Temp), f. 7-2-14, cert. ef. 7-3-14 thru 7-31-14; DFW 92-2014(Temp), f. 7-10-14, cert. ef. 7-11-14 thru 7-31-14; Administrative correction, 8-28-14; DFW 165-2014, f. 12-18-14, cert. ef. 1-1-15; DFW 61-2015(Temp), f. 6-8-15, cert. ef. 6-16-15 thru 7-31-15

• • • • • • • • • •

Rule Caption: Columbia River Commercial Spring Chinook Drift Net Fishery Set for June 10, 2015.
Adm. Order No.: DFW 62-2015(Temp)
Filed with Sec. of State: 6-9-2015
Certified to be Effective: 6-10-15 thru 6-11-15
Notice Publication Date:
Rules Amended: 635-042-0022
Rules Suspended: 635-042-0022(T)
Subject: This amended rule authorizes a 12-hour non-Indian commercial spring Chinook drift net fishery in the mainstem Columbia River to commence on Wednesday, June 10 at 7:00 p.m. and run through 7:00 a.m. Thursday, June 11, 2015 from the mouth of the Columbia River upstream to Beacon Rock (Zones 1 thru 5). Modifications are consistent with action taken June 9, 2015 by the Oregon and Washington Departments of Fish and Wildlife at a meeting of the Columbia River Compact.
Rules Coordinator: Michelle Tate—(503) 947-6044

635-042-0022
Spring Chinook Gillnet and Tangle Net Fisheries

(1) Adipose fin-clipped Chinook salmon, Sockeye, and shad may be taken by drift gillnet for commercial purposes from the mouth of the Columbia River upstream to Beacon Rock (Zones 1–5 during the period: 7:00 p.m Wednesday, June 10 to 7:00 a.m. Thursday, June 11, 2015 (12 hours).

(2) An adipose fin-clipped salmon is defined as a hatchery salmon with a clipped adipose fin and having a healed scar at the location of the fin. The adipose fin is the small fatty fin on salmonids located between the dorsal fin and tail.

(3) During the spring Chinook gillnet fishery:

(a) It is unlawful to use a gillnet having a mesh size less than 8 inches or more than 9-3/4 inches.

(b) Mesh size for the fishery is determined as described in OAR 635-042-0010(4).

(c) Nets not specifically authorized for use in this fishery may be onboard the vessel if properly stored. A properly stored net is defined as a net on a drum that is fully covered by a tarp (canvas or plastic) and bound with a minimum of ten revolutions of rope with a diameter of 3/8 (0.375) inches or greater. Other permanent gear regulations remain in effect.

(4) Nets shall not exceed 900 feet (150 fathoms) in length. A red cork must be placed on the corkline every 25 fathoms as measured from the first mesh of the net. Red corks at 25 fathom intervals must be in color contrast to the corks used in the remainder of the net.

(5) Nets shall be fished for no longer than 45 minutes per set. The time of fishing is measured from when the first mesh of the net is deployed into the water until the last mesh of the net is fully retrieved from the water.

(6) Sturgeon, nonadipose fin-clipped Chinook salmon, and steelhead must be released immediately to the river with care and with the least possible injury to the fish, or placed into an operating recovery box.

(a) One operating recovery box with two chambers or two operating recovery boxes with one chamber each to aid survival of released fish must be on board each fishing vessel participating in the fishery. Recovery boxes shall be operating during any time that a net is being retrieved or picked.

(b) Non-adipose fin-clipped Chinook salmon and all steelhead that are bleeding, in lethargic condition, or appearing dead must be placed in the recovery box for rehabilitation purposes prior to release to the river.

(c) Each chamber of the recovery box must meet the following dimensions as measured from within the box; the inside length measurement must be at or within 39 1/2 to 48 inches, the inside width measurement must be at or within 8 to 10 inches, and the inside height measurement must be at or within 14 to 16 inches.

(d) Each chamber of the recovery box must include an operating water pumping system capable of delivering a minimum flow of 16 gallons per minute not to exceed 20 gallons per minute of fresh river water into each chamber. The fisher must demonstrate to the Department and Washington Department of Fish and Wildlife employees, fish and wildlife enforcement officers, or other peace officers, upon request, that the pumping system is delivering the proper volume of fresh river water into each chamber.

(e) Each chamber of the recovery box must include a water inlet hole between 3/4 inch and 1 inch in diameter, centered horizontally across the door or wall of chamber and 1 3/4 inches from the floor of the chamber.

(f) Each chamber of the recovery box must include a water outlet that is at least 1 1/2 inches in diameter. The center of the outlet hole must be located a minimum of 12 inches above the floor of the box or chamber, on either the same or opposite end as the inlet.

(g) All fish placed in recovery boxes must be released to the river prior to landing or docking.

(7) At least one fisher on each boat engaged in the fishery must have attended a one-day workshop hosted by the Department or Washington Department of Fish and Wildlife to educate fishers on regulations and best methods for conduct of the fishery.

(8) Nothing in this section sets any precedent for any future spring Chinook fishery. The fact that an individual has attended a live capture training workshop does not entitle the individual to participate in any other fishery. If the Department authorizes a Live Capture fishery in the spring or at any other time, the Department may establish qualifications and requirements that are different from those already established. In particular, the Department may consider an individual's compliance with these rules in determining that individual's eligibility to participate in any future Live Capture fisheries.

(9) As authorized by OAR-635-006-0140 owners or operators of commercial fishing vessels must cooperate with Department fishery observers, or observers collecting data for the Department, when asked by the Department to carry and accommodate an observer on fishing trips for observation and sampling during an open fishery. In addition, cooperation with department personel prior to a fishing period is expected.

(10) Closed waters, as described in OAR 635-042-0005 for Grays River, Elokomin-B, Cowlitz River, Kalama-B, Lewis-B, Sandy and Washougal sanctuaries are in effect during the open fishing periods identified.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
Stats. Implemented: ORS 496.162, 506.129 & 507.030
Hist.: DFW 11-2004, f. & cert. ef. 2-13-04; DFW 12-2004(Temp), f. & cert. ef. 3-1-04, thru 7-31-04; DFW 13-2004(Temp), f. & cert. ef. 3-3-04 thru 7-31-04; DFW 16-2004(Temp), f. & cert. ef. 3-8-04 thru 7-31-04; DFW 18-2004(Temp), f. & cert. ef. 3-10-04 thru 7-31-04; DFW 20-2004(Temp) f. & cert. ef. 3-15-04 thru 7-31-04; DFW 21-2004(Temp), f. & cert. ef. 3-18-04 thru 7-31-04; DFW 25-2004(Temp), f. 3-22-04, cert. ef. 3-23-04 thru 7-31-04; DFW 26-2004(Temp), f. & cert. ef. 3-25-04 thru 7-31-04; DFW 27-2004(Temp), f. & cert. ef. 3-29-04 thru 7-31-04; Administrative correction 8-19-04; DFW 6-2005, f. & cert. ef. 2-14-05; DFW 9-2005(Temp), f. & cert. ef. 3-1-05 thru 7-31-05; DFW 11-2005(Temp), f. 3-2-05, cert. ef. 3-3-05 & 7-31-05; DFW 13-2005(Temp), f. & cert. ef. 3-7-05 thru 7-31-05; DFW 14-2005(Temp), f. & cert. ef. 3-10-05 thru 7-31-05; DFW 18-2005(Temp), f. & cert. ef. 3-15-05 thru 3-21-05; DFW 20-2005(Temp), f. & cert. ef. 3-29-05 thru 3-30-05; DFW 21-2005(Temp), f. & cert. ef. 3-31-05 thru 4-1-05; Administrative correction, 4-20-05; DFW 5-2006, f. & cert. ef. 2-15-06; DFW 7-2006(Temp), f. & cert. ef. 2-23-06 thru 7-31-06; DFW 9-2006(Temp), f. 3-1-06, cert. ef. 3-2-06 thru 7-31-06; DFW 10-2006(Temp), f. 3-6-06, cert. ef. 3-7-06 thru 7-31-06; DFW 11-2006(Temp), f. & cert. ef. 3-9-06 thru 7-31-06; DFW 12-2006(Temp), f. 3-13-06, cert. ef. 3-14-06 thru 7-31-06; DFW 29-2006(Temp), f. & cert. ef. 5-16-06 thru 7-31-06; DFW 30-2006(Temp), f. & cert. ef. 5-18-06 thru 7-31-06; DFW 32-2006(Temp), f. & cert. ef. 5-23-06 thru 7-31-06; DFW 35-2006(Temp), f. & cert. ef. 5-30-06 thru 7-31-06; Administrative correction 8-22-06; DFW 9-2007, f. & cert. ef. 2-14-07; DFW 13-2007(Temp), f. & cert. ef. 3-6-07 thru 9-1-07; DFW 17-2007(Temp), f. & cert. ef. 3-20-07 thru 9-15-07; DFW 19-2007(Temp), f. & cert. ef. 3-22-07 thru 9-17-07; DFW 44-2007(Temp), f. & cert. ef. 6-14-07 thru 9-17-07; Administrative correction 9-18-07; DFW 31-2008(Temp), f. 3-31-08, cert. ef. 4-1-08 thru 9-27-08; DFW 33-2008(Temp), f. 4-7-08, cert. ef. 4-8-08 thru 9-27-08; DFW 34-2008(Temp), f. 4-14-08, cert. ef. 4-15-08 thru 9-27-08; Suspended by DFW 71-2008(Temp), f. 6-27-08, cert. ef. 6-28-08 thru 8-31-08; Administrative correction 10-21-08; DFW 142-2008, f. & cert. ef. 11-21-08; DFW 30-2009(Temp), f. 3-23-09, cert. ef. 3-27-09 thru 4-30-09; DFW 34-2009(Temp), f. 4-6-09, cert. ef. 4-7-09 thru 4-30-09; DFW 36-2009(Temp), f. 4-13-09, cert. ef. 4-14-09 thru 4-30-09; Administrative correction 5-20-09; DFW 38-2010(Temp), f. & cert. ef. 3-30-10 thru 4-30-10; DFW 41-2010(Temp), f. 4-6-10, cert. ef. 4-7-10 thru 4-30-10; Administrative correction 5-19-10; DFW 25-2011(Temp), f. & cert. ef. 3-29-11 thru 4-1-11; DFW 27-2011(Temp), f. 4-5-11, cert. ef. 4-6-11 thru 4-10-11; Administrative correction, 4-25-11; DFW 45-2011(Temp), f. & cert. ef. 5-12-11 thru 6-30-11; DFW 51-2011(Temp), f. & cert. ef. 5-18-11 thru 6-30-11; Administrative correction 7-22-11; DFW 29-2012(Temp), f. 4-2-12, cert. ef. 4-3-12 thru 4-30-12; DFW 32-2012(Temp), f. 4-9-12, cert. ef. 4-10-12 thru 4-30-12; Administrative correction, 5-25-12; DFW 27-2013(Temp), f. 4-8-13, cert. ef. 4-9-13 thru 4-30-13; DFW 34-2013(Temp), f. 5-14-13, cert. ef. 5-15-13 thru 7-31-13; DFW 37-2013(Temp), f. & cert. ef. 5-22-13 thru 5-31-13; DFW 45-2013(Temp), f. & cert. ef. 5-29-13 thru 6-15-13; Administrative correction, 7-18-13; DFW 28-2014(Temp), f. 3-31-14, cert .ef. 4-1-14 thru 7-31-14; DFW 38-2014(Temp), f. & cert. ef. 5-7-14 thru 7-31-14; DFW 43-2014(Temp), f. 5-14-14, cert. ef. 5-20-14 thru 7-31-14; DFW 50-2014(Temp), f. & cert. ef. 5-28-14 thru 7-31-14; DFW 55-2014(Temp), f. 6-3-14, cert. ef. 6-4-14 thru 7-31-14; Administrative correction, 8-28-14; DFW 22-2015(Temp), f. 3-30-15, cert. ef. 3-31-15 thru 4-1-15; DFW 24-2015(Temp), f. 4-6-15, cert. ef. 4-7-15 thru 4-8-15; Administrative correction, 4-21-15; DFW 36-2015(Temp), f. 5-1-15, cert. ef. 5-4-15 thru 5-5-15; DFW 39-2015(Temp), f. & cert. ef. 5-6-15 thru 5-7-15; DFW 43-2015(Temp), f. & cert. ef. 5-12-15 thru 5-13-15; Administrative correction, 5-21-15; DFW 51-2015(Temp), f. & cert. ef. 5-27-15 thru 5-28-15; DFW 57-2015(Temp), f. & cert. ef. 6-2-15 thru 6-3-15; DFW 62-2015(Temp), f. 6-9-15, cert. ef. 6-10-15 thru 6-11-15

• • • • • • • • • •

Rule Caption: Youngs Bay Select Area Commercial Spring Fishery Modified.
Adm. Order No.: DFW 63-2015(Temp)
Filed with Sec. of State: 6-9-2015
Certified to be Effective: 6-10-15 thru 7-31-15
Notice Publication Date:
Rules Amended: 635-042-0145
Rules Suspended: 635-042-0145(T)
Subject: This amended rule modifies harvest regulations for a spring commercial fishery previously adopted for the Youngs Bay Select Area of the Columbia River. Retention and sale of non-adipose fin-clipped Chinook is prohibited for a nineteen (19) hour period beginning at 7:00 p.m. Wednesday, June 10, 2015. Modifications are consistent with the action taken June 9, 2015 by the Oregon and Washington Departments of Fish and Wildlife at a meeting of the Columbia River Compact.
Rules Coordinator: Michelle Tate—(503) 947-6044

635-042-0145
Youngs Bay Salmon Season

(1) Salmon and shad may be taken for commercial purposes during open 2015 fishing periods in waters of Youngs Bay as described below. Retention and sale of white sturgeon is prohibited.

(a) The 2015 open fishing periods are established in three segments categorized as the winter fishery, subsection (1)(a)(A); the spring fishery, subsection (1)(a)(B); and summer fishery, subsection (1)(a)(C), as follows:

(A) Winter Season: None scheduled.

(B) Spring Season: Open during the following periods:

Noon Mondays through Noon Fridays (4 days/week) from May 11 through June 12 (20 days) except that retention and sale of non-adipose fin-clipped Chinook is prohibited from 7:00 p.m. Wednesday, June 10 through 2:00 p.m. Thursday, June 11, 2015 (19 hours).

(C) Summer Season: Beginning June 16 the following open periods apply:

Noon Tuesday, June 16 through Noon Friday, June 19 (3 days);
Noon Mondays through Noon Fridays, June 22–July 3 (8 days);
Noon Monday, July 6 through Noon Thursday, July 9 (3 days); and
Noon Tuesdays through Noon Thursdays, July 14 through July 30 (6 days).

(b) For the winter fisheries, the waters of Youngs Bay from the Highway 101 Bridge upstream to the upper boundary markers at the confluence of the Klaskanine and Youngs rivers including the lower Walluski River upstream to the Highway 202 Bridge are open. Those waters southerly of the alternate Highway 101 Bridge (Lewis and Clark River) are closed. For the spring and summer fisheries the fishing area is identified as the waters of Youngs Bay from the Highway 101 Bridge upstream to the upper boundary markers at the confluence of the Klaskanine and Youngs rivers and includes the lower Walluski River upstream to Highway 202 Bridge and the lower Lewis and Clark River upstream to the overhead power lines immediately upstream of Barrett Slough.

(2) Gill nets may not exceed 1,500 feet (250 fathoms) in length and weight may not exceed two pounds per any fathom except the use of additional weights and/or anchors attached directly to the leadline is allowed upstream of markers located approximately 200 yards upstream of the mouth of the Walluski River during all Youngs Bay commercial fisheries and upstream of the alternate Highway 101 Bridge in the Lewis and Clark River during the spring and summer seasons. A red cork must be placed on the corkline every 25 fathoms as measured from the first mesh of the net. Red corks at 25-fathom intervals must be in color contrast to the corks used in the remainder of the net.

(a) It is unlawful to use a gill net having a mesh size that is less than 7 inches during the winter season. It is unlawful to use a gill net having a mesh size that is more than 9.75 inches during the spring and summer seasons.

(b) Nets not specifically authorized for use in these areas may be onboard a vessel if properly stored. A properly stored net is defined as a net on a drum that is fully covered by a tarp (canvas or plastic) and bound with a minimum of ten revolutions of rope with a diameter of 3/8 (0.375) inches or greater.

(3) Non-resident commercial fishing and boat licenses are not required for Washington fishers participating in Youngs Bay commercial fisheries. A valid fishing and boat license issued by the state of Washington is considered adequate for participation in this fishery. The open area for non-resident commercial fishers includes all areas open for commercial fishing.

Stat. Auth.: ORS 183.325, 506.109 & 506.119
Stats. Implemented: ORS 506.129 & 507.030
Hist.: FWC 32-1979, f. & ef. 8-22-79; FWC 28-1980, f. & ef. 6-23-80; FWC 42-1980(Temp), f. & ef. 8-22-80; FWC 30-1981, f. & ef. 8-14-81; FWC 42-1981(Temp), f. & ef. 11-5-81; FWC 54-1982, f. & ef. 8-17-82; FWC 37-1983, f. & ef. 8-18-83; FWC 61-1983(Temp), f. & ef. 10-19-83; FWC 42-1984, f. & ef. 8-20-84; FWC 39-1985, f. & ef. 8-15-85; FWC 37-1986, f. & ef. 8-11-86; FWC 72-1986(Temp), f. & ef. 10-31-86; FWC 64-1987, f. & ef. 8-7-87; FWC 73-1988, f. & cert. ef. 8-19-88; FWC 55-1989(Temp), f. 8-7-89, cert. ef. 8-20-89; FWC 82-1990(Temp), f. 8-14-90, cert. ef. 8-19-90; FWC 86-1991, f. 8-7-91, cert. ef. 8-18-91; FWC 123-1991(Temp), f. & cert. ef. 10-21-91; FWC 30-1992(Temp), f. & cert. ef. 4-27-92; FWC 35-1992(Temp), f. 5-22-92, cert. ef. 5-25-92; FWC 74-1992 (Temp), f. 8-10-92, cert. ef. 8-16-92; FWC 28-1993(Temp), f. & cert. ef. 4-26-93; FWC 48-1993, f. 8-6-93, cert. ef. 8-9-93; FWC 21-1994(Temp), f. 4-22-94, cert. ef. 4-25-94; FWC 51-1994, f. 8-19-94, cert. ef. 8-22-94; FWC 64-1994(Temp), f. 9-14-94, cert. ef. 9-15-94; FWC 66-1994(Temp), f. & cert. ef. 9-20-94; FWC 27-1995, f. 3-29-95, cert. ef. 4-1-95; FWC 48-1995(Temp), f. & cert. ef. 6-5-95; FWC 66-1995, f. 8-22-95, cert. ef. 8-27-95; FWC 69-1995, f. 8-25-95, cert.

ef. 8-27-95; FWC 8-1995, f. 2-28-96, cert. ef. 3-1-96; FWC 37-1996(Temp), f. 6-11-96, cert. ef. 6-12-96; FWC 41-1996, f. & cert. ef. 8-12-96; FWC 45-1996(Temp), f. 8-16-96, cert. ef. 8-19-96; FWC 54-1996(Temp), f. & cert. ef. 9-23-96; FWC 4-1997, f. & cert. ef. 1-30-97; FWC 47-1997, f. & cert. ef. 8-15-97; DFW 8-1998(Temp), f. & cert. ef. 2-5-98 thru 2-28-98; DFW 14-1998, f. & cert. ef. 3-3-98; DFW 18-1998(Temp), f. 3-9-98, cert. ef. 3-11-98 thru 3-31-98; DFW 60-1998(Temp), f. & cert. ef. 8-7-98 thru 8-21-98; DFW 67-1998, f. & cert. ef. 8-24-98; DFW 10-1999, f. & cert. ef. 2-26-99; DFW 52-1999(Temp), f. & cert. ef. 8-2-99 thru 8-6-99; DFW 55-1999, f. & cert. ef. 8-12-99; DFW 9-2000, f. & cert. ef. 2-25-00; DFW 42-2000, f. & cert. ef. 8-3-00; DFW 3-2001, f. & cert. ef. 2-6-01; DFW 66-2001(Temp), f. 8-2-01, cert. ef. 8-6-01 thru 8-14-01; DFW 76-2001(Temp), f. & cert. ef. 8-20-01 thru 10-31-01; DFW 106-2001(Temp), f. & cert. ef. 10-26-01 thru 12-31-01; DFW 15-2002(Temp), f. & cert. ef. 2-20-02 thru 8-18-02; DFW 82-2002(Temp), f. 8-5-02, cert. ef. 8-7-02 thru 9-1-02; DFW 96-2002(Temp), f. & cert. ef. 8-26-02 thru 12-31-02; DFW 12-2003, f. & cert. ef. 2-14-03; DFW 17-2003(Temp), f. 2-27-03, cert. ef. 3-1-03 thru 8-1-03; DFW 32-2003(Temp), f. & cert. ef. 4-23-03 thru 8-1-03; DFW 34-2003(Temp), f. & cert. ef. 4-24-03 thru 10-1-03; DFW 36-2003(Temp), f. 4-30-03, cert. ef. 5-1-03 thru 10-1-03; DFW 37-2003(Temp), f. & cert. ef. 5-7-03 thru 10-1-03; DFW 75-2003(Temp), f. & cert. ef. 8-1-03 thru 12-31-03; DFW 89-2003(Temp), f. 9-8-03, cert. ef. 9-9-03 thru 12-31-03; DFW 11-2004, f. & cert. ef. 2-13-04; DFW 19-2004(Temp), f. & cert. ef. 3-12-04 thru 3-31-04; DFW 22-2004(Temp), f. & cert. ef. 3-18-04 thru 3-31-04; DFW 28-2004(Temp), f. 4-8-04 cert. ef. 4-12-04 thru 4-15-04; DFW 39-2004(Temp), f. 5-5-04, cert.ef. 5-6-04 thru 7-31-04; DFW 44-2004(Temp), f. 5-17-04, cert. ef. 5-20-04 thru 7-31-04; DFW 79-2004(Temp), f. 8-2-04, cert. ef. 8-3-04 thru 12-31-04; DFW 109-2004(Temp), f. & cert. ef. 10-19-04 thru 12-31-04; DFW 6-2005, f. & cert. ef. 2-14-05; DFW 15-2005(Temp), f. & cert. ef. 3-10-05 thru 7-31-05; DFW 18-2005(Temp), f. & cert. ef. 3-15-05 thru 3-21-05; Administrative correction 4-20-05; DFW 27-2005(Temp), f. & cert. ef. 4-20-05 thru 6-15-05; DFW 28-2005(Temp), f. & cert. ef. 4-28-05 thru 6-16-05; DFW 37-2005(Temp), f. & cert. ef. 5-5-05 thru 10-16-05; DFW 40-2005(Temp), f. & cert. ef. 5-10-05 thru 10-16-05; DFW 46-2005(Temp), f. 5-17-05, cert. ef. 5-18-05 thru 10-16-05; DFW 73-2005(Temp), f. 7-8-05, cert. ef. 7-11-05 thru 7-31-05; DFW 77-2005(Temp), f. 7-14-05, cert. ef. 7-18-05 thru 7-31-05; DFW 85-2005(Temp), f. 8-1-05, cert. ef. 8-3-05 thru 12-31-05; DFW 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05; DFW 110-2005(Temp), f. & cert. ef. 9-26-05 thru 12-31-05; DFW 116-2005(Temp), f. 10-4-05, cert. ef. 10-5-05 thru 12-31-05; DFW 120-2005(Temp), f. & cert. ef. 10-11-05 thru 12-31-05; DFW 124-2005(Temp), f. & cert. ef. 10-18-05 thru 12-31-05; Administrative correction 1-20-06; DFW 5-2006, f. & cert. ef. 2-15-06; DFW 14-2006(Temp), f. 3-15-06, cert. ef. 3-16-06 thru 7-27-06; DFW 15-2006(Temp), f. & cert. ef. 3-23-06 thru 7-27-06; DFW 17-2006(Temp), f. 3-29-06, cert. ef. 3-30-06 thru 7-27-06; DFW 29-2006(Temp), f. & cert. ef. 5-16-06 thru 7-31-06; DFW 32-2006(Temp), f. & cert. ef. 5-23-06 thru 7-31-06; DFW 35-2006(Temp), f. & cert. ef. 5-30-06 thru 7-31-06; DFW 52-2006(Temp), f. & cert. ef. 6-28-06 thru 7-27-06; DFW 73-2006(Temp), f. 8-1-06, cert. ef. 8-2-06 thru 12-31-06; DFW 103-2006(Temp), f. 9-15-06, cert. ef. 9-18-06 thru 12-31-06; DFW 119-2006(Temp), f. & cert. ef. 10-18-06 thru 12-31-06; Administrative correction 1-16-07; DFW 7-2007(Temp), f. 1-31-07, cert. ef. 2-1-07 thru 7-30-07; DFW 9-2007, f. & cert. ef. 2-14-07; DFW 13-2007(Temp), f. & cert. ef. 3-6-07 thru 9-1-07; DFW 16-2007(Temp), f. & cert. ef. 3-14-07 thru 9-9-07; DFW 25-2007(Temp), f. 4-17-07, cert. ef. 4-18-07 thru 7-26-07; DFW 45-2007(Temp), f. 6-15-07, cert. ef. 6-25-07 thru 7-31-07; DFW 50-2007(Temp), f. 6-29-07, cert. ef. 7-4-07 thru 7-31-07; DFW 61-2007(Temp), f. 7-30-07, cert. ef. 8-1-07 thru 10-31-07; DFW 108-2007(Temp), f. 10-12-07, cert. ef. 10-14-07 thru 12-31-07; Administrative correction 1-24-08; DFW 6-2008(Temp), f. 1-29-08, cert. ef. 1-31-08 thru 7-28-08; DFW 16-2008(Temp), f. 2-26-08, cert. ef. 3-2-08 thru 8-28-08; DFW 30-2008(Temp), f. 3-27-08, cert. ef. 3-30-08 thru 8-28-08; DFW 48-2008(Temp), f. & cert. ef. 5-12-08 thru 8-28-08; DFW 58-2008(Temp), f. & cert. ef. 6-4-08 thru 8-31-08; DFW 85-2008(Temp), f. 7-24-08, cert. ef. 8-1-08 thru 12-31-08; DFW 108-2008(Temp), f. 9-8-08, cert. ef. 9-9-08 thru 12-31-08; Administrative correction 1-23-09; DFW 12-2009(Temp), f. 2-13-09, cert. ef. 2-15-09 thru 7-31-09; DFW 24-2009(Temp), f. 3-10-09, cert. ef. 3-11-09 thru 7-31-09; DFW 49-2009(Temp), f. 5-14-09, cert. ef 5-17-09 thru 7-31-09; DFW 89-2009(Temp), f. 8-3-09, cert. ef. 8-4-09 thru 12-31-09; DFW 107-2009(Temp), f. 9-2-09, cert. ef. 9-5-09 thru 10-31-09; Administrative correction 11-19-09; DFW 17-2010(Temp), f. & cert. ef. 2-22-10 thru 7-31-10; DFW 20-2010(Temp), f. & cert. ef. 2-26-10 thru 7-31-10; DFW 30-2010(Temp), f. 3-11-10, cert. ef. 3-14-10 thru 7-31-10; DFW 35-2010(Temp), f. 3-23-10, cert. ef. 3-24-10 thru 7-31-10; DFW 40-2010(Temp), f. & cert. ef. 4-1-10 thru 7-31-10; DFW 46-2010(Temp), f. & cert. ef. 4-21-10 thru 7-31-10; DFW 53-2010(Temp), f. & cert. ef. 5-4-10 thru 7-31-10; DFW 57-2010(Temp), f. & cert. ef. 5-11-10 thru 7-31-10; DFW 69-2010(Temp), f. & cert. ef. 5-18-10 thru 7-31-10; DFW 113-2010(Temp), f. 8-2-10, cert. ef. 8-4-10 thru 10-31-10; DFW 129-2010(Temp), f. & cert. ef. 9-10-10 thru 10-31-10; Administrative correction 11-23-10; DFW 12-2011(Temp), f. 2-10-11, cert. ef. 2-13-11 thru 7-29-11; DFW 23-2011, f. & cert. ef. 3-21-11; DFW 32-2011(Temp), f. 4-20-11, cert. ef. 4-21-11 thru 7-29-11; DFW 35-2011(Temp), f. & cert. ef. 4-28-11 thru 7-29-11; DFW 46-2011(Temp), f. & cert. ef. 5-12-11 thru 7-29-11; DFW 52-2011(Temp), f. & cert. ef. 5-18-11 thru 7-29-11; DFW 76-2011(Temp), f. 6-24-11, cert. ef. 6-27-11 thru 7-29-11; DFW 106-2011(Temp), f. 8-2-11, cert. ef. 8-3-11 thru 10-31-11; DFW 121-2011(Temp), f. 8-29-11, cert. ef. 9-5-11 thru 10-31-11; Administrative correction, 11-18-11; DFW 12-2012(Temp), f. 2-8-12, cert. ef. 2-12-12 thru 7-31-12; DFW 24-2012(Temp), f. 3-15-12, cert. ef. 3-18-12 thru 7-31-12; DFW 26-2012(Temp), f. 3-20-12, cert. ef. 3-21-12 thru 7-31-12; DFW 27-2012(Temp), f. 3-27-12, cert. ef. 3-29-12 thru 7-31-12; DFW 28-2012(Temp), f. 3-30-12, cert. ef. 4-1-12 thru 7-31-12; DFW 30-2012(Temp), f. 4-4-12, cert. ef. 4-5-12 thru 7-31-12; DFW 36-2012(Temp), f. 4-16-12, cert. ef. 4-19-12 thru 7-31-12; DFW 82-2012(Temp), f. 6-29-12, cert. ef. 7-2-12 thru 7-31-12; DFW 96-2012(Temp), f. 7-30-12, cert. ef. 8-1-12 thru 10-31-12; Administrative correction 11-23-12; DFW 11-2013(Temp), f. 2-8-13, cert. ef. 2-11-13 thru 7-31-13; DFW 22-2013(Temp), f. 3-12-13, cert. ef. 3-13-13 thru 7-31-13; DFW 34-2013(Temp), f. 5-14-13, cert. ef. 5-15-13 thru 7-31-13; DFW 36-2013(Temp), f. & cert. ef. 5-22-13 thru 7-31-13; DFW 44-2013(Temp), f. & cert. ef. 5-29-13 thru 7-31-13; DFW 82-2013(Temp), f. 7-29-13, cert. ef. 7-31-13 thru 10-31-13; DFW 87-2013(Temp), f. & cert. ef. 8-9-13 thru 10-31-13; DFW 109-2013(Temp), f. 9-27-13, cert. ef. 9-30-13 thru 10-31-13; Administrative correction, 11-22-13; DFW 8-2014(Temp), f. & cert. ef. 2-10-14 thru 7-31-14; DFW 18-2014(Temp), f. 3-7-14, cert. ef. 3-10-14 thru 7-30-14; DFW 25-2014(Temp), f. 3-13-14, cert. ef. 3-17-14 thru 7-31-14; DFW 32-2014(Temp), f. 4-21-14, cert. ef. 4-22-14 thru 7-31-14; DFW 35-2014(Temp), f. & cert. ef. 4-24-14 thru 7-31-14; DFW 39-2014(Temp), f. 5-7-14, cert. ef. 5-8-14 thru 7-31-14; DFW 45-2014(Temp), f. 5-14-14, cert. ef. 5-20-14 thru 7-31-14; DFW 51-2014(Temp), f. & cert. ef. 5-28-14 thru 7-31-14; DFW 55-2014(Temp), f. 6-3-14, cert. ef. 6-4-14 thru 7-31-14; DFW 104-2014(Temp), f. 8-4-14, cert. ef. 8-5-14 thru 10-31-14; Administrative correction 11-24-14; DFW 10-2015(Temp), f. 2-3-15, cert. ef. 2-9-15 thru 7-30-15; DFW 17-2015(Temp), f. 3-5-15, cert. ef. 3-9-15 thru 7-30-15; DFW 21-2015(Temp), f. & cert. ef. 3-24-15 thru 7-30-15; DFW 29-2015(Temp), f. & cert. ef. 4-21-15 thru 7-30-15; DFW 37-2015(Temp), f. 5-1-15, cert. ef. 5-4-15 thru 7-30-15; DFW 42-2015(Temp), f. & cert. ef. 5-12-15 thru 7-31-15; DFW 50-2015(Temp), f. & cert. ef. 5-27-15 thru 11-22-15; DFW 58-2015(Temp), f. & cert. ef. 6-2-15 thru 7-31-15; DFW 63-2015(Temp), f. 6-9-15, cert. ef. 6-10-15 thru 7-31-15

Rule Caption: John Day River Tumwater Falls Warmwater Fishery Opens.
Adm. Order No.: DFW 64-2015(Temp)
Filed with Sec. of State: 6-9-2015
Certified to be Effective: 6-9-15 thru 8-31-15
Notice Publication Date:
Rules Amended: 635-019-0090
Rules Suspended: 635-019-0090(T)
Subject: This amended rule allows recreational anglers opportunity to harvest warm water fish species in the John Day River from the ODFW marker 1/4 mile downstream from Tumwater Falls up to approximately 200 feet above the falls, which are located near the head of John Day Arm beginning June 9 through August 31, 2015. This modification restores a fishery previously allowed until 2015. Fisheries managers plan to reinstate the fishery by permanent rule for 2016.
Rules Coordinator: Michelle Tate—(503) 947-6044

635-019-0090
Inclusions and Modifications

(1) The **2015 Oregon Sport Fishing Regulations** provide requirements for the Northeast Zone. However, additional regulations may be adopted in this rule division from time to time and to the extent of any inconsistency, they supersede the 2015 Oregon Sport Fishing Regulations.

(2) Lookingglass Creek from the Moses Creek Lane Bridge (County Road 42) to the confluence of Jarboe Creek is open to angling for adipose fin-clipped spring Chinook salmon from May 23, 2015 until further notice.

(a) The daily bag limit is two (2) adipose fin-clipped adult Chinook and five (5) adipose fin-clipped jacks; two daily limits in possession. It is illegal to continue fishing for jack Chinook once the adult bag limit is met.

(b) During the duration of the spring Chinook angling season, the area closure listed for Lookinglass Creek in the Northeast Zone Special Regulations is modified to: Lookingglass Creek closed between Jarboe Creek and 200 feet upstream of the hatchery water intake.

(c) Hook gap restrictions listed in the Northeast Zone Special Regulations for Lookingglass Creek are removed for the duration of the spring Chinook angling season.

(d) All other General, Statewide and Northeast Zone regulations, as provided in the 2015 Oregon Sport Fishing Regulations, remain in effect.

(3) The Imnaha River from the mouth to Summit Creek Bridge (River Mile 45) is open to angling for adipose fin-clipped adult Chinook salmon from June 6, 2015 until further notice.

(a) The daily bag limit is two (2) adipose fin-clipped adult Chinook and five (5) adipose fin-clipped jacks; two daily jack salmon limits in possession. It is illegal to continue fishing for jack Chinook once the adult bag limit is met.

(b) All other General, Statewide and Northeast Zone Regulations, as provided in the 2015 Oregon Sport Fishing Regulations, remain in effect.

(4) The Wallowa River from a deadline at the lower end of Minam State Park upstream to the confluence with the Lostine River is open to angling for adipose fin-clipped adult Chinook salmon from June 6, 2015 until further notice.

(a) The daily bag limit is two (2) adipose fin-clipped adult Chinook and five (5) adipose fin-clipped jacks; two daily jack salmon limits in possession. It is illegal to continue fishing for jack Chinook once the adult bag limit is met.

(b) All other General, Statewide and Northeast Zone Regulations, as provided in the 2015 Oregon Sport Fishing Regulations, remain in effect.

(5) The John Day River from the ODFW marker one-quarter mile downstream from Tumwater Falls up to approximately 200 feet above the falls, which are located near the head of John Day Arm, is open for retention of warmwater fish species beginning June 9 through August 31, 2015.

(a) The daily bag limit for bass is five (5) fish, two (2) daily limits in possession. There is no limit for catfish. For all other warmwater species refer to page 58 of the 2015 Oregon Sport Fishing Regulations.

(b) All other General, Statewide and Northeast Zone regulations, as provided in the 2015 Oregon Sport Fishing Regulations, remain in effect.

(6) The Grande Ronde River from the Oregon State line upstream to a deadline posted 300 feet upstream of the Grande Ronde River Road bridge below Wildcat Creek, with exception of the reach of river approximately 200 feet upstream and 1300 feet downstream of the footbridge at the town of Troy, is open to angling for adult Chinook salmon from June 13 until further notice.

(a) The daily bag limit is two (2) adult Chinook and five (5) jacks; two daily limits in possession. It is illegal to continue fishing for jack Chinook once the adult daily bag limit is met.

(b) Statewide salmon gear restrictions apply.

(c) All other General, Statewide and Northeast Zone Regulations, as provided in the 2015 Oregon Sport Fishing Regulations, remain in effect.

Stat. Auth.: ORS 183.325, 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162 & 506.129

Hist.: FWC 82-1993, f. 12-22-93, cert. ef. 1-1-94; FWC 57-1994(Temp), f. 8-30-94, cert. ef. 10-1-94; FWC 22-1995, f. 3-7-95, cert. ef. 3-10-95; FWC 70-1995, f. 8-29-95, cert. ef. 9-1-95; FWC 77-1995, f. 9-13-95, cert. ef. 1-1-96; FWC 27-1996(Temp), f. 5-24-96, cert. ef. 5-25-96; FWC 57-1996(Temp), f. 9-27-96, cert. ef. 10-1-96; FWC 72-1996, f. 12-31-96, cert. ef. 1-1-97; FWC 26-1997(Temp), f. 4-23-97, cert. ef. 5-17-97; FWC 75-1997, f. 12-31-97, cert. ef. 1-1-98; DFW 13-1998(Temp), f. & cert. ef. 2-26-98 thru 4-15-98; DFW 100-1998, f. 12-23-98, cert. ef. 1-1-99; DFW 5-1999(Temp), f. 2-5-99, cert. ef. 2-6-99 thru 2-19-99; DFW 8-1999(Temp), f. & cert. ef. 2-23-99 thru 4-15-99; DFW 37-1999(Temp), f. 5-24-99, cert. ef. 5-29-99 thru 6-5-99; DFW 43-1999(Temp), f. & cert. ef. 6-10-99 thru 6-13-99; DFW 45-1999(Temp), f. & cert. ef. 6-14-99 thru 6-20-99; DFW 96-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 17-2000(Temp), f. 4-10-00, cert. ef. 4-16-00 thru 6-30-00; DFW 64-2000(Temp), f. 9-21-00, cert. ef. 9-22-00 thru 3-20-01; DFW 83-2000(Temp), f. 12-28-00, cert. ef. 1-1-01 thru 1-31-01; DFW 1-2001, f. 1-25-01, cert. ef. 2-1-01; DFW 5-2001(Temp), f. 2-22-01, cert. ef. 2-24-01 thru 4-15-01; DFW 39-2001(Temp) f. 5-23-01, cert. ef. 5-26-01 thru 7-1-01; DFW 40-2001(Temp) f. & cert. ef. 5-24-01 thru 11-20-01; DFW 45-2001(Temp), f. 6-1-01, cert. ef. 6-2-01 thru 7-31-01; DFW 49-2001(Temp), f. 6-19-01, cert. ef. 6-22-01 thru 7-31-01; DFW 70-2001, f. & cert. ef. 8-10-01; DFW 71-2001(Temp), f. 8-10-01, cert. ef. 9-1-01 thru 12-31-01; DFW 96-2001(Temp), f. 10-4-01, cert. ef. 12-1-01 thru 12-31-01; DFW 122-2001(Temp), f. & cert. ef. 12-31-01 thru 5-31-02; DFW 123-2001, f. 12-31-01, cert. ef. 1-1-02; DFW 26-2002, f. & cert. ef. 3-21-02; DFW 52-2002(Temp), f. 5-22-02, cert. ef. 5-26-02 thru 7-1-02; DFW 53-2002(Temp), f. 5-24-02, cert. ef. 5-26-02 thru 7-1-02; DFW 57-2002(Temp), f. & cert. ef. 5-30-02 thru 7-1-02; DFW 91-2002(Temp) f. 8-19-02, cert. ef 8-20-02 thru 11-1-02 (Suspended by DFW 101-2002(Temp), f. & cert. ef. 10-3-02 thru 11-1-02); DFW 130-2002, f. 11-21-02, cert. ef. 1-1-03; DFW 44-2003(Temp), f. 5-23-03, cert. ef. 5-28-03 thru 7-1-03; DFW 48-2003(Temp), f. & cert. ef. 6-5-03 thru 7-1-03; DFW 125-2003, f. 12-11-03, cert. ef. 1-1-04; DFW 40-2004(Temp), f. 5-7-04, cert. ef. 5-13-04 thru 7-1-04; DFW 46-2004(Temp), f. 5-21-04, cert. ef. 5-22-04 thru 7-1-04; DFW 55-2004(Temp), f. 6-16-04, cert. ef. 6-19-04 thru 7-5-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 42-2005(Temp), f. & cert. ef. 5-13-05 thru 9-1-05; DFW 61-2005(Temp), f. 6-22-05, cert. ef. 6-25-05 thru 7-4-05; Administrative correction 7-20-05; DFW 99-2005(Temp), f. 8-24-05, cert. ef. 8-26-05 thru 9-30-05; Administrative correction 10-19-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 28-2006(Temp), f. & cert. ef. 5-15-06 thru 6-30-06; DFW 33-2006(Temp), f. 5-24-06, cert. ef. 5-25-06 thru 6-30-06; Administrative correction 7-21-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 12-2007(Temp), f. 2-28-07, cert. ef. 3-1-07 thru 8-27-07; DFW 30-2007(Temp), f. 5-9-07, cert. ef. 5-10-07 thru 9-30-07; DFW 34-2007(Temp), f. 5-25-07, cert. ef. 5-26-07 thru 9-30-07; Administrative correction 10-16-07; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 56-2008(Temp), f. 5-30-08, cert. ef. 5-31-08 thru 6-30-08; DFW 76-2008(Temp), f. & cert. ef. 7-9-08 thru 9-1-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 128-2009(Temp), f. 10-12-09, cert. ef. 10-18-09 thru 4-15-10; DFW 131-2009(Temp), f. 10-14-09, cert. ef. 10-18-09 thru 4-15-10; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 54-2010(Temp), f. 5-6-10, cert. ef. 5-22-10 thru 9-1-10; DFW 95-2010(Temp), f. 7-1-10, cert. ef. 7-11-10 thru 9-1-10; DFW 102-2010(Temp), f. 7-20-10, cert. ef 7-25-10 thru 9-1-10; Administrative correction 9-22-10; DFW 171-2010, f. 12-30-10, cert. ef. 1-1-11; DFW 49-2011(Temp), f. 5-16-11, cert. ef. 5-28-11 thru 9-1-11; DFW 64-2011(Temp), f. 6-10-11, cert. ef. 6-13-11 thru 9-1-11; DFW 90-2011(Temp), f. & cert. ef. 7-11-11 thru 9-1-11; DFW 92-2011(Temp), f. 7-12-11, cert. ef. 7-16-11 thru 10-31-11; DFW 99-2011(Temp), f. 7-21-11, cert. ef. 7-23-11 thru 9-1-11; DFW 104-2011(Temp), f. 8-1-11, cert. ef. 8-7-11 thru 9-1-11; Administrative correction 9-23-11; DFW 163-2011, f. 12-27-11, cert. ef. 1-1-12; DFW 48-2012(Temp), f. 5-18-12, cert. ef. 5-23-12 thru 9-1-12; DFW 50-2012(Temp), f. 5-22-12, cert. ef. 5-24-12 thru 9-1-12; DFW 61-2012(Temp), f. & cert. ef. 6-11-12 thru 8-31-12; DFW 69-2012(Temp), f. 6-20-12, cert. ef. 6-22-12 thru 9-1-12; DFW 70-2012(Temp), f. 6-26-12, cert. ef. 6-27-12 thru 9-1-12; DFW 72-2012(Temp), f. 6-29-12, cert. ef. 7-1-12 thru 8-31-12; DFW 86-2012(Temp), f. 7-10-12, cert. ef. 7-15-12 thru 9-1-12; Administrative correction 9-20-12; DFW 149-2012, f. 12-27-12, cert. ef. 1-1-13; DFW 153-2012(Temp), f. 12-28-12, cert. ef. 1-1-13 thru 4-30-13; DFW 31-2013(Temp), f. 5-14-13, cert. ef. 5-16-13 thru 6-30-13; DFW 39-2013(Temp), f. 5-22-13, cert. ef. 5-24-13 thru 11-19-13; DFW 46-2013(Temp), f. 5-30-13, cert. ef. 6-1-13 thru 11-26-13; DFW 62-2013(Temp), f. 6-26-13, cert. ef. 7-5-13 thru 12-31-13; DFW 74-2013(Temp), f. 7-15-13, cert. ef. 7-19-13 thru 9-1-13; Administrative correction 11-1-13; DFW 121-2013(Temp), f. 10-24-13, cert. ef. 11-1-13 thru 12-31-13; DFW 137-2013, f. 12-19-13, cert. ef. 1-1-14; DFW 42-2014(Temp), f. 5-12-14, cert. ef. 5-17-14 thru 6-1-14; DFW 47-2014(Temp), f. 5-27-14, cert. ef. 5-31-14 thru 7-31-14; DFW 53-2014(Temp), f. 5-28-14, cert. ef. 6-1-14 thru 7-31-14; DFW 58-2014(Temp), f. 6-9-14, cert. ef. 6-21-14 thru 8-31-14; DFW 71-2014(Temp), f. 6-16-14, cert. ef. 6-18-14 thru 9-1-14; DFW 72-2014(Temp), f. & cert. ef. 6-19-14 thru 9-1-14; DFW 75-2014(Temp), f. 6-23-14, cert. ef. 6-27-14 thru 9-1-14; DFW 82-2014(Temp), f. 7-1-14, cert. ef. 7-5-14 thru 9-1-14; DFW 86-2014(Temp), f. 7-2-14, cert. ef. 7-5-14 thru 9-1-14; DFW 97-2014(Temp), f. 7-18-14, cert. ef. 7-21-14 thru 9-30-14; Administrative correction, 10-24-14; DFW 165-2014, f. 12-18-14, cert. ef. 1-1-15; DFW 45-2015(Temp), f. 5-15-15, cert. ef. 5-20-15 thru 6-30-15; DFW 53-2015(Temp), f. 5-27-15, cert. ef. 6-6-15 thru 8-31-15; DFW 64-2015(Temp), f. & cert. ef. 6-9-15 thru 8-31-15

• • • • • • • • • •

Rule Caption: Sport Pacific Halibut Nearshore Season from Leadbetter Point, WA to Cape Falcon, OR Expanded.
Adm. Order No.: DFW 65-2015(Temp)
Filed with Sec. of State: 6-10-2015
Certified to be Effective: 6-15-15 thru 9-30-15
Notice Publication Date:
Rules Amended: 635-039-0085
Rules Suspended: 635-039-0085(T)
Subject: This amended rule expands the recreational nearshore Pacific halibut season, from three days per week (Monday-Wednesday) to seven, in the area between Leadbetter Point, Washington and Cape Falcon, Oregon beginning at 12:00 midnight Monday, June 15, 2015. The National Oceanic & Atmospheric Administration (NOAA), International Pacific Halibut Commission (IPHC), Washington Department of Fish and Wildlife (WDFW), and the Department (ODFW) conferred on June 8, 2015 in order to increase angler opportunity to reach the harvest quota.
Rules Coordinator: Michelle Tate—(503) 947-6044

635-039-0085
Halibut Seasons

(1) The Pacific halibut sport fishery in Oregon is regulated by the federal government and the International Pacific Halibut Commission (IPHC). OAR Chapter 635, division 39 incorporates into Oregon Administrative Rules, by reference:

(a) Title 50 of the Code of Federal Regulations, Part 300, Subpart E (October 1, 2014 ed.), as amended;

(b) Federal Register Vol. 80. No. 51, dated March 17, 2015; and

(c) Federal Register Vol. 80. No. 62, dated April 1, 2015.

(2) Therefore, persons must consult all publications referenced in this rule in addition to division 39 to determine applicable halibut fishing seasons.

(3) Beginning 11:59 p.m., Wednesday, June 3, 2015 the Columbia River Subarea (Leadbetter Point, WA to Cape Falcon, OR) all-depth season is closed to the retention of Pacific halibut.

(4) Beginning 12:00 a.m., Monday, June 15, 2015 the Columbia River Subarea (Leadbetter Point, WA to Cape Falcon, OR) nearshore season is open to the retention of Pacific halibut seven days per week.

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

Stat. Auth.: ORS 496.138, 496.162, 506.036, 506.109, 506.119, 506.129

Stats. Implemented: ORS 496.162, 506.129

Hist.: DFW 56-2005, f. 6-21-05, cert. ef. 7-1-05; DFW 89-2005(Temp), f. & cert. ef. 8-12-05 thru 12-12-05; DFW 107-2005(Temp), f. 9-14-05, cert. ef. 9-15-05 thru 10-31-05; DFW 121-2005(Temp), f. 10-12-05, cert. ef. 10-18-05 thru 12-31-05; Administrative correction 1-19-06; DFW 34-2006(Temp), f. 5-25-06, cert. ef. 5-27-06 thru 8-3-06; Administrative correction 8-22-06; DFW 3-2007, f. & cert. ef. 1-12-07; DFW 35-2007(Temp), f. 5-25-07, cert. ef. 5-26-07 thru 8-2-07; DFW 67-2007(Temp), f. 8-9-07, cert. ef. 8-12-07 thru 9-30-07; DFW 76-2007(Temp), f. 8-17-07, cert. ef. 8-24-07 thru 9-30-07; DFW 84-2007(Temp), f. 9-5-07, cert. ef. 9-15-07 thru 9-30-07; DFW 87-2007(Temp), f. 9-10-07, cert. ef. 9-14-07 thru 10-28-07; DFW 90-2007(Temp), f. 9-19-07, cert ef. 9-20-07 thru 10-31-07; Administrative corection 11-17-07; DFW 57-2008(Temp), f. 5-30-08, cert. ef. 6-1-08 thru 7-31-08; DFW 81-2008(Temp), f. 7-11-08, cert. ef. 8-2-08 thru 9-30-08; DFW 92-2008(Temp), f. & cert. ef. 8-11-08 thru 9-30-08; DFW 101-2008(Temp), f.8-25-08, cert. ef. 8-29-08 thru 9-30-08; DFW 107-2008(Temp), f. 9-5-08, cert. ef. 9-7-08 thru 12-31-08; DFW 111-2008(Temp), f. & cert. ef. 9-16-08 thru 12-31-08; DFW 120-2008(Temp), f. 9-25-08, cert. ef. 9-27-08 thru 12-31-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 39-2009, f. & cert. ef. 4-27-09; DFW 55-2009(Temp), f. & cert. ef. 5-22-09 thru 8-6-09; DFW 94-2009(Temp), f. 8-14-09, cert. ef. 8-16-09 thru 12-31-09; Administrative correction 1-25-10; DFW 32-2010, f. & cert. ef. 3-15-10; DFW 37-2010, f. 3-30-10, cert. ef. 4-1-10; DFW 100-2010(Temp), f. 7-15-10, cert. ef. 7-17-10 thru 10-31-10; DFW 118-2010(Temp), f. & cert. ef. 8-13-10 thru 10-31-10; Administrative correction 11-23-10; DFW 24-2011, f. & cert. ef. 3-22-11; DFW 58-2011(Temp), f. 5-27-11, cert. ef. 6-4-11 thru 8-4-11; DFW 82-2011(Temp), f. 6-30-11, cert. ef. 7-1-11 thru 8-4-11; DFW 85-2011(Temp), f. 7-5-11, cert. ef. 7-6-11 thru 10-31-11; DFW 114-2011(Temp), f. & cert. ef. 8-12-11 thru 10-31-11; DFW 135-2011(Temp), f. 9-21-11, cert. ef. 10-1-11 thru 12-31-11; DFW 39-2012, f. & cert. ef. 4-24-12; DFW 84-2012(Temp), f. & cert. ef. 7-5-12 thru 8-2-12; DFW 91-2012(Temp), f. 7-19-12, cert. ef. 7-22-12 thru 10-31-12; DFW 111-2012(Temp), f. 8-23-12, cert. ef. 8-24-12 thru 12-31-12; DFW 123-2012(Temp), f. 9-19-12, cert. ef. 9-24-12 thru 10-31-12; Administrative correction 11-23-12; DFW 65-2013(Temp), f. 6-27-13, cert. ef. 6-28-13 thru 8-2-13; DFW 78-2013(Temp), f. & cert. ef. 7-23-13 thru 10-31-13; DFW 86-2013(Temp), f. & cert. ef. 8-8-13 thru 10-31-13; Administrative correction, 11-22-13; DFW 36-2014, f. 4-29-14, cert. ef. 5-1-14; DFW 80-2014(Temp), f. 6-26-14, cert. ef. 6-27-14 thru 12-24-14; DFW 123-2014(Temp), f. & cert. ef. 8-21-14 thru 12-31-14; Administrative correction, 1-27-15; DFW 34-2015, f. & cert. ef. 4-28-15; DFW 56-2015(Temp), f. 6-2-15, cert. ef. 6-3-15 thru 9-30-15; DFW 65-2015(Temp), f. 6-10-15, cert. ef. 6-15-15 thru 9-30-15

• • • • • • • • • •

Rule Caption: Angling From Floating Devices Allowed On Sandy River Between Revenue Bridge and Oxbow Park.
Adm. Order No.: DFW 66-2015(Temp)
Filed with Sec. of State: 6-10-2015
Certified to be Effective: 6-12-15 thru 11-22-15
Notice Publication Date:
Rules Amended: 635-017-0090
Rules Suspended: 635-017-0090(T)
Subject: This amended rule allows sport anglers increased opportunities to harvest hatchery spring Chinook in the middle section of the Sandy River. By allowing anglers to target fish from a floating device their chances increase for the harvest of hatchery fish that are intended for that very purpose. Abnormally low flows have been restricting fish movement and making it challenging for anglers to target fish from the river bank.
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; and

(4) Beginning Friday, June 12 through Saturday, August 15, 2015 anglers are allowed to fish from a floating device on the mainstem Sandy River from the mouth upstream to the bridge over the Sandy River at Ten Eyck Road (a.k.a. Revenue Bridge).

(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

• • • • • • • • • •

Rule Caption: Columbia River Zone 6 Treaty Indian Commercial Gill Net Fishery Extended.
Adm. Order No.: DFW 67-2015(Temp)
Filed with Sec. of State: 6-10-2015
Certified to be Effective: 6-11-15 thru 7-31-15
Notice Publication Date:
Rules Amended: 635-041-0065
Rules Suspended: 635-041-0065(T)
Subject: This amended rule authorizes sales of fish from a Treaty Indian gill net season in Zone 6 which is extended through 6:00 p.m. Friday, June 12, 2015 (24 additional hours). Modifications are consistent with action taken June 10, 2015 by the Oregon and Washington Departments of Fish and Wildlife, in cooperation with the Columbia River Treaty Tribes, at a meeting of the Columbia River Compact.
Rules Coordinator: Michelle Tate—(503) 947-6044

635-041-0065
Spring Season

(1) Salmon, steelhead, shad, walleye, catfish, bass, yellow perch, and carp may be taken for commercial purposes from the Zone 6 Columbia River Treaty Indian Fishery, from 7:00 p.m. Tuesday, May 5 until further notice.

(2) Gear is restricted to subsistence fishing gear which includes hoopnets, dipnets, rod and reel with hook-and-line. Beginning at 6:00 a.m. Tuesday, June 9 through 6:00 p.m. Friday, June 12, 2015 (3.5 days) fish may also be taken by gill net. There are no mesh size restrictions. Gill net caught fish landed during any open period may be sold after the close of that period.

(3) Closed areas as set forth in OAR 635-041-0045 remain in effect with the exception of Spring Creek Hatchery sanctuary.

(4) White sturgeon between 43–54 inches in fork length caught in The Dalles and John Day pools and white sturgeon between 38-54 inches in fork length caught in the Bonneville Pool may not be sold but may be kept for subsistence use.

(5) Beginning 7:00 p.m. Tuesday, May 5 through 11:59 p.m. Friday, July 31, 2015, commercial sales of salmon, steelhead, walleye, shad, catfish, carp, bass and yellow perch caught in Yakama Nation tributary fisheries in the Klickitat River; Wind River; and Drano Lake are allowed for Yakama Nation members during those days and hours when these tributaries are open under lawfully enacted Yakama Nation fishing periods.

(a) Sturgeon between 43–54 inches in fork length harvested in tributaries within The Dalles or John Day pools and sturgeon between 38–54

inches in fork length harvested in tributaries within Bonneville Pool may not be sold but may be kept for subsistence purposes.

(b) Gear is restricted to subsistence fishing gear which includes hoopnets, dipnets, and rod and reel with hook-and-line. Gillnets may only be used in Drano Lake.

Stat. Auth.: ORS 183.325, 506.109 & 506.119
Stats. Implemented: ORS 506.129 & 507.030
Hist.: FWC 89, f. & ef. 1-28-77; FWC 2-1978, f. & ef. 1-31-78; FWC 7-1978, f. & ef. 2-21-78; FWC 2-1979, f. & ef. 1-25-79; FWC 13-1979(Temp), f. & ef. 3-30-1979, Renumbered from 635-035-0065; FWC 6-1980, f. & ef. 1-28-80; 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 4-1984, f. & ef. 1-31-84; FWC 2-1985, f. & ef. l-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 3-1988(Temp), f. & cert. ef. 1-29-88; FWC 10-1988, f. & cert. ef. 3-4-88; FWC 5-1989, f. 2-6-89, cert. ef. 2-7-89; FWC 13-1989(Temp), f. & cert. ef. 3-21-89; FWC 15-1990(Temp), f. 2-8-90, cert. ef. 2-9-90; FWC 20-1990, f. 3-6-90, cert. ef. 3-15-90; FWC 13-1992(Temp), f. & cert. ef. 3-5-92; FWC 7-1993, f. & cert. ef. 2-1-93; FWC 12-1993(Temp), f. & cert. ef. 2-22-93; FWC 18-1993(Temp), f. & cert. ef. 3-2-93; FWC 7-1994, f. & cert. ef. 2-1-94; FWC 11-1994(Temp), f. & cert. ef. 2-28-94; FWC 9-1995, f. & cert. ef. 2-1-95; FWC 19-1995(Temp), f. & cert. ef. 3-3-95; FWC 5-1996, f. & cert. ef. 2-7-96; FWC 4-1997, f. & cert. ef. 1-30-97; DFW 8-1998(Temp), f. & cert. ef. 2-5-98 thru 2-28-98; DFW 14-1998, f. & cert. ef. 3-3-98; DFW 20-1998(Temp), f. & cert. ef. 3-13-98 thru 3-20-98; DFW 23-1998(Temp), f. & cert. ef. 3-20-98 thru 6-30-98; DFW 2-1999(Temp), f. & cert. ef. 2-1-99 through 2-19-99; DFW 9-1999, f. & cert. ef. 2-26-99; DFW 14-1999(Temp), f. 3-5-99, cert. ef. 3-6-99 thru 3-20-99; Administrative correction 11-17-99; DFW 6-2000(Temp), f. & cert. ef. 2-1-00 thru 2-29-00; DFW 9-2000, f. & cert. ef. 2-25-00; DFW 19-2000, f. 3-18-00, cert. ef. 3-18-00 thru 3-21-00; DFW 26-2000(Temp), f. 5-4-00, cert. ef. 5-6-00 thru 5-28-00; Administrative correction 5-22-00; DFW 3-2001, f. & cert. ef. 2-6-01; DFW 14-2001(Temp), f. 3-12-01, cert. ef. 3-14-01 thru 3-21-01; Administrative correction 6-20-01; DFW 9-2002, f. & cert. ef. 2-1-02; DFW 11-2002(Temp), f. & cert. ef. 2-8-02 thru 8-7-02; DFW 17-2002(Temp), f. 3-7-02, cert. ef. 3-8-02 thru 9-1-02; DFW 18-2002(Temp), f. 3-13-02, cert. ef. 3-15-02 thru 9-11-02; DFW 134-2002(Temp), f. & cert. ef. 12-19-02 thru 4-1-03; DFW 20-2003(Temp), f. 3-12-03, cert. ef. 3-13-03 thru 4-1-03; DFW 131-2003(Temp), f. 12-26-03, cert. ef. 1-1-04 thru 4-1-04; DFW 5-2004(Temp), f. 1-26-04, cert. ef. 2-2-04 thru 4-1-04; DFW 15-2004(Temp), f. 3-8-04, cert. ef. 3-10-04 thru 4-1-04; DFW 130-2004(Temp), f. 12-23-04, cert. ef. 1-1-05 thru 4-1-05; DFW 4-2005(Temp), f. & cert. ef 1-31-05 thru 4-1-05; DFW 18-2005(Temp), f. & cert. ef. 3-15-05 thru 3-21-05; Administrative correction 4-20-05; DFW 3-2006(Temp), f. & cert. ef. 1-27-06 thru 3-31-06; Administrative correction 4-19-06; DFW 7-2007(Temp), f. 1-31-07, cert. ef. 2-1-07 thru 7-30-07; DFW 9-2007, f. & cert. ef. 2-14-07; DFW 14-2007(Temp), f. & cert. ef. 3-9-07 thru 9-4-07; DFW 15-2007(Temp), f. & cert. ef. 3-14-07 thru 9-9-07; Administrative correction 9-16-07; DFW 6-2008(Temp), f. 1-29-08, cert. ef. 1-31-08 thru 7-28-08; DFW 20-2008(Temp), f. 2-28-08, cert. ef. 2-29-08 thru 7-28-08; DFW 21-2008(Temp), f. & cert. ef. 3-5-08 thru 7-28-08; DFW 22-2008(Temp), f. 3-7-08, cert. ef. 3-10-08 thru 7-28-08; Administrative correction 8-21-08; DFW 142-2008, f. & cert. ef. 11-21-08; DFW 6-2009(Temp), f. 1-30-09, cert. ef. 2-2-09 thru 8-1-09; DFW 11-2009(Temp), f. 2-13-09, cert. ef. 2-16-09 thru 7-31-09; DFW 22-2009(Temp), f. 3-5-09, cert. ef. 3-6-09 thru 7-31-09; Administrative correction 8-21-09; DFW 9-2010(Temp), f. & cert. ef. 2-3-10 thru 8-1-10; DFW 12-2010(Temp), f. 2-10-10, cert. ef. 2-11-10 thru 8-1-10; DFW 18-2010(Temp), f. 2-24-10, cert. ef. 2-26-10 thru 4-1-10; DFW 24-2010(Temp), f. 3-2-10, cert. ef. 3-3-10 thru 4-1-10; Administrative correction 4-21-10; DFW 8-2011(Temp), f. 1-31-11, cert. ef. 2-1-11 thru 4-1-11; DFW 9-2011(Temp), f. 2-9-11, cert. ef. 2-10-11 thru 4-1-11; DFW 23-2011, f. & cert. ef. 3-21-11; DFW 5-2012(Temp), f. 1-30-12, cert. ef. 2-1-12 thru 3-31-12; DFW 18-2012(Temp), f. 2-28-12, cert. ef. 2-29-12 thru 6-15-12; DFW 19-2012(Temp), f. 3-2-12, cert. ef. 3-5-12 thru 6-15-12; DFW 20-2012(Temp), f. & cert. ef. 3-5-12 thru 6-15-12; DFW 46-2012(Temp), f. 5-14-12, cert. ef. 5-15-12 thru 6-30-12; Administrative correction, 8-1-12; DFW 9-2013(Temp), f. 1-31-13, cert. ef. 2-1-13 thru 3-31-13; DFW 15-2013(Temp), f. 2-22-13, cert. ef. 2-27-13 thru 6-15-13; DFW 18-2013(Temp), f. 3-5-13, cert. ef. 3-6-13 thru 6-15-13; DFW 35-2013(Temp), f. & cert. ef. 5-21-13 thru 6-30-13; DFW 48-2013(Temp), f. 6-7-13, cert. ef. 6-8-13 thru 7-31-13; Administrative correction, 8-21-13; DFW 6-2014(Temp), f. 1-30-14, cert. ef. 2-1-14 thru 7-30-14; DFW 15-2014(Temp), f. 2-25-14, cert. ef. 2-26-14 thru 7-30-14; DFW 17-2014(Temp), f. 2-28-14, cert. ef. 3-1-14 thru 7-30-14; DFW 23-2014(Temp), f. 3-11-14, cert. ef. 3-12-14 thru 7-31-14; DFW 37-2014(Temp), f. & cert. ef. 5-6-14 thru 7-31-14; DFW 46-2014(Temp), f. 5-19-14, cert. ef. 5-20-14 thru 7-31-14; DFW 48-2014(Temp), f. 5-27-14, cert. ef. 5-28-14 thru 7-31-13; DFW 54-2014(Temp), f. 6-2-14, cert. ef. 6-3-14 thru 7-31-14; DFW 59-2014(Temp), f. 6-9-14, cert. ef. 6-10-14 thru 7-31-14; Administrative correction, 8-28-14; DFW 9-2015(Temp), f. 1-29-15, cert. ef. 2-2-15 thru 3-31-15; DFW 13-2015(Temp), f. 2-19-15, cert. ef. 2-20-15 thru 3-31-15; DFW 19-2015(Temp), f. 3-11-15, cert. ef. 3-12-15 thru 3-31-15; Administrative correction, 4-21-15; DFW 38-2015(Temp), f. & cert. ef. 5-5-15 thru 7-31-15; DFW 46-2015(Temp), f. 5-18-19, cert. ef. 5-19-15 thru 7-31-15; DFW 48-2015, f. 5-26-15, cert. ef. 5-27-15 thru 7-31-15; DFW 55-2015(Temp), f. & cert. ef. 6-2-15 thru 7-31-15; DFW 60-2015(Temp), f. 6-8-15, cert. ef. 6-9-15 thru 7-31-15; DFW 67-2015(Temp), f. 6-10-15, cert. ef. 6-11-15 thru 7-31-15

• • • • • • • • • •

Rule Caption: Federal Management Measures Implemented for Commercial Groundfish Individual Fishing Quota Fisheries.
Adm. Order No.: DFW 68-2015(Temp)
Filed with Sec. of State: 6-11-2015
Certified to be Effective: 6-12-15 thru 12-8-15
Notice Publication Date:
Rules Amended: 635-004-0275
Subject: This amended rule implements in-season actions previously adopted by the federal government for 2015 and 2016 Pacific Ocean commercial groundfish Individual Fishing Quota fisheries, including but not limited to establishment of trip limits and sorting requirements for big skate.
Rules Coordinator: Michelle Tate—(503) 947-6044

635-004-0275
Scope, Inclusion, and Modification of Rules

(1) Salmon, steelhead, shad, walleye, catfish, bass, yellow perch, and carp may be taken for commercial purposes from the Zone 6 Columbia River Treaty Indian Fishery, from 7:00 p.m. Tuesday, May 5 until further notice.

(2) Gear is restricted to subsistence fishing gear which includes hoopnets, dipnets, rod and reel with hook-and-line. Beginning at 6:00 a.m. Tuesday, June 9 through 6:00 p.m. Friday, June 12, 2015 (3.5 days) fish may also be taken by gill net. There are no mesh size restrictions. Gill net caught fish landed during any open period may be sold after the close of that period.

(3) Closed areas as set forth in OAR 635-041-0045 remain in effect with the exception of Spring Creek Hatchery sanctuary.

(4) White sturgeon between 43–54 inches in fork length caught in The Dalles and John Day pools and white sturgeon between 38-54 inches in fork length caught in the Bonneville Pool may not be sold but may be kept for subsistence use.

(5) Beginning 7:00 p.m. Tuesday, May 5 through 11:59 p.m. Friday, July 31, 2015, commercial sales of salmon, steelhead, walleye, shad, catfish, carp, bass and yellow perch caught in Yakama Nation tributary fisheries in the Klickitat River; Wind River; and Drano Lake are allowed for Yakama Nation members during those days and hours when these tributaries are open under lawfully enacted Yakama Nation fishing periods.

(a) Sturgeon between 43–54 inches in fork length harvested in tributaries within The Dalles or John Day pools and sturgeon between 38–54 inches in fork length harvested in tributaries within Bonneville Pool may not be sold but may be kept for subsistence purposes.

(b) Gear is restricted to subsistence fishing gear which includes hoopnets, dipnets, and rod and reel with hook-and-line. Gillnets may only be used in Drano Lake.

Stat. Auth.: ORS 183.325, 506.109, 506.119
Stats. Implemented: ORS 506.129, 507.030
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

• • • • • • • • • •

Rule Caption: 2015 controlled hunt tag numbers/location access; 2016 annual changes to game mammal hunting regulations
Adm. Order No.: DFW 69-2015
Filed with Sec. of State: 6-11-2015
Certified to be Effective: 6-11-15
Notice Publication Date: 5-1-2015
Rules Amended: 635-045-0000, 635-065-0015, 635-065-0760, 635-065-0765, 635-067-0000, 635-067-0030, 635-067-0032, 635-067-0034, 635-068-0000, 635-069-0000, 635-070-0000, 635-071-0000, 635-071-0010, 635-073-0000, 635-075-0005, 635-075-0020, 635-075-0022, 635-078-0011
Rules Repealed: 635-065-0760(T), 635-071-0010(T)
Subject: Establish 2015 controlled hunt tag numbers and /or season regulations for the hunting of pronghorn antelope, bighorn sheep, Rocky Mountain goat, deer and elk.

Propose 2016 hunting regulations for game mammals, including season dates, bag limits, open areas, location of cooperative travel management areas, wildlife area regulations and controlled hunting regulations. Propose quotas for 2016 cougar seasons and spring bear limited, first-come first-serve and controlled hunt tag numbers for 2016. These proposals will be presented in principle to the Oregon Fish and Wildlife Commission in June 2015 and again for adoption in October 2015.
Rules Coordinator: Michelle Tate—(503) 947-6044

635-045-0000
Purpose

(1) The purpose of these rules is to list definitions pursuant to hunting seasons for big game and game birds.

(2) The documents entitled "**2014–2015 Oregon Game Bird Regulations**," and "2015 Oregon Big Game Regulations", are incorporated by reference into these rules. These documents are available at hunting

license vendors and regional, district and headquarters offices of the Oregon Department of Fish and Wildlife.

[Publications: Publications referenced are available from the agency.]
Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: FWC 36-1988, f. & cert. ef. 6-13-88; FWC 47-1989, f. & cert. ef. 7-25-89; FWC 14-1990, f. & cert. ef. 2-2-90; FWC 91-1990, f. & cert. ef. 9-4-90; FWC 42-1996, f. & cert. ef. 8-12-96; FWC 53-1997, f. & cert. ef. 9-3-97; DFW 61-1998, f. & cert. ef. 8-10-98; DFW 75-1998, f. & cert. ef. 9-4-98; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 56-1999, f. & cert. ef. 8-13-99; DFW 92-1999, f. 12-8-99, cert. ef. 1-1-00; DFW 51-2000, f. & cert. ef. 8-22-00; DFW 82-2000, f. 12-21-00, cert. ef. 1-1-01; DFW 73-2001, f. & cert. ef. 8-15-01; DFW 121-2001, f. 12-24-01, cert. ef. 1-1-02; DFW 88-2002, f. & cert. ef. 8-14-02; DFW 2-2003, f. & cert. ef. 1-17-03; DFW 76-2003, f. & cert. ef. 8-13-03; DFW 118-2003, f. 12-4-03, cert. ef. 1-1-04; DFW 84-2004, f. & cert. ef. 8-18-04; DFW 91-2005, f. & cert. ef. 8-19-05; DFW 128-2005, f. 12-1-05, cert. ef. 1-1-06; DFW 81-2006, f. & cert. ef. 8-11-06; DFW 127-2006, f. 12-7-06, cert. ef. 1-1-07; DFW 68-2007, f. & cert. ef. 8-14-07; DFW 118-2007, f. 10-31-07, c ert. ef. 1-1-08; DFW 90-2008, f. & cert. ef. 8-13-08; DFW 150-2008, f. 12-18-08, cert. ef. 1-1-09; DFW 93-2009, f. & cert. ef. 8-12-09; DFW 140-2009, f. 11-3-09, cert. ef. 1-1-10; DFW 117-2010, f. & cert. ef. 8-13-10; DFW 140-2010(Temp), f. & cert. ef. 10-6-10 thru 12-31-10; Administrative correction 1-25-11; DFW 108-2011, f. & cert. ef. 8-5-11; DFW 103-2012, f. & cert. ef. 8-6-12; DFW 147-2012, f. 12-18-12, cert. ef. 1-1-13; DFW 85-2013, f. & cert. ef. 8-5-13; DFW 63-2014, f. & cert. ef. 6-10-14; DFW 112-2014, f. & cert. ef. 8-4-14; DFW 69-2015, f. & cert. ef. 6-11-15

635-065-0015
General Tag Requirements and Limits

(1) Big Game Tags: Any person hunting game mammals for which a tag is required must have on their person a valid tag for the dates, area and species being hunted.

(2) Any person 12 years of age or older may purchase game mammal tags if they possess an adult hunting license.

(3) A person may obtain and possess during an annual hunting season only:

(a) One valid general season black bear tag;

(b) One valid additional general black bear tag valid in management units 20–30;

(c) One valid controlled black bear tag in addition to general season bear tags issued under subsection (a) and (b) above;

(d) One valid 700 series "leftover" controlled bear tag;

(e) One valid cougar (mountain lion) tag;

(f) One valid additional general cougar (mountain lion) tag;

(g) One valid pronghorn antelope tag.

(4) Except as provided in OAR chapter 635, division 90, and except as provided in OAR 635-075-0010, a person may obtain and possess only one of the following tags during an annual hunting season:

(a) One valid deer bow tag;

(b) One valid western Oregon deer tag;

(c) One valid 100 series controlled buck hunt tag;

(d) One valid 600 series controlled antlerless deer tag in addition to one of (4)(a)–(4)(c) and (4)(e);

(e) One valid 100 series "left over" controlled deer tag;

(f) One valid 600 series "left over" controlled deer tag;

(5) Except as provided in OAR chapter 635, division 90, a person may obtain and possess only one of the following tags during an annual hunting season:

(a) One valid Cascade elk tag;

(b) One valid Coast First Season elk tag;

(c) One valid Coast Second Season elk tag;

(d) One valid Rocky Mountain elk — first season tag,

(e) One valid Rocky Mountain elk — second season tag;

(f) One valid elk bow tag;

(g) One valid controlled elk hunt tag;

(6) In addition to the tags described in OAR 635-065-0015(5), a person during an annual hunting season may obtain or possess only one valid 200 series "leftover" controlled elk tag.

(7) In addition to the tags described in OAR 635-065-0015(3), (4), and (5), a person during an annual hunting season may obtain or possess only one valid "Mandatory Hunter Reporting Incentive Tag" per annual hunting season. If the Department awards a hunter such a tag through the controlled hunt draw authorized by OAR 635-060-0030(5), the following requirements will apply:

(a) On or before July 15, 2015 the hunter must inform the Department which species the tag is to be issued for (pronghorn antelope, deer, or elk) and purchase the tag. Tags not purchased by July 15 will be offered to an alternate hunter with a tag sale deadline of July 31, 2015.

(b) Hunting hours, hunt dates, bag limit and hunt area for Mandatory Hunter Reporting Incentive Tags will be the same as those listed in OAR 635-090-150(3) for deer or (4) for elk , or 635-067-0028(2) for pronghorn.

(c) Bag limit: one pronghorn antelope or one deer or one elk.

(d) Oregon Department of Fish and Wildlife employees are not eligible for a Mandatory Hunter Reporting Incentive Tag.

(8) Except as provided in OAR 635-067-0032 thru 635-067-0034, a person may obtain and possess only one bighorn sheep ram tag in a lifetime.

(9) Except as provided in OAR 635-067-0041 a person may obtain and possess only one Rocky Mountain goat tag in a lifetime.

(10) It is unlawful for any person to issue or to possess any game mammal tag which has been backdated.

(11) Any game mammal tag having an issue date subsequent to the last day authorized for issue of such tag as listed in "Oregon Big Game Regulations" for the current season is a void tag. Exception:

(a) Members of the uniformed services returning to the state after the deadline shall be permitted to purchase general season tags for themselves at the Salem headquarters and regional offices of the Department.

(b) Notwithstanding the deadlines for tag purchases provided by rule and in the hunting regulation synopses, any person who qualifies to purchase a tag but fails to make the purchase by the deadline, may purchase the tag late if the person:

(A) Submits a written affidavit certifying that the person has not yet hunted during the season for which the tag is sought to the Department's Licensing Services Office;

(B) The request must be received by the Department before the end of the season for the particular tag; and

(C) Pays the Department the fee for a duplicate tag, in addition to the usual tag fee.

(D) A tag purchased for a season that has not begun may be canceled and replaced with a tag for an ongoing season using the process outlines in 635-065-0015 (b)(A) and (B) provided the original tag is surrendered with the affidavit and the fee for a duplicate tag is paid to the Department.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162
Stats Implemented: ORS 496.012, 496.138, 496.146, 496.16
Hist.: FWC 123, f. & ef. 6-9-77; FWC 33-1978, f. & ef. 6-30-78; FWC 28-1979, f. & ef. 8-2-79; FWC 33-1980, f. & ef. 6-30-80; FWC 6-1981, f. & ef. 1-23-81; FWC 11-1981, f. & ef. 3-31-81; FWC 20-1981, f. & ef. 6-19-81; FWC 37-1982, f. & ef. 6-25-82; FWC 13-1988, f. & cert. ef. 3-10-88; FWC 63-1989, f. & cert. ef. 8-15-89, Renumbered from 635-65-780; FWC 24-1990, f. & cert. ef. 3-21-90; FWC 20-1991, f. & cert. ef. 3-12-91; FWC 18-1994, f. 3-30-94, cert. ef. 5-1-94; FWC 4-1995, f. 1-23-95, cert. ef. 7-1-95; FWC 7-1996, f. & cert. ef. 2-12-96; FWC 9-1997, f. & cert. ef. 2-27-97; FWC 6-17-97, f. & cert. ef. 6-17-97; DFW 49-1998, f. & cert. ef. 6-22-98; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 47-1999, f. & cert. ef. 6-16-99; DFW 92-1999, f. 12-8-99, cert. ef. 1-1-00; DFW 30-2000, f. & cert. ef. 6-14-00; DFW 54-2000(Temp), f. & cert. ef. 8-28-00 thru 12-31-00; DFW 82-2000, f. 12-21-00, cert. ef. 1-1-01; DFW 47-2001, f. & cert. ef. 6-13-01; DFW 52-2001(Temp) f. & cert. ef. 6-27-01 thru 12-24-01; DFW 34-2002, f. & cert. ef. 4-18-02; DFW 59-2002, f. & cert. ef. 6-11-02; DFW 2-2003, f. & cert. ef. 1-17-03; DFW 118-2003, f. 12-4-03, cert. ef. 1-1-04; DFW 122-2004, f. 12-21-04, cert. ef. 1-1-05; DFW 128-2005, f. 12-1-05, cert. ef. 1-1-06; DFW 66-2009, f. & cert. ef. 6-10-09; DFW 106-2009(Temp), f. & cert. ef. 9-2-09 thru 3-1-10; DFW 140-2009, f. 11-3-09, cert. ef. 1-1-10; DFW 26-2010(Temp), f. & cert. ef. 3-3-10 thru 8-29-10; DFW 58-2010(Temp), f. & cert. ef. 5-12-10 thru 11-8-10; DFW 70-2010(Temp), f. & cert. ef. 5-18-10 thru 11-10-10; DFW 83-2010, f. & cert. ef. 6-15-10; DFW 168-2010, f. 12-29-10, cert. ef. 1-1-11; DFW 159-2011, f. 12-14-11, cert. ef. 1-1-12; DFW 147-2012, f. 12-18-12, cert. ef. 1-1-13; DFW 138-2013, f. & cert. ef. 12-20-13; DFW 63-2014, f. & cert. ef. 6-10-14; DFW 1-2015, f. & cert. ef. 1-6-15; DFW 69-2015, f. & cert. ef. 6-11-15

635-065-0760
Other Restrictions

It is unlawful:

(1) To take or hold in captivity the young of any game mammal.

(2) To hold in captivity any wildlife of this state for which a permit is required without first securing a permit.

(3) To release without a permit any wildlife brought from another state or country, or raised in captivity in this state.

(4) To resist game law enforcement officers.

(5) To refuse inspection of any license, tag or permit by an employee of the Department; any person authorized to enforce the wildlife laws; or a landowner or agent of the landowner on his or her land while on that property.

(6) To refuse inspection, by an employee of the Oregon Department of Fish and Wildlife, or any person authorized to enforce wildlife laws, of any gear used for the purpose of taking wildlife.

(7) To take or attempt to take any game mammals, game birds, migratory waterfowl or any protected wildlife species of any size or sex or amount, by any method or weapon, during any time or in any area not prescribed in these rules.

(8) To disturb, damage, remove, alter or possess any official Department signs.

(9) To sell, lend, or borrow any big game tag.

(10) It is unlawful to operate or to be transported in a motor-propelled vehicle in violation of Cooperative Travel Management Areas. "Motor-propelled vehicle" includes aircraft not landing on designated airstrips. Through cooperative agreement, motor vehicle use is limited to specific

roads during the dates for the areas listed below. There are two methods of posting road access information; negative marking in which closed roads are marked by signs, gates, berms, or other similar indicators, or positive marking in which open roads are marked by round green reflectors, orange carsonite posts, or similar indicators.. Unit descriptions may be found in OAR 635-080-0000 through 635-080-0077. The following closures shall be effective during the specified periods each year:

(a) North Coast Access Area: Three days prior to opening of general archery season through the close of all bull elk rifles seasons. — Applies to all gated, posted, and/or barrier closed roads within the Saddle Mountain, Scappoose, Trask and Wilson wildlife management units. Cooperators require: day use only on private lands, no ATV use on private and designated state lands, no vehicle may block any road gate.

(b) Upper Tualatin-Trask: Three days prior to the opening of controlled buck deer rifle season through the close of all bull elk rifle seasons — That part of the Trask Unit as follows: 60 square miles in Townships 1 and 2 North and 1 South, and Ranges 5 and 6 West;

(c) Rickreall Regulated Hunt Area: November 1 through November 30 annually — That part of Stott Mt. Unit as follows: 12 square miles in Townships 7 and 8 South, Ranges 6 and 7 West;

(d) Luckiamute: Permanent Closure — Those parts of the Stott Mt. /Alsea Units as follows: 9 square miles in Townships 8 and 9 South, Ranges 7 and 8 West.

(e) Mid-Coast: Permanent Closure — That part of the Alsea Unit as follows: Open roads in the Siuslaw NF lands south of US Hwy 20 and north of State Hwy 126 are designated on the Siuslaw NF Motor Vehicle Use Map. However; additional roads may be posted as closed as part of the Cooperative TMA or for administrative purposes.

(f) Smith Ridge: Permanent Closure — That part of the McKenzie Unit as follows: 8 square miles in Townships 13 and 14 South, Ranges 6 and 7 East;

(g) Chucksney Mountain: September 1 through November 30 annually — That part of the McKenzie Unit as follows: 6 square miles in Township 19 South, Range 5 1/2 East;

(h) Skookum Flat: Permanent Closure — That part of the McKenzie Unit as follows: 8 square miles in Townships 19 and 20 South, Range 6 East;

(i) Eagle Creek: Three days prior to opening of general Cascade elk season through close of general Cascade elk season. That part of the McKenzie Unit as follows: 66 square miles in Townships 21 and 22 South, Ranges 5, 5 1/2 and 6 East;

(j) Scott Creek: Permanent Closure — That part of the McKenzie Unit as follows: 51 square miles in Townships 14, 15, and 16 South, Ranges 6 and 7 East;

(k) Wendling: opening of archery season through the end of the general firearms buck deer season including the youth weekend. Approximately 185 sq. mi in Unit 19 northeast of Springfield; north of Hwy 126, east of Marcola and Brush Creek Rds., and south of the Calapooia River Mainline. Roads open to motor vehicle use will be marked with orange road markers. Access may be closed due to fire danger.

(l) Coos Bay BLM: Permanent Closure — That part of the Tioga Unit as follows: Individual posted roads on lands administered by BLM, Coos Bay District.

(m) Upper Rogue: Three days prior to the general Cascade elk season through the end of the general Cascade elk season — That part of the Rogue Unit as follows: High Cascades Ranger District, Rogue River National Forest;

(n) Jackson: Three days prior to the general Cascade elk season through April 30 annually — That part of the Rogue, Dixon, and Evans Creek units as follows: 116 square miles in Townships 32, 33, 34, and 35 South, Ranges 1 and 2 West and 1 and 2 East; off-road motor vehicle travel is prohibited at all times;

(o) Pokegama: November 20 through March 31annually — That part of the Keno Unit as follows: 97 square miles in Townships 40 and 41 South, Ranges 4, 5, and 6 East;

(p) Lower Klamath Hills: Permanent Closure — That part of the Klamath Unit as follows: 3 square miles in Township 40 South, Range 9 East;

(q) Goodlow Mountain Area Closure: December 1 through March 31 annually — That part of the Klamath Unit as follows: 17 square miles in Townships 38 and 39 South, Ranges 12 and 13 East;

(r) Sun Creek: November 1 through June 30 annually — That part of the Sprague Unit as follows: 14 square miles in Township 32 South, Ranges 6 and 7 1/2 East;

(s) Fox Butte: Three days prior to the opening of controlled buck deer season through the close of the controlled buck deer season — That part of the Paulina Unit as follows: 230 square miles in Townships 20, 21, 22, 23, and 24 South, Ranges 14, 15, and 16 East;

(t) Timbers: Permanent Closure — That part of the Paulina Unit as follows: 25 square miles in Townships 23 and 24 South, Ranges 9 and 10 East;

(u) Rager: Three days prior to the opening of controlled buck deer rifle season through the close of antlerless elk rifle season — That part of the Ochoco Unit as follows: 352 square miles south of U.S. Highway 26 and west of the South Fork John Day River.

(v) White River Wildlife Area: December 1 through March 31 annually — That part of the White River Unit as follows: 59 square miles along the eastern edge of the Mt. Hood National Forest in the southern half of the White River Unit;

(w) Lower Deschutes: Permanent Closure — That part of the Biggs Unit as follows: 12 square miles along lower 17 miles of Deschutes River except the county access road to Kloan;

(x) Murderers Creek-Flagtail: Three days prior to the opening of the archery deer and elk seasons through the close of controlled buck deer rifle season and from three days prior to the controlled Rocky Mountain bull elk first season through the Rocky Mountain bull elk second season — That part of the Murderers Creek Unit as follows: 185 square miles in Townships 13, 14, 15, 16, and 17 South, Ranges 26, 27, 28, and 29 East;

(y) Camp Creek: Three days prior to opening of controlled buck deer rifle season through the close of controlled buck deer rifle season and from three days prior to the controlled Rocky Mountain bull elk first season through the Rocky Mountain bull elk second season — That part of the Northside Unit as follows: 54 square miles in Townships 10, 11, and 12 South, Ranges 31, 32, and 33 East.

(z) Heppner Regulated Hunt Area: Year-round, unless posted otherwise. That part of the Heppner Unit as follows: Approximately 63 square miles in Townships 2, 3, 4, and 5 South, Ranges 25, 26, 27, and 28 East;

(aa) Bridge Creek Wildlife Area: December 1 through April 14 annually except by permit — That part of the Ukiah Unit as follows: 20 square miles in Townships 5 and 6 south, Ranges 31 and 32 East in the Southwest corner of Ukiah Unit;

(bb) Meacham: Three days prior to the opening of the archery deer and elk seasons through May 31. Approximately 41 square miles in Units 49, 52 and 54 in townships 1 and 2 south, township 1 north, ranges 34, 35, and 36 east.

(cc) Dark Canyon: Three days prior to the opening of controlled buck deer season through the close of the last elk season encompassing this travel management area. That part of the Sumpter Unit as follows: 20 square miles in Townships 11 and 12 South, Ranges 40 and 41 East;

(dd) Patrick Creek: Three days prior to the opening of controlled buck deer season through the close of the last elk season and May 1 through June 30 encompassing this travel management area. That part of the Sumpter Unit as follows: 8 square miles in Townships 10 and 11 South, Ranges 35 1/2 and 36 East;

(ee) Dry Beaver/Ladd Canyon: Permanent Closure — That part of the Starkey Unit as follows: 125 square miles in Townships 4, 5 and 6 South, Ranges 35, 36, 37 and 38 East;

(ff) Clear Creek: Three days prior to opening of Rocky Mountain bull elk season through close of Rocky Mountain bull elk second season — That part of the Starkey Unit as follows: 21 square miles in Township 5 South, Ranges 37 and 38 East;

(gg) Trail Creek: Three days prior to opening of Rocky Mountain bull elk season through close of Rocky Mountain bull elk second season — That part of the Starkey Unit as follows: 29 square miles in Townships 6 and 7 South, Ranges 35 1/2 and 36 East;

(hh) Indian Creek-Gorham Butte: Three days prior to opening of Rocky Mountain bull elk season through close of Rocky Mountain bull elk second season — That part of the Starkey Unit as follows: 24 square miles in Townships 6 and 7 South, Ranges 36 and 37 East;

(ii) Elkhorn Wildlife Area: Permanent Closure — Those parts of the Starkey and Sumpter units as follows: 7 square miles in Township 6 South, Range 38 East;

(jj) Starkey Experimental Forest Enclosure: Permanent Closure — That part of the Starkey Unit as follows: 40 square miles in Townships 3 and 4 South, Range 34 East;

(kk) Hall Ranch: Three days prior to the opening of Rocky Mountain bull elk first season through April 30 — that part of the Catherine Creek Unit as follows: 3 square miles in Township 5 South, Range 41 East;

(ll) Little Catherine Creek: Three days prior to opening of archery season through May 31 — That part of the Catherine Creek Unit as follows: 22 square miles in Townships 3, 4 and 5 South, Ranges 40 and 41 East;

(mm) Walla Walla: Permanent Closure — Those parts of Walla Walla, Wenaha, and Mt. Emily units as follows: All gated, posted, and closed roads within the Walla Walla Ranger District of the Umatilla National Forest.

(nn) Wenaha Wildlife Area: Permanent Closure — That part of the Wenaha Unit as follows: 17 square miles in Townships 5 and 6 North, Ranges 42 and 43 East along eastern edge of Umatilla Forest in northeast corner of Wenaha Unit;

(oo) Noregaard: Three days prior to archery season through May 31. However, roads will be open to permit removal of camping equipment during a time period extending through two Sundays following the end of the last antlerless elk rifle season. That part of the Sled Springs Unit as follows: 175 square miles in west one-third of Sled Springs Wildlife Unit.

(pp) Shamrock: Three days prior to archery season through May 31. However, roads will be open to permit removal of camping equipment during a time period extending through two Sundays following the end of the last antlerless elk rifle season. — That part of the Sled Springs Unit as follows: 20 square miles in Township 4 North, Range 44 East;

(qq) Chesnimnus: Three days prior to Chesnimnus rifle bull season through end of Chesnimnus rifle bull season — That portion of the Chesnimnus Wildlife Unit within the boundaries of the Wallowa-Whitman National Forest;

(rr) Cemetery Ridge Road: Permanent Closure — That part of the Chesnimnus Unit as follows: Cemetery Ridge Road north of the south boundary of Section 4, Township 3 North, and Range 48 East.

(ss) Lord Flat Trail (#1774): Three days prior to archery season through the end of all elk rifle seasons — 15 miles of road in Townships 1 South and 1 and 2 North, Ranges 49 and 50 East;

(tt) Grouse-Lick Creeks: Three days prior to opening of Rocky Mountain bull elk first season through the close of Rocky Mountain bull elk second season — That part of the Imnaha Unit as follows: 100 square miles in Townships 2, 3, 4, and 5 South, Ranges 46, 47 and 48 East;

(uu) Clear Lake Ridge: Three days prior to opening of archery season through December 1 annually — That part of the Imnaha Unit as follows: Five square miles in Township 2 South, Range 47 East, Sections 3 and 4 and Township 1 South, Range 47 East, Sections 28, 15, 33, 34 and 22.

(vv) Mehlorn: Permanent Closure: That part of the Pine Creek and Keating Units as follows: 26 square miles in Township 6 South, Ranges 45 and 46 East;

(ww) Lake Fork-Dutchman: Three days prior to opening of archery season to the end of all elk rifle seasons and from May 1 to July 1 — That part of the Pine Creek Unit as follows: 42 square miles in Townships 6 and 7 South, Ranges 46 and 47 East;

(xx) Okanogan-Fish: Three days prior to the opening of buck deer rifle season to the end of elk rifle seasons and from May 1 to July 1 — That part of the Pine Creek Unit as follows: 20 square miles in Township 6 and 7 South, Ranges 46 and 47 East;

(yy) Summit Point: Permanent Closure: That part of the Keating Unit as follows: 14 square miles in Townships 6 and 7 South, Ranges 44 and 45 East.

(zz) Eagle Creek: December 1 — April 15: That part of the Keating Unit as follows: 17 square miles in Townships 7 and 8 South, Range 44 and 45 East;

(aaa) Conroy Cliff: Three days prior to the opening of controlled buck deer rifle season through the close of controlled buck deer rifle season and from three days prior to the controlled Rocky Mountain bull elk first season through the Rocky Mountain bull elk second season — That part of the Malheur River Unit as follows: 46 square miles in Townships 16, 17, and 18 South, Ranges 32 1/2, 34, and 35 East;

(bbb) Devine Ridge-Rattlesnake: Three days prior to the opening of controlled buck deer rifle season through the close of controlled buck deer rifle season and from three days prior to the controlled Rocky Mountain bull elk first season through the Rocky Mountain bull elk second season — That part of the Malheur River Unit as follows: 59 square miles in Townships 20 and 21 South, Ranges 31, 32, 32 1/2 East;

(ccc) Dairy Creek: Three days prior to the opening of controlled buck deer rifle season through the close of controlled buck deer rifle season and from three days prior to the controlled Rocky Mountain bull elk first season through the Rocky Mountain bull elk second season — That part of the Silvies Unit as follows: 98 square miles in Townships 19, 20, 21, and 22 South, Ranges 24, 25, and 26 East;

(ddd) Burnt Cabin: Three days prior to the opening of controlled buck deer rifle season through the close of controlled buck deer rifle season and from three days prior to the controlled Rocky Mountain bull elk first season through the Rocky Mountain bull elk second season — That part of the Silvies Unit as follows: 22 square miles in Townships 18 and 19 South, Ranges 26 and 27 East;

(eee) Walker Rim; Three days prior to the opening of controlled buck deer season through the close of the controlled buck deer season — That part of the Fort Rock Unit as follows: 113 square miles in Townships 24, 25, and 26 South, Ranges 8, 9, and 10 East;

(fff) North Paulina: Permanent Closure — That part of the Fort Rock Unit as follows: 12 square miles in Townships 25 and 26 South; Range 8 East;

(ggg) Sugarpine Mountain: Permanent Closure — That part of the Fort Rock Unit as follows: 40 square miles in Township 28, Ranges 9 and 10 East;

(hhh) Stott Mt.-North Alsea: One day prior to opening of archery season through the bull elk rifle seasons — All gated and/or barrier closed roads within the Alsea Unit north of US Hwy 20 and west of State Hwy 223 (Kings Valley Hwy); and in the Stott Mt. Unit. Cooperators require: day use only on private lands, no ATV use on private lands and designated state lands, and no vehicle may block any road or gate. Access may be closed during extreme fire danger;

(iii) Spring Butte: Permanent Closure — That part of the Paulina Unit as follows: 30 square miles in Township 23 South, Range 11 East;

(jjj) Wildhorse Ridge/Teepee Butte: Three days prior to archery season through the end of all elk rifle seasons. Posted and gated roads north of 46 roads in Chesnimnus Unit are closed;

(kkk) Hells Canyon National Recreation Area: Permanent Closure — Those parts of the Chesnimnus, Imnaha, Snake River, and Pine Creek Units in Eastern Wallowa County that are closed by the National Recreation Area;

(lll) PO Saddle Road — Three days prior to opening of archery season through June 15th, annually — Three miles of road in Townships 3 and 4 South, Range 48 East.

(mmm) Whiskey Creek — Three days prior to archery season through May 31. However, roads will be open to permit removal of camping equipment during a time period extending through two Sundays following the last antlerless elk season. That part of the Sled Springs unit as follows — 45 square miles in Townships 2 and 3 North, Ranges 43, 44, and 45 East.

(nnn) South Boundary: Permanent Closure — That part of the Ochoco Unit as follows: 47 square miles in Townships 15 and 16 South, Ranges 20, 21, and 22 East.

(ooo) Green Diamond Travel Management Area: Permanent Closure — Applies to all gated, posted, or barrier-closed roads within the Rogue, Keno, Klamath Falls, Sprague, Interstate, Silver Lake, and Fort Rock Units within the land holdings of Green Diamond Resource Company .

(ppp) Prineville Reservoir Wildlife Area: From November 15 or December 1 (as posted at each gate) through April 15 annually — That part of the Ochoco and Maury Units as follows: 5 square miles in Township 16 South, Range 17 East.

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

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

Hist.: FWC 123, f. & ef. 6-9-77; FWC 33-1978, f. & ef. 6-30-78; FWC 28-1979, f. & ef. 8-2-79; FWC 33-1980, f. & ef. 6-30-80; FWC 6-1981, f. & ef. 1-23-81; FWC 11-1981, f. & ef. 3-31-81; FWC 20-1981, f. & ef. 6-19-81; FWC 37-1982, f. & ef. 6-25-82; FWC 28, f. & ef. 7-8-83; FWC 34-1984, f. & ef. 7-24-84; FWC 43-1985, f. & ef. 8-22-85; FWC 35-1986, f. & ef. 8-7-86; FWC 15-1989, f. & cert. ef. 3-28-89; FWC 63-1989, f. & cert. ef. 8-15-89; FWC 24-1990, f. & cert. ef. 3-21-90; FWC 55-1990, f. & cert. ef. 6-21-90; FWC 58-1991, f. & cert. ef. 6-24-91; FWC 36-1993, f. & cert. ef. 6-14-93; FWC 18-1994, f. 3-30-94, cert. ef. 5-1-94; FWC 4-1995, f. 1-23-95, cert. ef. 7-1-95; FWC 30-1995, f. & cert. ef. 4-17-95; FWC 18-1996, f. 4-10-96, cert. ef. 8-1-96; FWC 9-1997, f. & cert. ef. 2-27-97; FWC 38-1997, f. & cert. ef. 6-17-97; FWC 71-1997, f. & cert. ef. 12-29-97; DFW 49-1998, f. & cert. ef. 6-22-98; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 47-1999, f. & cert. ef. 6-16-99; DFW 92-1999, f. 12-8-99, cert. ef. 1-1-00; DFW 82-2000, f. 12-21-00, cert. ef. 1-1-01; DFW 121-2001, f. 12-24-01, cert. ef. 1-1-02; DFW 5-2003, f. 1-17-03, cert. ef. 7-1-03; DFW 116-2003(Temp), f. & cert. ef. 11-25-03 thru 3-31-04; DFW 120-2003, f. 12-4-03, cert. ef. 6-16-04; DFW 125-2004, f. 12-21-04, cert. ef. 6-1-05; DFW 133-2005, f. 12-1-05, cert. ef. 6-1-06; DFW 128-2006, f. 12-7-06, cert. ef. 6-1-07; DFW 118-2007, f. 10-31-07, c ert. ef. 1-1-08; DFW 150-2008, f. 12-18-08, cert. ef. 1-1-09; DFW 168-2010, f. 12-29-10, cert. ef. 1-1-11; DFW 159-2011, f. 12-14-11, cert. ef. 1-1-12; DFW 147-2012, f. 12-18-12, cert. ef. 1-1-13; DFW 138-2013, f. & cert. ef. 12-20-13; DFW 159-2014(Temp), f. 12-4-14, cert. ef. 1-1-15 thru 6-29-15; DFW 69-2015, f. & cert. ef. 6-11-15

635-065-0765

Tagging, Possession, Transportation and Evidence of Sex

(1) When the owner of any game mammal tag kills a game mammal for which a tag is issued, the owner shall immediately remove in its entirety only the month and day of kill and attach the tag in plain sight securely to the game mammal. The tag shall be kept attached to such carcass or remain with any parts thereof so long as the same are preserved.

(2) It is unlawful to have in possession any game mammal tag from which all or part of any date has been removed or mutilated except when the tag is legally validated and attached to a game mammal.

(3) It is unlawful to possess the meat or carcass of any deer, elk, pronghorn antelope, bighorn sheep, or Rocky Mountain goat without evidence of sex while in the field, forest, or in transit on any of the highways or premises open to the public in Oregon, except processed or cut and wrapped meat. Evidence of sex for deer, elk, pronghorn antelope, bighorn sheep, or Rocky Mountain goat is:

(a) The animal's scalp which shall include the attached eyes and ears, if animal is female; or ears, antlers or horns, and eyes if the animal is male, or;

(b) The head naturally attached to at least one quarter of the carcass or:

(c) Reproductive organs (testicles, scrotum, or penis if male; vulva or udder (mammary) if female) naturally attached to one quarter of the carcass or to another major portion of meat.

(i) For hunts with antler or horn restrictions, if the head is not attached to the carcass, in addition to leaving the testicles, scrotum, or penis naturally attached to one quarter of the carcass or to another major portion of meat, the head or skull plate with both antlers or horns naturally attached shall accompany the carcass or major portions of meat.

(ii) For hunts where only white-tailed deer and for hunts where only mule deer are legal: in addition to evidence of sex, (testicles, scrotum, penis, vulva, udder, mammary), either the head or tail shall remain naturally attached to one quarter of the carcass or to another major portion of meat as evidence of the species taken.

(4) When any game mammal or part thereof is transferred to the possession of another person, a written record describing the game mammal or part being transferred indicating the name and address of the person whose tag was originally attached to the carcass and the number of that tag shall accompany such transfer and shall remain with such game mammal or part so long as the same is preserved or until replaced by a tag or seal of the Department.

(5) All game mammals in possession in the field or forest or in transit more than 48 hours after the close of the open season for such mammal must be tagged with a tag or metal seal by the Department or by the Oregon State Police.

(6) All game mammals or portions thereof shipped by commercial carrier shall be tagged with a tag or metal seal provided by the Department or by the Oregon State Police.

(7) It is unlawful to receive or have in poss ession any game mammal or part thereof which:

(a) Is not properly tagged;

(b) Was taken in violation of any wildlife laws or regulations; or

(c) Was taken by any person who is or may be exempt from the jurisdiction of such laws or regulations.

(8) No person shall possess any game mammal or part thereof which has been illegally killed, found or killed for humane reasons, except shed antlers, unless he has notified and received permission from the Department or personnel of the Oregon State Police prior to transporting.

(9) No person shall possess the horns of bighorn sheep or Rocky Mountain goat that were not taken legally during an authorized season. Any horns of bighorn sheep or Rocky Mountain goat obtained by the Department may be made available to scientific and educational institutions and for ceremonial purposes.

(10) Except for the following parts, importation of a cervid carcass or parts of a cervid carcass is prohibited if the cervid was killed in a state or province with a documented case of Chronic Wasting Disease:

(a) Meat that is cut and wrapped commercially or privately;

(b) Meat that has been boned out;

(c) Quarters or other portions of meat with no part of the spinal column or head attached;

(d) Hides and/or capes with no head attached;

(e) Skull plates with antlers attached that have been cleaned of all meat and brain tissue;

(f) Antlers with no tissue attached;

(g) Upper canine teeth (buglers, whistlers, ivories);

(h) Finished taxidermy heads.

(11) For the purposes of the parts and carcass import ban in subsection 10, the states or provinces with a documented case of Chronic Wasting Disease (CWD) are Alberta, Colorado, Illinois, Kansas, Maryland, Michigan, Minnesota, Missouri, Montana, Nebraska, New Mexico, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Texas, Utah, Virginia, West Virginia, Wisconsin, Wyoming, and Saskatchewan. The Department shall add by temporary rule any additional states or provinces when any new cases of CWD arise.

(12) The parts and carcass import ban in subsection (11) does not apply to parts or carcasses shipped to the National Fish and Wildlife Forensics Laboratory (Ashland, Oregon) for the purpose of law enforcement investigations and also does not apply to parts or carcasses of reindeer/caribou.

(13) Cervid carcasses or parts of cervid carcasses found in Oregon in violation of the parts and carcass ban in subsection 10 shall be disposed of in a manner as follows:

(a) Brain tissue, spinal columns, and whole heads or heads minus the cleaned skull plate and attached antlers, shall be disposed of either by incineration at temperatures exceeding 800° F or at lined landfills registered by Oregon Department of Environmental Quality capable of accepting animal carcasses without environmental contamination; rendering is not an allowed means of disposal.

(b) The person(s) who imported parts in violation of the parts and carcass ban in subsection 10 shall pay for appropriate disposal of cervid carcasses or parts of cervid carcasses.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: FWC 123, f. & ef. 6-9-77; FWC 33-1978, f. & ef. 6-30-78; FWC 28-1979, f. & ef. 8-2-79; FWC 33-1980, f. & ef. 6-30-80; FWC 6-1981, f. & ef. 1-23-81; FWC 11-1981, f. & ef. 3-31-81; FWC 20-1981, f. & ef. 6-19-81; FWC 37-1982, f. & ef. 6-25-82; FWC 34-1984, f. & ef. 7-24-84; FWC 43-1988, f. & ef. 8-22-85; FWC 35-1986, f. & ef. 8-7-86; FWC 11-1987, f. & ef. 3-6-87; FWC 41-1987, f. & ef. 7-6-87; FWC 13-1988, f. & cert. ef. 3-10-88; FWC 63-1989, f. & cert. ef. 8-15-89; FWC 24-1990, f. & cert. ef. 3-21-90; FWC 9-1997, f. & cert. ef. 2-27-97; DFW 49-1998, f. & cert. ef. 6-22-98; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 92-1999, f. 12-8-99, cert. ef. 1-1-00; DFW 82-2000, f. 12-21-00, cert. ef. 1-1-01; DFW 90-2002(Temp), f. & cert. ef. 8-16-02 thru 2-11-03; DFW 114-2002(Temp), f. & cert. ef. 10-18-02 thru 2-11-03; DFW 126-2002, f. & cert. ef. 11-12-02; DFW 127-2002(Temp), f. & cert. ef. 11-14-02 thru 2-11-03; DFW 2-2003, f. & cert. ef. 1-17-03; DFW 50-2003, f. & cert. ef. 6-13-03; DFW 61-2003, f. & cert. ef. 7-16-03; DFW 118-2003, f. 12-4-03, cert. ef. 1-1-04; DFW 53-2005, f. & cert. ef. 6-14-05; DFW 111-2005(Temp), f. & cert. ef. 9-23-05 thru 10-31-05; Administrative correction 11-18-05; DFW 128-2005, f. 12-1-05, cert. ef. 1-1-06; DFW 135-2008, f. & cert. ef. 10-17-08; DFW 2-2009, f. & cert. ef. 1-9-09; DFW 8-2010(Temp), f. & cert. ef. 1-25-10 thru 7-24-10; DFW 21-2010(Temp), f. & cert. ef. 2-26-10 thru 8-24-10; DFW 36-2010(Temp), f. & cert. ef. 3-30-10 thru 9-25-10; DFW 83-2010, f. & cert. ef. 6-15-10; DFW 62-2011, f. & cert. ef. 6-3-11; DFW 92-2012(Temp), f. & cert. ef. 7-23-12 thru 1-19-13; DFW 136-2012, f. & cert. ef. 10-24-12; DFW 137-2012(Temp), f. & cert. ef. 10-24-12 thru 4-22-13; DFW 4-2013, f. 1-15-13, cert. ef. 2-1-13; DFW 10-2013, f. & cert. ef. 2-7-13; DFW 138-2013, f. & cert. ef. 12-20-13; DFW 155-2014(Temp), f. & cert. ef. 10-28-14 thru 4-26-15; DFW 1-2015, f. & cert. ef. 1-6-15; DFW 69-2015, f. & cert. ef. 6-11-15

635-067-0000
Purpose and General Information

(1) The purpose of these rules is to establish season dates, bag limits, areas, methods, and other restrictions for hunting pronghorn antelope, cougar, bighorn sheep, and Rocky Mountain goat pursuant to ORS Chapter 496.

(2) OAR chapter 635, division 67 incorporates, by reference, the requirements for hunting pronghorn antelope, cougar, bighorn sheep, and Rocky Mountain goat set out in the document entitled "2015 Oregon Big Game Regulations", into Oregon Administrative Rules. Therefore, persons must consult the "2015 Oregon Big Game Regulations" in addition to OAR chapter 635, to determine all applicable requirements for hunting pronghorn antelope, cougar, bighorn sheep, and Rocky Mountain goat. The annual Oregon Big Game Regulations are available at authorized license agents and regional, district and headquarters offices and website of the Oregon Department of Fish and Wildlife.

(3) Additional regulation information is available on the Oregon Department of Fish and Wildlife website at www.odfw.com.

(4) Controlled hunt tags shall be issued by a controlled hunt drawing following the procedures established in OAR chapter 635, division 060. Permitted weapons and ammunition are established in OAR chapter 635, division 065. Controlled hunt tag numbers for 2015 are listed in Tables 1, 2, and 3 and are adopted and incorporated into OAR chapter 635, division 67 by reference.

[ED. NOTE: Tables referenced are available from the agency.]
[Publications: Publications referenced are available from the agency.]
Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: FWC 65-1989, f. & cert. ef. 8-15-89; FWC 35-1996, f. & cert. ef. 6-7-96; FWC 9-1997, f. & cert. ef. 2-27-97; FWC 38-1997, f. & cert. ef. 6-17-97; FWC 71-1997, f. & cert. ef. 12-29-97; DFW 49-1998, f. & cert. ef. 6-22-98; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 47-1999, f. & cert. ef. 6-16-99; DFW 92-1999, f. 12-8-99, cert. ef. 1-1-00; DFW 30-2000, f. & cert. ef. 6-14-00; DFW 82-2000, f. 12-21-00, cert. ef. 1-1-01; DFW 47-2001, f. & cert. ef. 6-13-01; DFW 121-2001, f. 12-24-01, cert. ef. 1-1-02; DFW 59-2002, f. & cert. ef. 6-11-02; DFW 2-2003, f. & cert. ef. 1-17-03; DFW 50-2003, f. & cert. ef. 6-13-03; DFW 118-2003, f. 12-4-03, cert. ef. 1-1-04; DFW 53-2004, f. & cert. ef. 6-16-04; DFW 122-2004, f. 12-21-04, cert. ef. 1-1-05; DFW 53-2005, f. & cert. ef. 6-14-05; DFW 128-2005, f. 12-1-05, cert. ef. 1-1-06; DFW 41-2006, f. & cert. ef. 6-14-06; DFW 127-2006, f. 12-7-06, cert. ef. 1-1-07; DFW 42-2007, f. & cert. ef. 6-14-07; DFW 118-2007, f. 10-31-07, c ert. ef. 1-1-08; DFW 60-2008, f. & cert. 6-12-08; DFW 150-2008, f. 12-18-08, cert. ef. 1-1-09; DFW 66-2009, f. & cert. ef.

6-10-09; DFW 140-2009, f. 11-3-09, cert. ef. 1-1-10; DFW 83-2010, f. & cert. ef. 6-15-10; DFW 85-2010(Temp), f. & cert. ef. 6-21-10 thru 12-17-10; DFW 168-2010, f. 12-29-10, cert. ef. 1-1-11; DFW 62-2011, f. & cert. ef. 6-3-11; DFW 159-2011, f. 12-14-11, cert. ef. 1-1-12; DFW 58-2012, f. & cert. ef. 6-11-12; DFW 147-2012, f. 12-18-12, cert. ef. 1-1-13; DFW 53-2013, f. & cert. ef. 6-10-13; DFW 138-2013, f. & cert. ef. 12-20-13; DFW 63-2014, f. & cert. ef. 6-10-14; DFW 1-2015, f. & cert. ef. 1-6-15; DFW 69-2015, f. & cert. ef. 6-11-15

635-067-0030
Controlled Bighorn Sheep Hunts

Notwithstanding the provisions of the 2015 Oregon Game Regulations:

(1) Bighorn sheep hunt 559A1 boundary is expanded to include the NE portion of the Chesnimnus Unit as described below: 93% public lands. That part of Unit 59 north and west of the following line: Beginning at the mouth of Trail Gulch; south on trail no. 1726 to trail no. 1706; south on 1706 to trail no. 1699; southwest on 1699 to Fingerboard Saddle; south on the Hells Canyon Wilderness boundary to Hat Point Lookout; south on Rd number 315 to Rd number 4240; south then northwest on Rd number 4240 to Imnaha. And that part of unit 58 north and east of the following line: west along Corral Cr to FR 46; north on FR 46 to Buckhorn Spring; north along Cherry Creek to the Snake River.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: FWC 32-1978, f. & ef. 6-30-78; FWC 12-1979, f. & ef. 3-28-79; FWC 29-1979, f. & ef. 8-2-79; FWC 14-1980, f. & ef. 4-8-80; FWC 10-1981, f. & ef. 3-31-81; FWC 22-1981, f. & ef. 6-29-81; FWC 21-1982, f. & ef. 3-31-82, Renumbered from 635-060-0610; FWC 15-1983, f. & ef. 4-19-83; FWC 16-1984, f. 4-6-84, ef. 4-15-84; FWC 21-1985, f. & ef. 5-7-85; FWC 29-1986, f. & ef. 7-23-86; FWC 11-1987, f. & ef. 3-6-87; FWC 14-1988, f. & cert. ef. 3-10-88; FWC 16-1989, f. & cert. ef. 3-28-89; FWC 65-1989, f. & cert. ef. 8-15-89; FWC 25-1990, f. & cert. ef. 3-21-90; FWC 21-1991, f. & cert. ef. 3-12-91; FWC 45-1992, f. & cert. ef. 7-15-92; FWC 61-1992, f. & cert. ef. 7-30-92; FWC 36-1993, f. & cert. ef. 6-14-93; FWC 46-1993, f. & cert. ef. 8-4-93; FWC 18-1994, f. 3-30-94, cert. ef. 5-1-94; FWC 40-1994, f. & cert. ef. 6-28-94; FWC 6-1995, f. 1-23-95, cert. ef. 4-1-95; FWC 54-1995, f. & cert. ef. 6-20-95; FWC 17-1996, f. 4-10-96, cert. ef. 4-15-96; FWC 35-1996, f. & cert. ef. 6-7-96; FWC 9-1997, f. & cert. ef. 2-27-97; DFW 99-2006(Temp), f. & cert. ef. 9-11-06 thru 9-30-06; Administrative correction 10-16-06; DFW 109-2009(Temp), f. & cert. ef. 9-9-09 thru 9-30-09; Administrative correction 10-22-09; DFW 81-2011, f. 6-29-11, cert. ef. 8-20-11; DFW 115-2011(Temp), f. & cert. ef. 8-16-11 thru 2-11-12; DFW 116-2011(Temp), f. & cert. ef. 8-19-11 thru 10-1-11; Administrative correction 10-27-11; DFW 159-2011, f. 12-14-11, cert. ef. 1-1-12; DFW 108-2012(Temp), f. & cert. ef. 8-16-12 thru 11-1-12; DFW 116-2012(Temp), f. & cert. ef. 9-4-12 thru 3-2-13; Administrative correction, 3-20-13; DFW 119-2014(Temp), f. 8-8-14, cert. ef. 8-28-14 thru 10-31-14; Administrative correction 11-24-14; DFW 69-2015, f. & cert. ef. 6-11-15

635-067-0032
Bighorn Sheep Auction Tag

(1) One bighorn sheep tag will be auctioned to the highest bidder annually in the manner and at such time as provided by the Department. The Department may contract with a sportsmen's group or organization to conduct the auction.

(2) The bighorn sheep auction tag and auction shall be limited as follows:

(a) Bag Limit: One bighorn sheep ram.

(b) Hunting Hours: One-half hour before sunrise to one-half hour after sunset.

(c) Open Season: The season shall begin on August 1 and shall end on November 22.

(d) Open Area: Any area where bighorn sheep hunts and tags have been authorized for the current year. The remainder of the state is closed to bighorn sheep hunting.

(e) Auction Requirements:

(A) The minimum acceptable bid for a bighorn sheep auction tag shall be $25,000. The bid price includes the hunting license and tag fee. A valid bighorn sheep tag will be provided to the winning bidder in the auction and a valid hunting license will be provided if the winning bidder has not already purchased one, so long as the winning bidder is eligible to purchase an adult Oregon hunting license or a juvenile Oregon hunting license.

(B) Any person, resident or nonresident, is eligible to bid.

(C) If the highest bid is submitted by a person other than the person who is to receive the tag, the Department shall be notified within five business days of the name, address, and phone number of the individual who is to receive the license and tag and his or her position or affiliation with the corporation or organization.

(D) Acceptance of the highest bid shall be conditional until the full amount of the bid is paid. Payment shall be made to the Oregon Department of Fish and Wildlife by cashiers check or certified check within 60 days of the date of the auction, whether conducted by the Department or by a sportsman's group or organization authorized by the Department to conduct the auction.

(E) If the full amount is not paid as provided in OAR 635-067-0032(2)(d)(D), the Department may, at its discretion, reject the bid and offer the tag to the next highest bidder. If the Department offers the tag to the next highest bidder, such next highest bidder must make payment to the Oregon Department of Fish and Wildlife by cashiers check or certified check within 30 days of notification of his or her opportunity to obtain the tag.

(F) The successful bidder may be required to complete a bighorn sheep hunting orientation course prior to their hunt. The hunter shall inform the Department when and where the hunt will be conducted. The successful bidder shall be required to take appropriate steps to assure that any ram taken is marked with an identification pin by Department personnel within five days of being taken.

(G) The Department shall reserve the right to accept or reject any or all bids.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162 & 497.112
Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162 & 497.112
Hist.: FWC 16-1987, f. & ef. 5-5-87; FWC 14-1988, f. & cert. ef. 3-10-88; FWC 16-1989, f. & cert. ef. 3-28-89; FWC 35-1989, f. & cert. ef. 6-6-89; FWC 65-1989, f. & cert. ef. 8-15-89; FWC 36-1990, f. & cert. ef. 4-25-90; FWC 128-1990, f. & cert. ef. 12-24-90; FWC 127-1991, f. & cert. ef. 10-28-91; FWC 61-1992, f. & cert. ef. 7-30-92; FWC 45-1993, f. & cert. ef. 8-4-93; FWC 91-1994, f. & cert. ef. 12-15-94; FWC 53-1995, f. & cert. ef. 6-20-95; FWC 39-1996, f. 6-17-96, cert. ef. 11-1-96; FWC 71-1997, f. & cert. ef. 12-29-97; DFW 49-1998, f. & cert. ef. 6-22-98; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 47-1999, f. & cert. ef. 6-16-99; DFW 92-1999, f. 12-8-99, cert. ef. 1-1-00; DFW 82-2000, f. 12-21-00, cert. ef. 1-1-01; DFW 121-2001, f. 12-24-01, cert. ef. 1-1-02; DFW 2-2003, f. & cert. ef. 1-17-03; DFW 118-2003, f. 12-4-03, cert. ef. 1-1-04; DFW 140-2009, f. 11-3-09, cert. ef. 1-1-10; DFW 1-2015, f. & cert. ef. 1-6-15; DFW 69-2015, f. & cert. ef. 6-11-15

635-067-0034
Bighorn Sheep Raffle Tag

(1) One bighorn sheep tag will be raffled during the current year to an individual selected at a public drawing. The Department may contract with a sportsmen's group or organization to conduct the raffle.

(2) The bighorn sheep raffle tag shall be limited as follows:

(a) Bag Limit: One bighorn sheep ram.

(b) Hunting Hours: One-half hour before sunrise to one-half hour after sunset.

(c) Open Season: The season shall begin on August 1 and shall end on November 22.

(d) Open Area: Any area where bighorn sheep hunts and tags have been authorized for the tube current year. The remainder of the state is closed to bighorn sheep hunting.

(3) Raffle Requirements:

(a) There is no limit on the number of tickets that a person may purchase. Raffle tickets shall be available for purchase in the following denominations:

(A) One ticket package at a cost of $9.50 (plus a $2.00 license agent fee).

(B) Six ticket package at a cost of $49.50 (plus a $2.00 license agent fee).

(C) Thirteen ticket package at a cost of $99.50 (plus a $2.00 license agent fee).

(b) Raffle tickets will be made available during the dates specified in the current Big Game Regulations to the public through the authorized license agents in the state or through licensing in the Salem headquarters office or may be purchased through the mail using Oregon Department of Fish and Wildlife accepted forms. Tickets may be sold by Department representatives at various gatherings of sportmen's groups.

(c) Residents and nonresidents shall be eligible to purchase tickets.

(d) There shall be no refunds on any purchases of raffle tickets.

(e) Tickets purchased through license agents and handled by mail shall be received in the Salem headquarters office of the Department by the date specified in the current Big Game Regulations. Hand delivered tickets submitted for the drawing must be received by 5 p.m. at the Salem headquarters office no later than two days before the drawing event. Completed tickets delivered to the drawing event must be turned in by the time specified in the current Big Game Regulations. Additional tickets may be purchased at the actual raffle site prior to the drawing.

(f) All tickets submitted for the drawing must be complete with a name, address, and phone number.

(g) One winner and two alternate winners will be drawn at a public drawing; time and location to be announced by the Department.

(h) The Department will mail notification to the winner and two alternates. If the winner does not claim the tag by 5 p.m., July 1, the winner shall be disqualified and the Department will offer the tag to the first alternate. If the first alternate does not claim the tag within 10 business days of July 1, the second alternate will be contacted. If the tag is not claimed by 5 p.m., July 31, it will not be issued.

(i) License and Tag Requirements: A valid bighorn sheep tag will be provided to the winner of the raffle and a valid hunting license will be pro-

vided if the winner has not already purchased one, so long as the winner is eligible to purchase an adult Oregon hunting license or a juvenile Oregon hunting license.

(j) The bighorn sheep tag shall be issued in the name of the person on the winning ticket provided that person meets all criteria outlined above. The tag may not be sold, assigned, or otherwise transferred.

(k) The winner of the bighorn sheep tag may be required to complete a bighorn sheep hunting orientation course prior to their hunt. The hunter shall inform the Department as to where and when the hunt will be conducted.

(l) If the holder of the raffle bighorn sheep tag is successful in taking a bighorn sheep ram, that person shall present the ram to the Department for permanent marking within five days of taking of the ram.

Stat. Auth.: ORS 496.012, 496.138 & 496.146
Stats. Implemented: ORS 496.012, 496.138 & 496.146
Hist.: FWC 127-1991, f. & cert. ef. 10-28-91; FWC 61-1992, f. & cert. ef. 7-30-92; FWC 45-1993, f. & cert. ef. 8-4-93; FWC 91-1994, f. & cert. ef. 12-15-94, FWC 53-1995, f. & cert. ef. 6-20-95; FWC 39-1996, f. 6-17-96, cert. ef. 11-1-96; FWC 71-1997, f. & cert. ef. 12-29-97; DFW 49-1998, f. & cert. ef. 6-22-98; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 92-1999, f. 12-8-99, cert. ef. 1-1-00; DFW 1-2000(Temp), f. & cert. ef. 1-3-00 thru 6-30-00; DFW 30-2000, f. & cert. ef. 6-14-00; DFW 82-2000, f. 12-21-00, cert. ef. 1-1-01; DFW 121-2001, f. 12-24-01, cert. ef. 1-1-02; DFW 2-2003, f. & cert. ef. 1-17-03; DFW 118-2003, f. 12-4-03, cert. ef. 1-1-04; DFW 122-2004, f. 12-21-04, cert. ef. 1-1-05; DFW 130-2006(Temp), f. & cert. ef. 12-15-06 thru 6-13-06; Administrative Correction, 6-16-07; DFW 140-2009, f. 11-3-09, cert. ef. 1-1-10; DFW 142-2009, f. 11-12-09, cert. ef. 1-1-10; DFW 1-2015, f. & cert. ef. 1-6-15; DFW 69-2015, f. & cert. ef. 6-11-15

635-068-0000
Purpose and General Information

(1) The purpose of these rules is to establish season dates, bag limits, areas, methods and other restrictions for hunting western Oregon deer pursuant to ORS Chapter 496.

(2) Controlled hunt tag numbers for 2015 are listed in **Tables 1** and 2 and are adopted and incorporated into OAR chapter 635, division 68 by reference.

(3) OAR chapter 635, division 68 incorporates, by reference, the requirements for hunting western Oregon deer set out in the document entitled "**2015 Oregon Big Game Regulations**," into Oregon Administrative Rules. Therefore, persons must consult the "2015 Oregon Big Game Regulations" in addition to OAR chapter 635, to determine all applicable requirements for hunting western Oregon deer. The annual Oregon Big Game Regulations are available at authorized license agents and regional, district, and headquarters offices of the Oregon Department of Fish and Wildlife.

(4) Additional regulation information is available on the Oregon Department of Fish and Wildlife website at www.odfw.com.

[ED. NOTE: Tables & publications referenced are available from the agency.]
Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: FWC 39-1988, f. & cert. ef. 6-13-88; FWC 35-1996, f. & cert. ef. 6-7-96; FWC 9-1997, f. & cert. ef. 2-27-97; FWC 38-1997, f. & cert. ef. 6-17-97; FWC 71-1997, f. & cert. ef. 12-29-97; DFW 49-1998, f. & cert. ef. 6-22-98; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 47-1999, f. & cert. ef. 6-16-99; DFW 92-1999, f. 12-8-99, cert. ef. 1-1-00; DFW 30-2000, f. & cert. ef. 6-14-00; DFW 82-2000, f. 12-21-00, cert. ef. 1-1-01; DFW 47-2001. f. & cert. ef. 6-13-01; DFW 121-2001, f. 12-24-01, cert. ef. 1-1-02; DFW 59-2002, f. & cert. ef. 6-11-02; DFW 3-2003, f. 1-17-03, cert. ef. 1-20-03; DFW 50-2003, f. & cert. ef. 6-13-03; DFW 121-2003, f. 12-4-03, cert. ef. 1-19-04; DFW 53-2004, f. & cert. ef. 6-16-04; DFW 124-2004, f. 12-21-04, cert. ef. 3-1-05; DFW 53-2005, f. & cert. ef. 6-14-05; DFW 131-2005, f. 12-1-05, cert. ef. 3-1-06; DFW 41-2006, f. & cert. ef. 6-14-06; DFW 125-2006, f. 12-4-06, cert. ef. 3-1-07; DFW 42-2007, f. & cert. ef. 6-14-07; DFW 116-2007, f. 10-31-07, cert. ef. 3-1-08; DFW 60-2008, f. & cert. 6-12-08; DFW 13-2009, f. 2-19-09, cert. ef. 3-1-09; DFW 66-2009, f. & cert. ef. 6-10-09; DFW 14-2010, f. 2-16-10, cert. ef. 3-1-10; DFW 83-2010, f. & cert. ef. 6-15-10; DFW 14-2011, f. 2-15-11, cert. ef. 3-1-11; DFW 62-2011, f. & cert. ef. 6-3-11; DFW 15-2012, f. 2-10-12, cert. ef. 3-1-12; DFW 58-2012, f. & cert. ef. 6-11-12; DFW 14-2013, f. 2-15-13, cert. ef. 3-1-13; DFW 53-2013, f. & cert. ef. 6-10-13; DFW 122-2013, f. & cert. ef. 10-25-13; DFW 16-2014, f. & cert. ef. 2-27-14; DFW 63-2014, f. & cert. ef. 6-10-14; DFW 15-2015, f. & cert. ef. 2-26-15; DFW 69-2015, f. & cert. ef. 6-11-15

635-069-0000
Purpose and General Information

(1) The purpose of these rules is to establish season dates, bag limits, areas, methods and other restrictions for hunting eastern Oregon deer pursuant to ORS Chapter 496.

(2) Controlled hunt tag numbers for 2015 are listed in **Tables 1** and **2** and are adopted and incorporated into OAR Chapter 635, division 69 by reference.

(3) OAR Chapter 635, division 69 incorporates, by reference, the requirements for hunting eastern Oregon deer set out in the document entitled "**2015 Oregon Big Game Regulations**," into Oregon Administrative Rules. Therefore, persons must consult the "2015 Oregon Big Game Regulations" in addition to OAR Chapter 635, to determine all applicable requirements for hunting eastern Oregon deer. The annual Oregon Big Game Regulations are available at hunting license agents and regional, district and headquarters offices and website of the Oregon Department of Fish and Wildlife.

(4) Additional regulation information is available on the Oregon Department of Fish and Wildlife website at www.odfw.com.

[Publications: Publications referenced are available from the agency.]
Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: FWC 40-1988, f. & cert. ef. 6-13-88; FWC 35-1996, f. & cert. ef. 6-7-96; FWC 9-1997, f. & cert. ef. 2-27-97; FWC 38-1997, f. & cert. ef. 6-17-97; FWC 71-1997, f. & cert. ef. 12-29-97; DFW 49-1998, f. & cert. ef. 6-22-98; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 32-1999(Temp), f. & cert. ef. 5-4-99 thru 10-31-99; DFW 34-1999(Temp), f. & cert. ef. 5-12-99 thru 10-31-99; DFW 47-1999, f. & cert. ef. 6-16-99; DFW 92-1999, f. 12-8-99, cert. ef. 1-1-00; DFW 20-2000(Temp), f. 4-12-00, cert. ef. 4-12-00 thru 6-30-00; DFW 30-2000, f. & cert. ef. 6-14-00; DFW 82-2000, f. 12-21-00, cert. ef. 1-1-01; DFW 47-2001, f. & cert. ef. 6-13-01; DFW 121-2001, f. 12-24-01, cert. ef. 1-1-02; DFW 59-2002, f. & cert. ef. 6-11-02; DFW 7-2003, f. 1-17-03, cert. ef. 2-1-03; DFW 50-2003, f. & cert. ef. 6-13-03; DFW 122-2003, f. 12-4-03, cert. ef. 2-2-04; DFW 53-2004, f. & cert. ef. 6-16-04; DFW 123-2004, f. 12-21-04, cert. ef. 2-1-05; DFW 53-2005, f. & cert. ef. 6-14-05; DFW 130-2005, f. 12-1-05, cert. ef. 2-1-06; DFW 41-2006, f. & cert. ef. 6-14-06; DFW 124-2006, f. 12-7-06, cert. ef. 2-1-07; DFW 42-2007, f. & cert. ef. 6-14-07; DFW 117-2007, f. 10-31-07, cert. ef. 2-1-08; DFW 60-2008, f. & cert. 6-12-08; DFW 8-2009, f. & cert. ef. 2-3-09; DFW 66-2009, f. & cert. ef. 6-10-09; DFW 4-2010, f. 1-12-10, cert. ef. 2-1-10; DFW 83-2010, f. & cert. ef. 6-15-10; DFW 7-2011, f. 1-31-11, cert. ef. 2-1-11; DFW 62-2011, f. & cert. ef. 6-3-11; DFW 3-2012, f. 1-13-12, cert. ef. 2-1-12; DFW 58-2012, f. & cert. ef. 6-11-12; DFW 4-2013, f. 1-15-13, cert. ef. 2-1-13; DFW 53-2013, f. & cert. ef. 6-10-13; DFW 3-2014, f. & cert. ef. 1-22-14; DFW 63-2014, f. & cert. ef. 6-10-14; DFW 69-2015, f. & cert. ef. 6-11-15

635-070-0000
Purpose and General Information

(1) The purpose of these rules is to establish season dates, bag limits, areas, methods and other restrictions for hunting Cascade and Coast elk pursuant to ORS Chapter 496.

(2) Controlled hunt tag numbers for 2015 are listed in Tables 1 and 2 and are adopted and incorporated into OAR chapter 635, division 70 by reference.

(3) OAR chapter 635, division 70 incorporates, by reference, the requirements for hunting western Oregon elk set out in the document entitled "**2015 Oregon Big Game Regulations**," into Oregon Administrative Rules. Therefore, persons must consult the "2015 Oregon Big Game Regulations" in addition to OAR Chapter 635, to determine all applicable requirements for hunting western Oregon elk. The annual Oregon Big Game Regulations are available at hunting license agents and regional, district and headquarters offices of the Oregon Department of Fish and Wildlife.

(4) Additional regulation information is available on the Oregon Department of Fish and Wildlife website at www.odfw.com.

[ED. NOTE: Tables referenced are available from the agency.]
[Publications: Publications referenced are available from the agency.]
Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: FWC 41-1988, f. & cert. ef. 6-13-88; FWC 35-1996, f. & cert. ef. 6-7-96; FWC 9-1997, f. & cert. ef. 2-27-97; FWC 38-1997, f. & cert. ef. 6-17-97; FWC 71-1997, f. & cert. ef. 12-29-97; DFW 49-1998, f. & cert. ef. 6-22-98; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 47-1999, f. & cert. ef. 6-16-99; DFW 92-1999, f. 12-8-99, cert. ef. 1-1-00; DFW 30-2000, f. & cert. ef. 6-14-00; DFW 82-2000, f. 12-21-00, cert. ef. 1-1-01; DFW 47-2001, f. & cert. ef. 6-13-01; DFW 121-2001, f. 12-24-01, cert. ef. 1-1-02; DFW 59-2002, f. & cert. ef. 6-11-02; DFW 2-2003, f. & cert. ef. 1-17-03; DFW 9-2003(Temp), f. & cert. ef. 1-28-03 thru 6-16-03; DFW 50-2003, f. & cert. ef. 6-13-03; DFW 119-2003, f. 12-4-03, cert. ef. 4-1-04; DFW 130-2003(Temp), f. & cert. ef. 12-24-03 thru 3-1-04; DFW 8-2004(Temp), f. & cert. ef. 2-2-04 thru 7-31-04; DFW 53-2004, f. & cert. ef. 6-16-04; DFW 107-2004(Temp), f. & cert. ef 10-18-04 thru 11-27-04; DFW 131-2004, f. 12-21-04, cert. ef. 4-1-05; DFW 53-2005, f. & cert. ef. 6-14-05; DFW 132-2005, f. 12-1-05, cert. ef. 4-1-06; DFW 41-2006, f. & cert. ef. 6-14-06; DFW 126-2006, f. 12-7-06, cert. ef. 4-1-07; DFW 42-2007, f. & cert. ef. 6-14-07; DFW 115-2007, f. 10-31-07, cert. ef. 4-1-08; DFW 60-2008, f. & cert. 6-12-08; DFW 31-2009, f. 3-23-09, cert. ef. 4-1-09; DFW 66-2009, f. & cert. ef. 6-10-09; DFW 22-2010, f. 3-1-10, cert. ef. 4-1-10; DFW 31-2010, f. 3-12-10, cert. ef. 4-1-10; DFW 83-2010, f. & cert. ef. 6-15-10; DFW 62-2011, f. & cert. ef. 6-3-11; DFW 22-2012, f. 3-14-12, cert. ef. 4-1-12; DFW 58-2012, f. & cert. ef. 6-11-12; DFW 21-2013, f. 3-11-13, cert. ef. 4-1-13; DFW 53-2013, f. & cert. ef. 6-10-13; DFW 19-2014, f. & cert. ef. 3-11-14; DFW 63-2014, f. & cert. ef. 6-10-14; DFW 25-2015, f. & cert. ef. 4-8-15; DFW 69-2015, f. & cert. ef. 6-11-15

635-071-0000
Purpose and General Information

(1) The purpose of these rules is to establish season dates, bag limits, areas, methods and other restrictions for hunting Rocky Mountain elk pursuant to ORS Chapter 496.

(2) Controlled hunt tag numbers for 2015 are listed in **Tables 1** and **2** and are adopted and incorporated in OAR chapter 635, division 71 by reference.

(3) OAR chapter 635, division 71 incorporates, by reference, the requirements for hunting Rocky Mountain elk set out in the document entitled "**2015 Oregon Big Game Regulations**," into Oregon Administrative Rules. Therefore, persons must consult the "2015 Oregon Big Game Regulations" in addition to OAR Chapter 635, to determine all applicable requirements for hunting Rocky Mountain elk. The annual Oregon Big Game Regulations are available at hunting license agents and regional, dis-

trict and headquarters offices of the Oregon Department of Fish and Wildlife.

(4) Additional regulation information is available on the Oregon Department of Fish and Wildlife website at www.odfw.com.

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

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

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

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

Hist.: FWC 42-1988, f. & cert. ef. 6-13-88; FWC 35-1996, f. & cert. ef. 6-7-96; FWC 9-1997, f. & cert. ef. 2-27-97; FWC 38-1997, f. & cert. ef. 6-17-97; FWC 71-1997, f. & cert. ef. 12-29-97; DFW 49-1998, f. & cert. ef. 6-22-98; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 47-1999, f. & cert. ef. 6-16-99; DFW 92-1999, f. 12-8-99, cert. ef. 1-1-00; DFW 30-2000, f. & cert. ef. 6-14-00; DFW 82-2000, f. 12-21-00, cert. ef. 1-1-01; DFW 47-2001, 6-13-01; DFW 121-2001, f. 12-24-01, cert. ef. 1-1-02; DFW 59-2002, f. & cert. ef. 6-11-02; DFW 2-2003, f. & cert. ef. 1-17-03; DFW 9-2003(Temp), f. & cert. ef. 1-28-03 thru 6-16-03; DFW 50-2003, f. & cert. ef. 6-13-03; DFW 118-2003, f. 12-4-03, cert. ef. 1-1-04; DFW 1-2004(Temp), f. & cert. ef. 1-13-04 thru 7-9-04; DFW 53-2004, f. & cert. ef. 6-16-04; DFW 105-2004(Temp), f. & cert. ef. 10-13-04 thru 11-15-04, Administrative correction 11-22-04; DFW 131-2004, f. 12-21-04, cert. ef. 4-1-05; DFW 53-2005, f. & cert. ef. 6-14-05; DFW 132-2005, f. 12-1-05, cert. ef. 4-1-06; DFW 22-2006(Temp), f. & cert. ef. 4-7-06 thru 10-4-06; DFW 41-2006, f. & cert. ef. 6-14-06; DFW 126-2006, f. 12-7-06, cert. ef. 4-1-07; DFW 42-2007, f. & cert. ef. 6-14-07; DFW 115-2007, f. 10-31-07, cert. ef. 4-1-08; DFW 60-2008, f. & cert. 6-12-08; DFW 31-2009, f. 3-23-09, cert. ef. 4-1-09; DFW 66-2009, f. & cert. ef. 6-10-09; DFW 22-2010, f. 3-1-10, cert. ef. 4-1-10; DFW 31-2010, f. 3-12-10, cert. ef. 4-1-10; DFW 83-2010, f. & cert. ef. 6-15-10; DFW 62-2011, f. & cert. ef. 6-3-11; DFW 22-2012, f. 3-14-12, cert. ef. 4-1-12; DFW 58-2012, f. & cert. ef. 6-11-12; DFW 21-2013, f. 3-11-13, cert. ef. 4-1-13; DFW 53-2013, f. & cert. ef. 6-10-13; DFW 19-2014, f. & cert. ef. 3-11-14; DFW 63-2014, f. & cert. ef. 6-10-14; DFW 25-2015, f. & cert. ef. 4-8-15; DFW 69-2015, f. & cert. ef. 6-11-15

635-071-0010

Controlled Rocky Mountain Antlerless Elk Rifle Hunts

Notwithstanding the provisions of the **2015 Oregon Big Game Regulations**: The season listed on page 57 for the S Sumpter (251D) Controlled Rocky Mountain Antlerless Elk Hunt is extended to December 31, 2015.

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

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

Hist.: FWC 37-1982, f. & ef. 6-25-82; FWC 28-1983, f. & ef. 7-8-83; FWC 34-1984, f. & ef. 7-24-84; FWC 43-1985, f. & ef. 8-22-85; FWC 76-1985(Temp), f. & ef. 12-6-85; FWC 71-1985, f. & ef. 11-8-85; FWC 35-1986, f. & ef. 8-7-86; FWC 45-1987, f. & ef. 7-6-87; FWC 42-1988, f. & cert. ef. 6-13-88; FWC 69-1989, f. & cert. ef. 8-15-89; FWC 115-1989(Temp), f. & cert. ef. 11-16-89; FWC 61-1990, f. & cert. ef. 6-21-90; FWC 116-1990(Temp), f. & cert. ef. 10-11-90; FWC 64-1991, f. & cert. ef. 6-24-91; FWC 115-1991, f. & cert. ef. 9-30-91; FWC 49-1992, f. & cert. ef. 7-15-92; FWC 36-1993, f. & cert. ef. 6-14-93; FWC 46-1993, f. & cert. ef. 8-4-93; FWC 18-1994, f. 3-30-94, cert. ef. 5-1-94; FWC 40-1994, f. & cert. ef. 6-28-94; FWC 63-1994(Temp), f. & cert. ef. 9-13-94; FWC 6-1995, f. 1-23-95, cert. ef. 4-1-95; FWC 54-1995, f. & cert. ef. 6-20-95; FWC 17-1996, f. 4-10-96, cert. ef. 4-15-96; FWC 17-1996, f. 4-10-96, cert. ef. 4-15-96; FWC 35-1996, f. & cert. ef. 6-7-96; FWC 9-1997, f. & cert. ef. 2-27-97; DFW 49-1998, f. & cert. ef. 6-22-98; DFW 47-1999, f. & cert. ef. 6-16-99; DFW 30-2000, f. & cert. ef. 6-14-00; DFW 22-2006(Temp), f. & cert. ef. 4-7-06 thru 10-4-06; DFW 41-2006, f. & cert. ef. 6-14-06; DFW 42-2007, f. & cert. ef. 6-14-07; DFW 127-2013(Temp), f. & cert. ef. 11-5-13 thru 12-1-13; Administrative correction, 12-19-13; DFW 2-2015(Temp), f. & cert. ef. 1-7-15 thru 6-30-15; DFW 69-2015, f. & cert. ef. 6-11-15

635-073-0000

Purpose and General Information

(1) The purpose of these rules is to establish season dates, bag limits, areas and other restrictions for bow and muzzleloader hunting and controlled deer and elk youth hunts; pursuant to ORS Chapter 496.

(2) Controlled hunt tag numbers for 2015 for deer and elk bow and muzzleloader hunting and deer and elk youth hunts are listed in **Tables 1** and **2** and are adopted and incorporated into OAR chapter 635, division 73 by reference.

(3) OAR chapter 73 incorporates, by reference, the requirements for bow and muzzleloader hunting and controlled deer and elk youth hunts set out in the document entitled "**2015 Oregon Big Game Regulations**," into Oregon Administrative Rules. Therefore, persons must consult the "2015 Oregon Big Game Regulations," in addition to OAR chapter 635, to determine all applicable requirements for bow and muzzleloader hunting and controlled deer and elk youth hunts. The annual Oregon Big Game Regulations are available at hunting license agents and regional, district and headquarters offices and website of the Oregon Department of Fish and Wildlife.

(4) Additional regulation information is available on the Oregon Department of Fish and Wildlife website at www.odfw.com.

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

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

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

Hist.: FWC 44-1988, f. & cert. ef. 6-13-88; FWC 18-1994, f. 3-30-94, cert. ef. 5-1-94; FWC 17-1996, f. 4-10-96, cert. ef. 4-15-96; FWC 35-1996, f. & cert. ef. 6-7-96; FWC 9-1997, f. & cert. ef. 2-27-97; FWC 38-1997, f. & cert. ef. 6-17-97; FWC 71-1997, f. & cert. ef. 12-29-97; DFW 49-1998, f. & cert. ef. 6-22-98; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 47-1999, f. & cert. ef. 6-16-99; DFW 92-1999, f. 12-8-99, cert. ef. 1-1-00; DFW 21-2000(Temp), f. 4-12-00, cert. ef. 4-12-00 thru 6-30-00; DFW 30-2000, f. & cert. ef. 6-14-00; DFW 82-2000, f. 12-21-00, cert. ef. 1-1-01; DFW 47-2001, f. & cert. ef. 6-13-01; DFW 121-2001, f. 12-24-01, cert. ef. 1-1-02; DFW 59-2002, f. & cert. ef. 6-11-02; DFW 3-2003, f. 1-17-03, cert. ef. 1-20-03; DFW 50-2003, f. & cert. ef. 6-13-03; DFW 122-2003, f. 12-4-03, cert. ef. 2-2-04; DFW 130-2003(Temp), f. & cert. ef. 12-24-03 thru 3-1-04; DFW 53-2004, f. & cert. ef. 6-16-04; DFW 123-2004, f. 12-21-04, cert. ef. 2-1-05; DFW 53-2005, f. & cert. ef. 6-14-05; DFW 130-2005, f. 12-1-05, cert. ef. 2-1-06; DFW 22-2006(Temp), f. & cert. ef. 4-7-06 thru 10-4-06; DFW 41-2006, f. & cert. ef. 6-14-06; DFW 124-2006, f. 12-7-06, cert. ef. 2-1-07; DFW 42-2007, f. & cert. ef. 6-14-07; DFW 117-2007, f. 10-31-07, cert. ef. 2-1-08; DFW 60-2008, f. & cert. 6-12-08; DFW 8-2009, f. & cert. ef. 2-3-09; DFW 66-2009, f. & cert. ef. 6-10-09; DFW 4-2010, f. 1-12-10, cert. ef. 2-1-10; DFW 83-2010, f. & cert. ef. 6-15-10; DFW 7-2011, f. 1-31-11, cert. ef. 2-1-11; DFW 62-2011, f. & cert. ef. 6-3-11; DFW 3-2012, f. 1-13-12, cert. ef. 2-1-12; DFW 58-2012, f. & cert. ef. 6-11-12; DFW 4-2013, f. 1-15-13, cert. ef. 2-1-13; DFW 53-2013, f. & cert. ef. 6-10-13; DFW 3-2014, f. & cert. ef. 1-22-14; DFW 63-2014, f. & cert. ef. 6-10-14; DFW 89-2014(Temp), f. & cert. ef. 7-7-14 thru 11-1-14; Administrative correction 11-24-14; DFW 15-2015, f. & cert. ef. 2-26-15; DFW 69-2015, f. & cert. ef. 6-11-15

635-075-0005

Registration, Application and Tag Issuance Procedures and Limits for All Controlled Hunts

(1) A landowner shall submit a landowner preference registration form to be eligible for a landowner preference tag. A one-time fee of $30.00 is required at the time of registration for new program participants. A landowner can have only one registration form on file with the Department. However, an individual who owns (through business entities, in the individual's own name or a combination thereof) more than one property eligible for the landowner preference program may register each such property. The registration form is an affidavit certifying ownership, number of acres owned, the county and Wildlife Management Unit where the property is located. This registration form registers the individual and remains valid until the individual registered no longer qualifies as a landowner as defined under OAR 635-045-0002, writes to the Department requesting the registration form be deleted, or the Department notifies the landowner that a renewal is required.

(2) In addition to having a landowner preference registration form on file with the Department, a landowner or an authorized designee identified by the landowner in writing to the Department shall submit a tag distribution form annually. The tag distribution form shall list the names of the landowner, stockholder(s), partner(s), and their immediate family members to receive tags for pronghorn antelope, and the names of the landowner, stockholder(s), partner(s), their immediate family members, and those persons of the landowners' choosing to receive landowner preference tags for deer and elk.

(3) Landowners shall submit registration forms and landowners or their designee shall submit tag distribution forms prior to September 15 for all controlled 100 series buck deer and bull elk hunts, and through the day prior to the season openings for 600 series antlerless deer, antlerless elk, and either-sex or doe/fawn pronghorn antelope hunts. A Landowner Preference Tag Redistribution fee of $15.00 will be charged per species for amendments made to the original tag distribution forms.

(4) Registration forms and tag distribution forms are available at no charge in any office of the Department.

(5) Registration forms, tag distribution forms, and applications shall be received at the Salem headquarters office of the Department prior to issuance of any landowner preference tag, except as provided for in OAR 635-075-0007. Landowners are not required to submit proof of ownership with their registration form. Landowners shall be required to submit proof of ownership at the request of the Department or the Oregon State Police acting on behalf of the Department.

(6) A landowner, stockholder(s), partner(s), and immediate family and those persons of the landowners' choosing wishing to also apply for controlled hunt tags shall apply by the May 15 controlled hunt deadline. Listing a hunt choice other than a landowner preference choice is not required.

(7) Everyone shall follow controlled hunt application procedures and regulations as described in OAR Division 060.

(8) The number of landowner preference tags issued is based upon a landowner's acreage. Landowner Preference tags shall be allocated by the following minimum acreage requirements: [Table not included. See ED. NOTE.]

(9) Landowner preference tags for the hunting of deer or elk may be issued to any person of the landowner's choosing, and shall be used for the taking of antlerless animals except as described in OAR 635-075-0005(10). Season dates of the transferred landowner preference tags shall be the same dates as the original tag.

(10) Landowner preference tags for the hunting of antlered deer or elk may be issued to a person of the landowner's choosing who is not a member of the landowner's, partner's, or stockholder's immediate family as follows:

(a) A landowner who is issued only one tag may not transfer that tag.

(b) A landowner who is issued two or more tags may transfer not more than 50 percent of the tags to a person who is not an immediate family

member as defined in ORS 496.146 (4). If calculation of the number of tags eligible for transfer under the provisions of this paragraph results in a fraction, the Commission shall round up the number of tags to the next whole number.

(11) A landowner who is qualified to receive landowner hunting preference tags may request two additional tags for providing public access and/or two additional tags for wildlife habitat programs. This request shall be made to the Access and Habitat Board with supporting evidence that the access is significant and the habitat programs benefit wildlife. The board may recommend that the commission grant the request. These tags may not be applied to the options as defined in OAR 635-075-0005(8).

(12) No one shall receive both a controlled hunt tag and a landowner preference tag for the same type of hunt. Landowner hunting preference tags shall not be issued to any person successful in the controlled hunt drawing for the same type of hunt.

(13) Landowner preference tags, except as described in OAR 635-075-0007, 635-075-0010, and 635-075-0015 shall only be issued from the headquarters office of the Department following the controlled hunt drawings.

[ED. NOTE: Tables referenced are available from the agency.]
Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: FWC 35-1982, f. & ef. 6-7-82; FWC 43-1985, f. & ef. 8-22-85; FWC 35-1986, f. & ef. 8-7-86; FWC 48-1987, f. & ef. 7-6-87; FWC 20-1988, f. & cert. ef. 3-10-88; FWC 45-1988, f. & cert. ef. 6-13-88; FWC 98-1988, f. & cert. ef. 10-6-88; FWC 14-1990, f. & cert. ef. 2-2-90; FWC 99-1992, f. & cert. ef. 9-25-92; FWC 10-1994, f. & cert. ef. 2-24-94; FWC 14-1994(Temp), f. & cert. ef. 3-1-94; FWC 40-1994, f. & cert. ef. 6-28-94; FWC 7-1996, f. & cert. ef. 2-12-96; FWC 38-1997, f. & cert. ef. 6-17-97; DFW 49-1998, f. & cert. ef. 6-22-98; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 47-1999, f. & cert. ef. 6-16-99; DFW 82-2000, f. 12-21-00, cert. ef. 1-1-01; DFW 121-2001, f. 12-24-01, cert. ef. 1-1-02; DFW 118-2003, f. 12-4-03, cert. ef. 1-1-04; DFW 122-2004, f. 12-21-04, cert. ef. 1-1-05; DFW 53-2005, f. & cert. ef. 6-14-05; DFW 131-2008, f. & cert. ef. 10-14-08; DFW 42-2009(Temp), f. 5-4-09, cert. ef 5-5-09 thru 10-31-09; DFW 66-2009, f. & cert. ef. 6-10-09; DFW 140-2009, f. 11-3-09, cert. ef. 1-1-10; DFW 142-2009, f. 11-12-09, cert. ef. 1-1-10; DFW 19-2013(Temp), f. & cert. ef. 3-11-13 thru 9-6-13; DFW 53-2013, f. & cert. ef. 6-10-13; DFW 63-2014, f. & cert. ef. 6-10-14; DFW 1-2015, f. & cert. ef. 1-6-15; DFW 69-2015, f. & cert. ef. 6-11-15

635-075-0020
Landowner Hunting Preference Tags in Special Seasons

(1)(a) Landowner hunting preference tags are not available for the long duration youth elk hunts (August 1 - December 31) or the Melrose 223T (August 1–March 31, 2015) youth elk hunt.

(b) During controlled elk hunts with a bag limit of spike or better in units where the usual bag limit for bull elk is spike only, landowner hunting preference tags shall be limited to five tags or 10 percent of the total controlled hunt tags whichever is greater; the bag limit for these elk tags shall be spike or better.

(2) If landowner preference tags remain from the controlled hunts described in 635-075-0020(1)(b) after the game mammal controlled hunt drawing, the Department will issue remaining tags to qualified landowners in the following manner:

(a) The tags shall be issued on a first-come, first-served basis.

(b) The Department will set the time and date for the sale of the tags.

(c) Tags issued are additional tags. A qualified landowner may purchase only one first-come, first-served tag per hunt series. Such a tag may be for the landowner or for someone other than the landowner listed on their tag distribution form.

(d) For the purposes of OAR 635-075-0020(2), "qualified landowner" is a landowner who registered their land through the landowner preference program for the Wildlife Management Unit which includes the controlled hunt and who has a current tag distribution form filed with the Department.

(3) A hunter who received a tag of his or her choice through the original game mammal controlled hunt drawing process may exchange that tag for a remaining tag in the first-come, first-served process while tags remain available. Tag purchases and exchanges may be obtained only through ODFW Salem Headquarters and must be made before the start of the seasons for which the tags are issued. The tag being exchanged shall not be reissued.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.151 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.151 & 496.162
Hist.: FWC 10-1994, f. & cert. ef. 2-24-94; FWC 40-1994, f. & cert. ef. 6-28-94; FWC 9-1997, f. & cert. ef. 2-27-97; DFW 4-2003, f. 1-17-03, cert. ef. 4-1-03; DFW 118-2003, f. 12-4-03, cert. ef. 1-1-04; DFW 83-2010, f. & cert. ef. 6-15-10; DFW 63-2014, f. & cert. ef. 6-10-14; DFW 1-2015, f. & cert. ef. 1-6-15; DFW 69-2015, f. & cert. ef. 6-11-15

635-075-0022
Landowner Hunting Preference Tags for Mule Deer

(1) This rule further implements HB 2027A whereby the 2013 Legislative Assembly directed the Department through the commission to specify a formula that bases the number of landowner preference tags available for mule deer on the management, research, and habitat needs set forth in the wildlife management plan for mule deer.

(2) For purposes of this rule, the population management objectives (MOs) for each wildlife management unit that were adopted by the commission in June 2005 are considered representative of the management, research, and habitat needs for mule deer.

(3) The formula to determine the number of landowner hunting preference tags available for buck deer in a unit is as follows:

(a) In those wildlife management units where the estimated mule deer population is less than 100% of the established population management objective, the number of landowner hunting preference tags available for buck deer in that unit may be limited to five tags or 10 percent of the total controlled buck tags authorized for the public for each hunt in that unit by the commission, whichever is greater.

(b) In those wildlife management units where the estimated mule deer population is equal to or more than 100% of the established population management objective, the number of landowner hunting preference tags available for buck deer in that unit may be issued based upon a landowner's acreage as set forth in 635-075-0005 (8).

(4) For the purposes of OAR 635-075-0022(3), "qualified landowner" is a landowner who registered their land through the landowner preference program for the Wildlife Management Unit which includes the controlled hunt and who has a current tag distribution form filed with the Department.

(5) Landowner Hunting Preference Tag numbers for mule deer in 2015 are listed in **Table 1** and are adopted and incorporated in OAR chapter 635, division 75 by reference.

[ED. NOTE: Tables referenced are available from the agency.]
Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: DFW 1-2015, f. & cert. ef. 1-6-15; DFW 69-2015, f. & cert. ef. 6-11-15

635-078-0011
Determining Eligibility

(1) The method of determining who shall be eligible to participate in the emergency hunts set forth in section (1) of this rule shall be as follows:

(a) Hunters who wish to be eligible for emergency hunts shall have their names placed on the emergency hunt list for the county in which they wish to hunt: the list is to be effective for one year. Each hunter must have a valid hunting license. Each hunter less than 18 years of age shall be accompanied by a responsible adult (21 years of age or older) when hunting. Applications will be accepted and kept on file at the headquarters office of the Department of Fish and Wildlife, 4034 Fairview Industrial Dr. SE, Salem, OR, 97302. Beginning July 1 of each year, the hunter's name will be placed on the eligible list. No fee is required for applicants to be placed on the emergency hunt list. Applications may be made on a form available at department offices and up to two hunters may apply on the form as a party. Each applicant shall list their name, address and telephone number where they can be contacted and the county for which they are applying.

(b) At such time as the department determines that a need for such emergency hunt exists, those numbers of hunters for which permits are available shall be notified to obtain their permits from regional or district office of the department. Hunt lists will be prioritized by a random sort of the applications received during July of each year. Certified Master Hunters applying during July shall be randomized and moved to the top of the emergency hunt list. Applications received after July 31 each year will be prioritized as received.

(2) It is unlawful to take game mammals or wild turkey in and during the emergency hunt set forth in section (1) of this rule without having an emergency hunt permit/tag authorized for the species, area, and season on one's person.

(3) Upon killing a game mammal or wild turkey pursuant to these rules, the hunter shall immediately notify the local ODFW representative (or designee), and pay the appropriate fee for the tag required. Unfilled tags must be returned to the issuing office within five business days after the closing date of the hunt printed on the tag.

(4) Eligibility and fees for such tags shall be the same as the tag fees established by species in ORS 497.112.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: DFW 131-2004, f. 12-21-04, cert. ef. 4-1-05; DFW 53-2005, f. & cert. ef. 6-14-05; DFW 22-2012, f. 3-14-12, cert. ef. 4-1-12; DFW 147-2012, f. 12-18-12, cert. ef. 1-1-13; DFW 69-2015, f. & cert. ef. 6-11-15

• • • • • • • • • •

Rule Caption: 2015 Commercial Spring Fisheries for Columbia River Select Areas Modified.
Adm. Order No.: DFW 70-2015(Temp)
Filed with Sec. of State: 6-15-2015

Certified to be Effective: 6-16-15 thru 7-31-15
Notice Publication Date:
Rules Amended: 635-042-0160
Rules Suspended: 635-042-0160(T)
Subject: This amended rule adds two new 12-hour commercial fishing periods at the end of the previously authorized spring Chinook season for Blind and Knappa sloughs in the Select Areas of the Columbia River. Rule revisions are consistent with action taken June 10, 2015 by the Oregon and Washington Departments of Fish and Wildlife at a meeting of the Columbia River Compact.
Rules Coordinator: Michelle Tate—(503) 947-6044

635-042-0160
Blind Slough and Knappa Slough Select Area Salmon Season

(1) Salmon and shad may be taken for commercial purposes during open 2015 fishing periods described as the winter fishery and the spring fishery in subsections (1)(a)(A) and (1)(a)(B) respectively, of this rule in those waters of Blind Slough and Knappa Slough. Retention and sale of white sturgeon is prohibited. The following restrictions apply:

(a) The open fishing periods are established in segments categorized as the winter fishery in Blind Slough and Knappa Slough in subsection (1)(a)(A), the winter fishery in Blind Slough only in subsection (1)(a)(B), and the spring fishery in Blind Slough and Knappa Slough in subsections (1)(a)(C) and (1)(a)(D). The seasons are open nightly from 7:00 p.m. to 7:00 a.m. the following morning (12 hours), as follows:

(A) Blind Slough and Knappa Slough: Monday and Thursday nights beginning Monday, February 9 through Friday, March 20 (12 nights);

(B) Blind Slough Only: Monday and Thursday nights beginning Monday, March 23 through Tuesday, March 31 (3 nights);

(C) Blind Slough and Knappa Slough Monday and Thursday nights beginning Monday, May 11 through Friday, June 12 (10 nights); and

(D) Blind Slough and Knappa Slough Tuesday, June 16 through Wednesday, June 17 and Thursday, June 18 through Friday, June 19 (2 nights).

(b) The fishing areas for the winter and spring seasons are:

(A) Blind Slough are those waters from markers at the mouth of Blind Slough upstream to markers at the mouth of Gnat Creek which is located approximately 1/2 mile upstream of the county road bridge.

(B) Knappa Slough are all waters bounded by a line from the northerly most marker at the mouth of Blind Slough westerly to a marker on Karlson Island downstream to a north-south line defined by a marker on the eastern end of Minaker Island to markers on Karlson Island and the Oregon shore.

(C) During the period from May 4 through June 19, the Knappa Slough fishing area extends downstream to the boundary lines defined by markers on the west end of Minaker Island to markers on Karlson Island and the Oregon shore.

(c) Gear restrictions are as follows:

(A) During the winter and spring fisheries, outlined above in subsections (1)(a)(A), (1)(a)(B), (1)(a)(C) and (1)(a)(D), gill nets may not exceed 100 fathoms in length with no weight limit on the lead line. The attachment of additional weight and/or anchors directly to the lead line is permitted.

(B) It is unlawful to use a gill net having a mesh size that is less than 7-inches during the winter fishery or greater than 9.75-inches during the spring fishery.

(C) Nets not specifically authorized for use in these areas may be onboard a vessel if properly stored. A properly stored net is defined as a net on a drum that is fully covered by a tarp (canvas or plastic) and bound with a minimum of ten revolutions of rope with a diameter of 3/8 (0.375) inches or greater.

(2) Oregon licenses are required in the open waters upstream from the railroad bridge.

Stat. Auth.: ORS 183.325, 506.109 & 506.119
Stats. Implemented: ORS 506.129 & 507.030
Hist.: FWC 46-1996, f. & cert. ef. 8-23-96; FWC 48-1997, f. & cert. ef. 8-25-97; DFW 15-1998, f. & cert. ef. 3-3-98; DFW 67-1998, f. & cert. ef. 8-24-98; DFW 86-1998(Temp), f. & cert. ef. 10-28-98 thru 10-30-98; DFW 10-1999, f. & cert. ef. 2-26-99; DFW 48-1999(Temp), f. & cert. ef. 6-24-99 thru 7-2-99; DFW 55-1999, f. & cert. ef. 8-12-99; DFW 9-2000, f. & cert. ef. 2-25-00; DFW 42-2000, f. & cert. ef. 8-3-00; DFW 65-2000(Temp) f. 9-22-00, cert. ef. 9-25-00 thru 12-31-00; DFW 3-2001, f. & cert. ef. 2-6-01; DFW 84-2001(Temp), f. & cert. ef. 8-29-01 thru 12-31-01; DFW 86-2001, f. & cert. ef. 9-4-01 thru 12-31-01; DFW 89-2001(Temp), f. & cert. ef. 9-14-01 thru 12-31-01; DFW 106-2001(Temp), f. & cert. ef. 10-26-01 thru 12-31-01; DFW 14-2002(Temp), f. 2-13-02, cert. ef. 2-18-02 thru 8-17-02; DFW 96-2002(Temp), f. & cert. ef. 8-26-02 thru 12-31-02; DFW 12-2003, f. & cert. ef. 2-14-03; DFW 34-2003(Temp), f. & cert. ef. 4-24-03 thru 10-1-03; DFW 36-2003(Temp), f. 4-30-03, cert. ef. 5-1-03 thru 10-1-03; DFW 75-2003(Temp), f. & cert. ef. 8-1-03 thru 12-31-03; DFW 89-2003(Temp), f. 9-8-03, cert. ef. 9-9-03 thru 12-31-03; DFW 11-2004, f. & cert. ef. 2-13-04; DFW 19-2004(Temp), f. & cert. ef. 3-12-04 thru 3-31-04; DFW 22-2004(Temp), f. & cert. ef. 3-18-04 thru 3-31-04; DFW 28-2004(Temp), f. 4-8-04 cert. ef. 4-12-04 thru 4-15-04; DFW 39-2004(Temp), f. 5-5-04, cert.ef. 5-6-04 thru 7-31-04; DFW 44-2004(Temp), f. 5-17-04, cert. ef. 5-20-04 thru 7-31-04; DFW 79-2004(Temp), f. 8-2-04, cert. ef. 8-3-04 thru 12-31-04; DFW 95-2004(Temp), f. 9-17-04, cert. ef. 9-19-04 thru 12-31-04; DFW 109-2004(Temp), f. & cert. ef. 10-19-04 thru 12-31-04; DFW 6-2005, f. & cert. ef. 2-14-05; DFW 16-2005(Temp), f. & cert. ef. 3-10-05 thru 7-31-05; DFW 18-2005(Temp), f. & cert. ef. 3-15-05 thru 3-21-05; Administrative correction 4-20-05; DFW 27-2005(Temp), f. & cert. ef. 4-20-05 thru 6-15-05; DFW 27-2005(Temp), f. & cert. ef. 4-20-05 thru 6-15-05; DFW 28-2005(Temp), f. & cert. ef. 4-28-05 thru 6-16-05; DFW 37-2005(Temp), f. & cert. ef. 5-5-05 thru 10-16-05; DFW 40-2005(Temp), f. & cert. ef. 5-10-05 thru 10-16-05; DFW 85-2005(Temp), f. 8-1-05, cert. ef. 8-3-05 thru 12-31-05; DFW 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05; DFW 110-2005(Temp), f. & cert. ef. 9-26-05 thru 12-31-05; DFW 116-2005(Temp), f. 10-4-05, cert. ef. 10-5-05 thru 12-31-05; DFW 120-2005(Temp), f. & cert. ef. 10-11-05 thru 12-31-05; DFW 124-2005(Temp), f. & cert. ef. 10-18-05 thru 12-31-05; Administrative correction 1-20-06; DFW 5-2006, f. & cert. ef. 2-15-06; DFW 14-2006(Temp), f. 3-15-06, cert. ef. 3-16-06 thru 7-27-06; DFW 16-2006(Temp), f. 3-23-06 & cert. ef. 3-26-06 thru 7-27-06; DFW 18-2006(Temp), f. 3-29-06, cert. ef. 4-2-06 thru 7-27-06; DFW 20-2006(Temp), f. 4-7-06, cert. ef. 4-9-06 thru 7-27-06; DFW 32-2006(Temp), f. & cert. ef. 5-23-06 thru 7-31-06; DFW 35-2006(Temp), f. & cert. ef. 5-30-06 thru 7-31-06; DFW 75-2006(Temp), f. 8-8-06, cert. ef. 9-5-06 thru 12-31-06; DFW 92-2006(Temp), f. 9-1-06, cert. ef. 9-5-06 thru 12-31-06; DFW 98-2006(Temp), f. & cert. ef. 9-12-06 thru 12-31-06; DFW 103-2006(Temp), f. 9-15-06, cert. ef. 9-18-06 thru 12-31-06; DFW 119-2006(Temp), f. & cert. ef. 10-18-06 thru 12-31-06; Administrative correction 1-16-07; DFW 7-2007(Temp), f. 1-31-07, cert. ef. 2-1-07 thru 7-30-07; DFW 9-2007, f. & cert. ef. 2-14-07; DFW 13-2007(Temp), f. & cert. ef. 3-6-07 thru 9-1-07; DFW 25-2007(Temp), f. 4-17-07, cert. ef. 4-18-07 thru 7-26-07; DFW 61-2007(Temp), f. 7-30-07, cert. ef. 8-1-07 thru 10-31-07; DFW 108-2007(Temp), f. 10-12-07, cert. ef. 10-14-07 thru 12-31-07; Administrative correction 1-24-08; DFW 6-2008(Temp), f. 1-29-08, cert. ef. 1-31-08 thru 7-28-08; DFW 16-2008(Temp), f. 2-26-08, cert. ef. 3-2-08 thru 8-28-08; DFW 48-2008(Temp), f. & cert. ef. 5-12-08 thru 8-28-08; DFW 58-2008(Temp), f. & cert. ef. 6-4-08 thru 8-31-08; DFW 85-2008(Temp), f. 7-24-08, cert . ef. 8-1-08 thru 12-31-08; DFW 103(Temp), f. 8-26-08, cert. ef. 9-2-08 thru 10-31-08; DFW 108-2008(Temp), f. 9-8-08, cert. ef. 9-9-08 thru 12-31-08; Administrative correction 1-23-09; DFW 12-2009(Temp), f. 2-13-09, cert. ef. 2-15-09 thru 7-31-09; DFW 49-2009(Temp), f. 5-14-09, cert. ef 5-17-09 thru 7-31-09; DFW 89-2009(Temp), f. 8-3-09, cert. ef. 8-4-09 thru 12-31-09; DFW 107-2009(Temp), f. 9-2-09, cert. ef. 9-5-09 thru 10-31-09; Administrative correction 11-19-09; DFW 15-2010(Temp), f. 2-19-10, cert. ef. 2-21-10 thru 6-11-10; DFW 46-2010(Temp), f. & cert. ef. 4-21-10 thru 7-31-10; DFW 53-2010(Temp), f. & cert. ef. 5-4-10 thru 7-31-10; DFW 57-2010(Temp), f. & cert. ef. 5-11-10 thru 7-31-10; DFW 69-2010(Temp), f. & cert. ef. 5-18-10 thru 7-31-10; DFW 113-2010(Temp), f. 8-2-10, cert. ef. 8-4-10 thru 10-31-10; DFW 129-2010(Temp), f. & cert. ef. 9-10-10 thru 10-31-10; Administrative correction 11-23-10; DFW 12-2011(Temp), f. 2-10-11, cert. ef. 2-13-11 thru 7-29-11; DFW 23-2011, f. & cert. ef. 3-21-11; DFW 32-2011(Temp), f. 4-20-11, cert. ef. 4-21-11 thru 7-29-11; DFW 44-2011(Temp), f. & cert. ef. 5-11-11 thru 6-10-11; Administrative correction 6-28-11; DFW 113-2011(Temp), f. 8-10-11, cert. ef. 8-15-11 thru 10-31-11; Administrative correction, 11-18-11; DFW 12-2012(Temp), f. 2-8-12, cert. ef. 2-12-12 thru 7-31-12; DFW 104-2012(Temp), f. 8-6-12, cert. ef. 8-13-12 thru 10-31-12; Administrative correction 11-23-12; DFW 11-2013(Temp), f. 2-8-13, cert. ef. 2-11-13 thru 7-31-13; DFW 24-2013(Temp), f. & cert. ef. 3-21-13 thru 7-31-13; Administrative correction, 8-21-13; DFW 91-2013(Temp), f. 8-22-13, cert. ef. 8-26-13 thru 10-31-13; DFW 110-2013(Temp), f. 9-27-13, cert. ef. 9-30-13 thru 10-31-13; Administrative correction, 11-22-13; DFW 8-2014(Temp), f. & cert. ef. 2-10-14 thru 7-31-14; DFW 35-2014(Temp), f. & cert. ef. 4-24-14 thru 7-31-14; DFW 39-2014(Temp), f. 5-7-14, cert. ef. 5-8-14 thru 7-31-14; DFW 115-2014(Temp), f. 8-5-14, cert. ef. 8-18-14 thru 10-31-14; DFW 135-2014(Temp), f & cert. ef. 9-19-14 thru 10-31-14; Administrative correction 11-24-14; DFW 10-2015(Temp), f. 2-3-15, cert. ef. 2-9-15 thru 7-30-15; DFW 29-2015(Temp), f. & cert. ef. 4-21-15 thru 7-30-15; DFW 37-2015(Temp), f. 5-1-15, cert. ef. 5-4-15 thru 7-30-15; DFW 70-2015(Temp), f. 6-15-15, cert. ef. 6-16-15 thru 7-31-15

• • • • • • • • • •

Rule Caption: Columbia River Zone 6 Treaty Indian Summer Chinook Commercial Fishery Set.
Adm. Order No.: DFW 71-2015(Temp)
Filed with Sec. of State: 6-15-2015
Certified to be Effective: 6-16-15 thru 7-31-15
Notice Publication Date:
Rules Amended: 635-041-0045, 635-041-0076
Subject: These amended rules authorize the sales of fish caught in Treaty tribal commercial gill net and hook-and-line fisheries both above and below Bonneville Dam in the Columbia River beginning 6:00 a.m. Tuesday, June 16, 2015. Modifications are consistent with action taken June 10, 2015 by the Departments of Fish & Wildlife for the States of Oregon and Washington in cooperation with the Columbia River Treaty Tribes at a meeting of the Columbia River Compact.
Rules Coordinator: Michelle Tate—(503) 947-6044

635-041-0045
Closed Commercial Fishing Areas

Unless otherwise specified in this rule and OAR 635-041-0063, the following waters are closed to commercial fishing:

(1) All Oregon tributaries of the Columbia River.

(2) The Columbia River westerly and downstream of the Bridge of the Gods except:

(a) Fisheries conducted by the Yakama, Warm Springs, Nez Perce and Umatilla tribes downstream of Bonneville Dam (bank fishing only) under provisions of the agreements with the states of Oregon and Washington are open until further notice.

(A) Allowable sales include Chinook, steelhead, sockeye, coho, walleye, shad, yellow perch, bass and carp. Sturgeon caught in the tribal fisheries below Bonneville Dam may not be retained or sold. Fish may not be sold on USACE property below Bonneville Dam, but may be caught and transported off USACE property for sale.

(B) Gear is restricted to subsistence fishing gear which includes hoopnets, dipnets, spears, gaffs, clubs, fouling hooks and rod and reel with hook-and-line.

(C) Salmon, steelhead, walleye, shad, carp, bass and yellow perch landed during an open treaty commercial fishing period may be sold at any time.

(b) Platform and hook-and-line fisheries from the Bridge of the Gods downstream to the subsistence fishing deadline as described in OAR 635-041-0020(1) are open to commercial sales whenever sales are authorized for platform and hook-and-line fisheries in the remainder of Bonneville Pool.

(3) The Columbia River easterly and upstream of a line extending at a right angle across the thread of the river from a deadline marker one mile downstream of McNary Dam.

(4) The Columbia River between a line extending at a right angle across the thread of the river from a deadline marker at the west end of 3-Mile Rapids located approximately 1.8 miles below The Dalles Dam, upstream to a line from a deadline marker on the Oregon shore located approximately 3/4 mile above The Dalles Dam east fishway exit, thence at a right angle to the thread of the river to a point in midriver, thence downstream to Light "1" on the Washington shore; except that dip nets, bag nets, and hoop nets are permitted during commercial salmon and shad fishing seasons at the Lone Pine Indian fishing site located immediately above The Dalles Interstate Bridge.

(5) The Columbia River between a line extending at a right angle across the thread of the river from a deadline marker at Preachers Eddy light below the John Day Dam and a line approximately 4.3 miles upstream extending from a marker on the Oregon shore approximately one-half mile above the upper easterly bank of the mouth of the John Day River, Oregon, extending at a right angle across the thread of the river to a point in midriver, thence turning downstream to a marker located on the Washington shore approximately opposite the mouth of the John Day River.

(6) The Columbia River within areas at and adjacent to the mouths of the Deschutes River and the Umatilla River. The closed areas are along the Oregon side of the Columbia River and extend out to the midstream from a point one-half mile above the intersection of the upper bank of the tributary with the Columbia River to a point one mile downstream from the intersection of the lower bank of the tributary with the Columbia River. All such points are posted with deadline markers.

(7) The Columbia River within an area and adjacent to the mouth of the Big White Salmon River. The closed area is along the Washington side of the Columbia River and extends out to midstream at right angles to the thread of the Columbia River between a marker located 1/2 mile downstream from the west bank upstream to Light "35".

(8) The Columbia River within an area at and adjacent to the mouth of Drano Lake (Little White Salmon River). The closed area is along the Washington side of the Columbia River and extends out to midstream at right angles to the thread of the Columbia River between Light "27" upstream to a marker located approximately 1/2 mile upriver of the outlet of Drano Lake.

(9) The Columbia River within an area and adjacent to the mouth of the Wind River. The closed area is along the Washington side of the Columbia River and extends to midstream at right angles to the thread of the Columbia River between markers located 1 1/4 miles downstream from the west bank and 1/2 mile upstream from the east bank.

(10) The Columbia River within areas at and adjacent to the mouth of Hood River. The closed area is along the Oregon side of the Columbia River and extends to midstream at right angles to the thread of the Columbia River between markers located approximately 0.85 miles downriver from the west bank at end of the breakwall at the west end of the Port of Hood River and 1/2 mile upriver from the east bank.

(11) The Columbia River within a radius of 150 feet of the Spring Creek Hatchery fishway, except that during the period of August 25-September 20 inclusive the closed area is along the Washington side of the Columbia River and extends to midstream at right angles to the thread of the Columbia River between a marker located 1-1/2 miles downriver of the Spring Creek Hatchery fishway up to the downstream marker of the Big White Salmon sanctuary located approximately 1/2 mile upriver of the Spring Creek Hatchery fishway.

(12) Herman Creek upstream from a line between deadline markers near the mouth. One marker is located on the east bank piling and the other is located on the west bank to the north of the boat ramp.

(13) The Columbia River within an area and adjacent to the mouth of the Klickitat River. The closed area is along the Washington side of the Columbia River and extends to midstream at right angles to the thread of the Columbia River between the downstream margin of Lyle Landing downstream to a marker located near the railroad tunnel approximately 1 1/8 miles downstream from the west bank.

Stat. Auth.: ORS 183.325, 506.109 & 506.119
Stats. Implemented: ORS 506.129 & 507.030
Hist.: FWC 89, f. & ef. 1-28-77; FWC 133, f. & ef. 8-4-77; FWC 149(Temp), f. & ef. 9-21-77 thru 1-18-78; FWC 2-1978, f. & ef. 1-31-78; FWC 7-1978, f. & ef. 2-21-78; FWC 2-1979, f. & ef. 1-25-79, Renumbered from 635-035-0045; FWC 6-1980, f. & ef. 1-28-80; FWC 44-1980(Temp), f. & ef. 8-22-80; FWC 1-1981, f. & ef. 1-19-81; FWC 6-1982, f. & ef. 1-28-82; FWC 49-1983(Temp), f. & ef. 9-26-83; FWC 4-1984, f. & ef. 1-31-84; FWC 55-1985(Temp), f. & ef. 9-6-85; FWC 4-1986 (Temp), f. & ef. 1-28-86; FWC 25-1986(Temp), f. & ef. 6-25-86; FWC 42-1986, f. & ef. 8-15-86; FWC 2-1987, f. & ef. 1-23-87; FWC 10-1988, f. & cert. ef. 3-4-88; FWC 54-1989 (Temp), f. & cert. ef. 8-7-89; FWC 90-1989, f. & cert. ef. 9-6-89; FWC 80-1990(Temp), f. 8-7-90, cert. ef. 8-8-90; DFW 142-2008, f. & cert. ef. 11-21-08; DFW 23-2011, f. & cert. ef. 3-21-11; DFW 40-2011(Temp), f. & cert. ef. 5-5-11 thru 10-31-11; DFW 43-2011(Temp), f. & cert. ef. 5-10-11 thru 10-31-11; DFW 60-2011(Temp), f. 6-2-11, cert. ef. 6-6-11 thru 10-31-11; DFW 63-2011(Temp), f. 6-8-11, cert. ef. 6-9-11 thru 10-31-11; DFW 66-2011(Temp), f. 6-14-11, cert. ef. 6-16-11 thru 10-31-11; DFW 88-2011(Temp), f. 7-8-11, cert. ef. 7-10-11 thru 10-31-11; DFW 119-2011(Temp), f. 8-26-11, cert. ef. 8-29-11 thru 10-31-11; Administrative correction, 11-18-11; DFW 5-2012(Temp), f. 1-30-12, cert. ef. 2-1-12 thru 3-31-12; DFW 18-2012(Temp), f. 2-28-12, cert. ef. 2-29-12 thru 6-15-12; DFW 46-2012(Temp), f. 5-14-12, cert. ef. 5-15-12 thru 6-30-12; DFW 74-2012(Temp), f. 6-29-12, cert. ef. 7-1-12 thru 10-31-12; DFW 87-2012(Temp), f. 7-11-12, cert. ef. 7-12-12 thru 8-31-12; DFW 94-2012(Temp), f. & cert. ef. 7-27-12 thru 10-31-12; DFW 119-2012(Temp), f. 9-10-12, cert. ef. 9-11-12 thru 10-31-12; DFW 143-2012(Temp), f. 11-7-12, cert. ef. 11-8-12 thru 1-29-13; DFW 8-2013(Temp), f. 1-31-13, cert. ef. 2-1-13 thru 3-31-13; DFW 18-2013(Temp), f. 3-5-13, cert. ef. 3-6-13 thru 6-15-13; DFW 57-2013(Temp), f. 6-12-13, cert. ef. 6-16-13 thru 7-31-13; DFW 88-2013(Temp), f. 8-9-13, cert. ef. 8-12-13 thru 12-31-13; DFW 116-2013(Temp), f. 10-8-13, cert. ef. 10-9-13 thru 12-31-13; DFW 22-2014(Temp), f. 3-11-14, cert. ef. 3-12-14 thru 7-31-14; DFW 37-2014(Temp), f. & cert. ef. 5-6-14 thru 7-31-14; DFW 105-2014(Temp), f. 7-30-14, cert. ef. 8-1-14 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 71-2015(Temp), f. 6-15-15, cert. ef. 6-16-15 thru 7-31-15

635-041-0076
Summer Salmon Season

(1) Salmon, steelhead, shad, walleye, catfish, bass, yellow perch, and carp may be taken for commercial purposes from Zone 6, in the Columbia River Treaty Indian Fishery, from 12:01 a.m. Tuesday, June 16 through 11:59 p.m. Thursday, July 31, 2015. Fish caught during an open 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 pools 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. Fish may also be taken by gill net during the following period(s): from 6:00 a.m. Tuesday, June 16, through 6:00 p.m. Friday, June 19 (3.5 days); from 6:00 a.m. Monday, June 22, through 6:00 p.m. Thursday, June 25 (3.5 days); and 6:00 a.m. Monday, June 29, through 6:00 p.m. Thursday, July 2, 2015 (3.5 days). Gill nets have a 7-inch minimum mesh size restriction.

(c) Closed areas as set forth in OAR 635-041-0045 remain in effect with the exception of Spring Creek Hatchery sanctuary.

(2) Effective 12:01 a.m. Tuesday, June 16 through 11:59 p.m. Friday, July 31, 2015, commercial sales of salmon, steelhead, walleye, shad, catfish, carp, bass and yellow perch caught in Yakama Nation tributary fisheries in the Klickitat River; Wind River; and Drano Lake are allowed for Yakama Nation members during those days and hours when these tributaries are open under lawfully enacted Yakama Nation fishing periods.

(a) Sturgeon between 43–54 inches in fork length harvested in tributaries within The Dalles or John Day pools and sturgeon between 38–54 inches in fork length harvested in tributaries within Bonneville Pool may not be sold but may be kept for subsistence purposes.

(b) Gear is restricted to subsistence fishing gear which includes hoopnets, dipnets, and rod and reel with hook-and-line. Gillnets may only be used in Drano Lake.

Stat. Auth.: ORS 496.118 & 506.119
Stats. Implemented: ORS 506.109, 506.129 & 507.030
Hist.: DFW 5-2006, f. & cert. ef. 2-15-06; DFW 39-2006(Temp), f. & cert. ef. 6-8-06 thru 7-31-06; DFW 46-2006(Temp), f. & cert. ef. 6-20-06 thru 7-31-06; DFW 49-2006(Temp), f. 6-26-06, cert. ef. 6-27-06 thru 7-31-06; DFW 56-2006(Temp), f. 6-30-06, cert. ef. 7-3-06 thru 7-31-06; DFW 58-2006(Temp), f. 7-6-06, cert. ef. 7-10-06 thru 7-31-06; Administrative correction 8-22-06; DFW 46-2007(Temp), f. 6-15-07, cert. ef. 6-16-07 thru 9-13-07; DFW 49-2007(Temp), f. 6-22-07, cert. ef. 6-26-07 thru 9-13-07; DFW 53-2007(Temp), f. & cert. ef. 7-6-07 thru 7-31-07; Administrative correction 9-16-07; DFW 45-2008(Temp), f. 5-2-08, cert. ef. 5-5-08 thru 7-31-08; DFW 47-2008(Temp), f. 5-9-08, cert. ef. 5-11-08 thru 7-31-08; DFW 62-2008(Temp), f. 6-13-08, cert. ef. 6-16-08 thru 8-31-08; DFW 68-2008(Temp), f. 6-20-08, cert. ef. 6-21-08 thru 8-31-08; DFW 71-2008(Temp), f. 6-27-08, cert. ef. 6-28-08 thru

8-31-08; DFW 80-2008(Temp), f. & cert. ef. 7-10-08 thru 8-31-08; DFW 87-2008(Temp), f. & cert. ef. 7-25-08 thru 8-31-08; DFW 94-2008(Temp), f. & cert. ef. 8-14-08 thru 9-30-08; Administrative correction 10-21-08; DFW 50-2009(Temp), f. 5-14-09, cert. ef. 5-16-09 thru 7-31-09; DFW 56-2009(Temp), f. 5-26-09, cert. ef. 5-27-09 thru 7-31-09; DFW 71-2009(Temp), f. 6-15-09, cert. ef. 6-16-09 thru 7-31-09; DFW 76-2009(Temp), f. 6-26-09, cert. ef. 6-30-09 thru 7-31-09; DFW 82-2009(Temp), f. 7-6-09, cert. ef. 7-8-09 thru 7-31-09; DFW 84-2009(Temp), f. 7-13-09, cert. ef. 7-15-09 thru 7-31-09; Administrative correction 8-21-09; DFW 48-2010(Temp), f. 4-26-10, cert. ef. 4-27-10 thru 7-31-10; DFW 51-2010(Temp), f. & cert. ef. 4-29-10 thru 7-31-10; DFW 56-2010(Temp), f. 5-10-10, cert. ef. 5-11-10 thru 7-31-10; DFW 68-2010(Temp), f. 5-18-10, cert. ef. 5-19-10 thru 7-31-10; DFW 71-2010(Temp), f. 5-19-10, cert. ef. 5-21-10 thru 6-16-10; DFW 74-2010(Temp), f. & cert. ef. 6-2-10 thru 7-31-10; DFW 80-2010(Temp), f. 6-14-10, cert. ef. 6-16-10 thru 7-31-10; DFW 87-2010(Temp), f. 6-25-10, cert. ef. 6-29-10 thru 7-31-10; DFW 97-2010(Temp), f. 7-8-10, cert. ef. 7-13-10 thru 7-31-10; DFW 101-2010(Temp), f. 7-19-10, cert. ef. 7-20-10 thru 7-31-10; DFW 105-2010(Temp), f. 7-23-10, cert. ef. 7-26-10 thru 7-31-10; Administrative correction 8-18-10; DFW 43-2011(Temp), f. & cert. ef. 5-10-11 thru 10-31-11; DFW 66-2011(Temp), f. 6-14-11, cert. ef. 6-16-11 thru 10-31-11; DFW 75-2011(Temp), f. 6-24-11, cert. ef. 6-27-11 thru 10-31-11; DFW 84-2011(Temp), f. 7-1-11, cert. ef. 7-5-11 thru 10-31-11; DFW 88-2011(Temp), f. 7-8-11, cert. ef. 7-10-11 thru 10-31-11; DFW 94-2011(Temp), f. 7-14-11, cert. ef. 7-18-11 thru 10-31-11; DFW 98-2011(Temp), f. 7-20-11, cert. ef. 7-25-11 thru 10-31-11; Administrative correction, 11-18-11; DFW 66-2012(Temp), f. 6-14-12, cert. ef. 6-18-12 thru 7-31-12; DFW 81-2012(Temp), f. 6-29-12, cert. ef. 7-3-12 thru 8-31-12; [DFW 87-2012(Temp), f. 7-11-12, cert. ef. 7-12-12 thru 8-31-12; Temporary Suspended by DFW 94-2012(Temp), f. & cert. ef. 7-27-12 thru 10-31-12]; DFW 57-2013(Temp), f. 6-12-13, cert. ef. 6-16-13 thru 7-31-13; DFW 63-2013(Temp), f. 6-27-13, cert. ef. 6-29-13 thru 7-31-13; DFW 69-2013(Temp), f. 7-5-13, cert. ef. 7-6-13 thru 7-31-13; DFW 71-2013(Temp), f. 7-11-13, cert. ef. 7-15-13 thru 7-31-13; DFW 77-2013(Temp), f. 7-18-13, cert. ef. 7-22-13 thru 7-31-13; Administrative correction, 8-21-13; DFW 66-2014(Temp), f. 6-12-14, cert. ef. 6-16-14 thru 7-31-14; DFW 79-2014(Temp), f. 6-26-14, cert. ef. 6-30-14 thru 7-31-14; DFW 91-2014(Temp), f. 7-10-14, cert. ef. 7-14-14 thru 7-31-14; DFW 95-2014(Temp), f. 7-17-14, cert. ef. 7-21-14 thru 7-31-14; DFW 103-2014(Temp), f.7-23-14, cert. ef. 7-28-14 thru 7-31-14; Administrative correction, 8-28-14; DFW 71-2015(Temp), f. 6-15-15, cert. ef. 6-16-15 thru 7-31-15

• • • • • • • • • •

Rule Caption: Columbia River Commercial Summer Chinook Drift Net Fishery Set for June 17, 2015.
Adm. Order No.: DFW 72-2015(Temp)
Filed with Sec. of State: 6-15-2015
Certified to be Effective: 6-17-15 thru 6-30-15
Notice Publication Date:
Rules Amended: 635-042-0027
Subject: This amended rule authorizes an 8-hour non-Indian commercial summer Chinook drift net fishery in the mainstem Columbia River to commence on Wednesday, June 17 at 9:00 p.m. and run through 5:00 a.m. Thursday, June 18, 2015 in all of zones 1 through 5. Modifications are consistent with action taken June 10, 2015 by the Oregon and Washington Departments of Fish and Wildlife at a meeting of the Columbia River Compact.
Rules Coordinator: Michelle Tate—(503) 947-6044

635-042-0027
Summer Salmon Season

(1) Chinook salmon, sockeye, and shad may be taken by drift gillnet for commercial purposes from the mouth of the Columbia River upstream to Beacon Rock (Zones 1–5 during the period: 9:00 p.m Wednesday, June 17 to 5:00 a.m. Thursday, June 18, 2015 (8 hours).

(2) During the summer Chinook gillnet fishery:

(a) It is unlawful to use a gillnet having a mesh size less than 8 inches or more than 9-3/4 inches;

(b) Mesh size for the fishery is determined as described in OAR 635-042-0010(4); and

(c) Nets not specifically authorized for use in this fishery may be onboard the vessel if properly stored. A properly stored net is defined as a net on a drum that is fully covered by a tarp (canvas or plastic) and bound with a minimum of ten revolutions of rope with a diameter of 3/8 (0.375) inches or greater. Other permanent gear regulations remain in effect.

(3) Sturgeon and steelhead must be released immediately to the river with care and with the least possible injury to the fish.

(4) Closed waters, as described in OAR 635-042-0005 for Elokomin-A, Cowlitz River, Kalama-A, Lewis-A, Sandy and Washougal river sanctuaries are in effect during the open fishing periods identified.

Stat. Auth.: ORS 496.118, 506.109 & 506.129
Stats. Implemented: ORS 506.119 & 507.030
Hist.: DFW 5-2006, f. & cert. ef. 2-15-06; DFW 47-2006(Temp), f. 6-20-06, cert. ef. 6-26-06 thru 7-31-06; DFW 51-2006(Temp), f. & cert. ef. 6-29-06 thru 7-31-06; DFW 57-2006(Temp), f. 7-5-06, cert. ef. 7-6-06 thru 7-31-06; DFW 63-2006(Temp), f. 7-14-2006, cert. ef. 7-16-06 thru 7-31-06; DFW 68-2006(Temp), f. 7-28-06, cert. ef. 7-30-06 thru 7-31-06; Administrative correction 8-22-06; DFW 45-2007(Temp), f. 6-15-07, cert. ef. 6-25-07 thru 7-31-07; DFW 52-2007(Temp), f. & cert. ef. 7-6-07 thru 7-31-07; DFW 63-2008(Temp), f. 6-13-08, cert. ef. 6-24-08 thru 7-31-08; DFW 68-2008(Temp), f. 6-20-08, cert. ef. 6-21-08 thru 8-31-08; DFW 75-2008(Temp), f. 7-3-08, cert. ef. 7-7-08 thru 7-31-08; Administrative correction 8-21-08; DFW 72-2009(Temp), f. 6-15-09, cert. ef. 6-18-09 thru 7-31-09; Administrative correction 8-21-09; DFW 81-2010(Temp), f. 6-14-10, cert. ef. 6-17-10 thru 7-31-10; Administrative correction 8-18-10; DFW 67-2011(Temp), f. 6-14-11, cert. ef. 6-16-11 thru 7-31-11; Administrative correction 9-23-11; DFW 67-2012(Temp), f. 6-14-12, cert. ef. 6-17-12 thru 7-31-12; Administrative correction, 8-27-12; DFW 56-2013(Temp), f. 6-12-13, cert. ef. 6-16-13 thru 7-31-13; DFW 72-2013(Temp), f. 7-11-13, cert. ef 7-15-13 thru 7-31-13; Administrative correction, 8-21-13; DFW 67-2014(Temp), f. 6-12-14, cert. ef. 6-16-14 thru 7-31-14; DFW 84-2014(Temp), f. 7-2-14, cert. ef. 7-7-14 thru 7-31-14; DFW 93-2014(Temp), f. 7-10-14, cert. ef. 7-14-14 thru 7-31-14; DFW 102-2014(Temp), f. 7-23-14, cert. ef. 7-28-14 thru 7-31-14; Administrative correction, 8-28-14; DFW 72-2015(Temp), f. 6-15-15, cert. ef. 6-17-15 thru 6-30-15

• • • • • • • • • •

Department of Human Services, Child Welfare Programs Chapter 413

Rule Caption: Amending definitions in Office of Child Welfare Programs rules, chapter 413
Adm. Order No.: CWP 11-2015(Temp)
Filed with Sec. of State: 5-22-2015
Certified to be Effective: 5-22-15 thru 11-17-15
Notice Publication Date:
Rules Amended: 413-010-0310, 413-030-0405, 413-070-0063, 413-070-0505, 413-070-0620, 413-070-0655, 413-070-0810, 413-070-0905, 413-110-0110, 413-120-0010, 413-120-0195, 413-120-0510, 413-120-0710, 413-130-0010
Rules Suspended: 413-070-0905(T)
Subject: The Office of Child Welfare Programs is amending the definitions of "relative" and "sibling" in OAR 413-010-0310, 413-030-0405, 413-070-0063, 413-070-0505, 413-070-0620, 413-070-0655, 413-070-0810, 413 070 0905, 413-110-0110, 413-120-0010, 413-120-0195, 413-120-0510, 413-120-0710, and 413-130-0010 and repealing OAR 413-070-0905(T) to state that an individual who would be considered a sibling, but for the disruption or dissolution of parental rights, is considered a sibling.
Rules Coordinator: Kris Skaro—(503) 945-6067

413-010-0310
Definition

The following definitions apply to OAR 413-010-0300 to 413-010-0340:

(1) "Child" means a person under 18 years of age.

(2) "Department" means the Department of Human Services, Child Welfare.

(3) "Indian child" means any unmarried person who is under 18 years of age and is either:

(a) A member of an Indian tribe; or

(b) Eligible for membership in an Indian tribe and the biological child of a member of an Indian tribe.

(4) "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.

(5) "Registered domestic partner" means an individual joined in a domestic partnership that has been registered by a county clerk in accordance with ORS 106.300 to 106.340.

(6) "Relative" means any of the following:

(a) An individual with one of the following relationships to the child or young adult through the parent of the child or young adult unless the relationship has been dissolved by adoption of the child, young adult, or parent:

(A) Any blood relative of preceding generations denoted by the prefixes of grand, great, or great-great.

(B) Any half-blood relative of preceding generations denoted by the prefixes of grand, great, or great-great. Individuals with one common biological parent are half-blood relatives.

(C) An aunt, uncle, nephew, niece, first cousin, and first cousin once removed.

(D) A spouse of anyone listed in paragraphs (A) to (C) of this subsection, even if a petition for annulment, dissolution, or separation has been filed or the marriage is terminated by divorce or death. To be considered a "relative" under this paragraph, the child or young adult must have had a

relationship with the spouse prior to the most recent episode of Department custody.

(b) An individual with one of the following relationships to the child or young adult:

(A) A sibling, also to include an individual with a sibling relationship to the child or young adult through a putative father.

(B) An individual defined as a relative by the law or custom of the tribe of the child or young adult if the child or young adult is an Indian child under the Indian Child Welfare Act or in the legal custody of a tribe.

(C) An individual defined as a relative of a refugee child or young adult under OAR 413-070-0300 to 413-070-0380.

(D) A stepparent or former stepparent if the child or young adult had a relationship with the former stepparent prior to the most recent episode of Department custody; a stepbrother; or a stepsister.

(E) A registered domestic partner of the parent of the child or young adult or a former registered domestic partner of the parent of the child or young adult if the child or young adult had a relationship with the former domestic partner prior to the most recent episode of Department custody.

(F) An adoptive parent of a sibling of the child or young adult.

(G) An unrelated legal or biological father or mother of a half-sibling of the child or young adult when the half-sibling of the child or young adult is living with the unrelated legal or biological father or mother.

(c) An individual identified by the child or young adult or the family of the child or young adult, or an individual who self-identifies, as being related to the child or young adult through the parent of the child or young adult by blood, adoption, or marriage to a degree other than an individual specified as a "relative" in paragraphs (A) to (C) of subsection (a) of this section unless the relationship has been dissolved by adoption of the child, young adult, or parent.

(d) An individual meeting the requirements of at least one of the following:

(A) An individual not related to the child, young adult, or parent by blood, adoption, or marriage:

(i) Who is identified as a member of the family by the child or young adult or by the family of the child or young adult; and

(ii) Who had an emotionally significant relationship with the child or young adult or the family of the child or young adult prior to the most recent episode of Department custody.

(B) An individual who has a blood relationship to the child or young adult as described in paragraphs (A) to (C) of subsection (a) of this section through the birth parent of the child or young adult, but the prior legal relationship has been dissolved by adoption of the child, young adult, or birth parent, and who is identified as a member of the family by the child or young adult or who self-identifies as a member of the family.

(e) For eligibility for the guardianship assistance program:

(A) A stepparent is considered a parent and is not a "relative" for the purpose of eligibility for guardianship assistance unless a petition for annulment, dissolution, or separation has been filed, or the marriage to the adoptive or biological parent of the child has been terminated by divorce or death.

(B) A foster parent may only be considered a "relative" for the purpose of eligibility for guardianship assistance when:

(i) There is a compelling reason why adoption is not an achievable permanency plan;

(ii) The foster parent is currently caring for a child, in the care or custody of the Department or a participating tribe, who has a permanency plan or concurrent permanent plan of guardianship;

(iii) The foster parent has cared for the child for at least 12 of the past 24 months; and

(iv) The Department or tribe has approved the foster parent for consideration as a guardian.

(7) "Relative caregiver" means an individual who operates a home that has been approved by the Department to provide care for a related child or young adult placed in the home by the Department.

(8) "Safety service provider" means a participant in a protective action plan, initial safety plan, or ongoing safety plan whose actions, assistance, or supervision help a family in managing a child's safety.

(9) "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.

(10) "Young adult" means a person aged 18 through 20 years.

Stat. Auth.: ORS 109.119, 418.005 & 419A.004

Stats. Implemented: ORS 109.119, 418.005 & 419A.004

Hist.: SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95; CWP 9-2010, f. & cert. ef. 7-1-10; CWP 14-2013, f. 12-31-13, cert. ef. 1-1-14; CWP 11-2014, f. & cert. ef. 6-3-14; CWP 16-2014(Temp), f. & cert. ef. 8-4-14 thru 1-31-15; CWP 6-2015, f. 1-29-15, cert. ef. 2-1-15; CWP 11-2015(Temp), f. & cert. ef. 5-22-15 thru 11-17-15

413-030-0405
Definitions

The following definitions apply to these rules (OAR 413-030-0400 to 413-030-0460):

(1) "APPLA" means Another Planned Permanent Living Arrangement, a permanency plan for a stable secure living arrangement for a child that includes building relationships with significant people in the child's life that may continue after substitute care. APPLA is the least preferred permanency plan of the four permanency plan options for a child and is appropriate only in very limited circumstances.

(a) "Planned" means the arrangement is intended, designed, and deliberate.

(b) "Permanent" means enduring and stable.

(2) "Case plan" means a written, goal oriented, time limited individualized plan for the child and the child's family, developed by the Department and the parents or guardians, to achieve the child's safety, permanency, and well being.

(3) "Chafee housing" means a payment to assist in covering the costs of room and board made to an eligible individual between 18 and 20 years of age who was discharged from the care and custody of the Department or one of the federally recognized tribes on or after reaching 18 years of age.

(4) "Child" means a person under 18 years of age.

(5) "Department" means the Department of Human Services, Child Welfare.

(6) "Former foster child" means a person under 21 years of age who was in substitute care at or after 16 years of age, including substitute care provided by federally recognized tribes, and had been in substitute care for at least 180 cumulative days after 14 years of age.

(7) "GED" means a General Educational Development certificate issued pursuant to ORS 326.550.

(8) "Guardian" means an individual who has been granted guardianship of a child through a judgment of the court.

(9) "Independent living housing subsidy" means a payment to assist in covering the cost of room, board, or other monthly expenses made to an eligible individual who is at least 16 years of age and is in the care and custody of the Department and living independently.

(10) "Legal custody" means a legal relationship between a person, agency, or institution and a child that imposes on the person, agency, or institution the duties and authority of the child's legal custodian.

(11) "Parent" means the biological or adoptive mother or the legal father of the child. A legal father is a man who has adopted the child or whose paternity has been established or declared under ORS 109.070, ORS 416.400 to 416.465, or by a juvenile court. In cases involving an Indian child under the Indian Child Welfare Act (ICWA), a legal father includes a man who is a father under applicable tribal law. "Parent" also includes a putative father who has demonstrated a direct and significant commitment to the child by assuming or attempting to assume responsibilities normally associated with parenthood unless a court finds that the putative father is not the legal father.

(12) "Permanency plan" means a written course of action for achieving safe and lasting family resources for the child through the parents, relatives, or others who may assume legal responsibility for the child during the child's remaining years of dependency and be accessible and supportive to the child when the child is 18 years of age or older.

(13) "Registered domestic partner" means an individual joined in a civil contract entered into in person between two individuals of the same sex who are at least 18 years of age, who are otherwise capable and at least one of whom is a resident of Oregon.

(14) "Sibling" means one of two or more children or young adults 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.

(15) "Substitute care" means the out-of-home placement of a child or young adult who is in the legal or physical custody of the Department.

(16) "Young adult" means a person aged 18 through 20 years.

Stat Auth: ORS 409.050, 418.005
Stats. Implemented: ORS 409.010, 418.005, 418.475
Hist.: SOSCF 1-2002, f. & cert. ef. 1-22-02; CWP 10-2009(Temp), f. & cert. ef. 9-1-09 thru 12-28-09; CWP 16-2009, f. & cert. ef. 11-3-09; CWP 1-2013, f. & cert. ef. 1-15-13; CWP 11-2015(Temp), f. & cert. ef. 5-22-15 thru 11-17-15

413-070-0063
Definitions

The following definitions apply to OAR 413-070-0060 to 413-070-0093:

(1) "Caregiver relationship" means a relationship between a person and a child that meets the requirements of the following subsections:

(a) The relationship has existed for the 12 months immediately preceding the initiation of a dependency proceeding, at least six months during a dependency proceeding, or half of the child's life if the child is less than six months of age.

(b) The person had physical custody of the child or resided in the same household as the child and provided the child on a daily basis with the love, nurturing, and other necessities required to meet the child's psychological and physical needs.

(c) The child depended on the relationship to meet the child's needs.

(d) A "caregiver relationship" does not include a relationship between a child and a person who is the unrelated foster parent of the child unless the relationship continued for a period of at least twelve consecutive months.

(2) "Certificate of approval" means a document that the Department issues to approve the operation of a child-specific relative caregiver home, child-specific foster home, pre-adoptive home, or a regular foster home.

(3) "Child" means a person under 18 years of age.

(4) "Department" means the Department of Human Services, Child Welfare.

(5) "Designee" means a person who the designator directly and immediately supervises or a person with equal or greater management responsibility than the designator.

(6) "Foster parent" means an individual who operates a home that has been approved by the Department to provide care for an unrelated child or young adult placed in the home by the Department.

(7) "Indian child" is any unmarried person under 18 years of age who is either a member of an Indian tribe or is eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe.

(8) "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.

(9) "Registered domestic partner" means an individual joined in a domestic partnership that has been registered by a county clerk in accordance with ORS 106.300 to 106.340.

(10) "Relative" means any of the following:

(a) An individual with one of the following relationships to the child or young adult through the parent of the child or young adult unless the relationship has been dissolved by adoption of the child, young adult, or parent:

(A) Any blood relative of preceding generations denoted by the prefixes of grand, great, or great-great.

(B) Any half-blood relative of preceding generations denoted by the prefixes of grand, great, or great-great. Individuals with one common biological parent are half-blood relatives.

(C) An aunt, uncle, nephew, niece, first cousin, and first cousin once removed.

(D) A spouse of anyone listed in paragraphs (A) to (C) of this subsection, even if a petition for annulment, dissolution, or separation has been filed or the marriage is terminated by divorce or death. To be considered a "relative" under this paragraph, the child or young adult must have had a relationship with the spouse prior to the most recent episode of Department custody.

(b) An individual with one of the following relationships to the child or young adult:

(A) A sibling, also to include an individual with a sibling relationship to the child or young adult through a putative father.

(B) An individual defined as a relative by the law or custom of the tribe of the child or young adult if the child or young adult is an Indian child under the Indian Child Welfare Act or in the legal custody of a tribe.

(C) An individual defined as a relative of a refugee child or young adult under OAR 413-070-0300 to 413-070-0380.

(D) A stepparent or former stepparent if the child or young adult had a relationship with the former stepparent prior to the most recent episode of Department custody; a stepbrother; or a stepsister.

(E) A registered domestic partner of the parent of the child or young adult or a former registered domestic partner of the parent of the child or young adult if the child or young adult had a relationship with the former domestic partner prior to the most recent episode of Department custody.

(F) An adoptive parent of a sibling of the child or young adult.

(G) An unrelated legal or biological father or mother of a half-sibling of the child or young adult when the half-sibling of the child or young adult is living with the unrelated legal or biological father or mother.

(c) An individual identified by the child or young adult or the family of the child or young adult, or an individual who self-identifies, as being related to the child or young adult through the parent of the child or young adult by blood, adoption, or marriage to a degree other than an individual specified as a "relative" in paragraphs (A) to (C) of subsection (a) of this section unless the relationship has been dissolved by adoption of the child, young adult, or parent.

(d) An individual meeting the requirements of at least one of the following:

(A) An individual not related to the child, young adult, or parent by blood, adoption, or marriage:

(i) Who is identified as a member of the family by the child or young adult or by the family of the child or young adult; and

(ii) Who had an emotionally significant relationship with the child or young adult or the family of the child or young adult prior to the most recent episode of Department custody.

(B) An individual who has a blood relationship to the child or young adult as described in paragraphs (A) to (C) of subsection (a) of this section through the birth parent of the child or young adult, but the prior legal relationship has been dissolved by adoption of the child, young adult, or birth parent, and who is identified as a member of the family by the child or young adult or who self-identifies as a member of the family.

(e) For eligibility for the guardianship assistance program:

(A) A stepparent is considered a parent and is not a "relative" for the purpose of eligibility for guardianship assistance unless a petition for annulment, dissolution, or separation has been filed, or the marriage to the adoptive or biological parent of the child has been terminated by divorce or death.

(B) A foster parent may only be considered a "relative" for the purpose of eligibility for guardianship assistance when:

(i) There is a compelling reason why adoption is not an achievable permanency plan;

(ii) The foster parent is currently caring for a child, in the care or custody of the Department or a participating tribe, who has a permanency plan or concurrent permanent plan of guardianship;

(iii) The foster parent has cared for the child for at least 12 of the past 24 months; and

(iv) The Department or tribe has approved the foster parent for consideration as a guardian.

(11) "Relative caregiver" means an individual who operates a home that has been approved by the Department to provide care for a related child or young adult placed in the home by the Department.

(12) "Relative search" means the efforts of the Department to identify, locate, and document the contact with a child or young adult's relatives.

(13) "Safety service provider" means a participant in a protective action plan, initial safety plan, or ongoing safety plan whose actions, assistance, or supervision help a family in managing a child's safety.

(14) "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.

(15) "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.

(16) "Young adult" means a person aged 18 through 20 years who remains in the care and custody of the Department, and lives in substitute care or lives independently through the Department's Independent Living Subsidy Program.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 109.119, 418.005, 419A.004 & 419B.192
Hist.: SOSCF 19-1998(Temp), f. & cert. ef. 10-30-98 thru 4-28-99; SOSCF 6-1999, f. & cert. ef. 4-29-99; SOSCF 3-2001(Temp) f. & cert. ef. 1-24-01 thru 7-22-01; SOSCF 34-2001, f. 6-29-01 cert. ef. 7-1-01; CWP 10-2010, f. & cert. ef. 7-1-10; CWP 10-2011(Temp), f. & cert. ef. 6-30-11 thru 12-27-11; CWP 31-2011, f. 12-27-11, cert. ef. 12-28-11; CWP 11-2014, f. & cert. ef. 6-3-14; CWP 16-2014(Temp), f. & cert. ef. 8-4-14 thru 1-31-15; CWP 6-2015, f. 1-29-15, cert. ef. 2-1-15; CWP 11-2015(Temp), f. & cert. ef. 5-22-15 thru 11-17-15

413-070-0505
Definitions

The following definitions apply to OAR 413-070-0500 to 413-070-0519:

(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) "CASA" means a court appointed special advocate: a volunteer who is appointed by the court, is a party to the juvenile proceeding, and advocates for the child pursuant to ORS 419A.170.

(3) "Child" means a person under 18 years of age.

(4) "Committee facilitator" means a Department staff member appointed as a member of the committee to facilitate a permanency or adoption committee meeting.

(5) "Concurrent permanent plan" means the alternate permanency plan whenever the child has been placed in substitute care when the goal of the permanency plan is to return the child to the parents. The "concurrent permanent plan" is developed simultaneously with the plan to return the child to the parents or legal guardians.

(6) "Conditions for return" means a written statement of the specific behaviors, conditions, or circumstances that must exist within a child's home before a child can safely return and remain in the home with an in-home ongoing safety plan.

(7) "Current caretaker" means a foster parent who:

(a) Is currently caring for a child in the legal custody of the Department who has a permanency plan or concurrent permanent plan of adoption;

(b) Has cared for the child or at least one sibling in a sibling group under consideration for at least the past 12 consecutive months; and

(c) Has been identified by the Department as a potential adoptive resource for the child and when appropriate, the siblings in a sibling group under consideration for adoption in the same adoptive family.

(8) "General applicant" means an individual who:

(a) Is neither a relative or current caretaker; and

(b) Has submitted a completed application to adopt a child.

(9) "Indian child" means any unmarried person who is under 18 years of age and is either:

(a) A member of an Indian tribe; or

(b) Eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe.

(10) "Legal assistance specialist" means an Adoption Program staff member who provides consultation on the technical and legal processes to achieve a permanency plan for a child in the legal custody of the Department.

(11) "Parent" means the biological or adoptive mother or the legal father of the child. A legal father is a man who has adopted the child or whose paternity has been established or declared under ORS 109.070, ORS 416.400 to 416.465, or by a juvenile court. In cases involving an Indian child under the Indian Child Welfare Act (ICWA), a legal father includes a man who is a father under applicable tribal law. "Parent" also includes a putative father who has demonstrated a direct and significant commitment to the child by assuming or attempting to assume responsibilities normally associated with parenthood, unless a court finds that the putative father is not the legal father.

(12) "Permanency 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.

(13) "Permanency plan" means a written course of action for achieving safe and lasting family resources for the child. Although the plan may change as more information becomes available, the goal is to develop safe and permanent family resources with the parents, relatives, or other people who will assume legal responsibility for the child during the remaining years of dependency and be accessible and supportive to the child in adulthood.

(14) "RCWAC" means the Refugee Child Welfare Advisory Committee.

(15) "Refugee child" means, as defined under ORS 418.925, a person under 18 years of age who has entered the United States and is unwilling or unable to return to the person's country because of persecution or a well-founded fear of persecution on account of race, religion, sex, sexual orientation, nationality, membership in a particular group, or political opinion, or whose parents entered the United States within the preceding 10 years and are or were unwilling or unable to return to their country because of persecution or a well-founded fear of persecution on account of race, religion, sex, sexual orientation, nationality, membership in a particular group, or political opinion.

(a) As used in this section, "persecution" means that harm or suffering will be inflicted upon the person to punish the person for possessing a particular belief or characteristic. "Persecution" does not include harm and suffering that is inflicted on persons generally by reason of civil or military strife in a country.

(b) As used in this section, "fear of persecution" means an apprehension or awareness, based on external objective facts, that the person will suffer persecution upon return to the person's country.

(16) "Relative" means any of the following:

(a) An individual with one of the following relationships to the child or young adult through the parent of the child or young adult unless the relationship has been dissolved by adoption of the child, young adult, or parent:

(A) Any blood relative of preceding generations denoted by the prefixes of grand, great, or great-great.

(B) Any half-blood relative of preceding generations denoted by the prefixes of grand, great, or great-great. Individuals with one common biological parent are half-blood relatives.

(C) An aunt, uncle, nephew, niece, first cousin, and first cousin once removed.

(D) A spouse of anyone listed in paragraphs (A) to (C) of this subsection, even if a petition for annulment, dissolution, or separation has been filed or the marriage is terminated by divorce or death. To be considered a "relative" under this paragraph, the child or young adult must have had a relationship with the spouse prior to the most recent episode of Department custody.

(b) An individual with one of the following relationships to the child or young adult:

(A) A sibling, also to include an individual with a sibling relationship to the child or young adult through a putative father.

(B) An individual defined as a relative by the law or custom of the tribe of the child or young adult if the child or young adult is an Indian child under the Indian Child Welfare Act or in the legal custody of a tribe.

(C) An individual defined as a relative of a refugee child or young adult under OAR 413-070-0300 to 413-070-0380.

(D) A stepparent or former stepparent if the child or young adult had a relationship with the former stepparent prior to the most recent episode of Department custody; a stepbrother; or a stepsister.

(E) A registered domestic partner of the parent of the child or young adult or a former registered domestic partner of the parent of the child or young adult if the child or young adult had a relationship with the former domestic partner prior to the most recent episode of Department custody.

(F) An adoptive parent of a sibling of the child or young adult.

(G) An unrelated legal or biological father or mother of a half-sibling of the child or young adult when the half-sibling of the child or young adult is living with the unrelated legal or biological father or mother.

(c) An individual identified by the child or young adult or the family of the child or young adult, or an individual who self-identifies, as being related to the child or young adult through the parent of the child or young adult by blood, adoption, or marriage to a degree other than an individual specified as a "relative" in paragraphs (A) to (C) of subsection (a) of this section unless the relationship has been dissolved by adoption of the child, young adult, or parent.

(d) An individual meeting the requirements of at least one of the following:

(A) An individual not related to the child, young adult, or parent by blood, adoption, or marriage:

(i) Who is identified as a member of the family by the child or young adult or by the family of the child or young adult; and

(ii) Who had an emotionally significant relationship with the child or young adult or the family of the child or young adult prior to the most recent episode of Department custody.

(B) An individual who has a blood relationship to the child or young adult as described in paragraphs (A) to (C) of subsection (a) of this section through the birth parent of the child or young adult, but the prior legal relationship has been dissolved by adoption of the child, young adult, or birth parent, and who is identified as a member of the family by the child or young adult or who self-identifies as a member of the family.

(e) For eligibility for the guardianship assistance program:

(A) A stepparent is considered a parent and is not a "relative" for the purpose of eligibility for guardianship assistance unless a petition for annulment, dissolution, or separation has been filed, or the marriage to the adoptive or biological parent of the child has been terminated by divorce or death.

(B) A foster parent may only be considered a "relative" for the purpose of eligibility for guardianship assistance when:

(i) There is a compelling reason why adoption is not an achievable permanency plan;

(ii) The foster parent is currently caring for a child, in the care or custody of the Department or a participating tribe, who has a permanency plan or concurrent permanent plan of guardianship;

(iii) The foster parent has cared for the child for at least 12 of the past 24 months; and

(iv) The Department or tribe has approved the foster parent for consideration as a guardian.

(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.

(19) "Substitute caregiver" means a relative caregiver, foster parent, or provider authorized to provide care to a child or young adult in the legal or physical custody of the Department.

(20) "Young adult" means a person aged 18 through 20 years who remains in the care and custody of the Department, and lives in substitute care or lives independently through the Department's Independent Living Subsidy Program.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.005
Hist.: SOSCF 10-2000, f. & cert. ef. 4-28-00; SOSCF 42-2001, f. 12-31-01, cert. ef. 1-1-02; CWP 43-2003, f. 12-31-03, cert. ef. 1-1-04; CWP 27-2010, f. & cert. ef. 12-29-10; CWP 11-2014, f. & cert. ef. 6-3-14; CWP 16-2014(Temp), f. & cert. ef. 8-4-14 thru 1-31-15; CWP 6-2015, f. 1-29-15, cert. ef. 2-1-15; CWP 11-2015(Temp), f. & cert. ef. 5-22-15 thru 11-17-15

413-070-0620
Definitions

The following definitions apply to OAR 413-070-0600 to 413-070-0645:

(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) "CANS screening" means Child and Adolescent Needs and Strengths screening, a process of gathering information on a child or young adult's needs and strengths used for one or more of the following purposes:

(a) Identifying case planning, service planning, and supervision needs of the child or young adult in substitute care with a certified family;

(b) Determining the level of care payment while in substitute care with a certified family; and

(c) Determining the level of care payment included in an adoption assistance agreement or guardianship assistance agreement.

(3) "Caregiver relationship" means a relationship between a person and a child or young adult that meets the requirements of all of the following subsections:

(a) The relationship has existed for the 12 months immediately preceding the initiation of a dependency proceeding, for at least six months during a dependency proceeding, or for half of the child's life if the child is less than six months of age. A "caregiver relationship" does not include a relationship between a child or young adult and a person who is an unrelated foster parent of the child or young adult unless the relationship continued for a period of at least twelve consecutive months.

(b) The person had physical custody of the child or young adult or resided in the same household as the child and provided the child or young adult on a daily basis with the love, nurturing and other necessities required to meet the psychological and physical needs of the child or young adult.

(c) The child or young adult depended on the relationship to meet the needs of the child or young adult.

(4) "Child" means a person under 18 years of age.

(5) "Department" means the Department of Human Services, Child Welfare.

(6) "Foster parent" means an individual who operates a home that has been approved by the Department to provide care for an unrelated child or young adult placed in the home by the Department.

(7) "Indian child" means any unmarried person who is under 18 years of age and is either:

(a) A member of an Indian tribe; or

(b) Eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe.

(8) "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.

(9) "Provider" means an individual approved by a licensed private child-caring agency to provide care for a child or young adult, or an employee of a licensed private child-caring agency approved to provide care for a child or young adult.

(10) "Refugee child" means, as defined under ORS 418.925, a person under 18 years of age who has entered the United States and is unwilling or unable to return to the person's country because of persecution or a well-founded fear of persecution on account of race, religion, sex, sexual orientation, nationality, membership in a particular group, or political opinion, or whose parents entered the United States within the preceding 10 years and are or were unwilling or unable to return to their country because of persecution or a well-founded fear of persecution on account of race, religion, sex, sexual orientation, nationality, membership in a particular group, or political opinion.

(a) As used in this section, "persecution" means that harm or suffering will be inflicted upon the person to punish the person for possessing a particular belief or characteristic. "Persecution" does not include harm and suffering that is inflicted on persons generally by reason of civil or military strife in a country.

(b) As used in this section, "fear of persecution" means an apprehension or awareness, based on external objective facts, that the person will suffer persecution upon return to the person's country.

(11) "Relative" means any of the following:

(a) An individual with one of the following relationships to the child or young adult through the parent of the child or young adult unless the relationship has been dissolved by adoption of the child, young adult, or parent:

(A) Any blood relative of preceding generations denoted by the prefixes of grand, great, or great-great.

(B) Any half-blood relative of preceding generations denoted by the prefixes of grand, great, or great-great. Individuals with one common biological parent are half-blood relatives.

(C) An aunt, uncle, nephew, niece, first cousin, and first cousin once removed.

(D) A spouse of anyone listed in paragraphs (A) to (C) of this subsection, even if a petition for annulment, dissolution, or separation has been filed or the marriage is terminated by divorce or death. To be considered a "relative" under this paragraph, the child or young adult must have had a relationship with the spouse prior to the most recent episode of Department custody.

(b) An individual with one of the following relationships to the child or young adult:

(A) A sibling, also to include an individual with a sibling relationship to the child or young adult through a putative father.

(B) An individual defined as a relative by the law or custom of the tribe of the child or young adult if the child or young adult is an Indian child under the Indian Child Welfare Act or in the legal custody of a tribe.

(C) An individual defined as a relative of a refugee child or young adult under OAR 413-070-0300 to 413-070-0380.

(D) A stepparent or former stepparent if the child or young adult had a relationship with the former stepparent prior to the most recent episode of Department custody; a stepbrother; or a stepsister.

(E) A registered domestic partner of the parent of the child or young adult or a former registered domestic partner of the parent of the child or young adult if the child or young adult had a relationship with the former domestic partner prior to the most recent episode of Department custody.

(F) An adoptive parent of a sibling of the child or young adult.

(G) An unrelated legal or biological father or mother of a half-sibling of the child or young adult when the half-sibling of the child or young adult is living with the unrelated legal or biological father or mother.

(c) An individual identified by the child or young adult or the family of the child or young adult, or an individual who self-identifies, as being related to the child or young adult through the parent of the child or young adult by blood, adoption, or marriage to a degree other than an individual specified as a "relative" in paragraphs (A) to (C) of subsection (a) of this section unless the relationship has been dissolved by adoption of the child, young adult, or parent.

(d) An individual meeting the requirements of at least one of the following:

(A) An individual not related to the child, young adult, or parent by blood, adoption, or marriage:

(i) Who is identified as a member of the family by the child or young adult or by the family of the child or young adult; and

(ii) Who had an emotionally significant relationship with the child or young adult or the family of the child or young adult prior to the most recent episode of Department custody.

(B) An individual who has a blood relationship to the child or young adult as described in paragraphs (A) to (C) of subsection (a) of this section through the birth parent of the child or young adult, but the prior legal relationship has been dissolved by adoption of the child, young adult, or birth parent, and who is identified as a member of the family by the child or young adult or who self-identifies as a member of the family.

(e) For eligibility for the guardianship assistance program:

(A) A stepparent is considered a parent and is not a "relative" for the purpose of eligibility for guardianship assistance unless a petition for annulment, dissolution, or separation has been filed, or the marriage to the adoptive or biological parent of the child has been terminated by divorce or death.

(B) A foster parent may only be considered a "relative" for the purpose of eligibility for guardianship assistance when:

(i) There is a compelling reason why adoption is not an achievable permanency plan;

(ii) The foster parent is currently caring for a child, in the care or custody of the Department or a participating tribe, who has a permanency plan or concurrent permanent plan of guardianship;

(iii) The foster parent has cared for the child for at least 12 of the past 24 months; and

(iv) The Department or tribe has approved the foster parent for consideration as a guardian.

(12) "Relative caregiver" means an individual who operates a home that has been approved by the Department to provide care for a related child or young adult who is placed in the home by the Department.

(13) "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.

(14) "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.

(15) "Substitute caregiver" means a relative caregiver, foster parent, or provider who is authorized to provide care to a child or young adult who is in the legal or physical custody of the Department.

(16) "Young adult" means a person aged 18 through 20 years who remains in the care and custody of the Department, and lives in substitute care or lives independently through the Department's Independent Living Subsidy Program.

Stat. Auth.: ORS 409.050 & 418.005

Stats. Implemented: ORS 409.010, 418.005, 419A.004 & 419B.192

Hist.: SOSCF 13-1999, f. 7-8-99, cert. ef. 7-12-99; CWP 4-2007, f. & cert. ef. 3-20-07; CWP 26-2007(Temp), f. 12-31-07, cert. ef. 1-1-08 thru 6-27-08; CWP 8-2008, f. 6-27-08, cert. ef. 6-28-08; CWP 6-2009(Temp), f. & cert. ef. 7-1-09 thru 12-28-09; CWP 21-2009, f. & cert. ef. 12-29-09; CWP 29-2010, f. & cert. ef. 12-29-10; CWP 1-2013, f. & cert. ef. 1-15-13; CWP 11-2014, f. & cert. ef. 6-3-14; CWP 16-2014(Temp), f. & cert. ef. 8-4-14 thru 1-31-15; CWP 6-2015, f. 1-29-15, cert. ef. 2-1-15; CWP 11-2015(Temp), f. & cert. ef. 5-22-15 thru 11-17-15

413-070-0655
Definitions

The following definitions apply to OAR 413-070-0651 to 413-070-0670:

(1) "Child" means a person under 18 years of age.

(2) "Concurrent permanent plan" means the alternate permanency plan whenever the child has been placed in substitute care when the goal of the permanency plan is to return the child to the parents. The "concurrent permanent plan" is developed simultaneously with the plan to return the child to the parents or legal guardians.

(3) "Department" means the Department of Human Services, Child Welfare.

(4) "Foster care agency" means a private child-caring agency that offers to place children by taking physical custody of and then placing the children in a home certified by the agency.

(5) "Guardian" means an individual who has been granted guardianship of a child through a judgment of the court.

(6) "Guardianship assistance" means assistance provided by the Department to a guardian on behalf of an eligible child to offset the costs associated with meeting the ongoing needs of the child. "Guardianship assistance" may be in the form of a payment, medical coverage, or reimbursement of nonrecurring expenses.

(7) "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.

(8) "Participating tribe" means a federally recognized Indian tribe in Oregon with a Title IV E agreement with the Department.

(9) "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.

(10) "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.

(11) "Potential guardian" means an individual who:

(a) Has been approved by the Department or participating tribe to be a child's guardian; and

(b) Is in the process of legalizing the relationship to the child through a judgment of the court.

(12) "Relative" means any of the following:

(a) An individual with one of the following relationships to the child or young adult through the parent of the child or young adult unless the relationship has been dissolved by adoption of the child, young adult, or parent:

(A) Any blood relative of preceding generations denoted by the prefixes of grand, great, or great-great.

(B) Any half-blood relative of preceding generations denoted by the prefixes of grand, great, or great-great. Individuals with one common biological parent are half-blood relatives.

(C) An aunt, uncle, nephew, niece, first cousin, and first cousin once removed.

(D) A spouse of anyone listed in paragraphs (A) to (C) of this subsection, even if a petition for annulment, dissolution, or separation has been filed or the marriage is terminated by divorce or death. To be considered a "relative" under this paragraph, the child or young adult must have had a

relationship with the spouse prior to the most recent episode of Department custody.

(b) An individual with one of the following relationships to the child or young adult:

(A) A sibling, also to include an individual with a sibling relationship to the child or young adult through a putative father.

(B) An individual defined as a relative by the law or custom of the tribe of the child or young adult if the child or young adult is an Indian child under the Indian Child Welfare Act or in the legal custody of a tribe.

(C) An individual defined as a relative of a refugee child or young adult under OAR 413-070-0300 to 413-070-0380.

(D) A stepparent or former stepparent if the child or young adult had a relationship with the former stepparent prior to the most recent episode of Department custody; a stepbrother; or a stepsister.

(E) A registered domestic partner of the parent of the child or young adult or a former registered domestic partner of the parent of the child or young adult if the child or young adult had a relationship with the former domestic partner prior to the most recent episode of Department custody.

(F) An adoptive parent of a sibling of the child or young adult.

(G) An unrelated legal or biological father or mother of a half-sibling of the child or young adult when the half-sibling of the child or young adult is living with the unrelated legal or biological father or mother.

(c) An individual identified by the child or young adult or the family of the child or young adult, or an individual who self-identifies, as being related to the child or young adult through the parent of the child or young adult by blood, adoption, or marriage to a degree other than an individual specified as a "relative" in paragraphs (A) to (C) of subsection (a) of this section unless the relationship has been dissolved by adoption of the child, young adult, or parent.

(d) An individual meeting the requirements of at least one of the following:

(A) An individual not related to the child, young adult, or parent by blood, adoption, or marriage:

(i) Who is identified as a member of the family by the child or young adult or by the family of the child or young adult; and

(ii) Who had an emotionally significant relationship with the child or young adult or the family of the child or young adult prior to the most recent episode of Department custody.

(B) An individual who has a blood relationship to the child or young adult as described in paragraphs (A) to (C) of subsection (a) of this section through the birth parent of the child or young adult, but the prior legal relationship has been dissolved by adoption of the child, young adult, or birth parent, and who is identified as a member of the family by the child or young adult or who self-identifies as a member of the family.

(e) For eligibility for the guardianship assistance program:

(A) A stepparent is considered a parent and is not a "relative" for the purpose of eligibility for guardianship assistance unless a petition for annulment, dissolution, or separation has been filed, or the marriage to the adoptive or biological parent of the child has been terminated by divorce or death.

(B) A foster parent may only be considered a "relative" for the purpose of eligibility for guardianship assistance when:

(i) There is a compelling reason why adoption is not an achievable permanency plan;

(ii) The foster parent is currently caring for a child, in the care or custody of the Department or a participating tribe, who has a permanency plan or concurrent permanent plan of guardianship;

(iii) The foster parent has cared for the child for at least 12 of the past 24 months; and

(iv) The Department or tribe has approved the foster parent for consideration as a guardian.

(13) "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.

(14) "Substitute caregiver" means a relative caregiver, foster parent, or provider authorized to provide care to a child or young adult in the legal or physical custody of the Department.

(15) "Young adult" means a person aged 18 through 20 years.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

Hist.: CWP 36-2010(Temp), f. & cert. ef. 12-29-10 thru 6-27-11; CWP 7-2011, f. & cert. ef. 6-28-11; CWP 11-2014, f. & cert. ef. 6-3-14; CWP 16-2014(Temp), f. & cert. ef. 8-4-14 thru 1-31-15; CWP 6-2015, f. 1-29-15, cert. ef. 2-1-15; CWP 11-2015(Temp), f. & cert. ef. 5-22-15 thru 11-17-15

413-070-0810

Definitions

The following definitions apply to OAR 413-070-0800 to 413-070-0880:

(1) "Child" means a person under 18 years of age.

(2) "Child-family contact" means communication between the child or young adult and family and includes but is not limited to visitation with the child or young adult, participation in the child or young adult's activities, and appointments, phone calls, e-mail, and written correspondence.

(3) "Department" means the Department of Human Services, Child Welfare.

(4) "Family member" means any person related to the child by blood, marriage, or adoption, including, but not limited to the parents, grandparents, stepparents, aunts, uncles, sisters, brothers, cousins, or great-grandparents. Family member also includes the registered domestic partner of a person related to the child, a child 12 years of age or older, and when appropriate, a child younger than 12 years of age. In a case involving an Indian child under the Indian Child Welfare Act (ICWA), a "family member" is defined by the law or custom of the child's tribe.

(5) "Foster parent" means a person who operates a home that has been approved by the Department to provide care for an unrelated child or young adult placed in the home by the Department.

(6) "Grandparent" for purposes of visitation, contact, or communication ordered by the court under ORS 419B.876 means the legal parent of the child or young adult's legal parent, as defined in ORS 109.119.

(7) "Guardian" means an individual who has been granted guardianship of a child through a judgment of the court.

(8) "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.

(9) "Provider" means a person approved by a licensed private child-caring agency to provide care for a child or young adult, or an employee of a licensed private child-caring agency approved to provide care for a child or young adult.

(10) "Relative caregiver" means an individual who operates a home that has been approved by the Department to provide care for a related child or young adult placed in the home by the Department.

(11) "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.

(12) "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.

(13) "Substitute caregiver" means a relative caregiver, foster parent, or provider who is authorized to provide care to a child or young adult who is in the legal or physical custody of the Department.

(14) "Supervised visit" means a child-family contact that includes a designated third party to protect the emotional and physical safety of a child or young adult.

(15) "Visit" means planned, in-person contact between the child or young adult and one or more family members.

(16) "Young adult" means a person aged 18 through 20 years.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005, 419B.337, 419B.440, 419B.876

Hist.: SOSCF 16-2000, f. & cert. ef. 7-17-00; CWP 4-2007, f. & cert. ef. 3-20-07; CWP 27-2007(Temp), f. 12-31-07, cert. ef. 1-1-08 thru 6-27-08; CWP 9-2008, f. 6-27-08, cert. ef. 6-28-08; CWP 14-2013, f. 12-31-13, cert. ef. 1-1-14; CWP 11-2015(Temp), f. & cert. ef. 5-22-15 thru 11-17-15

413-070-0905
Definitions

The following definitions apply to OAR 413-070-0900 to 413-070-0974:

(1) "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 cost to cover a child or young adult's special or unique nutritional needs;

(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 which is appropriate based on the child or young adult's chronological age;

(e) Personal incidentals — including personal care items, entertainment, reading materials, and miscellaneous items; and

(f) The cost of providing transportation — including local travel associated with expenditure for gas and oil, and vehicle maintenance and repair associated with transportation to and from extracurricular, child care, recreational, and cultural activities.

(2) "CANS screening" means Child and Adolescent Needs and Strengths screening, a process of gathering information on a child or young adult's needs and strengths used for one or more of the following purposes:

(a) Identifying case planning, service planning, and supervision needs of the child or young adult in substitute care with a certified family;

(b) Determining the level of care payment while in substitute care with a certified family; and

(c) Determining the level of care payment included in an adoption assistance agreement or guardianship assistance agreement.

(3) "Child" means a person under 18 years of age.

(4) "Department" means the Department of Human Services, Child Welfare.

(5) "Enhanced supervision" means the additional support, direction, observation, and guidance necessary to promote and ensure the safety and well-being of the child or young adult when the child or young adult qualifies for a level of care payment.

(6) "Guardian" means an individual who has been granted guardianship of a child through a judgment of the court.

(7) "Guardianship assistance" means assistance on behalf of an eligible child or young adult to offset the costs associated with establishing the guardianship and meeting the ongoing needs of the child or young adult. "Guardianship assistance" may be in the form of a payment, medical coverage, or reimbursement of guardianship expenses.

(8) "Guardianship assistance agreement" means a written agreement, binding on the parties to the agreement, between the Department and the potential guardian or guardian setting forth the assistance the Department is to provide on behalf of the child or young adult, the responsibilities of the guardian and the Department, and the manner in which the agreement and amount of assistance may be modified or terminated.

(9) "Guardianship assistance agreement only" means a written agreement, binding on the parties to the agreement, between the Department and the potential guardian or guardian of an eligible child or young adult, when the potential guardian or guardian is not receiving a guardianship assistance payment or medical coverage at the time of the agreement but may request it at a later date.

(10) "Guardianship assistance base rate" means the portion of the guardianship assistance payment that is negotiated with the potential guardian or guardian and cannot exceed the amount of the Oregon foster care base rate payment for the child or young adult's age.

(11) "Guardianship assistance payment" means a monthly payment made by the Department to the guardian on behalf of the eligible child or young adult.

(12) "Guardianship Assistance Review Committee" means a committee composed of local and central office Department staff that have expertise in the area of guardianship.

(13) "Incapacity" means a physical or mental defect, illness, or impairment that reduces substantially or eliminates the individual's ability to support or care for the child and is expected to be permanent.

(14) "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 child or young adult's need for enhanced supervision as determined by applying the CANS algorithm to the results of the CANS screening.

(15) "Nonrecurring guardianship assistance agreement" means a written agreement, binding on the parties to the agreement, between the Department and the potential guardian of an eligible child for a one-time payment to reimburse the guardian for the reasonable and necessary expenses incurred in legally finalizing the guardianship.

(16) "Nonrecurring guardianship expenses" means a one-time payment of up to $2,000 per child that the Department will make to a guardian to assist with the reasonable and necessary expenses associated with obtaining legal guardianship of an eligible child.

(17) "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.

(18) "Participating tribe" means a federally recognized Indian tribe in Oregon with a Title IV E agreement with the Department.

(19) "Permanency committee" means a group of individuals who are responsible for making a recommendation regarding a permanency plan or potential permanency resource when the child or young adult likely is not returning to his or her parent.

(20) "Potential guardian" means an individual who:

(a) Has been approved by the Department or participating tribe to be a child's guardian; and

(b) Is in the process of legalizing the relationship to the child through the judgment of the court.

(21) "Registered domestic partner" means an individual joined in a domestic partnership that is registered with a county clerk in accordance with ORS 106.300 to 106.340.

(22) "Relative" means any of the following:

(a) An individual with one of the following relationships to the child or young adult through the parent of the child or young adult unless the relationship has been dissolved by adoption of the child, young adult, or parent:

(A) Any blood relative of preceding generations denoted by the prefixes of grand, great, or great-great.

(B) Any half-blood relative of preceding generations denoted by the prefixes of grand, great, or great-great. Individuals with one common biological parent are half-blood relatives.

(C) An aunt, uncle, nephew, niece, first cousin, and first cousin once removed.

(D) A spouse of anyone listed in paragraphs (A) to (C) of this subsection, even if a petition for annulment, dissolution, or separation has been filed or the marriage is terminated by divorce or death. To be considered a "relative" under this paragraph, the child or young adult must have had a relationship with the spouse prior to the most recent episode of Department custody.

(b) An individual with one of the following relationships to the child or young adult:

(A) A sibling, also to include an individual with a sibling relationship to the child or young adult through a putative father.

(B) An individual defined as a relative by the law or custom of the tribe of the child or young adult if the child or young adult is an Indian child under the Indian Child Welfare Act or in the legal custody of a tribe.

(C) An individual defined as a relative of a refugee child or young adult under OAR 413-070-0300 to 413-070-0380.

(D) A stepparent or former stepparent if the child or young adult had a relationship with the former stepparent prior to the most recent episode of Department custody; a stepbrother; or a stepsister.

(E) A registered domestic partner of the parent of the child or young adult or a former registered domestic partner of the parent of the child or young adult if the child or young adult had a relationship with the former domestic partner prior to the most recent episode of Department custody.

(F) An adoptive parent of a sibling of the child or young adult.

(G) An unrelated legal or biological father or mother of a half-sibling of the child or young adult when the half-sibling of the child or young adult is living with the unrelated legal or biological father or mother.

(c) An individual identified by the child or young adult or the family of the child or young adult, or an individual who self-identifies, as being related to the child or young adult through the parent of the child or young adult by blood, adoption, or marriage to a degree other than an individual

specified as a "relative" in paragraphs (A) to (C) of subsection (a) of this section unless the relationship has been dissolved by adoption of the child, young adult, or parent.

(d) An individual meeting the requirements of at least one of the following:

(A) An individual not related to the child, young adult, or parent by blood, adoption, or marriage:

(i) Who is identified as a member of the family by the child or young adult or by the family of the child or young adult; and

(ii) Who had an emotionally significant relationship with the child or young adult or the family of the child or young adult prior to the most recent episode of Department custody.

(B) An individual who has a blood relationship to the child or young adult as described in paragraphs (A) to (C) of subsection (a) of this section through the birth parent of the child or young adult, but the prior legal relationship has been dissolved by adoption of the child, young adult, or birth parent, and who is identified as a member of the family by the child or young adult or who self-identifies as a member of the family.

(e) For eligibility for the guardianship assistance program under these rules, OAR 413-070-0900 to 413-070-0974:

(A) A stepparent is considered a parent and is not a "relative" for the purpose of eligibility for guardianship assistance unless a petition for annulment, dissolution, or separation has been filed, or the marriage to the adoptive or biological parent of the child has been terminated by divorce or death.

(B) A foster parent may only be considered a "relative" for the purpose of eligibility for guardianship assistance when:

(i) There is a compelling reason why adoption is not an achievable permanency plan;

(ii) The foster parent is currently caring for a child, in the care or custody of the Department or a participating tribe, who has a permanency plan or concurrent permanent plan of guardianship;

(iii) The foster parent has cared for the child for at least 12 of the past 24 months; and

(iv) The Department or tribe has approved the foster parent for consideration as a guardian.

(23) "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.

(24) "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.

(25) "Substitute caregiver" means a relative caregiver, foster parent, or provider authorized to provide care to a child or young adult in the legal or physical custody of the Department.

(26) "Successor legal guardian" means an individual who has been named in the guardianship assistance agreement, including any amendments to the agreement, as a replacement legal guardian in the event of the guardian's death or incapacitation.

(27) "Young adult" means a person aged 18 through 20 years.

Stat. Auth.: ORS 409.050 & 418.005

Stats. Implemented: ORS 409.010, 411.141 & 418.005

Hist.: SOSCF 18-1999(Temp), f. & cert. ef. 9-14-99 thru 3-12-00; SOSCF 7-2000, f. & cert. ef. 2-10-00; SOSCF 43-2001, f. 12-31-01, cert. ef. 1-1-02; CWP 14-2003, f. & cert. ef. 1-9-03; CWP 26-2003, f. & cert. ef. 7-31-03; CWP 8-2004, f. & cert. ef. 4-1-04; CWP 5-2009(Temp), f. & cert. ef. 3-31-09 thru 9-27-09; CWP 7-2009(Temp), f. & cert. ef. 7-1-09 thru 9-27-09; CWP 12-2009, f. & cert. ef. 9-28-09; CWP 18-2009(Temp), f. & cert. ef. 12-16-09 thru 6-14-10; CWP 1-2010(Temp), f. & cert. ef. 2-1-10 thru 6-14-10; CWP 18-2009(Temp), f. & cert. ef. 12-16-09 thru 6-14-10; CWP 6-2010, f. & cert. ef. 6-15-10; CWP 11-2011(Temp), f. & cert. ef. 6-30-11 thru 12-27-11; CWP 24-2011(Temp), f. 9-30-11, cert. ef. 10-1-11 thru 12-27-11; CWP 30-2011, f. 12-27-11, cert. ef. 12-28-11; CWP 1-2014, f. 1-31-14, cert. ef. 2-1-14; CWP 11-2014, f. & cert. ef. 6-3-14; CWP 16-2014(Temp), f. & cert. ef. 8-4-14 thru 1-31-15; CWP 4-2015(Temp), f. & cert. ef. 1-21-15 thru 7-19-15; CWP 6-2015, f. 1-29-15, cert. ef. 2-1-15; CWP 7-2015(Temp), f. 1-30-15, cert. ef. 2-1-15 thru 7-19-15; CWP 11-2015(Temp), f. & cert. ef. 5-22-15 thru 11-17-15

413-110-0110
Definitions

The following definitions apply to these rules, OAR 413-110-0100 to 413-110-0150:

(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) "Child" means a person under 18 years of age.

(3) "Committee facilitator" means a Department staff member appointed as a member of the committee to facilitate a permanency committee or adoption committee meeting.

(4) "Department" means the Department of Human Services, Child Welfare.

(5) "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.

(6) "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.

(7) "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.

(8) "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, 418.945

Stats. Implemented: ORS 418.005, 418.925, 418.937, 418.945, 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 30-2010, f. & cert. ef. 12-29-10; CWP 11-2015(Temp), f. & cert. ef. 5-22-15 thru 11-17-15

413-120-0010
Definitions

The following definitions apply to OAR 413-120-0000 to 413-120-0060:

(1) "Adoption committee" means a group of individuals convened by Department staff to make recommendations to an Adoption Decision Specialist (ADS) regarding adoptive resources for a child.

(2) "Adoption home study" means a written report documenting the result of an assessment conducted by the Department, a licensed adoption agency, or another public agency to evaluate the suitability of an individual or individuals to adopt and make a lifelong permanent commitment to a child or children.

(3) "Adoption placement selection" means a decision made by the Department that an individual or individuals have been identified as the adoptive resource for the child.

(4) "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 was sustained by that review and the review is complete.

(5) "ADS" means an Adoption Decision Specialist, who is a Department employee appointed by the Adoption Program Manager to attend an adoption committee and make an adoption placement selection for a child.

(6) "Child" means a person under 18 years of age.

(7) "Committee facilitator" means a Department staff member appointed as a member of the committee to facilitate a permanency committee or adoption committee meeting.

(8) "Current caretaker" means a foster parent who:

(a) Is currently caring for a child in the legal custody of the Department who has a permanency plan or concurrent permanent plan of adoption;

(b) Has cared for the child or at least one sibling in a sibling group under consideration for at least the past 12 consecutive months; and

(c) Has been identified by the Department as a potential adoptive resource for the child and when appropriate, the siblings in a sibling group under consideration for adoption in the same adoptive family.

(9) "Department" means the Department of Human Services, Child Welfare.

(10) "Foster parent" means an individual who operates a home that has been approved by the Department to provide care for an unrelated child or young adult placed in the home by the Department.

(11) "General applicant" means an individual who:

(a) Is neither a relative or current caretaker; and

(b) Has submitted a completed application to adopt a child.

(12) "Indian child" means any unmarried person who is under 18 years of age and is either:

(a) A member of an Indian tribe; or

(b) Eligible for membership in an Indian tribe and the biological child of a member of an Indian tribe.

(13) "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.

(14) "RCWAC" means the Refugee Child Welfare Advisory Committee.

(15) "Refugee child" means, as defined under ORS 418.925, a person under 18 years of age who has entered the United States and is unwilling or unable to return to the person's country because of persecution or a well-founded fear of persecution on account of race, religion, sex, sexual orientation, nationality, membership in a particular group, or political opinion, or whose parents entered the United States within the preceding 10 years and are or were unwilling or unable to return to their country because of persecution or a well-founded fear of persecution on account of race, religion, sex, sexual orientation, nationality, membership in a particular group, or political opinion.

(a) As used in this section, "persecution" means that harm or suffering will be inflicted upon the person to punish the person for possessing a particular belief or characteristic. "Persecution" does not include harm and suffering that is inflicted on persons generally by reason of civil or military strife in a country.

(b) As used in this section, "fear of persecution" means an apprehension or awareness, based on external objective facts, that the person will suffer persecution upon return to the person's country.

(16) "Relative" means any of the following:

(a) An individual with one of the following relationships to the child or young adult through the parent of the child or young adult unless the relationship has been dissolved by adoption of the child, young adult, or parent:

(A) Any blood relative of preceding generations denoted by the prefixes of grand, great, or great-great.

(B) Any half-blood relative of preceding generations denoted by the prefixes of grand, great, or great-great. Individuals with one common biological parent are half-blood relatives.

(C) An aunt, uncle, nephew, niece, first cousin, and first cousin once removed.

(D) A spouse of anyone listed in paragraphs (A) to (C) of this subsection, even if a petition for annulment, dissolution, or separation has been filed or the marriage is terminated by divorce or death. To be considered a "relative" under this paragraph, the child or young adult must have had a relationship with the spouse prior to the most recent episode of Department custody.

(b) An individual with one of the following relationships to the child or young adult:

(A) A sibling, also to include an individual with a sibling relationship to the child or young adult through a putative father.

(B) An individual defined as a relative by the law or custom of the tribe of the child or young adult if the child or young adult is an Indian child under the Indian Child Welfare Act or in the legal custody of a tribe.

(C) An individual defined as a relative of a refugee child or young adult under OAR 413-070-0300 to 413-070-0380.

(D) A stepparent or former stepparent if the child or young adult had a relationship with the former stepparent prior to the most recent episode of Department custody; a stepbrother; or a stepsister.

(E) A registered domestic partner of the parent of the child or young adult or a former registered domestic partner of the parent of the child or young adult if the child or young adult had a relationship with the former domestic partner prior to the most recent episode of Department custody.

(F) An adoptive parent of a sibling of the child or young adult.

(G) An unrelated legal or biological father or mother of a half-sibling of the child or young adult when the half-sibling of the child or young adult is living with the unrelated legal or biological father or mother.

(c) An individual identified by the child or young adult or the family of the child or young adult, or an individual who self-identifies, as being related to the child or young adult through the parent of the child or young adult by blood, adoption, or marriage to a degree other than an individual specified as a "relative" in paragraphs (A) to (C) of subsection (a) of this section unless the relationship has been dissolved by adoption of the child, young adult, or parent.

(d) An individual meeting the requirements of at least one of the following:

(A) An individual not related to the child, young adult, or parent by blood, adoption, or marriage:

(i) Who is identified as a member of the family by the child or young adult or by the family of the child or young adult; and

(ii) Who had an emotionally significant relationship with the child or young adult or the family of the child or young adult prior to the most recent episode of Department custody.

(B) An individual who has a blood relationship to the child or young adult as described in paragraphs (A) to (C) of subsection (a) of this section through the birth parent of the child or young adult, but the prior legal relationship has been dissolved by adoption of the child, young adult, or birth parent, and who is identified as a member of the family by the child or young adult or who self-identifies as a member of the family.

(e) For eligibility for the guardianship assistance program:

(A) A stepparent is considered a parent and is not a "relative" for the purpose of eligibility for guardianship assistance unless a petition for annulment, dissolution, or separation has been filed, or the marriage to the adoptive or biological parent of the child has been terminated by divorce or death.

(B) A foster parent may only be considered a "relative" for the purpose of eligibility for guardianship assistance when:

(i) There is a compelling reason why adoption is not an achievable permanency plan;

(ii) The foster parent is currently caring for a child, in the care or custody of the Department or a participating tribe, who has a permanency plan or concurrent permanent plan of guardianship;

(iii) The foster parent has cared for the child for at least 12 of the past 24 months; and

(iv) The Department or tribe has approved the foster parent for consideration as a guardian.

(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 caregiver" means a relative caregiver, foster parent, or provider who is authorized to provide care to a child or young adult who is in the legal or physical custody of the Department.

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

Stat. Auth.: ORS 409.050 & 418.005

Stats. Implemented: ORS 409.010, 418.005, 418.280, 418.285, 418.937, 419B.100 & 419B.192

Hist.: SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95; SCF 6-1996, f. & cert. ef. 9-17-96; SOSCF 7-1998, f. & cert. ef. 2-10-98; SOSCF 16-1999, f. & cert. ef. 8-12-99; SOSCF 2-2001(Temp), f. & cert. ef. 1-24-01 thru 7-21-01; SOSCF 35-2001, f. 6-29-01 cert. ef. 7-1-01; SOSCF 47-2001, f. 12-31-01 cert. ef. 1-1-02; CWP 13-2007, f. & cert. ef. 8-1-07; CWP 16-2010(Temp), f. & cert. ef. 7-1-10 thru 12-28-10; CWP 31-2010, f. & cert. ef. 12-29-10; CWP 11-2014, f. & cert. ef. 6-3-14; CWP 16-2014(Temp), f. & cert. ef. 8-4-14 thru 1-31-15; CWP 6-2015, f. 1-29-15, cert. ef. 2-1-15; CWP 11-2015(Temp), f. & cert. ef. 5-22-15 thru 11-17-15

413-120-0195
Definitions

The following definitions apply to OAR 413-120-0190 to 413-120-0246:

(1) "Adoption agency" means an organization providing the services under any one of the following subsections:

(a) Identifying a child for adoption and arranging an adoption.

(b) Securing the necessary consent to relinquishment of parental rights and to adoption.

(c) Performing a background study on a child or a home study on a prospective adoptive parent and reporting on such a study.

(d) Making determinations of the best interests of a child and the appropriateness of adoption placement for a child.

(e) Monitoring a case after placement until final adoption.

(f) When necessary because of disruption before final adoption, assuming custody and providing child care or other social services for a child pending an alternative placement.

(2) "Adoption home study" means a written report documenting the result of an assessment conducted by the Department, a licensed adoption agency, or by another public agency to evaluate the suitability of an individual or individuals to adopt and to make a lifelong permanent commitment to a child or children.

(3) "Adoption placement selection" means a decision made by the Department that an individual or individuals have been identified as the adoptive resource for a child.

(4) "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.

(5) "Child" means a person under 18 years of age.

(6) "Current caretaker" means a foster parent who:

(a) Is currently caring for a child in the legal custody of the Department who has a permanency plan or concurrent permanent plan of adoption;

(b) Has cared for the child or at least one sibling in a sibling group under consideration for at least the past 12 consecutive months; and

(c) Has been identified by the Department as a potential adoptive resource for the child and when appropriate, the siblings in a sibling group under consideration for adoption in the same adoptive family.

(7) "Department" means the Department of Human Services, Child Welfare.

(8) "Foster parent" means an individual who operates a home that has been approved by the Department to provide care for an unrelated child or young adult placed in the home by the Department.

(9) "General applicant" means an individual who:

(a) Is neither a relative or current caretaker; and

(b) Has submitted a completed application to adopt a child.

(10) "ICPC" means the Interstate Compact on the Placement of Children (see ORS 417.200).

(11) "Indian child" means any unmarried person who is under 18 years of age and is either:

(a) A member of an Indian tribe; or

(b) Eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe.

(12) "Relative" means any of the following:

(a) An individual with one of the following relationships to the child or young adult through the parent of the child or young adult unless the relationship has been dissolved by adoption of the child, young adult, or parent:

(A) Any blood relative of preceding generations denoted by the prefixes of grand, great, or great-great.

(B) Any half-blood relative of preceding generations denoted by the prefixes of grand, great, or great-great. Individuals with one common biological parent are half-blood relatives.

(C) An aunt, uncle, nephew, niece, first cousin, and first cousin once removed.

(D) A spouse of anyone listed in paragraphs (A) to (C) of this subsection, even if a petition for annulment, dissolution, or separation has been filed or the marriage is terminated by divorce or death. To be considered a "relative" under this paragraph, the child or young adult must have had a relationship with the spouse prior to the most recent episode of Department custody.

(b) An individual with one of the following relationships to the child or young adult:

(A) A sibling, also to include an individual with a sibling relationship to the child or young adult through a putative father.

(B) An individual defined as a relative by the law or custom of the tribe of the child or young adult if the child or young adult is an Indian child under the Indian Child Welfare Act or in the legal custody of a tribe.

(C) An individual defined as a relative of a refugee child or young adult under OAR 413-070-0300 to 413-070-0380.

(D) A stepparent or former stepparent if the child or young adult had a relationship with the former stepparent prior to the most recent episode of Department custody; a stepbrother; or a stepsister.

(E) A registered domestic partner of the parent of the child or young adult or a former registered domestic partner of the parent of the child or young adult if the child or young adult had a relationship with the former domestic partner prior to the most recent episode of Department custody.

(F) An adoptive parent of a sibling of the child or young adult.

(G) An unrelated legal or biological father or mother of a half-sibling of the child or young adult when the half-sibling of the child or young adult is living with the unrelated legal or biological father or mother.

(c) An individual identified by the child or young adult or the family of the child or young adult, or an individual who self-identifies, as being related to the child or young adult through the parent of the child or young adult by blood, adoption, or marriage to a degree other than an individual specified as a "relative" in paragraphs (A) to (C) of subsection (a) of this section unless the relationship has been dissolved by adoption of the child, young adult, or parent.

(d) An individual meeting the requirements of at least one of the following:

(A) An individual not related to the child, young adult, or parent by blood, adoption, or marriage:

(i) Who is identified as a member of the family by the child or young adult or by the family of the child or young adult; and

(ii) Who had an emotionally significant relationship with the child or young adult or the family of the child or young adult prior to the most recent episode of Department custody.

(B) An individual who has a blood relationship to the child or young adult as described in paragraphs (A) to (C) of subsection (a) of this section through the birth parent of the child or young adult, but the prior legal relationship has been dissolved by adoption of the child, young adult, or birth parent, and who is identified as a member of the family by the child or young adult or who self-identifies as a member of the family.

(e) For eligibility for the guardianship assistance program:

(A) A stepparent is considered a parent and is not a "relative" for the purpose of eligibility for guardianship assistance unless a petition for annulment, dissolution, or separation has been filed, or the marriage to the adoptive or biological parent of the child has been terminated by divorce or death.

(B) A foster parent may only be considered a "relative" for the purpose of eligibility for guardianship assistance when:

(i) There is a compelling reason why adoption is not an achievable permanency plan;

(ii) The foster parent is currently caring for a child, in the care or custody of the Department or a participating tribe, who has a permanency plan or concurrent permanent plan of guardianship;

(iii) The foster parent has cared for the child for at least 12 of the past 24 months; and

(iv) The Department or tribe has approved the foster parent for consideration as a guardian.

(13) "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.

(14) "Substitute caregiver" means a relative caregiver, foster parent, or provider who is authorized to provide care to a child or young adult who is in the legal or physical custody of the Department.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005, 418.280 & 418.285

Hist.: SOSCF 36-2001, f. 6-29-01, cert. ef. 7-1-01; CWP 37-2008, f. & cert. ef. 11-3-08; CWP 15-2010(Temp), f. & cert. ef. 7-1-10 thru 12-28-10; CWP 33-2010, f. & cert. ef. 12-29-10; CWP 11-2014, f. & cert. ef. 6-3-14; CWP 16-2014(Temp), f. & cert. ef. 8-4-14 thru 1-31-15; CWP 6-2015, f. 1-29-15, cert. ef. 2-1-15; CWP 11-2015(Temp), f. & cert. ef. 5-22-15 thru 11-17-15

413-120-0510
Definitions

The following definitions apply to OAR 413-120-0500 to 413-120-0595:

(1) "Adoptive resource" means an individual or individuals selected by the Department 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 Department review is complete.

(2) "Child" means a person under 18 years of age.

(3) "Concurrent permanent plan" means the alternate permanency plan whenever the child has been placed in substitute care when the goal of the permanency plan is to return the child to the parents. The "concurrent permanent plan" is developed simultaneously with the plan to return the child to the parents or legal guardians.

(4) "Current caretaker" means a foster parent who:

(a) Is currently caring for a child in the legal custody of the Department who has a permanency plan or concurrent permanent plan of adoption;

(b) Has cared for the child or at least one sibling in a sibling group under consideration for at least the past 12 consecutive months; and

(c) Has been identified by the Department as a potential adoptive resource for the child and when appropriate, the siblings in a sibling group under consideration for adoption in the same adoptive family.

(5) "Department" means the Department of Human Services, Child Welfare.

(6) "Foster parent" means a person who operates a home that has been approved by the Department to provide care for unrelated children or young adults who are placed in the home by the Department.

(7) "General applicant" means an individual who:

(a) Is neither a relative nor current caretaker; and

(b) Has submitted a completed application to adopt a child.

(8) "Indian child" means any unmarried person who is under 18 years of age and is either:

(a) A member of an Indian tribe; or

(b) Eligible for membership in an Indian tribe and the biological child of a member of an Indian tribe.

(9) "Permanency committee" means a group of individuals who are responsible for making a recommendation regarding a permanency plan or potential permanency resource when the child or young adult likely is not returning to his or her parent.

(10) "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 individuals who will assume legal responsibility for the child during the remaining years of dependency and be accessible and supportive to the child in adulthood.

(11) "Refugee child" means, as defined by ORS 418.925, a person under 18 years of age who has entered the United States and is unwilling or unable to return to the person's country because of persecution or a well-founded fear of persecution on account of race, religion, sex, sexual orientation, nationality, membership in a particular group, or political opinion, or whose parents entered the United States within the preceding 10 years and are or were unwilling or unable to return to their country because of persecution or a well-founded fear of persecution on account of race, religion, sex, sexual orientation, nationality, membership in a particular group, or political opinion.

(a) As used in this section, "persecution" means that harm or suffering will be inflicted upon the person in order to punish the person for possessing a particular belief or characteristic. "Persecution" does not include harm and suffering that is inflicted on persons generally by reason of civil or military strife in a country.

(b) As used in this section, "fear of persecution" means an apprehension or awareness, based on external objective facts, that the person will suffer persecution upon return to the person's country.

(12) "Relative" means any of the following:

(a) An individual with one of the following relationships to the child or young adult through the parent of the child or young adult unless the relationship has been dissolved by adoption of the child, young adult, or parent:

(A) Any blood relative of preceding generations denoted by the prefixes of grand, great, or great-great.

(B) Any half-blood relative of preceding generations denoted by the prefixes of grand, great, or great-great. Individuals with one common biological parent are half-blood relatives.

(C) An aunt, uncle, nephew, niece, first cousin, and first cousin once removed.

(D) A spouse of anyone listed in paragraphs (A) to (C) of this subsection, even if a petition for annulment, dissolution, or separation has been filed or the marriage is terminated by divorce or death. To be considered a "relative" under this paragraph, the child or young adult must have had a relationship with the spouse prior to the most recent episode of Department custody.

(b) An individual with one of the following relationships to the child or young adult:

(A) A sibling, also to include an individual with a sibling relationship to the child or young adult through a putative father.

(B) An individual defined as a relative by the law or custom of the tribe of the child or young adult if the child or young adult is an Indian child under the Indian Child Welfare Act or in the legal custody of a tribe.

(C) An individual defined as a relative of a refugee child or young adult under OAR 413-070-0300 to 413-070-0380.

(D) A stepparent or former stepparent if the child or young adult had a relationship with the former stepparent prior to the most recent episode of Department custody; a stepbrother; or a stepsister.

(E) A registered domestic partner of the parent of the child or young adult or a former registered domestic partner of the parent of the child or young adult if the child or young adult had a relationship with the former domestic partner prior to the most recent episode of Department custody.

(F) An adoptive parent of a sibling of the child or young adult.

(G) An unrelated legal or biological father or mother of a half-sibling of the child or young adult when the half-sibling of the child or young adult is living with the unrelated legal or biological father or mother.

(c) An individual identified by the child or young adult or the family of the child or young adult, or an individual who self-identifies, as being related to the child or young adult through the parent of the child or young adult by blood, adoption, or marriage to a degree other than an individual specified as a "relative" in paragraphs (A) to (C) of subsection (a) of this section unless the relationship has been dissolved by adoption of the child, young adult, or parent.

(d) An individual meeting the requirements of at least one of the following:

(A) An individual not related to the child, young adult, or parent by blood, adoption, or marriage:

(i) Who is identified as a member of the family by the child or young adult or by the family of the child or young adult; and

(ii) Who had an emotionally significant relationship with the child or young adult or the family of the child or young adult prior to the most recent episode of Department custody.

(B) An individual who has a blood relationship to the child or young adult as described in paragraphs (A) to (C) of subsection (a) of this section through the birth parent of the child or young adult, but the prior legal relationship has been dissolved by adoption of the child, young adult, or birth parent, and who is identified as a member of the family by the child or young adult or who self-identifies as a member of the family.

(e) For eligibility for the guardianship assistance program:

(A) A stepparent is considered a parent and is not a "relative" for the purpose of eligibility for guardianship assistance unless a petition for annulment, dissolution, or separation has been filed, or the marriage to the adoptive or biological parent of the child has been terminated by divorce or death.

(B) A foster parent may only be considered a "relative" for the purpose of eligibility for guardianship assistance when:

(i) There is a compelling reason why adoption is not an achievable permanency plan;

(ii) The foster parent is currently caring for a child, in the care or custody of the Department or a participating tribe, who has a permanency plan or concurrent permanent plan of guardianship;

(iii) The foster parent has cared for the child for at least 12 of the past 24 months; and

(iv) The Department or tribe has approved the foster parent for consideration as a guardian.

(13) "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.

(14) "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.

(15) "Young adult" means a person aged 18 through 20 years who remains in the care and custody of the Department, and lives in substitute care or lives independently through the Department's Independent Living Subsidy Program.

Stat. Auth.: ORS 418.005 & 418.945

Stats. Implemented: ORS 418.005 & 418.945

Hist.: SCF 6-1996, f. & cert. ef. 9-17-96; SOSCF 19-1998(Temp), f.& cert. ef. 10-30-98 thru 4-28-99; SOSCF 6-1999 f. & cert. ef. 4-29-99; SOSCF 1-2001(Temp) f. & cert. ef. 1-24-01 thru 7-20-01; SOSCF 37-2001, f. 6-29-01, cert. ef. 7-1-01; CWP 51-2003, f. 12-31-03, cert. ef. 1-1-04; CWP 16-2010(Temp), f. & cert. ef. 7-1-10 thru 12-28-10; CWP 34-2010, f. & cert. ef. 12-29-10; CWP 11-2014, f. & cert. ef. 6-3-14; CWP 16-2014(Temp), f. & cert. ef. 8-4-14 thru 1-31-15; CWP 6-2015, f. 1-29-15, cert. ef. 2-1-15; CWP 11-2015(Temp), f. & cert. ef. 5-22-15 thru 11-17-15

413-120-0710
Definitions

The following definitions apply to OAR 413-120-0700 to 413-120-0760:

(1) "Adoption home study" means a written report documenting the result of an assessment conducted by the Department, a licensed adoption agency, or another public agency to evaluate the suitability of an individual or individuals to adopt and make a lifelong permanent commitment to a child or children.

(2) "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 was sustained by that review and the review is complete.

(3) "Child" means a person under 18 years of age.

(4) "Current caretaker" means a foster parent who:

(a) Is currently caring for a child in the legal custody of the Department who has a permanency plan or concurrent permanent plan of adoption;

(b) Has cared for the child or at least one sibling in a sibling group under consideration for at least the past 12 consecutive months; and

(c) Has been identified by the Department as a potential adoptive resource for the child and when appropriate, the siblings in a sibling group under consideration for adoption in the same adoptive family.

(5) "Department" means the Department of Human Services, Child Welfare.

(6) "Foster parent" means an individual who operates a home that has been approved by the Department to provide care for an unrelated child or young adult placed in the home by the Department.

(7) "General applicant" means an individual who:

(a) Is neither relative or current caretaker; and

(b) Has submitted a complete application to adopt a child.

(8) "Indian child" means any unmarried person who is under 18 years of age and is either:

(a) A member of an Indian tribe; or

(b) Eligible for membership in an Indian tribe and the biological child of a member of an Indian tribe.

(9) "Permanency committee" means a group of individuals who are responsible for making a recommendation regarding a permanency plan or potential permanent resource when the child or young adult likely is not returning to his or her parent.

(10) "RCWAC" means the Refugee Child Welfare Advisory Committee.

(11) "Refugee child" has the meaning given that term per ORS 418.925.

(12) "Relative" means any of the following:

(a) An individual with one of the following relationships to the child or young adult through the parent of the child or young adult unless the relationship has been dissolved by adoption of the child, young adult, or parent:

(A) Any blood relative of preceding generations denoted by the prefixes of grand, great, or great-great.

(B) Any half-blood relative of preceding generations denoted by the prefixes of grand, great, or great-great. Individuals with one common biological parent are half-blood relatives.

(C) An aunt, uncle, nephew, niece, first cousin, and first cousin once removed.

(D) A spouse of anyone listed in paragraphs (A) to (C) of this subsection, even if a petition for annulment, dissolution, or separation has been filed or the marriage is terminated by divorce or death. To be considered a "relative" under this paragraph, the child or young adult must have had a relationship with the spouse prior to the most recent episode of Department custody.

(b) An individual with one of the following relationships to the child or young adult:

(A) A sibling, also to include an individual with a sibling relationship to the child or young adult through a putative father.

(B) An individual defined as a relative by the law or custom of the tribe of the child or young adult if the child or young adult is an Indian child under the Indian Child Welfare Act or in the legal custody of a tribe.

(C) An individual defined as a relative of a refugee child or young adult under OAR 413-070-0300 to 413-070-0380.

(D) A stepparent or former stepparent if the child or young adult had a relationship with the former stepparent prior to the most recent episode of Department custody; a stepbrother; or a stepsister.

(E) A registered domestic partner of the parent of the child or young adult or a former registered domestic partner of the parent of the child or young adult if the child or young adult had a relationship with the former domestic partner prior to the most recent episode of Department custody.

(F) An adoptive parent of a sibling of the child or young adult.

(G) An unrelated legal or biological father or mother of a half-sibling of the child or young adult when the half-sibling of the child or young adult is living with the unrelated legal or biological father or mother.

(c) An individual identified by the child or young adult or the family of the child or young adult, or an individual who self-identifies, as being related to the child or young adult through the parent of the child or young adult by blood, adoption, or marriage to a degree other than an individual specified as a "relative" in paragraphs (A) to (C) of subsection (a) of this section unless the relationship has been dissolved by adoption of the child, young adult, or parent.

(d) An individual meeting the requirements of at least one of the following:

(A) An individual not related to the child, young adult, or parent by blood, adoption, or marriage:

(i) Who is identified as a member of the family by the child or young adult or by the family of the child or young adult; and

(ii) Who had an emotionally significant relationship with the child or young adult or the family of the child or young adult prior to the most recent episode of Department custody.

(B) An individual who has a blood relationship to the child or young adult as described in paragraphs (A) to (C) of subsection (a) of this section through the birth parent of the child or young adult, but the prior legal relationship has been dissolved by adoption of the child, young adult, or birth parent, and who is identified as a member of the family by the child or young adult or who self-identifies as a member of the family.

(e) For eligibility for the guardianship assistance program:

(A) A stepparent is considered a parent and is not a "relative" for the purpose of eligibility for guardianship assistance unless a petition for annulment, dissolution, or separation has been filed, or the marriage to the adoptive or biological parent of the child has been terminated by divorce or death.

(B) A foster parent may only be considered a "relative" for the purpose of eligibility for guardianship assistance when:

(i) There is a compelling reason why adoption is not an achievable permanency plan;

(ii) The foster parent is currently caring for a child, in the care or custody of the Department or a participating tribe, who has a permanency plan or concurrent permanent plan of guardianship;

(iii) The foster parent has cared for the child for at least 12 of the past 24 months; and

(iv) The Department or tribe has approved the foster parent for consideration as a guardian.

(13) "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.

(14) "Substitute caregiver" means a relative caregiver, foster parent, or provider who is authorized to provide care to a child or young adult who is in the legal or physical custody of the Department.

Stat. Auth.: ORS 109.309 & 418.005
Stats. Implemented: ORS 109.309, 418.005, 418.285, 418.937, 419B.090, 419B.100 & 419B.192
Hist.: CWP 16-2010(Temp), f. & cert. ef. 7-1-10 thru 12-28-10; CWP 35-2010, f. & cert. ef. 12-29-10; CWP 11-2014, f. & cert. ef. 6-3-14; CWP 16-2014(Temp), f. & cert. ef. 8-4-14 thru 1-31-15; CWP 6-2015, f. 1-29-15, cert. ef. 2-1-15; CWP 11-2015(Temp), f. & cert. ef. 5-22-15 thru 11-17-15

413-130-0010
Definitions

The following definitions apply to OAR 413-130-0000 to 413-130-0130:

(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 nonrecurring 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 Child Welfare Policy I-E.6.1, "Title IV-E Foster Care, Adoption Assistance, and Guardianship Assistance Eligibility", OAR 413-100-0335.

(9) "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 cost to cover a child's or young adult's special or unique nutritional needs;

(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 which is appropriate based on the child's or young adult's chronological age;

(e) Personal incidentals — including personal care items, entertainment, reading materials, and miscellaneous items; and

(f) The cost of providing transportation -- including local travel associated with expenditure for gas and oil, and vehicle maintenance and repair associated with transportation to and from extracurricular, child care, recreational, and cultural activities.

(10) "CANS screening" means Child and Adolescent Needs and Strength screening, a process of gathering information on a child's or young adult's needs and strengths used for one or more of the following purposes:

(a) Identifying case planning, service planning, and supervision needs of the child or young adult in substitute care with a certified family;

(b) Determining the level of care payment while in substitute care with a certified family; and

(c) Determining the level of care payment included in an adoption assistance agreement or guardianship assistance agreement.

(11) "Child" means a person under 18 years of age.

(12) "Department" means the Department of Human Services, Child Welfare.

(13) "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.

(14) "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.

(15) "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 child's or young adult's need for enhanced supervision as determined by applying the CANS algorithm to the results of the CANS screening.

(16) "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.

(17) "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.

(18) "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.

(19) "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.

(20) "Participating tribe" means a federally recognized Indian tribe in Oregon with a Title IV-E agreement with the Department.

(21) "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.

(22) "Qualified alien" has the same meaning as in Child Welfare Policy I-E.6.1, "Title IV-E Foster Care, Adoption Assistance, and Guardianship Assistance Eligibility", OAR 413-100-0210(2), and 8 USC 1641(b).

(23) "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.

(24) "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.

(25) "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.

(26) "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.

(27) "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

• • • • • • • • • •

Department of Justice
Chapter 137

Rule Caption: Amends Attorney General's Model Rules on Confidentiality of Collaborative Dispute Resolution Communications

Adm. Order No.: DOJ 7-2015(Temp)

Filed with Sec. of State: 5-22-2015

Certified to be Effective: 5-26-15 thru 11-21-15

Notice Publication Date:

Rules Adopted: 137-005-0052, 137-005-0054

Rules Amended: 137-005-0050

Subject: These temporary rules implement Or Laws 2015, ch 114 (SB 189). They specify the new process for state agencies to use to adopt mediation confidentiality rules. They provide temporary model mediation confidentiality rules that state agencies may adopt by reference in the interim until the Attorney General can adopt permanent rules.

Rules Coordinator: Carol Riches—(503) 947-4700

137-005-0050
Confidentiality of Collaborative Dispute Resolution Communications

(1) For the purposes of this rule,

(a) "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.

(b) "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.

(c) "Mediator" means a third party who performs mediation. Mediator includes agents and employees of the mediator or mediation program.

(d) "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 183.355.

(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;

(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;

(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, 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

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 192.410 to 192.505.

(3) This rule applies only to mediations in which the agency is a party or is mediating a dispute as to which the agency has regulatory authority. This rule does not apply when the agency is acting as the "mediator" in a matter in which the agency also is a party as defined in ORS 36.234.

(4) To the extent mediation communications would otherwise be compromise negotiations under ORS 40.190 (OEC Rule 408), those mediation communications are not admissible as provided in 40.190 (OEC Rule 408), notwithstanding any provisions to the contrary in section (9) of this rule.

(5) Mediations Excluded. Sections (6)–(10) of this rule do not apply to:

(a) Mediation of workplace interpersonal disputes involving the interpersonal relationships between this agency's employees, officials or employees and officials, unless a formal grievance under a labor contract, a tort claim notice or a lawsuit has been filed; or

(b) Mediation in which the person acting as the mediator will also act as the hearings officer in a contested case involving some or all of the same matters; 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 (9) of this rule.

(7) Confidentiality and Inadmissibility of Mediation Communications. Except as provided in sections (8)–(9) of this rule, mediation communications are confidential and may not be disclosed to any other person, are not admissible in any subsequent administrative, judicial or arbitration proceeding and may not be disclosed during testimony in, or during any discovery conducted as part of a subsequent proceeding, or introduced as evidence by the parties or the mediator in any subsequent proceeding.

(8) Written Agreement. Section (7) of this rule does not apply to a mediation unless the parties to the mediation agree in writing that the mediation communications in the mediation will be confidential and/or nondiscoverable and inadmissible. If the mediator is the employee of and acting on behalf of a state agency, the mediator or an authorized agency representative must also sign the agreement. The parties' agreement to participate in a confidential mediation must refer to this mediation confidentiality rule.

(9) Exceptions to Confidentiality and Inadmissibility.

(a) Any statements, memoranda, work products, documents and other materials, otherwise subject to discovery that were not prepared specifically for use in the mediation are not confidential and may be disclosed or introduced into evidence in a subsequent proceeding.

(b) Any mediation communications that are public records, as defined in ORS 192.410(4), and were not specifically prepared for use in the mediation are not confidential and may be disclosed or introduced into evidence in a subsequent proceeding unless the substance of the communication is confidential or privileged under state or federal law.

(c) A mediation communication is not confidential and may be disclosed by any person receiving the communication to the extent that person reasonably believes that disclosing the communication is necessary to prevent the commission of a crime that is likely to result in death or bodily injury to any person. A mediation communication is not confidential and may be disclosed in a subsequent proceeding to the extent its disclosure may further the investigation or prosecution of a felony crime involving physical violence to a person.

(d) Any mediation communication related to the conduct of a licensed professional that is made to or in the presence of a person who, as a condition of his or her professional license, is obligated to report such communication by law or court rule is not confidential and may be disclosed to the extent necessary to make such a report.

(e) The parties to the mediation may agree in writing that all or part of the mediation communications are not confidential or that all or part of the mediation communications may be disclosed and may be introduced into evidence in a subsequent proceeding unless the substance of the communication is confidential, privileged or otherwise prohibited from disclosure under state or federal law.

(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 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) A written agreement executed pursuant to Section (8) of this rule 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 who is required to report child abuse under the provisions of ORS 419B.010 is not confidential to the extent that the person is required to report the communication under the provisions of 419B.010.

(s) Any mediation communication relating to elder abuse that is made to a person who is required to report elder abuse under the provisions of ORS 124.050 to 124.095 is not confidential to the extent that the person is required to report the communication under the provisions of 124.050 to 124.095.

(10) When a mediation is subject to section (7) of this rule, the agency will provide to all parties to the mediation and the mediator a copy of this rule or a citation to the rule and an explanation of where a copy of the rule may be obtained. Violation of this provision does not waive confidentiality or inadmissibility.

Stat. 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

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 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 who is required to report child abuse under the provisions of ORS 419B.010 is not confidential to the extent that the person is required to report the communication under the provisions of 419B.010.

(l) Any mediation communication relating to elder abuse that is made to a person who is required to report elder abuse under the provisions of ORS 124.050 to 124.095 is not confidential to the extent that the person is required to report the communication under the provisions of 124.050 to 124.095.

(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. 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

• • • • • • • • • •

Department of Public Safety Standards and Training
Chapter 259

Rule Caption: Clarifies crowd management exemption; adds definitions.
Adm. Order No.: DPSST 9-2015(Temp)
Filed with Sec. of State: 5-19-2015
Certified to be Effective: 5-19-15 thru 11-14-15
Notice Publication Date:
Rules Amended: 259-060-0010, 259-060-0015, 259-060-0145
Subject: 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 clearly 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 as the 2015 summer events begin.

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 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.

Rules Coordinator: Sharon Huck—(503) 378-2432

259-060-0010
Definitions

(1) "Accreditation Program Manager" means a person who is designated as the administrator of an employer accredited training program and is primary liaison with the Department.

(2) "Alarm Monitor" means an individual whose primary duties are the processing of alarms in an alarm monitoring facility.

(3) "Alarm Monitoring Facility" mean any organization, contract or proprietary, with the primary responsibility of reviewing incoming traffic transmitted to alarm receiving equipment and follows up with actions that may include notification of public agencies to address imminent threats related to public safety. This does not include:

(a) Facilities that monitor only production or environmental signals not directly impacting public safety;

(b) Proprietary alarm systems being monitored by Department-certified private security professionals that generate an internal response by another Department-certified private security professional;

(c) Facilities that monitor Personal Emergency Response Systems (PERS) only; or

(d) Facilities utilizing alarms that never generate a response from a public safety agency.

(4) "Applicant" means an individual who is applying for or renewing certification or licensure as a private security provider.

(5) "Armed Private Security Professional" means a private security professional who is certified to possess or has access to a firearm at any time while performing private security services.

(6) "Assessments" means a Department-approved curriculum given to private security providers that includes, but is not limited to, the demonstration of task-related skills learned in the classroom instruction as applied to hypothetical situations.

(7) "Board" means the Board on Public Safety Standards and Training.

(8) "Certification" means recognition by the Department that a private security professional meets all the qualifications listed in ORS 181.875 and these rules.

(9) "Confrontational Activity" means the exertion of physical control by detaining individuals.

(10) "Consideration" means something of value promised, given or done that has the effect of making an agreement to provide private security services.

(11) "Crowd Management or Guest Services" means duties performed during an organized event, including pre-event assembly and post-event departure activities relating to the organized event that involve:

(a) Directing people attending an organized event;

(b) Allowing entry into or exit out of an organized event or any area within the established confines of an organized event that requires authorized access; or

(c) Screening individuals for entry into an organized event. Screening does not include physical pat-down searches.

(12) "De Minimis" means non-monetary compensation received by a volunteer performing private security services for a non-profit organization as defined in ORS 181.871. The compensation may not exceed a fair market value of $125 per day.

(13) "Denial" or "Deny" means the Department's refusal to grant private security certification or issue a license to an applicant who fails to meet the minimum standards for certification or licensure as identified in OAR 259-060-0020, including the mandatory and discretionary disqualifying misconduct identified in 259-060-0300.

(14) "Department" and "DPSST" means the Department of Public Safety Standards and Training.

(15) "Director" means the Director of the Department of Public Safety Standards and Training.

(16) "Employer" means:

(a) An individual who employs persons to provide private security services;

(b) An owner or owners of a business or entity that provides private security services; or

(c) An owner or owners of a business or entity who employs persons to provide private security services.

(17) "Executive Manager" means a person:

(a) Who is authorized to act on behalf of a company or business in matters of licensure and certification;

(b) Who is authorized to hire and terminate personnel;

(c) Whose primary responsibility is the management of certified private security professionals; and

(d) Who has final responsibility for a company's or business's compliance with the ORS 181.870 to 181.991.

(18) "Flagrant Violation" means an act by a provider, contractor, owner or manager who, after being notified of a violation, intentionally continues or repeats the violation within a 36 month period after the initial violation.

(19) "Fundamental" means a duty that is a basic task or function and may be low frequency, but is an essential component of a job.

(20) "Incidental or Temporary Action" means reaction to an unexpected occurrence that requires immediate response and occurs without regularity or expectation. These actions are not primary responsibilities and are for brief periods of time.

(21) "Instructor" means any person who has been certified by the Department as meeting the requirements to provide instruction to private security providers or applicants.

(22) "License" means recognition by the Department that executive manager or supervisory manager meets the requirements listed in ORS 181.875 and these rules.

(23) "Organized Event" means a scheduled, noteworthy occurrence coordinated by a formal or official organization.

(24) "Policy Committee" means the Private Security and Investigator Policy Committee.

(25) "Primary Responsibility" means an activity that is fundamental to, and required or expected in, the regular course of employment and is not merely incidental to employment.

(26) "Private" as used in the Act means those activities intended for or restricted to the use of a particular person, group or interest, or belonging to or concerning an individual person, company or interest.

(27) "Private Security Professional" means an individual who performs, as the individual's primary responsibility, private security services for consideration, regardless of whether the individual, while performing private security services, is armed or unarmed or wears a uniform or plain clothes, and regardless of whether the individual is employed part-time or full-time to perform private security services. A private security professional is not authorized to independently contract with businesses or entities to provide services as a private security professional.

(28) "Private Security Provider" means any individual who performs the functions of a private security professional, executive manager, supervisory manager or instructor.

(29) "Private Security Services" means the performance of at least one of the following activities:

(a) Observing and reporting unlawful activity;

(b) Preventing or detecting theft or misappropriation of any goods, money or other items of value;

(c) Protecting individuals or property, including, but not limited to proprietary information, from harm or misappropriation;

(d) Controlling access to premises being protected or, with respect to a licensee of the Oregon Liquor Control Commission, controlling access to premises at an entry to the premises or any portion of the premises where minors are prohibited;

(e) Securely moving prisoners;

(f) Taking enforcement action by detaining persons or placing persons under arrest under ORS 133.225; or

(g) Providing canine services for guarding premises or for the detection of unlawful devices or substances.

(30) "Private Security Services Providers Act" or "The Act" means the Private Security Providers Act (ORS Chapter 181.870 through 181.991).

(31) "Revocation" or "Revoke" means action taken by the Department to rescind the certification or licensure of a private security provider who fails to meet the minimum standards for certification or licensure as identified in OAR 259-060-0020, including the mandatory and discretionary disqualifying misconduct identified in 259-060-0300.

(32) "Supervisory Manager" means an employee of or a person supervised by an executive manager who has as a primary responsibility the supervision of certified private security professionals. A supervisory manager is not authorized to independently contract with businesses or entities to provide services as a supervisory manager.

(33) "Surrender" means the voluntary relinquishment of private security certification or licensure to the Department.

(34) "Suspension" or "Suspend" means action taken by the Department in temporarily depriving the holder of a license or certificate that authorizes the individual to provide private security services.

(35) "Temporary Work Permit" means a temporary certification or licensure issued by an employing, licensed manager to allow a company to employ and deploy a private security professional, executive or supervisory manager while the application for certification or licensure is being processed. A temporary work permit will not be issued for armed security professionals.

(36) "Unarmed Private Security Professional" means a private security professional who is not in possession of, or has access to, a firearm at any time while performing private security services.

(37) "Violation" means an act or omission that is prohibited under the Act or these rules.

(38) "Withdraw" means action taken by the applicant or private security provider to remove an application from consideration.

Stat. Auth.: ORS 181.870 & 181.878
Stats. Implemented: ORS 181.870 & 181.878
Hist.: PS 9-1997, f. & cert. ef. 8-20-97; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 3-1999(Temp), f. & cert. ef. 3-9-99 thru 9-5-99; BPSST 4-1999, f. 4-29-99, cert. ef. 9-5-99; BPSST 3-2000, f. & cert. ef. 8-10-00; BPSST 8-2001(Temp), f. & cert. ef. 8-22-01 thru 2-18-02; BPSST 18-2001(Temp), f. & cert. ef. 11-28-01 thru 2-18-02; BPSST 4-2002(Temp), f. & cert. ef. 2-25-02 thru 7-1-02; BPSST 13-2002, f. & cert. ef. 4-30-02; DPSST 4-2003, f. & cert. ef. 1-22-03; DPSST 11-2005, f. & cert. ef. 10-14-05; DPSST 6-2006, f. & cert. ef. 5-15-06; DPSST 4-2007, f. & cert. ef. 2-15-07; DPSST 11-2007, f. & cert. ef. 10-15-07; DPSST 6-2008, f. & cert. ef. 4-15-08; DPSST 25-2012, f. 10-26-12, cert. ef. 11-1-12; DPSST 28-2012, f. & cert. ef. 12-24-12; DPSST 12-2013, f. & cert. ef. 6-24-13; DPSST 3-2015, f & cert. ef. 1-5-15; DPSST 8-2015, f. & cert. ef. 3-24-15; DPSST 9-2015(Temp), f. & cert. ef. 5-19-15 thru 11-14-15

259-060-0015
Private Security Provider Responsibilities

(1) A person may not act as a private security provider unless that person is certified or licensed under the Private Security Services Providers Act and these rules.

(2) Persons described in ORS 181.871 are exempt from regulation as private security providers.

(a) The exemption found in ORS 181.871(2)(L) does not apply to an individual who has the primary responsibility of controlling access to premises at an entry to the premises or any portion of the premises where minors are prohibited.

(b) The exemption found in ORS 181.871(2)(k) applies to individuals performing crowd management or guest services inside the established confines of an organized event and who are not armed, permitted to initiate confrontational activities, or hired with the primary responsibility of taking enforcement action as described in ORS 181.870(8)(f).

(3) Private security providers are prohibited from:

(a) Providing private security services as a private security professional without having a certificate or license issued under the Act and these rules in the person's possession;

(b) Carrying a concealed weapon while providing security services unless currently certified as an armed private security professional and licensed under ORS 166.291; and

(c) Providing training to private security professionals or applicants unless currently certified as an instructor.

(4) For purposes of these administrative rules, these prohibitions apply to any business, employer, or entity that provides private security services within this state regardless of whether the business, employer, or entity is located in this state.

(5) Change of Information.

(a) An applicant or private security provider must notify the Department within 14 calendar days of any change of address by using Form PS-23 (Private Security Services Provider Change of Information).

(b) Executive managers must advise the Department of the hiring or terminations of private security providers using the Form PS-23.

(6) Notification of Arrest. Pursuant to ORS 181.885, any private security provider or applicant who is charged with a crime must notify his or her employer or, if not employed, the Department no later than 48 hours after the charge is filed.

(a) The initial notification may be made by telephone or with a Recent Arrest Form.

(b) The Department may request immediate written notification documenting specific charges, the county and state where any charges are pending, the investigating agency, and the date of arrest.

(7) Should any certified armed private security provider become ineligible to purchase, own or possess a firearm, the provider and the manager, employer or supervisor of the provider must notify the Department in writing within 48 hours of the circumstances causing the ineligibility. The notification must list all facts known and must identify a person whom the Department may contact for additional information.

Stat. Auth.: ORS 181.873, 181.871 & 181.878
Stats. Implemented: ORS 181.873, 181.871 & 181.878
Hist.: PS 9-1997, f. & cert. ef. 8-20-97; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 3-1999(Temp), f. & cert. ef. 3-9-99 thru 9-5-99; BPSST 4-1999, f. 4-29-99, cert. ef. 9-5-99; BPSST 3-2000, f. & cert. ef. 8-10-00; BPSST 8-2001(Temp), f. & cert. ef. 8-22-01 thru 2-18-02; BPSST 18-2001(Temp), f. & cert. ef. 11-28-01 thru 2-18-02; BPSST 4-2002(Temp), f. & cert. ef. 2-25-02 thru 7-1-02; BPSST 13-2002, f. & cert. ef. 4-30-02; DPSST 4-2003, f. & cert. ef. 1-22-03; DPSST 11-2005, f. & cert. ef. 10-14-05; DPSST 6-2006, f. & cert. ef. 5-15-06; DPSST 9-2012, f. & cert. ef. 4-2-12; DPSST 25-2012, f. 10-26-12, cert. ef. 11-1-12; DPSST 28-2012, f. & cert. ef. 12-24-12; DPSST 12-2013, f. & cert. ef. 6-24-13; DPSST 9-2015(Temp), f. & cert. ef. 5-19-15 thru 11-14-15

259-060-0145
Crowd Management, Event or Guest Services

(1) Individuals are not required to be certified as a private security professional only if they are performing crowd management or guest services as defined in OAR 259-060-0010 and meet all the requirements of the exemption found in 259-060-0015.

(2) Managers, contractors, or employers who employ individuals to provide crowd management or guest services must:

(a) Provide one certified private security professional on-site for every 10 or fewer crowd management or guest services staff;

(b) Ensure all crowd management or guest services staff have the ability to communicate with a certified private security professional at all times; and

(c) Provide documentation confirming the appropriate staffing ratio and communication ability to the Department upon request or to any other person upon reasonable request.

(3) Civil penalties may be assessed for violation of these rules in accordance with OAR 259-060-0450.

Stat. Auth.: ORS 181.878
Stats. Implemented: ORS 181.878
Hist.: DPSST 25-2012, f. 10-26-12, cert. ef. 11-1-12; DPSST 8-2015, f. & cert. ef. 3-24-15; DPSST 9-2015(Temp), f. & cert. ef. 5-19-15 thru 11-14-15

• • • • • • • • • •

Department of Transportation, Highway Division
Chapter 734

Rule Caption: Location of Speed Limits on Interstate Highways
Adm. Order No.: HWD 3-2015
Filed with Sec. of State: 5-26-2015
Certified to be Effective: 5-26-15
Notice Publication Date: 4-1-2015
Rules Amended: 734-020-0010, 734-020-0011

Subject: ORS 810.180 authorizes the Department of Transportation to conduct speed zone investigations and set speeds on most public roads, including interstate highways. Wording in OAR 734-020-0010(3)(d) and 734-020-0010(3)(e)(A) has been changed for better understanding. With the amendment of 734-020-0011, the location of the 65 mph to 55 mph speed limit transition will move further south by 0.92 miles as allowed under 734-020-0010(3).
Rules Coordinator: Lauri Kunze—(503) 986-3171

734-020-0010
Establishment of Speed Limits on Interstate Highways (Except Variable Speed Zones, see OAR 734-020-0018)

(1) Definitions:

(a) "Commission" means the Oregon Transportation Commission.

(b) "Department" means the Oregon Department of Transportation.

(c) "Trucks" means a motor vehicle with a gross vehicle weight greater than 8,000 pounds that is primarily designed or used for carrying or drawing loads other than passengers.

(d) "Interstate congestion level" means the ratio of average daily traffic volumes to capacity for an interstate highway as reported by the Department's congestion management system.

(e) "Rate" means the number of crashes, injuries, or fatalities per vehicle miles traveled on a lineal section of roadway.

(f) "Speed Zone Review Panel" means the advisory committee created (by OAR 734-020-0015) to hear contested speed zone cases on public roadways in Oregon. Membership consists of representatives from the Oregon State Police, the Oregon Transportation Safety Committee, the League of Oregon Cities, the Association of Oregon Counties and the Department of Transportation.

(2) Process for Establishing a Speed Limit on Sections of Interstate Highway Exceeding One Mile in Length. The following procedures apply when the Department of Transportation proposes to establish a speed limit on any section of interstate highway more than one mile in length under ORS 810.180 (for less than one mile see Section (3) of this rule):

(a) The Department will establish sections of interstate highway for investigation based on the site specific characteristics such as crash history, physical conditions and traffic conditions. Sections will be as long as possible in order to achieve consistency in speed zoning on interstate highways. For each section of interstate highway under consideration the Department will prepare an engineering investigation report that will include all of the following:

(A) The average speed and the speed at or below which 85 percent of the vehicles sampled were traveling.

(B) Crash data to include the total number and rates for all crashes, injuries and fatalities.

(C) Law enforcement review and input including enforcement levels.

(D) The speeds, the crash data, and the law enforcement input required by paragraphs (A) through (C) of this subsection collected separately for trucks and for all other vehicles.

(E) Roadway geometry and physical characteristics, including curvature, interchange spacing, lane widths, and shoulder widths.

(F) Traffic characteristics, including the interstate congestion levels, average daily volumes, and the percentage of trucks.

(G) Emergency medical services availability, including response times.

(H) Trucking restrictions, including weight and height restrictions.

(I) Type and frequency of adverse road conditions, including weather, environment, and visibility.

(b) The Speed Zone Review Panel will determine if an issues report documenting potential impacts, benefits, and issues related to changes in interstate highway speed limits will be required and what items need to be included. The report will be applicable to all sections of interstate highway under consideration. The Speed Zone Review Panel may require the Department to include one or more of the following items, but this does not limit the Department to include only those items the Panel selects within the issues report:

(A) Current available local, national and international research on interstate highway speed limits changes as it relates to:

(i) Changes in fatalities and injuries and their corresponding impacts to emergency medical services and trauma care;

(ii) Environmental pollution and fuel efficiency issues; and

(iii) Economic effects, including changes in travel efficiency and movement of goods.

(B) Speed enforcement practices.

(c) The Department will recommend a speed that is indicated by the engineering investigation report required by subsection (a) and an issues report if required by the Speed Zone Review Panel in subsection (b) of this section to be reasonable and safe under the conditions found to exist for each section of interstate highway being considered.

(d) If the speed recommended in subsection (c) of this section is greater or less than the existing speed, the Department will prepare a draft rule specifying the recommended speed(s) and present it to the Speed Zone Review Panel.

(e) The Speed Zone Review Panel will determine if one or more public meetings in the same region as the section(s) of interstate highway under consideration are required for the purpose of receiving comments from the public. If public meetings are required, the Department will provide notification to the public at least 30 days prior to any such meeting.

(f) The Department will prepare a report of the comments received at the public meeting(s) required by subsection (e) of this section, including both general comments and those for a specific section of interstate highway.

(g) The Speed Zone Review Panel will make a recommendation to the Commission of a reasonable and safe speed for a section of interstate highway under the conditions found to exist and as indicated by the engineering investigation report, the issues report if required, and comments received at the public meetings. A Panel report shall explain the basis of the recommendation.

(h) The Commission will hold a public hearing prior to adopting the final rule. The Commission, after consideration of the recommendation and explanation from the Speed Zone Review Panel, will make the final determination of a reasonable and safe speed for a section of interstate highway under the conditions found to exist and as indicated by the engineering report, the issues report if required, and comments received at the public hearing. The Commission will then adopt a rule establishing the interstate highway speed limit for each section(s) of interstate highway under consideration.

(i) The new speed limit becomes enforceable when signs are posted.

(3) Process for Establishing a Speed Limit for Sections of Interstate Highway One Mile or Less. The following procedures apply when the Department of Transportation proposes to designate a speed limit or extend, shorten or otherwise modify the boundaries on any section of designated speed limits for interstate highways which are currently listed in OAR 734-020-0011, not to exceed one mile:

(a) The Department will establish sections of interstate highway for investigation based on the site-specific characteristics such as crash history, physical conditions and traffic conditions. For each section of interstate highway under consideration the Department will prepare an engineering investigation report that will include all of the following:

(A) The average speed and the speed at or below which 85 percent of the vehicles sampled were traveling;

(B) The crash rate for the specific section of highway being considered;

(C) The average crash rate for similar functional classification highways (if available);

(D) Roadway geometry and physical characteristics, including number of lanes, curvature, interchange spacing, lane widths, shoulder widths, and adjacent land use;

(E) Traffic characteristics, including the interstate congestion levels, average daily volumes, and the percentage of trucks.

(b) The maximum length is one mile when establishing or modifying the boundaries of an existing speed limit on the interstate under section (3) of this rule.

(c) The Department will recommend a speed that is indicated by the engineering investigation report required by subsection (a) of this section to be reasonable and safe under the conditions found to exist for each section of interstate highway being considered to be established, extended, shortened or modified.

(d) If the recommended speed limit boundary in subsection (c) of this section exceeds the maximum length described in subsection (b) of this rule, the Department will follow the applicable portions of Section (2) of this rule to amend OAR 734-020-0011.

(e) For speed limit boundary changes, if the speed recommended in subsection (c) of this section is greater or less than the existing speed limit specified in OAR 734-020-0011, the Department will prepare a draft rule specifying the changes to the boundaries and speed limits depending on the recommendation.

(A) The Speed Zone Review Panel will make a recommendation to the Commission of a reasonable and safe speed for a section of interstate

highway under the conditions found to exist and as indicated by the engineering investigation report. A Panel recommendation shall explain the basis of the proposal.

(B) The Commission may hold a public hearing prior to adopting the final rule. The Commission, after consideration of the recommendation and explanation from the Speed Zone Review Panel, will make the final determination of appropriate boundaries for a section of interstate highway under the conditions found to exist and as indicated by the engineering report. The Commission may then adopt an amended rule establishing a speed limit or modifying the existing interstate highway speed limit boundaries for each section(s) of interstate highway under consideration.

(f) The new speed limit becomes enforceable when signs are posted.

(4) Process for review of interstate highway speed limit:

(a) The Department will, for the first four years after the establishment of any speed limit on interstate highways under section (2), conduct an annual review of crash and fatality history. A written record of the annual review will be provided to the Governor's office and maintained by the Department.

(b) At any time that interstate highway crash trends significantly change, the Department will perform an analysis of the crash patterns on affected sections of interstate highway to determine if a review of speed limits is appropriate.

(c) The Department may review an interstate highway speed limit at any time at the discretion of the Commission or the State Traffic-Roadway Engineer.

(d) If appropriate, the Department will follow the process in section (2) or (3) as appropriate to initiate rulemaking to make changes to the interstate speed designations.

Stat. Auth.: ORS 184.616, 184.619, 810.180, Ch. 819 OL 2003
Stats. Implemented: ORS 810.180, Ch. 819 OL 2003
Hist.: 1 OTC 7(Temp), f. & ef. 11-15-73; 1 OTC 20, f. 1-28-74, ef. 2-11-74; 1 OTC 24(Temp), f. & ef. 3-1-74; 1 OTC 28, f. 6-5-74, ef. 6-25-74; HWY 5-1987, f. & ef. 12-8-87; HWY 3-1989, f. & cert. ef. 5-23-89; HWY 7-1990, f. & cert. ef. 4-18-90; HWY 3-1996, f. & cert. ef. 8-15-96; HWD 4-2004, f. & cert. ef. 5-6-04; HWD 3-2011, f. & cert. ef. 5-27-11; HWD 1-2014, f. & cert. ef. 2-21-14; HWD 3-2015, f. & cert. ef. 5-26-15

734-020-0011
Locations of Interstate Speed Limits other than 65 MPH

(1) All locations of mainline interstate highways not specifically listed in section (2) of this rule have speed limits of 65 MPH per ORS 811.111(1)(a). The speed limit for vehicles listed in 811.111(1)(b) is 55 mph unless a lower speed is specified in section (2) of this rule.

(2) Under the provisions of ORS 810.180(3), the speed limits on the following sections of interstate highways are established as follows for all vehicles except as provided in section (1) of this rule:

(a) Pacific Highway (I-5):
(A) Mile Post 0.00-10.08 — 55 MPH;
(B) Mile Post 27.00-30.85 — 55 MPH;
(C) Mile Post 73.18-73.95 (Southbound) — 55 MPH;
(D) Mile Post 107.83-108.85 (Northbound) — 50 MPH;
(E) Mile Post 107.86-108.67 (Southbound) — 50 MPH;
(F) Mile Post 190.41-196.00 — 60 MPH;
(G) Mile Post 251.00-260.85 (Northbound) — 60 MPH;
(H) Mile Post 251.00-259.86 (Southbound) — 60 MPH;
(I) Mile Post 288.60-296.34 — 55 MPH;
(J) Mile Post 296.34-298.02 — 50 MPH;
(K) Mile Post 298.02-299.53 — 55 MPH;
(L) Mile Post 299.53-303.49 — 50 MPH;
(M) Mile Post 303.49-307.30 — 55 MPH;
(N) Mile Post 307.30-308.38 — 50 MPH.
(b) Columbia River Highway (I-84):
(A) Mile Post 0.00-0.84 — 50 MPH;
(B) Mile Post 0.84-9.94 — 55 MPH;
(C) Mile Post 9.94-18.25 — 60 MPH.
(c) Eugene-Springfield Highway (I-105):
(A) Mile Post 0.00-0.54 — 45 MPH;
(B) Mile Post 0.54-3.49 — 55 MPH.
(d) East Portland Freeway (I-205): Mile Post 6.00-26.60 — 55 MPH.
(e) Stadium Freeway (I-405): Mile Post 0.00-4.21 — 50 MPH.

Stat. Auth.: ORS 184.616, 184.619, 810.180, 811.111
Stat. Implemented: ORS 810.180, 811.111
Hist: HWD 6-2004, f. & cert. ef. 10-6-04; HWD 3-2015, f. & cert. ef. 5-26-15

Department of Transportation, Motor Carrier Transportation Division
Chapter 740

Rule Caption: Amendment of federal safety and hazardous materials transportation regulations affecting motor carriers
Adm. Order No.: MCTD 1-2015
Filed with Sec. of State: 5-26-2015
Certified to be Effective: 5-26-15
Notice Publication Date: 4-1-2015
Rules Amended: 740-100-0010, 740-100-0065, 740-100-0070, 740-100-0080, 740-100-0085, 740-100-0090, 740-110-0010
Subject: These rules contain the annual adoption of federal motor carrier safety and hazardous materials transportation regulations. In addition, these rules cover the adoption of international standards related to driver, vehicle and hazardous materials out-of-service violations. The changes ensure Oregon's motor carrier safety, hazardous materials, and driver, vehicle and hazardous materials out-of-service requirements are current with national and international standards.
Rules Coordinator: Lauri Kunze—(503) 986-3171

740-100-0010
Adoption of Federal Safety Regulations

(1) Except as provided in section (4) of this rule, the rules and regulations adopted by the United States Department of Transportation contained in Title 49, Code of Federal Regulations (CFR), Parts 380 (Special Training Requirements), 382 (Controlled Substances and Alcohol Use and Testing), 383 (Commercial Driver's License Standards Requirements and Penalties), 385 (Safety Fitness Procedures), 387 (Minimum Levels of Financial Responsibility for Motor Carriers), 390 (Federal Motor Carrier Safety Regulations: General), 391 (Qualification of Drivers), 392 (Driving of Motor Vehicles), 393 (Parts and Accessories Necessary for Safe Operation), 395 (Hours of Service of Drivers), 396 (Inspection, Repair and Maintenance), 398 (Transportation of Migrant Workers), 399 (Employee Safety and Health Standards) and all amendments thereto in effect April 1, 2015, are adopted and prescribed by the Department of Transportation (ODOT) to be observed by carriers conducting operations in interstate commerce, subject to ORS Chapter 825.

(2) The provisions of section (1) of this rule as adopted are prescribed by the Department to be observed by carriers conducting operations in intrastate commerce, subject to ORS Chapter 825, except:

(a) Relating to Part 385:

(A) The provisions of Part 385.1(b), 385.13(b), 385.13(c), 385.13(d)(3), 385.301 through 385.337 and Appendix A to Part 385 do not apply to a motor carrier operating exclusively in intrastate commerce.

(B) With reference to Part 385.13(a), 385.19(c) and 385.19(d), current intrastate safety rating information is available from ODOT only by telephone at (503) 378-6963.

(C) With reference to Part 385.15 and 385.17, requests for administrative review of an intrastate safety rating or requests for a change to a proposed or final intrastate safety rating based on corrective actions must be submitted in writing to the ODOT Motor Carrier Transportation Division, 3930 Fairview Industrial Drive SE, Salem OR 97302.

(D) With reference to Appendix B of Part 385, a final intrastate safety rating will be determined by the Department and the motor carrier to whom the rating applies will be notified in writing of its intrastate safety rating.

(E) In addition to the violations described in the List of Acute and Critical Violations in Appendix B of Part 385, the Department will include the following violations in a determination of an intrastate or an interstate safety rating:

(i) Financial responsibility requirements in OAR 740-040-0010 (critical) and 740-040-0020 (acute); and

(ii) Intrastate drivers hours-of-service requirements found in OAR 740-100-0010(2)(i) (critical).

(b) The provisions of Part 387 will apply to intrastate motor carriers only when transporting hazardous materials, hazardous substances or hazardous wastes.

(c) With reference to Part 390.21, external identification requirements do not apply to vehicles operated exclusively in intrastate private carriage provided that neither the gross vehicle weight, the gross vehicle weight rating, the gross combination weight or the gross combination weight rating exceeds 26,000 pounds, except those vehicles transporting hazardous mate-

rials of a type or quantity requiring placarding or passenger vehicles designed or used to transport more than 15 passengers including the driver.

(d) The rules in Part 391.11(b)(1) regarding the minimum age for a commercial motor vehicle operator do not apply to a driver engaged in intrastate commerce. A driver engaged in intrastate commerce must be at least 18 years old.

(e) The rules in Part 391 (except Part 391.11(b)(2), English Speaking Driver, Part 391.11(b)(5), Valid Operator's License and Part 391.15, Disqualification of Drivers) do not apply to a driver who is employed by a private carrier and:

(A) Does not transport hazardous materials of a type or quantity requiring the vehicle to be marked or placarded in accordance with Title 49, CFR, Part 177.823, and drives a motor vehicle with a gross vehicle weight, gross vehicle weight rating, gross combination weight or gross combination weight rating of 26,000 pounds or less; or

(B) Operates a passenger vehicle designed or used to transport fewer than 16 passengers, including the driver.

(f) Notwithstanding Parts 391.41 to 391.49 (Subpart E — Physical Qualifications and Examinations) the Department may issue a waiver of physical disqualification to a commercial vehicle driver who has met the conditions established by the Driver and Motor Vehicle Services Division.

(g) With reference to Part 395.1(e)(1), motor carriers conducting intrastate transportation of property may not require or permit any driver used by it to exceed 12 hours driving following ten consecutive hours off-duty;

(h) With reference to Part 395.1(g), motor carriers conducting intrastate transportation of property may not require or permit any driver used by it to drive a commercial motor vehicle, nor may any such driver:

(A) Exceed 12 hours driving following ten consecutive hours off-duty;

(B) Drive for any period beyond the 16th hour after coming on-duty following ten consecutive hours off-duty;

(i) With reference to Part 395.1(e)(2) and Part 395.3, a motor carrier conducting intrastate transportation of property may not require or permit any driver used by it to drive a commercial motor vehicle, nor may any such driver:

(A) Exceed 12 hours driving following ten consecutive hours off-duty;

(B) Drive for any period beyond the 16th hour after coming on-duty following ten consecutive hours off-duty;

(C) Drive for any period following 70 hours on-duty in any seven consecutive days if the employing motor carrier does not operate commercial motor vehicles every day of the week, however, any period of seven consecutive days may end with the beginning of any off-duty period of 34 or more consecutive hours which must include two periods from 1 a.m. to 5 a.m. and may only be used once per week; or

(D) Drive for any period following 80 hours on-duty in any eight consecutive days if the employing motor carrier operates commercial motor vehicles every day of the week, however, any period of eight consecutive days may end with the beginning of any off-duty period of 34 or more consecutive hours which must include two periods from 1 a.m. to 5 a.m. and may only be used once per week.

(j) The provisions of subsections (g) through (i) of this section are not applicable to the transportation of hazardous materials of a type or quantity requiring placarding. A motor carrier transporting hazardous materials of a type or quantity requiring placarding must comply with Part 395.

(3) The provisions of Part 386.83(a)(1) and Part 386.84(a)(1), related to sanctions for failure to pay civil monetary penalties are adopted for operations conducted in intrastate commerce and apply to penalties and sanctions found in ORS Chapter 825, pursuant to the provisions of ORS Chapter 183.

(4) The intracity operation exemption adopted by the US Department of Transportation found in Part 391.62 is not adopted and prescribed.

(5) Wherever reference is made in Title 49 of the CFR as adopted by this rule to a federal entity, including but not limited to "Federal Highway Administrator," "Regional Director," "Special Agent of the Federal Highway Administration" or the "Federal Motor Carrier Safety Administration," it will be construed to mean the Oregon Department of Transportation or a person authorized by the Oregon Department of Transportation to act on its behalf.

(6) Copies of the federal regulations referred to in this rule are available from ODOT Motor Carrier Transportation Division or may be accessed on the Federal Motor Carrier Safety Administration website, www.fmcsa.dot.gov.

Stat. Auth.: ORS 184.616, 184.619, 823.011, 825.232 & 825.252
Stats. Implemented: ORS 825.210, 825.250 & 825.252
Hist.: PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); PUC 181, f. 12-30-77, ef. 1-15-78 (Order No. 77-896); PUC 4-1979, f. & ef. 9-21-79 (Order No. 79-641); PUC 5-1979, f. & ef. 9-21-79 (Order No. 79-635); PUC 2-1980, f. & ef. 3-27-80 (Order No. 80-179); PUC 3-1980, Part 1, f. & ef. 6-30-80 (Order No. 79-805); Part 2, f. & ef. 6-30-80 (Order No. 80-475); PUC 7-1980, f. & ef. 11-6-80 (Order No. 80-845); Renumbered from 860-035-0010; PUC 12-1981, f. & ef. 12-16-81 (Order No. 81-880); PUC 12-1982(Temp), f. 12-20-82, ef. 1-1-83 (Order No. 82-872); PUC 1-1983, f. & ef. 1-17-83 (Order No. 83-024); PUC 2-1983, f. & ef. 3-1-83 (Order No. 83-117); PUC 13-1984, f. & ef. 7-26-84 (Order No. 84-546); PUC 19-1984, f. & ef. 9-10-84 (Order No. 84-713); PUC 8-1985, f. & ef. 6-10-85 (Order No. 85-499); PUC 17-1986 (Temp), f. & ef. 12-3-86; (Order No. 86-1239); PUC 2-1987 (Temp), f. & ef. 2-25-87 (Order No. 87-248); PUC 4-1987, f. & ef. 6-9-87 (Order No. 87-509); PUC 16-1987(Temp). f. & ef. 12-11- 87 (Order No. 87-1244); PUC 4-1988(Temp), f. & cert. ef. 2-12-88 (Order No. 88-161); PUC 6-1988(Temp), f. & cert. ef. 3-9-88 (Order No. 88-818); PUC 14-1988, f. & cert. ef. 7-22-88 (Order No. 88-245); PUC 7-1989, f. & cert. ef. 5-23-89 (Order No. 89-663); PUC 1-1991, f. & cert. ef. 1-11-91 (and corrected 1-31-91) (Order No. 91-20) ; PUC 6-1992, f. & cert. ef. 2-26-92 (Order No. 92-292); PUC 13-1992(Temp), f. & cert. ef. 9-4-92 (Order No. 92-1303); PUC 10-1993, f. & cert. ef. 6-3-93 (Order No. 93-693 & 93-761); PUC 6-1994, f. & cert. ef. 3-28-94 (Order No. 94-525); PUC 6-1995, f. & cert. ef. 7-13-95 (Order No. 95-562); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-065-0010; MCT 4-1996, f. 3-20-96, cert. ef. 4-1-96; MCT 5-1996, f. & cert. ef. 9-17-96; MCT 1-1997, f. 3-24-97, cert. ef. 4-1-97; MCT 2-1997, f. & cert. ef. 5-9-97; MCT 6-1997, f. & cert. ef. 8-26-97; MCT 10-1997, f. & cert. ef. 12-22-97; MCTB 1-1998, f. 3-10-98, cert. ef. 4-1-98; MCTB 2-1998, f. & cert. ef. 8-20-98; MCTB 1-1999, f. & cert. ef. 4-22-99; MCTB 1-2000, f. 3-16-00, cert. ef. 4-1-00; MCTB 2-2001, f. 3-13-01, cert. ef. 4-1-01; MCTB 2-2002, f. & cert. ef. 6-21-02; MCTD 2-2003, f. & cert. ef. 4-21-03; MCTD 6-2003, f. & 11-18-03, cert. ef. 1-1-04; MCTD 2-2005, f. 3-18-05, cert. ef. 4-1-05; MCTD 5-2005(Temp), f. 9-16-05, cert. ef. 10-1-05 thru 3-29-06; MCTD 2-2006, f. 3-17-06, cert. ef. 4-1-06; MCTD 1-2007, f. 3-26-07, cert. ef. 4-1-07; MCTD 1-2008, f. 3-20-08, cert. ef. 4-1-08; MCTD 1-2009, f. 3-20-09, cert. ef. 4-1-09; MCTD 1-2010, f. 3-17-10, cert. ef. 4-1-10; MCTD 2-2011, f. & cert. ef. 5-27-11; MCTD 3-2011, f. & cert. ef. 10-26-11; MCTD 1-2012, f. 2-21-12, cert. ef. 4-1-12; MCTD 5-2012, f. & cert. ef. 5-18-12; MCTD 3-2013, f. & cert. ef. 4-22-13; MCTD 1-2014, f. & cert. ef. 4-23-14; MCTD 2-2014, f. & cert. ef. 7-10-14; MCTD 1-2015, f. & cert. ef. 5-26-15

740-100-0065
North American Standard Administrative Out-of-Service Criteria

(1) The North American Standard Administrative Out-of-Service Criteria, published by the Commercial Vehicle Safety Alliance, in effect April 1, 2015, is adopted and incorporated into this rule. Inspection violations identified in the Out-of-Service Criteria may be subject to out-of-service action. Condition(s) categorized as "Out-of-Service" must not be allowed to continue in commerce until the condition(s) is/are corrected and the shipment complies with Title 49, CFR. If at the discretion of the inspector, it is less hazardous to the public to relocate the vehicle, it will be towed, transported, or escorted to a safe location only at the direction of an official authority.

(2) Copies of the North American Standard Administrative Out-of-Service Criteria are available from the Commercial Vehicle Safety Alliance at: 6303 Ivy Lane, Suite 310,Greenbelt, MD 20770-6319.

Stat. Auth.: ORS 184.616, 184.619, 823.011, 825.232
Stats. Implemented: ORS 825.210, 825.252
Hist.: MCTD 1-2009, f. 3-20-09, cert. ef. 4-1-09; MCTD 1-2010, f. 3-17-10, cert. ef. 4-1-10; MCTD 2-2011, f. & cert. ef. 5-27-11; MCTD 1-2012, f. 2-21-12, cert. ef. 4-1-12; MCTD 5-2012, f. & cert. ef. 5-18-12; MCTD 3-2013, f. & cert. ef. 4-22-13; MCTD 1-2014, f. & cert. ef. 4-23-14; MCTD 2-2014, f. & cert. ef. 7-10-14; MCTD 1-2015, f. & cert. ef. 5-26-15

740-100-0070
North American Standard Vehicle Out-of-Service Criteria

(1) The North American Standard Vehicle Out-of-Service Criteria, published by the Commercial Vehicle Safety Alliance, in effect April 1, 2015, is adopted by and incorporated into this rule. Inspection violations identified in the Out-of-Service Criteria may be subject to one or more of the following:

(a) Out-of-Service Condition: When any motor vehicle by reason of its mechanical condition or loading, is determined to be so unsafe as to likely cause an accident or breakdown or when such conditions would likely contribute to loss of control of the vehicle by the driver, said vehicle must be placed out-of-service. No motor carrier shall permit or require nor shall any person operate any motor vehicle declared and marked "out-of-service" until all required repairs of violations which resulted in the out-of-service condition have been completed. If, at the discretion of the inspector, it is less hazardous to the public to relocate the vehicle, it will be towed, transported or escorted only at the direction of an official authority.

(b) Other: Violations other than out-of-service conditions detected during the inspection process will not preclude the completion of the current trip or dispatch. However, such violations must be corrected or repaired prior to redispatch.

(2) Copies of the North American Standard Vehicle Out-of-Service Criteria are available from the Commercial Vehicle Safety Alliance at: 6303 Ivy Lane, Suite 310, Greenbelt, MD 20770-6319.

Stat. Auth.: ORS 184.616, 184.619, 823.011, 825.232
Stats. Implemented: ORS 825.250, 825.252
Hist.: PUC 3-1986, f. & ef. 4-18-86 (Order No. 86-372); PUC 7-1989, f. & cert. ef. 5-23-89 (Order No. 89-663); PUC 1-1991, f. & cert. ef. 1-11-91 (Order No. 91-20); PUC 6-1991, f. & cert. ef. 4-9-91 (Order No. 91-455); PUC 6-1992, f. & cert. ef. 2-26-92 (Order No. 92-292); PUC 10-1993, f. & cert. ef. 6-3-93 (Order No. 93-693 & 93-761); PUC 15-

1993(Temp), f. & cert. ef. 8-19-93 (Order No. 93-1156); PUC 6-1994, f. & cert. ef. 3-28-94 (Order No. 94-525); PUC 6-1995, f. & cert. ef. 7-13-95 (Order No. 95-562); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-065-0030; MCT 4-1996, f. 3-20-96, cert. ef. 4-1-96; MCT 1-1997, f. 3-24-97, cert. ef. 4-1-97; MCTB 1-1998, f. 3-10-98, cert. ef. 4-1-98; MCTB 1-1999, f. & cert. ef. 4-22-99; MCTB 1-2000, f. 3-16-00, cert. ef. 4-1-00; MCTB 2-2001, f. 3-13-01, cert. ef. 4-1-01; MCTB 2-2002, f. & cert. ef. 6-21-02; MCTD 2-2003, f. & cert. ef. 4-21-03; MCTD 6-2003, f. & 11-18-03, cert. ef. 1-1-04; MCTD 2-2005, f. 3-18-05, cert. ef. 4-1-05; MCTD 2-2006, f. 3-17-06, cert. ef. 4-1-06; MCTD 1-2007, f. 3-26-07, cert. ef. 4-1-07; MCTD 1-2008, f. 3-20-08, cert. ef. 4-1-08; MCTD 1-2009, f. 3-20-09, cert. ef. 4-1-09; MCTD 1-2010, f. 3-17-10, cert. ef. 4-1-10; MCTD 2-2011, f. & cert. ef. 5-27-11; MCTD 1-2012, f. 2-21-12, cert. ef. 4-1-12; MCTD 3-2013, f. & cert. ef. 4-22-13; MCTD 1-2014, f. & cert. ef. 4-23-14; MCTD 2-2014, f. & cert. ef. 7-10-14; MCTD 1-2015, f. & cert. ef. 5-26-15

740-100-0080
North American Standard Hazardous Material Out-of-Service Criteria

(1) The North American Standard Hazardous Materials Out-of-Service Criteria, published by the Commercial Vehicle Safety Alliance, in effect April 1, 2015, is adopted and incorporated in this rule. Inspection violations identified in the Out-of-Service Criteria may be subject to out-of-service action. Condition(s) categorized as "Out-of-Service" must not be allowed to continue in commerce until the condition(s) is/are corrected and the shipment complies with Title 49, CFR. If at the discretion of the inspector, it is less hazardous to the public to relocate the vehicle, it will be towed, transported or escorted to a safe location only at the direction of an official authority.

(2) Copies of the North American Standard Hazardous Materials Out-of-Service Criteria are available from the Commercial Vehicle Safety Alliance at: 6303 Ivy Lane, Suite 310, Greenbelt, MD 20770-6319.

Stat. Auth.: ORS 184.616, 184.619, 823.011, 825.232
Stats. Implemented: ORS 825.250, 825.258, 825.260
Hist.: PUC 3-1986, f. & ef. 4-18-86 (Order No. 86-377); PUC 7-1989, f. & cert. ef. 5-23-89 (Order No. 89-663); PUC 1-1991, f. & cert. ef. 1-11-91 (Order No. 91-20); PUC 6-1991, f. & cert. ef. 4-9-91 (Order No. 91-455); PUC 6-1992, f. & cert. ef. 2-26-92 (Order No. 92-292); PUC 10-1993, f. & cert. ef. 6-3-93 (Order No. 93-693 & 93-761); PUC 15-1993(Temp), f. & cert. ef. 8-19-93 (Order No. 93-1156); PUC 6-1994, f. & cert. ef. 3-28-94 (Order No. 94-525); PUC 6-1995, f. & cert. ef. 7-13-95 (Order No. 95-562); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-065-0035; MCT 4-1996, f. 3-20-96, cert. ef. 4-1-96; MCT 1-1997, f. 3-24-97, cert. ef. 4-1-97; MCTB 1-1998, f. 3-10-98, cert. ef. 4-1-98; MCTB 1-1999, f. & cert. ef. 4-22-99; MCTB 1-2000, f. 3-16-00, cert. ef. 4-1-00; MCTB 2-2001, f. 3-13-01, cert. ef. 4-1-01; MCTB 2-2002, f. & cert. ef. 6-21-02; MCTD 2-2003, f. & cert. ef. 4-21-03; MCTD 6-2003, f. & 11-18-03, cert. ef. 1-1-04; MCTD 2-2005, f. 3-18-05, cert. ef. 4-1-05; MCTD 2-2006, f. 3-17-06, cert. ef. 4-1-06; MCTD 1-2007, f. 3-26-07, cert. ef. 4-1-07; MCTD 1-2008, f. 3-20-08, cert. ef. 4-1-08; MCTD 1-2009, f. 3-20-09, cert. ef. 4-1-09; MCTD 1-2010, f. 3-17-10, cert. ef. 4-1-10; MCTD 2-2011, f. & cert. ef. 5-27-11; MCTD 1-2012, f. 2-21-12, cert. ef. 4-1-12; MCTD 3-2013, f. & cert. ef. 4-22-13; MCTD 1-2014, f. & cert. ef. 4-23-14; MCTD 2-2014, f. & cert. ef. 7-10-14; MCTD 1-2015, f. & cert. ef. 5-26-15

740-100-0085
North American Standard Out-of-Service Criteria for Commercial Highway Vehicles Transporting Transuranics and Highway Route Controlled Quantities of Radioactive Materials

(1) The North American Standard Out-of-Service Criteria Out-of-Service Criteria for Commercial Highway Vehicles Transporting Transuranics and Highway Route Controlled Quantities of Radioactive Materials, published by the Commercial Vehicle Safety Alliance, in effect April 1, 2015, is adopted and incorporated in this rule. Inspection violations identified in the Out-of-Service Criteria may be subject to out-of-service action. Condition(s) categorized as "Out-of-Service" must not be allowed to continue in commerce until the condition(s) is/are corrected and the shipment complies with Title 49, CFR. If at the discretion of the inspector, it is less hazardous to the public to relocate the vehicle, it will be towed, transported or escorted to a safe location only at the direction of an official authority.

(2) Copies of North American Standard Out-of-Service Criteria are available from the Commercial Vehicle Safety Alliance at: 6303 Ivy Lane, Suite 310, Greenbelt, MD 20770-6319.

Stat. Auth.: ORS 184.616, 184.619, 823.011, 825.232
Stats. Implemented: ORS 825.250, 825.258, 825.260
Hist.: MCTD 1-2009, f. 3-20-09, cert. ef. 4-1-09; MCTD 1-2010, f. 3-17-10, cert. ef. 4-1-10; MCTD 2-2011, f. & cert. ef. 5-27-11; MCTD 1-2012, f. 2-21-12, cert. ef. 4-1-12; MCTD 3-2013, f. & cert. ef. 4-22-13; MCTD 1-2014, f. & cert. ef. 4-23-14; MCTD 2-2014, f. & cert. ef. 7-10-14; MCTD 1-2015, f. & cert. ef. 5-26-15

740-100-0090
North American Standard Driver Out-of-Service Criteria

(1) Except for any content that conflicts with requirements of section (2) of this rule, the North American Standard Driver Out-of-Service Criteria, published by the Commercial Vehicle Safety Alliance, in effect April 1, 2015, is adopted and incorporated by reference. Inspection violations identified in the Out-of-Service Criteria may be subject to one or both of the following:

(a) Out-of-Service Violation: Drivers with violations under this category must not operate a commercial motor vehicle for a specified period of time or for some violations until a required condition is met.

(b) Other: Violations other than out-of-service violations require no immediate action by the driver or motor carrier. The carrier must certify in accordance with the terms contained on the inspection document and return it to the Department of Transportation within 15 days.

(2) Drivers found to be disqualified in this state or any other jurisdiction, as specified in 49 CFR 391.15 will be placed Out-of-Service until requalification is established.

(3) Copies of the North American Standard Driver Out-of-Service Criteria are available from the Commercial Vehicle Safety Alliance at: 6303 Ivy Lane, Suite 310, Greenbelt, MD 20770-6319.

Stat. Auth.: ORS 823.011 & 825.232
Stats. Implemented: ORS 825.250 & 825.252
Hist.: PUC 7-1989, f. & cert. ef. 5-23-89 (Order No. 89-663); PUC 1-1991, f. & cert. ef. 1-11-91 (Order No. 91-20); PUC 6-1991, f. & cert. ef. 4-9-91 (Order No. 91-455); PUC 6-1992, f. & cert. ef. 2-26-92 (Order No. 92-292); PUC 15-1993(Temp), f. & cert. ef. 8-19-93 (Order No. 93-1156); PUC 6-1994, f. & cert. ef. 3-28-94 (Order No. 94-525); PUC 6-1995, f. & cert. ef. 7-13-95 (Order No. 95-562); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-065-0040; MCT 4-1996, f. 3-20-96, cert. ef. 4-1-96; MCT 1-1997, f. 3-24-97, cert. ef. 4-1-97; MCTB 1-1998, f. 3-10-98, cert. ef. 4-1-98; MCTB 1-1999, f. & cert. ef. 4-22-99; MCTB 1-2000, f. 3-16-00, cert. ef. 4-1-00; MCTB 2-2001, f. 3-13-01, cert. ef. 4-1-01; MCTB 2-2002, f. & cert. ef. 6-21-02; MCTD 2-2003, f. & cert. ef. 4-21-03; MCTD 6-2003, f. & 11-18-03, cert. ef. 1-1-04; MCTD 2-2005, f. 3-18-05, cert. ef. 4-1-05; MCTD 2-2006, f. 3-17-06, cert. ef. 4-1-06; MCTD 1-2007, f. 3-26-07, cert. ef. 4-1-07; MCTD 1-2008, f. 3-20-08, cert. ef. 4-1-08; MCTD 1-2009, f. 3-20-09, cert. ef. 4-1-09; MCTD 1-2010, f. 3-17-10, cert. ef. 4-1-10; MCTD 2-2011, f. & cert. ef. 5-27-11; MCTD 1-2012, f. 2-21-12, cert. ef. 4-1-12; MCTD 3-2013, f. & cert. ef. 4-22-13; MCTD 6-2013, f. & cert. ef. 8-26-13; MCTD 1-2014, f. & cert. ef. 4-23-14; MCTD 2-2014, f. & cert. ef. 7-10-14; MCTD 1-2015, f. & cert. ef. 5-26-15

740-110-0010
Adoption of United States Department of Transportation Hazardous Materials Regulations

(1) Any person subject to ORS Chapter 825 who transports a hazardous material and any person subject to 823.061 who causes to be transported a hazardous material must comply with the rules and regulations governing the transportation of hazardous materials as prescribed by the United States Department of Transportation in Title 49, Code of Federal Regulations, Part 397 and such portions of Parts 107-178 and 180 as are applicable and amendments thereto, in effect on April 1, 2015.

(2) Copies of the federal regulations referred to in this rule are available from ODOT, Motor Carrier Transportation Division or may be accessed on the Federal Motor Carrier Safety Administration website, www.fmcsa.dot.gov.

Stat. Auth.: ORS 184.616, 184.619, 823.011, 823.061, 825.258
Stats. Implemented: ORS 823.061, 825.258
Hist.: Refiled in PUC 18, f. 1-21-55, ef. 9-1-54 (Order No. 33203); PUC 98, f. 1-18-61, ef. 1-12-61 (Order No. 37620); PUC 120, f. 10-26-62, ef. 11-15-62 (Order No. 38811); PUC 132, f. 3-29-65, ef. 4-1-65 (Order No. 41035); PUC 135, f. 5-9-66, ef. 5-15-66 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 150, f. 11-7-68, ef. 12-1-68 (Order No. 45141); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); PUC 181, f. 12-30-77, ef. 1-15-78 (Order No. 77-896); PUC 2-1980, f. & ef. 3-27-80 (Order No. 80-179); PUC 3-1980, Part 1, f. & ef. 6-30-80 (Order No. 79-805); PUC 5-1980, f. & ef. 10-13-80 (Order No. 80-758); Renumbered from 860-036-0055; PUC 1-1981, f. & ef. 2-9-81; PUC 12-1981, f. & ef. 12-16-81 (Order No. 81-880); PUC 6-1982, f. & ef. 5-6-82 (Order No. 82-336); PUC 1-1983, f. & ef. 1-17-83 (Order No. 83-024); PUC 1-1984, f. & ef. 2-9-84 (Order No. 84-076); PUC 13-1984, f. & ef. 7-26-84 (Order No. 84-546); PUC 8-1985, f. & ef. 6-10-85 (Order No. 85-499); PUC 7-1986(Temp), f. & ef. 7-25-86 (Order No. 86-736); PUC 13-1986, f. & ef. 10-30-86 (Order No. 86-1106); PUC 7-1989, f. & cert. ef. 5-23-89 (Order No. 89-663); PUC 1-1991, f. & cert. ef. 1-11-91 (Order No. 91-20); PUC 6-1992, f. & cert. ef. 2-26-92 (Order No. 92-292); PUC 10-1993, f. & cert. ef. 6-3-93 (Order No. 93-693 & 93-761); PUC 6-1994, f. & cert. ef. 3-28-94 (Order No. 94-525); PUC 6-1995, f. & cert. ef. 7-13-95 (Order No. 95-562); MCT 1-1996, f. 2-16-96, cert. ef. 4-1-96; Renumbered from 860-066-0055; MCT 3-1996, f. & cert. ef. 3-14-96; MCT 5-1996, f. & cert. ef. 9-17-96; MCT 1-1997, f. 3-24-97, cert. ef. 4-1-97; MCTB 1-1998, f. 3-10-98, cert. ef. 4-1-98; MCTB 1-1999, f. & cert. ef. 4-22-99; MCTB 1-2000, f. 3-16-00, cert. ef. 4-1-00; MCTB 2-2001, f. 3-13-01, cert. ef. 4-1-01; MCTB 2-2002, f. & cert. ef. 6-21-02; MCTD 2-2003, f. & cert. ef. 4-21-03; MCTD 6-2003, f. 11-18-03, cert. ef. 1-1-04; MCTD 2-2005, f. 3-18-05, cert. ef. 4-1-05; MCTD 2-2006, f. 3-17-06, cert. ef. 4-1-06; MCTD 1-2007, f. 3-26-07, cert. ef. 4-1-07; MCTD 1-2008, f. 3-20-08, cert. ef. 4-1-08; MCTD 1-2009, f. 3-20-09, cert. ef. 4-1-09; MCTD 1-2010, f. 3-17-10, cert. ef. 4-1-10; MCTD 2-2011, f. & cert. ef. 5-27-11; MCTD 1-2012, f. 2-21-12, cert. ef. 4-1-12; MCTD 3-2013, f. & cert. ef. 4-22-13; MCTD 1-2014, f. & cert. ef. 4-23-14; MCTD 2-2014, f. & cert. ef. 7-10-14; MCTD 1-2015, f. & cert. ef. 5-26-15

• • • • • • • • • •

Rule Caption: Annual readoption of IRP, HVUT and IFTA regulations
Adm. Order No.: MCTD 2-2015
Filed with Sec. of State: 5-26-2015
Certified to be Effective: 5-26-15
Notice Publication Date: 4-1-2015
Rules Amended: 740-200-0010, 740-200-0020, 740-200-0040
Subject: These amendments constitute an adoption of the rules of the International Registration Plan (IRP) to the date of January 1,

2015. Title 26 Code of Federal Regulations Part 41 (HVUT) requires the State to confirm proof of payment of the tax, and require proof of payment by the State as a condition of issuing a registration for a highway motor vehicle. The amendment of OAR 740- 740-200-0020 adopts HVUT and amendments with the effective date of January 1, 2015, and ensures Oregon remains current with national commercial motor vehicle registration standards. International Fuel Tax Agreement (IFTA) and associated material are applicable to Oregon-based motor carriers who participate in IFTA as a way to report and pay fuel tax to other jurisdictions. The revision to OAR 740-200-0040 adopts the most recent version of IFTA and associated material as the procedures and guidelines for Oregon-based IFTA participants with the effective date of January 1, 2015 to ensure Oregon remains current with the international IFTA standards.

Rules Coordinator: Lauri Kunze—(503) 986-3171

740-200-0010

Prorate Registration

(1) The provisions contained in the "International Registration Plan" (IRP), the IRP Audit Procedures Manual and all amendments thereto in effect January 1, 2015, are hereby adopted and prescribed by the Oregon Department of Transportation and apply to the apportioned registration of vehicles. Unless otherwise revised by written delegation, the designated person to cast a vote on an IRP ballot for Oregon is the Administrator of the Motor Carrier Transportation Division.

(2) In addition to the requirements described in section (1) of this rule, the following requirements apply to Oregon-based motor carriers who participate in IRP:

(a) Records required to be maintained for distance data must denote intermediate trip stops;

(b) Audit assessments are subject to penalty, late payment charges and interest described in IRP and the IRP Audit Procedures Manual;

(c) Any person against whom a proposed assessment is made by the Department may petition the Department for reassessment within 30 days after service upon the person of the assessment notice. If a petition for reassessment is not filed within the 30-day period, the assessment becomes final. If a petition for reassessment is timely filed, the Department will reconsider the assessment. The decision of the Department upon a petition for reassessment will become final 30 days after notice of the decision is served upon the petitioner. A petitioner may submit a request for hearing in the petition for reassessment; and

(d) If a request for hearing is timely received, a hearing will be scheduled and conducted in accordance with the provisions of ORS Chapter 183. The petitioner will be provided a minimum of 10 days' notice of the time and place of the hearing. The Department may assess a penalty of $150 for failure to appear at a scheduled hearing.

(3) The mileage reporting period for application and renewal purposes will be the previous July through June twelve-month period.

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

Stat. Auth.: ORS 184.616, 184.619, 823.011 & 826.003

Stats. Implemented: ORS 826.005 & 826.007

Hist.: PUC 8-1990, f. & cert. ef. 5-25-90 (Order No. 90-834); PUC 7-1993, f. & cert. ef. 3-19-93 (Order No. 93-285); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-081-0005; MCTB 6-2002, fr. & cert. ef. 11-18-02; MCTD 8-2003, f. & cert. ef. 11-18-03, cert. ef. 1-1-04; MCTD 4-2004, f. 12-28-04, cert. ef. 1-1-05; MCTD 2-2008, f. 6-23-08, cert. ef. 7-1-08; MCTD 1-2011, f. & cert. ef. 2-18-11; MCTD 6-2012, f. & cert. ef. 7-19-12; MCTD 1-2013, f. & cert. ef. 1-17-13; MCTD 1-2013, f. & cert. ef. 1-17-13; MCTD 7-2013, f. 12-20-13, cert. ef. 1-1-14; MCTD 2-2015, f. & cert. ef. 5-26-15

740-200-0020

Adoption of Federal Rules Governing Payment of Heavy Vehicle Use Tax (HVUT)

The Department hereby adopts the rules of the United States Internal Revenue Service contained in 26 CFR Part 41 (HVUT) and all amendments thereto in effect January 1, 2015. These rules apply to carriers conducting operations subject to ORS Chapter 826. As provided in CFR Title 26 Part 41.6001-2(b)(3), the Department will suspend the registration of a vehicle for which proof of HVUT payment has not been received within four months of the effective date of registration.

Stat. Auth.: ORS 184.616, 184.619, 823.011 & 826.003

Stats. Implemented: ORS 803.370(5) & 826.007

Hist.: PUC 19-1990, f. & cert. ef. 12-31-90 (Order No. 90-1919); PUC 7-1993, f. & cert. ef. 3-19-93 (Order No. 93-285); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-081-0015; MCTB 6-2002, fr. & cert. ef. 11-18-02; MCTD 8-2003, f. & cert. ef. 11-18-03, cert. ef. 1-1-04; MCTD 4-2004, f. 12-28-04, cert. ef. 1-1-05; MCTD 2-2008, f. 6-23-08, cert. ef. 7-1-08; MCTD 1-2011, f. & cert. ef. 2-18-11; MCTD 2-2012, f.& cert. ef. 2-21-12; MCTD 1-2013, f. & cert. ef. 1-17-13; MCTD 7-2013, f. 12-20-13, cert. ef. 1-1-14; MCTD 2-2015, f. & cert. ef. 5-26-15

740-200-0040

Adoption of International Fuel Tax Agreement

(1) The provisions contained in the International Fuel Tax Agreement (IFTA) Articles of Agreement, the IFTA Audit Manual and the IFTA Procedures Manual, and all amendments thereto in effect January 1, 2015, are hereby adopted and prescribed by the Oregon Department of Transportation (ODOT) and apply to Oregon-based motor carriers who participate in IFTA.

(2) In addition to the requirements described in section (1) of this rule, the following requirements apply to Oregon-based motor carriers who participate in IFTA:

(a) Records required to be maintained for distance data must denote intermediate trip stops;

(b) Records of monthly over the road and bulk fuel reconciliations must be maintained;

(c) The Department will assess a penalty of $50 or 10 percent of the amount of delinquent taxes due, whichever is greater, for failing to file a return, filing a late return, or underpaying taxes due on a return;

(d) The Department will assess a penalty of 10 percent of the amount of delinquent taxes due, for additional assessments as the result of an audit;

(e) Any person against whom a proposed assessment is made by the Department may petition the Department for reassessment within 30 days after service upon the person of the assessment notice. If a petition for reassessment is not filed within the 30-day period, the assessment becomes final. If a petition for reassessment is timely filed, the Department will reconsider the assessment. The decision of the Department upon a petition for reassessment will become final 30 days after notice of the decision is served to the petitioner. A petitioner may submit a request for hearing in the petition for reassessment;

(f) If a request for hearing is timely received, a hearing will be scheduled and conducted in accordance with the provisions of ORS Chapter 183. The petitioner will be provided a minimum of 10 days' notice of the time and place of the hearing; and

(g) An amendment may be made to, or audit conducted of, a tax return not more than four (4) years from the date the taxes or fees were filed.

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

Stat. Auth.: ORS 184.616, 184.619 & 823.011

Stat. Implemented: ORS 825.490, 825.494 & 825.555

Hist.: MCTB 6-2002, fr. & cert. ef. 11-18-02; MCTD 8-2003, f. & cert. ef. 11-18-03, cert. ef. 1-1-04; MCTD 4-2004, f. 12-28-04, cert. ef. 1-1-05; MCTD 2-2008, f. 6-23-08, cert. ef. 7-1-08; MCTD 4-2009, f. 12-22-09, cert. ef. 1-1-10; MCTD 1-2011, f. & cert. ef. 2-18-11; MCTD 2-2012, f.& cert. ef. 2-21-12; MCTD 1-2013, f. & cert. ef. 1-17-13; MCTD 7-2013, f. 12-20-13, cert. ef. 1-1-14; MCTD 8-2014, f. & cert. ef. 9-22-14; MCTD 2-2015, f. & cert. ef. 5-26-15

• • • • • • • • • •

Higher Education Coordinating Commission
Chapter 715

Rule Caption: Establish procedure for the allocation and allotment of Public University Support Fund.

Adm. Order No.: HECC 5-2015

Filed with Sec. of State: 5-28-2015

Certified to be Effective: 7-1-15

Notice Publication Date: 2-1-2015

Rules Adopted: 715-013-0025

Subject: Establishes procedure for the allocation and allotment of the Public University Support Fund. This rule prescribes the components of the allocation calculation, called the Student Success and Completion Model, and the data elements that feed the model.

This rule is being refiled to correct a filing error.

Rules Coordinator: Kelly Dickinson—(503) 378-5690

715-013-0025

Public University Support Fund Distribution

(1) Definitions:

(a) "Baccalaureate Degree" or "Bachelor's Degree" is a degree that generally represents four years of college study, or its equivalent in depth and quality of learning experience, or as promulgated by the Northwest Commission on Colleges and Universities.

(b) "Classification of Instructional Programs" or "CIP" code is a numerical identifier assigned by the National Center for Education Statistics to an academic discipline to support tracking and reporting data at the field-of-study level.

(c) "Cost Weighting" is a means by which the value of any Student Credit Hour or degree completion based allocation is adjusted to account for the relative cost to an institution of providing a degree or course. Cost

weighting is the same at all institutions and is determined by CIP and by the type of course or degree taught or awarded.

(d) "Current Service Level (CSL) Budget" is the calculated cost of continuing only current legislatively-approved programs into future biennia while subtracting one-time allocations as determined by the Department of Administrative Services.

(e) "Doctoral Course" is a course completed by Ph.D. level students.

(f) "Doctoral Degree" or "Ph.D." is a degree that generally indicates the recipient has done, and is prepared to do, original research in a major discipline. Doctoral degrees usually require three years or more of graduate-level coursework and an original research thesis or project, or as promulgated by the Northwest Commission on Colleges and Universities.

(g) "Dual Credit" course is that which awards secondary and postsecondary credit as determined by both the granting secondary institution and granting public university.

(h) "Graduate Certificate" is an official recognition of less than one year of post-baccalaureate study, or its equivalent in depth and quality, or as promulgated by the Northwest Commission on Colleges and Universities.

(i) "Higher Education Coordinating Commission," "HECC" or "Commission" is the body established by ORS 351.715 and appointed by the Governor.

(j) "Inflation" is defined as the previous full year CPI-U for the Portland, Oregon area as determined and defined by the US Bureau of Labor Statistics.

(k) "Low Income Student" is defined as resident undergraduate students who have received the Pell Grant at any point during their time enrolled within a public university in Oregon

(l) "Lower Division Undergraduate Course" is a course completed by freshman, sophomore, or nonadmitted undergraduate level students.

(m) "Master's Course" is a course completed by master's degree, other graduate, or nonadmitted graduate level students.

(n) "Master's Degree" is a degree that generally represents a first graduate degree, including one year or more of post-baccalaureate study, or its equivalent in depth and quality. Professional masters degrees generally require up to two years or equivalent of coursework beyond the baccalaureate level, or as promulgated by the Northwest Commission on Colleges and Universities.

(o) "Outcomes" is an indicator of student achievement or educational attainment for state funding purposes, as determined by the HECC.

(p) "Professional course" is a course completed by first professional degree students.

(q) "Professional degree" is a degree that emphasizes application of knowledge in the field, including three or more years of carefully prescribed graduate level coursework, or as promulgated by the Northwest Commission on Colleges and Universities.

(r) "Public university" or "University" is any institution of higher learning as defined in ORS 352.002, including; the University of Oregon (UO), Oregon State University (OSU), which includes Oregon State University's Cascades Campus (OSU-CC), Portland State University (PSU), Oregon Institute of Technology (OIT), Western Oregon University (WOU), Southern Oregon University (SOU), and Eastern Oregon University (EOU).

(s) "Public University Support Fund" or "PUSF" is the general fund appropriation to the HECC intended for distribution by HECC to public universities as defined in ORS 352.002.

(t) "Resident" student is a student classified as such by a public university's Residency Classification Officer, reviewed by the Inter-institutional Residency Committee, or students granted resident tuition under ORS 351.641 and all doctoral students.

(u) "Rural Student" are first time-freshmen resident undergraduate students who are graduates of an Oregon high school classified by the National Education Statistics Locale Codes as follows: (31) Town Fringe, (32) Town Distant, (33) Town Remote, (41) Rural Distant, (42) Rural Fringe, and (43) Rural Remote.

(v) "Settle-Up" is the process by which allocations determined and allotted using estimated completion data are reconciled with finalized allocations created using actual finalized end data.

(w) "Stop Gain" is designed to prevent an institution from receiving an increase in allocation in excess of a pre-determined threshold percentage. If the Stop Gain is triggered, the excess allocation from the triggering institution is distributed proportionally to all non-triggering institutions. Only the amount necessary to bring all institutions within the Stop Gain threshold is re-distributed.

(x) "Stop Loss" can be either a negative or positive percentage and is designed to prevent an institution from receiving a decrease in allocation beyond a pre-determined threshold. If Stop Loss is triggered, all institutions that receive an allocation that exceeds the Stop Loss threshold contribute a proportional amount of allocation to those institutions whose allocation fell below the Stop Loss threshold. Only the amount necessary to bring all institutions at or above the Stop Loss threshold is re-distributed.

(y) "Student Credit Hour" or "SCH" is a unit of course completion as determined by a public university in accordance with standards promulgated by Northwest Commission on Colleges and Universities.

(z) "Student Success and Completion Model" or "SSCM" is a calculation-driven mechanism for determining the proportion of PUSF allocated to each public university.

(aa) "Targeted Student Populations" consist of undergraduate resident students which meet the criteria to be included in one or more of the following non-exclusive populations: (1) Underrepresented Minority students, (2) Low Income students, (3) Rural students and (4) Veteran students.

(bb) "Transfer student" is defined by the SCARF data dictionary as a resident student who has an associate's degree or as defined by a public university and accepted by HECC policy or Administrative Rule. Transfer students shall also include any student admitted with college credits and completion of an accepted English as a foreign language test, where appropriate, as well as some special or probationary admissions. Transfer students do not include any student who graduated from high school less than 5 2/3 months before the start of the Fall Term in which they first enroll or less than three months before the start of the Winter, Spring or Summer Term in which they first enroll regardless of how many college credits they have earned.

(cc) "Underrepresented Minority students" are those resident undergraduate students identified in as American Indian/Alaskan Native, Hispanic, Pacific Islander, Black, African American or two or more races if one of those two or more races is one of those established in this definition.

(dd) "Upper Division Undergraduate Course" is a course completed by junior, senior, or post baccalaureate undergraduate level students.

(ee) "Veteran students" are those resident undergraduate demarcated in the SCARF system as a veteran of the U.S. Armed Forces as determined by the University in accordance with HECC policy and administrative rules.

(2) Effective beginning July 1, 2015, the Student Success and Completion Model (SSCM) shall be the method for determining a public university's allocation of the PUSF.

(3) The SSCM will incorporate a public university's degree and SCH completion information for the three most recently completed fiscal years, or projections thereof, in determining allocation amounts.

(4) Whenever possible, projections will be completed on or about the third quarter of the prior fiscal year for the subsequent fiscal year that begins July 1st of the same calendar year. Projections may be used for determining the first quarterly allotment of a fiscal year.

(5) When projections are used to determine a public university's allocation, a Settle-Up procedure shall be used to prorate un-allotted payments to adjust for finalized data. The Settle-Up procedure may alter the funding allocation of a public university from that which was originally allocated by the HECC. A Settle-Up procedure, if used will be executed in the second quarter, or as soon as practicable in every fiscal year, and as approved by vote of the HECC. If necessary, a Settle-Up may take place in subsequent fiscal years but will, in general, be avoided.

(6) The Student Success and Completion Model consists of three components, Mission Differentiation Funding Allocation, Activity-Based Allocation and Outcomes-Based Allocation. The methods and amounts of funds to be allocated to these three categories are established in OAR 715-013-0040 Section 2.

(a) Mission Differentiation Funding is determined by the HECC. Mission Differentiation Funding supports a public university's activities consistent with, but not limited to, any of three categories:

(A) Regional Support — Provides an allocation that contributes to the financial stability of public universities and ensures geographic access to public higher education for Oregonians. Regional Support values are established in OAR 715-013-0040 Section 3, Table 2.

(B) Mission Support — Provides an allocation to support public university programming consistent with the mission of public higher education as articulated in ORS 351.001. This Section will support efforts consistent with, but not limited to public services, cross-sector or cross-institutional programs, undergirding of university operations support, specific academic programs or other efforts by public universities. Mission Support values are established in OAR 715-013-0040 Section 3 Table 2.

(C) Research Support – Provides an allocation to support research activities conducted by the public universities. Research Support values are established in OAR 715-013-0040 Section 3 Table 2.

(D) Dual Credit-Dual credit provides an allocation to support those students who are enrolled in Dual Credit programs. The value of SCH awarded in Dual Credit programs are is established in OAR 715-013-0040 Section 4 Table 3.

(E) Mission Differential Funding will change from fiscal year to fiscal year by the lessor of Inflation or the change in PUSF funding.

(b) Activity-Based Allocation is determined by the total, cost weighted, completed, resident SCH at a public university consistent with the following methodology.

(A) The most recent three-year average of resident SCH completions by CIP produced by each public university will be used to determine the Activity-Based Allocation.

(B) Relative cost weights, by CIP and SCH level, will be utilized to differentiate the weighted value of completed SCH. Relative values will be determined by the HECC for programs by CIP identified discipline and by level, including lower division undergraduate, upper division undergraduate, Master's, and Doctoral levels. Relative cost weights are established in OAR 715-013-0040 Section 5 Table 4.

(C) The combined value of completed SCH at a public university, relative to total completed SCH at all public universities, as adjusted by cost weighting will determine the proportional share of Activity-Based Allocation allocated to each institution.

(c) Outcomes-Based Allocation is determined by the total cost weighted degrees produced, student type and priority area consistent with the following methodology.

(A) The most recent three-year average of degrees conferred by public universities to resident students will be used to determine the Outcomes-Based Allocation. Degrees are categorized by level, including Baccalaureate, Masters, Doctoral, Professional, and Graduate Certificates. The HECC will determine the relative weighting of degrees level as established in OAR 715-013-0040 Section 6 Table 5.

(B) The HECC will adjust the relative value of degrees due to the cost of delivering these degrees. These cost weighting factors of degrees are established in OAR 715-013-0040 Section 7 Table 6.

(C) The HECC will set the relative value of priority degrees which are of particular interest to the state of Oregon. This includes an emphasis on those that lead to employment in underserved high-demand and high-reward fields or those that fill a unique need. The HECC will solicit input from applicable state agencies, public universities and stakeholders to evaluate the expected labor force needs and identify what priority degree types, if any, exist. This will be reexamined by the HECC no less than once every five years. Degree areas of particular priority to the state and their relative value are established in OAR 715-013-0040 Section 8 Table 7.

(D) Degrees awarded to resident students receiving Bachelor's Degrees who represented one or more targeted student population characteristics identified as having lower completion rates, lower participation rates or other unique needs or qualifications may be prioritized by the HECC. The HECC will solicit input from applicable state agencies, public universities and stakeholders to identify what priority student populations, if any, exist. These weights are established in OAR 715-013-0040 Section 9 Table 8.

(E) The HECC shall discount the value of Bachelor's Degrees awarded to transfer students at a rate established in OAR 715-013-0040 Section 10 Table 9.

(F) A degree awarded with multiple majors to one student is treated as a single degree in the discipline with the greatest relative value as established in OAR 715-013-0040 Section 7 Table 6.

(G) The combined relative values of degree type and level, priority degrees, and degrees to targeted populations at a public university relatively to the total at all public universities will determine the proportional share of Outcomes-Based Allocation allocated to each public university.

(7) The cumulative results of the Mission Differentiation Funding, Activity-Based Allocation and Outcomes-Based Allocation shall be adjusted by the HECC during a four year phase-in period beginning in Fiscal Year 2016 and concluding in Fiscal Year 2020. This transition period is designed to maintain relative stability and predictability throughout the transition period. Two operations may be performed in determining any such adjustment: Stop Loss and Stop Gain. The Stop Loss and Stop Gain calculations function as defined in Section 1. Fiscal Year 2016 baseline figures shall be Fiscal Year 2015 allocations by program. Thereafter the prior year allocation will serve as the basis for the Stop Loss and Stop Gain calculation. The HECC will establish a threshold of change that trigger the Stop Loss redistribution of Activity-Based and Outcomes-Based allocation. The HECC will establish a threshold of change that trigger the Stop Gain redistribution of Activity-Based and Outcomes-Based allocation. The values for Stop Loss and Stop Gain thresholds are established in OAR 715-013-0040 Section 11 Table 10.

(8) Allotments are made quarterly with timing and amounts determined by agreement between the HECC and the Department of Administrative Services.

(9) Deference to legislative designation of specific resources as part of the PUSF will be computed outside of the SSCM until such allocations expire, are made a part of PUSF CSL budget or are adopted by OAR into the SSCM.

(10) Non-PUSF income to a public university such as tuition, auxiliary revenue or private philanthropy will not be included in the SSCM.

(11) Weighting factors and data definitions within the SSCM will be examined by HECC staff and stakeholders as appropriate. This reexamination will occur no less than once every biennium. During the even numbered year of every third biennium the Executive Director of the HECC will convene a workgroup of stakeholders and HECC staff to recommend changes to the SSCM to match the strategic priorities of the state of Oregon and the HECC as appropriate.

(12) The HECC delegates administrative authority to the Executive Director or designee to operationalize the Student Success and Completion Model and the procedures outlined in this Administrative Rule

(13) This rule shall become effective on July 1, 2015.

Stat. Auth.: ORS 351.735(3)(d) & 351.735(6)
Stats. Implemented: 2013 SB 270, 2013 HB 3120, 2014 HB 4018 2014 SB 1525
Hist.: HECC 3-2015, f. 4-15-15, cert. ef. 7-1-15; HECC 5-2015, f. 5-28-15, cert. ef. 7-1-15

• • • • • • • • • •

Rule Caption: Relative weights and standards to be used in calculations of Student Success and Completion Model.
Adm. Order No.: HECC 6-2015
Filed with Sec. of State: 5-28-2015
Certified to be Effective: 7-1-15
Notice Publication Date: 2-1-2015
Rules Adopted: 715-013-0040
Subject: The Higher Education Coordinating Commission (the Commission), in consultation with Oregon public universities, has developed the Student Success and Completion Model (SSCM), which allocates the Public University Support Fund by incorporating measures of student credit hour and degree completions. The major components of the SSCM calculation methodology were determined with assistance from representatives of the public universities and other stakeholder groups. This rule codifies the metrics and weights that will be utilized in making this calculation.

This rule is being refiled to correct a filing error.

Rules Coordinator: Kelly Dickinson—(503) 378-5690

715-013-0040
Public University Support Fund Distribution Factors

(1) The purpose of this rule is to list the relative weights and values of factors to be used in the Students Success and Completion Model calculation as defined in OAR 715-013-0025. All terms are defined as they are in Section 1 of OAR 715-013-0025.

(2) Mission Differentiation Allocation shall be allocated to institutions before Outcomes-Based and Activity-Based Allocations. Funds remaining within the PUSF, excepting those funds otherwise demarcated, after Mission Differential Funding is allocated shall then be allocation between Outcomes-Based Allocation and Activity-Based Allocation according to the proportion outlined below: [Table not included. See ED. NOTE.] The proportional funding split between Outcomes-Based Allocation and Activity-Based Allocation after Fiscal Year 2020 shall continue at same proportion as in Fiscal Year 2020.

(3) The Mission Differentiation Funding allocation for Fiscal Year 15 is as follows. This Mission Differential Funding allocation shall serve as the basis for subsequent Mission Differentiation Allocations of the PUSF. Following Fiscal Year 2015, the Mission Differential Funding Allocation will change by the lesser of Inflation or the overall change in the PUSF except where indicated below: [Table not included. See ED. NOTE.]

(4) Dual Credit Student Credit Hours (SCH) will be rewarded as follows: [Table not included. See ED. NOTE.]

(5) The relative cost weights for SCH completions shall be as follows: [Table not included. See ED. NOTE.]

(6) The relative weighting for degree completions by resident students, by degree level, shall be as follows: [Table not included. See ED. NOTE.]

(7) The Cost Weighting factors for degree completion are determined by CIP and degree level and shall be as follows: [Table not included. See ED. NOTE.]

(8) Priority degrees weighting factors, by CIP and category, are established as follows: [Table not included. See ED. NOTE.]

(9) The additional weights to Bachelor's degree completions by resident students who are members of one or more Targeted Student Populations shall be as follows: [Table not included. See ED. NOTE.]

(10) Weights for Bachelor's Degrees awarded to transfer students shall be discounted as follows: [Table not included. See ED. NOTE.]

(11) During the phase-in period, the HECC shall incorporate a Stop Loss and Stop Gain threshold as established in this section.

(a) Stop Loss and Stop Gain thresholds are established as follows: [Table not included. See ED. NOTE.] Where "PUSF" is equal to Fiscal Year 2016 PUSF allocation less legislative designated funds and TRU Shared Services as a proportion of total Fiscal Year 2015 PUSF allocation.

(b) If, during Fiscal Year 2016 through Fiscal Year 2020 the year-over-year change in the PUSF is less than the Stop Loss threshold for that fiscal year the designated Stop Loss is reset to the year-over-year change in the PUSF, such that the change in funding level for all public universities is pro rata.

(12) This rule shall become effective on July 1, 2015.

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

Stat. Auth.: ORS 351.735(3)(d) & 351.735(6)

Stat. Implemented: 2013 SB 270, 2013 HB 3120, 2014 HB 4018 2014 SB 1525

Hist.: HECC 4-2015, f. 4-15-15, cert. ef. 7-1-15; HECC 6-2015, f. 5-28-15, cert. ef. 7-1-15

• • • • • • • • • •

Higher Education Coordinating Commission, Department of Community Colleges and Workforce Development
Chapter 589

Rule Caption: Removes restriction on the designation of major or areas of study in community college programs.

Adm. Order No.: DCCWD 1-2015

Filed with Sec. of State: 5-18-2015

Certified to be Effective: 5-18-15

Notice Publication Date: 4-1-2015

Rules Amended: 589-006-0100

Subject: A change in this rule is necessary to delete 589-006-0100 (10) and thereby remove the restriction from designation of major or areas of study as a component of an Associate of Arts Oregon Transfer and Associate of Science degree award title. The restriction poses a barrier to student success and degree completion. Identifying a major and establishing an education plan is an important factor in retention and completion and facilitates smooth transitions between two- and four-year institutions. Community College Instructional Administrators and University Provost Council have been consulted and support this rule change as a means to improve advising, transfer, and degree completion.

Rules Coordinator: Kelly Dickinson—(503) 378-5690

589-006-0100

General Community College Program Approval Requirements

(1) The Higher Education Coordinating Commission has responsibility for approval of community college educational programs and locations.

(2) The Higher Education Coordinating Commission shall provide community college district boards of education with the standards, criteria and procedures the Higher Education Coordinating 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 Higher Education Coordinating 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 Higher Education Coordinating 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 Department.

(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 department.

(7) To meet the approval standards of the Higher Education Coordinating 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 Higher Education Coordinating 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

• • • • • • • • • •

Rule Caption: Relating to the Community College Support Fund distribution methodology base payment.

Adm. Order No.: DCCWD 2-2015

Filed with Sec. of State: 6-15-2015

Certified to be Effective: 6-15-15

Notice Publication Date: 5-1-2015

Rules Amended: 589-002-0120

Subject: The distribution methodology, for the Community College Support, includes a base payment for up to 1,100 FTE. Currently, the base payment per FTE is $720 and $360 for unrealized enrollments between actual FTE and 1,100 FTE. The amount of the payment has not been adjusted since 2008. The purpose of the base payment is to help colleges with the base operational costs of keeping the college open and is designed to help small community colleges in particular.

As the costs of operating colleges increases, the amount of the base payment should increase. This amendment ties the amount of the

base payment to the Portland CPI-U and the base payment is to be adjusted each year.

Rules Coordinator: Kelly Dickinson—(503) 378-5690

589-002-0120

Community College Support Fund Distribution Methodology

(1) The Community College Support Fund (CCSF) 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 legislature.

(d) Should any of the dates set forth above occur on a weekend, payment shall be made on the next business day.

(e) All payments, made before actual property taxes imposed by each district are certified by the Oregon Department of Revenue, shall be based on the department's best estimate of quarterly entitlement using property tax revenue projections. Payments shall be recalculated each year as actual property tax revenues become available from the Oregon Department of Revenue and any adjustments will be made in the final payment(s) of the fiscal year.

(2) Community college districts shall be required to submit enrollment reports in the format specified by the commissioner, including numbers of clock hours realized for all coursework, in a term-end enrollment report by the Friday of the sixth week following the close of each term. If reports are outstanding at the time of the quarterly payments, payment to the district(s) not reporting may be delayed at the discretion of the commissioner.

(a) All payments, made before actual Full-Time Equivalent (FTE) student enrollment data are available shall be based on the department's best estimate of quarterly entitlement using student enrollment data from previous years.

(b) Payments shall be recalculated each year as FTE student enrollment data become available and any adjustments will be made in the fiscal year.

(3) Reimbursement from the CCSF shall be made for career technical education, lower-division collegiate, developmental education and other courses approved by the state board in accordance with OAR 589-006-0100 through 589-006-0400. State reimbursement is not available for hobby and recreation courses as defined in 589-006-0400.

(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 CCSF. 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 CCSF 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 CCSF 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 agency 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 allocated to the CCSF 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 department with a copy of the agreement between the community college district and the local participating entity by October 1 of each service year.

(ii) Enter into a contract with the department by January 1 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 CCSF 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 CCSF appropriation.

(d) Funds remaining in the CCSF 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 CCSF shall be accomplished through a formula, based on the following factors:

(a) Base Payment: Effective for the 2015-16 fiscal year, each community college district shall receive a base payment of $819 for each Weighted Reimbursable FTE up to 1,100 and $409.50 per FTE for unrealized enrollments between actual Weighted Reimbursable FTE and 1,100 FTE. Each year thereafter, the base payment will be adjusted by the amount of the annual seasonally unadjusted Portland CPI-U of the prior year. 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 CCSF is based on each community college district's FTE.

(A) The equalized amount per FTE is determined by dividing Total Public Resources (TPR) — excluding base payments, contracted out-of-district payments, and any other payments directed by the State Board 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 state board 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 state board 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 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 Board 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

• • • • • • • • • •

Land Conservation and Development Department
Chapter 660

Rule Caption: Adopts a definition for Primary Processing of Forest Products in forest zones
Adm. Order No.: LCDD 4-2015
Filed with Sec. of State: 6-10-2015
Certified to be Effective: 6-10-15
Notice Publication Date: 2-1-2015
Rules Amended: 660-006-0005
Subject: "Primary processing of forest products" is a use that currently may be allowed in forest zones, but which has lacked a definition. The use is statutorily defined as it applies to exclusive farm use zones, but there has been confusion as to whether that definition implicitly applies to forest zones as well. The adopted definition for the use as it applies to forest zones will provide needed clarity for counties and landowners.
Rules Coordinator: Casaria Taylor—(503) 373-0050, ext. 322

660-006-0005
Definitions

For the purpose of this division, the following definitions apply:

(1) Definitions contained in ORS 197.015 and the Statewide Planning Goals.

(2) "Commercial Tree Species" means trees recognized for commercial production under rules adopted by the State Board of Forestry pursuant to ORS 527.715.

(3) "Cubic Foot Per Acre" means the average annual increase in cubic foot volume of wood fiber per acre for fully stocked stands at the culmination of mean annual increment as reported by the USDA Natural Resource Conservation Service (NRCS) soil survey.

(4) "Cubic Foot Per Tract Per Year" means the average annual increase in cubic foot volume of wood fiber per tract for fully stocked stands at the culmination of mean annual increment as reported by the USDA Natural Resource Conservation Service (NRCS) soil survey.

(5) "Date of Creation and Existence." When a lot, parcel or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot, parcel or tract for the siting of a dwelling, the date of the reconfiguration is the date of creation or existence. Reconfigured means any change in the boundary of the lot, parcel, or tract.

(6) "Eastern Oregon" means that portion of the state lying east of a line beginning at the intersection of the northern boundary of the State of Oregon and the western boundary of Wasco County, then south along the western boundaries of the counties of Wasco, Jefferson, Deschutes and Klamath to the southern boundary of the State of Oregon.

(7) "Forest Operation" means any commercial activity relating to the growing or harvesting or any forest tree species as defined in ORS 527.620(6).

(8) "Governing Body" means a city council, county board of commissioners, or county court or its designate, including planning director, hearings officer, planning commission or as provided by Oregon law.

(9) "Lot" means a single unit of land that is created by a subdivision of land as provided in ORS 92.010.

(10) "Parcel" means a single unit of land that is created by a partition of land and as further defined in ORS 215.010(1).

(11) "Primary processing of forest products" means the initial treatments of logs or other forest plant or fungi materials to prepare them for shipment for further processing or to market, in a building or buildings that do not exceed 10,000 square feet in total floor area, or an outdoor area that does not exceed one acre excluding laydown and storage yards, or both, that are adequately separated from surrounding properties to reasonably mitigate noise, odor and other impacts generated by the facility that adversely affect forest management and other existing uses, as determined by the governing body. Treatments may include, but are not limited to, debarking, peeling, drying, cleaning, sorting, chipping, grinding, sawing, shaping, notching, biofuels conversion, or other similar methods of initial treatments.

(12) "Storage structures for emergency supplies" means structures to accommodate those goods, materials and equipment required to meet the essential and immediate needs of an affected population in a disaster. Such supplies include food, clothing, temporary shelter materials, durable medical goods and pharmaceuticals, electric generators, water purification gear, communication equipment, tools and other similar emergency supplies.

(13) "Tract" means one or more contiguous lots or parcels in the same ownership.

(14) "Western Oregon" means that portion of the state lying west of a line beginning at the intersection of the northern boundary of the State of Oregon and the western boundary of Wasco County, then south along the western boundaries of the counties of Wasco, Jefferson, Deschutes and Klamath to the southern boundary of the State of Oregon.

Stat. Auth.: ORS 197.040, 197.230 & 197.245

Stats. Implemented: ORS 197.040, 197.230, 197.245, 215.700, 215.705, 215.720, 215.740, 215.750, 215.780 & 1993 OL Ch. 792

Hist.: LCDC 8-1982, f. & ef. 9-1-82; LCDC 1-1990, f. & cert. ef. 2-5-90; LCDC 7-1992, f. & cert. ef. 12-10-92; LCDC 1-1994, f. & cert. ef. 3-1-94; LCDD 2-1998, f. & cert. ef. 6-1-98; LCDD 5-2000, f. & cert. ef. 4-24-00; LCDD 3-2008, f. & cert. ef. 4-18-08; LCDD 2-2011, f. & cert. ef. 2-2-11; LCDD 1-2013, f. 1-29-13, cert. ef. 2-1-13; LCDD 4-2015, f. & cert. ef. 6-10-15

• • • • • • • • • •

Landscape Architect Board
Chapter 804

Rule Caption: Adoption of 2015–2017 Operating Budget
Adm. Order No.: LAB 1-2015
Filed with Sec. of State: 5-22-2015
Certified to be Effective: 7-1-15
Notice Publication Date: 4-1-2015
Rules Amended: 804-001-0002
Subject: This rule revision adopts the 2015-2017 biennial budget of the Board with a spending limit of $428,103.
Rules Coordinator: Christine Valentine—(503) 589-0093

804-001-0002
Biennial Budget

Pursuant to the provisions of ORS 182.462, following a public hearing held April 21, 2015, the Board adopts by reference the Oregon State Landscape Architects Board 2015–2017 biennial budget of $428,103 covering the period July 1, 2015, through June 30, 2017. The Board Administrator, with the approval of the Board, will amend budgeted accounts as necessary, within the approved budget of $428,103, for the effective operation of the Board. The Board will not exceed the approved budget amount without amending this rule, notifying all registrants, and holding a public hearing. Copies of the budget are available from the Board's office.

Stat. Auth.: ORS 671.415, 182.462 & 670.310

Stats. Implemented: ORS 671.415 & 182.462 804-001-0002

Hist.: LAB 1-1997(Temp), f. & cert. ef. 9-3-97; LAB 1-1998, f. & cert. ef. 2-5-98; LAB 1-2001 (Temp), f. 12-24-01 cert. ef. 1-1-02 thru 5-1-02; Administrative correction 12-2-02; LAB 1-2005, f. & cert. ef. 2-14-05; LAB 2-2005, f. & cert. ef. 5-18-05; LAB 2-2007, f. 5-22-07, cert. ef. 7-1-07; LAB 1-2009, f. 6-15-09, cert. ef. 7-1-09; LAB 1-2011, f. 5-31-11, cert. ef. 7-1-11; LAB 1-2013, f. 6-3-13, cert. ef. 7-1-13; LAB 1-2015, f. 5-22-15, cert. ef. 7-1-15

• • • • • • • • • •

Landscape Contractors Board
Chapter 808

Rule Caption: Allow managing owner to use Laws, Rules and Business Practices section of exam for licensing
Adm. Order No.: LCB 4-2015
Filed with Sec. of State: 6-11-2015
Certified to be Effective: 6-11-15

Notice Publication Date: 3-1-2015
Rules Amended: 808-003-0065
Rules Repealed: 808-003-0065(T)
Subject: Allow managing owner to use Laws, Rules & Business Practices section of exam for licensing
Rules Coordinator: Kim Gladwill-Rowley—(503) 967-6291, ext. 223

808-003-0065
Scoring; Exam Section Transfer March 1, 2014

(1) Each exam section shall be scored separately.

(2) Based on l00 percent, the passing score shall be 75 percent or higher for each section.

(3) Except as provided in subsection (4) & (5), a passing score shall be valid for one year from the date the exam section was taken. An applicant who fails to pass all the sections required for a particular license within one year of passing a section shall retake that section.

(4) A passing score for an applicant for a Probationary All Phase Plus Backflow license will expire upon expiration of the application as stated in OAR 808-003-0030(3).

(5) A passing score of the Laws, Rules and Business Practice section will remain valid for any applicant that passed this section and has been the managing employee or managing owner of a licensed landscape contracting business within two years; otherwise the scores will remain valid for up to one year from the date of the receipt of an application for licensing.

(6) Effective March 1, 2014 the following sections will transfer to the new exam sections as follows:

(a) Laws, Rules and Business Practice transfers into Laws, Rules and Business Practice;

(b) Plants and Turf transfers into the Plants and Turf Section;

(c) Grading and Drainage transfer into the Design, Grading and Drainage section;

(d) General Safety, estimating, soil science, chemicals and landscape design does not transfer into another exam section;

(e) Irrigation transfers into the Irrigation section; and

(f) Backflow Prevention transfers into Backflow Prevention.

Stat. Auth.: ORS 183.325 - 183.500, 670.310 & 671.670
Stats. Implemented: ORS 671.570
Hist.: LC 1-1984, f. & ef. 7-17-84; LCB 1-1988, f. 1-26-88, cert. ef. 2-1-88; Renumbered from 808-010-0026; LSCB 2-1994, f. 11-8-94, cert. ef. 11-15-94; LCB 3-1998(Temp), f. & cert. ef. 11-16-98 thru 5-15-99; LCB 1-1999, f. & cert. ef. 2-11-99; LCB 1-2003, f. 1-31-03, cert. ef. 2-1-03; LCB 1-2004, f. 1-27-04, cert. ef. 2-1-04; LCB 15-2011, f. 12-29-11, cert. ef. 1-1-12; LCB 3-2014(Temp), f. 2-21-14, cert. ef. 3-1-14 thru 8-28-14; Administrative correction, 9-17-14; LCB 9-2014(Temp), f. & cert. ef. 9-25-14 thru 3-24-15; LCB 10-2014, f. & cert. ef. 12-1-14; LCB 1-2015, f. 1-21-15, cert. ef. 2-1-15; LCB 2-2015(Temp), f. & cert. ef. 2-12-15 thru 8-10-15; LCB 4-2015, f. & cert. ef. 6-11-15

• • • • • • • • • •

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

Rule Caption: Permanent amendments to 309-019 regarding outpatient addictions and mental health services for children and adults.
Adm. Order No.: MHS 3-2015
Filed with Sec. of State: 5-28-2015
Certified to be Effective: 5-28-15
Notice Publication Date: 5-1-2015
Rules Amended: 309-019-0125, 309-019-0170
Subject: These rules prescribe minimum standards for services and supports provided by addictions and mental health providers approved by the Addictions and Mental Health Division of the Oregon Health Authority
Rules Coordinator: Nola Russell—(503) 945-7652

309-019-0125
Specific Staff Qualifications and Competencies

(1) Program Administrators or Program Directors must demonstrate competence in leadership, program planning and budgeting, fiscal management, supervision of program staff, personnel management, program staff performance assessment, use of data, reporting, program evaluation, quality assurance, and developing and coordinating community resources.

(2) Clinical Supervisors in all programs must demonstrate competence in leadership, wellness, oversight and evaluation of services, staff development, service planning, case management and coordination, utilization of community resources, group, family and individual therapy or counseling, documentation and rationale for services to promote intended outcomes and implementation of all provider policies.

(3) Clinical supervisors in mental health programs must meet QMHP requirements and have completed two years of post-graduate clinical experience in a mental health treatment setting.

(4) Clinical Supervisors in substance use disorders treatment programs must be certified or licensed by a health or allied provider agency as follows:

(a) For supervisors holding a certification or license in addiction counseling, qualifications for the certificate or license must have included at least:

(A) 4000 hours of supervised experience in substance use counseling;

(B) 300 contact hours of education and training in substance use related subjects; and

(C) Successful completion of a written objective examination or portfolio review by the certifying body.

(b) For supervisors holding a health or allied provider license, the license or registration must have been issued by one of the following state bodies and the supervisor must possess documentation of at least 120 contact hours of academic or continuing professional education in the treatment of substance use disorders:

(A) Board of Medical Examiners;

(B) Board of Psychologist Examiners;

(C) Board of Licensed Social Workers;

(D) Board of Licensed Professional Counselors and Therapists; or

(E) Board of Nursing.

(c) Additionally, clinical supervisors in substance use disorders programs must have one of the following qualifications:

(A) Five years of paid full-time experience in the field of substance use disorders counseling; or

(B) A Bachelor's degree and four years of paid full-time experience in the social services field, with a minimum of two years of direct substance use disorders counseling experience; or

(C) A Master's degree and three years of paid full-time experience in the social services field with a minimum of two years of direct substance use disorders counseling experience;

(5) Clinical Supervisors in problem gambling treatment programs must meet the requirements for clinical supervisors in either mental health or substance use disorders treatment programs, and have completed 10 hours of gambling specific training within two years of designation as a problem gambling services supervisor.

(6) Substance use disorders treatment staff must:

(a) Demonstrate competence in treatment of substance-use disorders including individual assessment and individual, group, family and other counseling techniques, program policies and procedures for service delivery and documentation, and identification, implementation and coordination of services identified to facilitate intended outcomes; and

(b) Be certified or licensed by a health or allied provider agency, as defined in these rules, to provide addiction treatment within two years of the first hire date and must make application for certification no later than six months following that date. The two years is not renewable if the person ends employment with a provider and becomes re-employed with another provider.

(c) For treatment staff holding certification in addiction counseling, qualifications for the certificate must have included at least:

(A) 750 hours of supervised experience in substance use counseling;

(B) 150 contact hours of education and training in substance use related subjects; and

(C) Successful completion of a written objective examination or portfolio review by the certifying body.

(d) For treatment staff holding a health or allied provider license, the license or registration must have been issued by one of the following state bodies and the person must possess documentation of at least 60 contact hours of academic or continuing professional education in substance use disorders treatment:

(A) Board of Medical Examiners;

(B) Board of Psychologist Examiners;

(C) Board of Licensed Social Workers;

(D) Board of Licensed Professional Counselors and Therapists; or

(E) Board of Nursing.

(7) Problem Gambling treatment staff must:

(a) Demonstrate competence in treatment of problem gambling including individual assessment and individual, group, family and other counseling techniques, program policies and procedures for service deliv-

ery and documentation, and identification, implementation and coordination of services identified to facilitate intended outcomes.

(b) Be certified or licensed by a health or allied provider agency, as defined in these rules, to provide problem gambling treatment within two years of the first hire date and must make application for certification no later than six months following that date. The two years is not renewable if the person ends employment with a provider and becomes re-employed with another provider.

(c) For treatment staff holding certification in problem gambling counseling, qualifications for the certificate must have included at least:

(A) 500 hours of supervised experience in problem gambling counseling;

(B) 60 contact hours of education and training in problem gambling related subjects; and

(C) Successful completion of a written objective examination or portfolio review by the certifying body.

(d) For treatment staff holding a health or allied provider license, the license or registration must have been issued by one of the following state bodies and the person must possess documentation of at least 60 contact hours of academic or continuing professional education in problem gambling treatment:

(A) Board of Medical Examiners;

(B) Board of Psychologist Examiners;

(C) Board of Licensed Social Workers;

(D) Board of Licensed Professional Counselors and Therapists; or

(E) Board of Nursing.

(8) QMHAs must demonstrate the ability to communicate effectively, understand mental health assessment, treatment and service terminology and apply each of these concepts, implement skills development strategies, and identify, implement and coordinate the services and supports identified in a Service Plan. QMHAs must meet the follow minimum qualifications:

(a) Bachelor's degree in a behavioral science field; or

(b) A combination of at least three years of relevant work, education, training or experience; or

(c) A qualified Mental Health Intern, as defined in 309-019-0105(61).

(9) QMHPs must demonstrate the ability to conduct an assessment, including identifying precipitating events, gathering histories of mental and physical health, substance use, past mental health services and criminal justice contacts, assessing family, cultural, social and work relationships, and conducting a mental status examination, complete a DSM diagnosis, write and supervise the implementation of a Service Plan and provide individual, family or group therapy within the scope of their training. QMHPs must meet the following minimum qualifications:

(a) Bachelor's degree in nursing and licensed by the State or Oregon;

(b) Bachelor's degree in occupational therapy and licensed by the State of Oregon;

(c) Graduate degree in psychology;

(d) Graduate degree in social work;

(e) Graduate degree in recreational, art, or music therapy;

(f) Graduate degree in a behavioral science field; or

(g) A qualified Mental Health Intern, as defined in 309-019-0105(61).

(10) Peer support specialists must demonstrate knowledge of approaches to support others in recovery and resiliency, and demonstrate efforts at self-directed recovery.

(11) Recovering Staff: Program staff, contractors, volunteers and interns recovering from a substance use disorder, providing treatment services or peer support services in substance use disorders treatment programs, must be able to document continuous abstinence under independent living conditions or recovery housing for the immediate past two years.

Stat. Auth.: ORS 161.390, 413.042, 428.205 - 428.270, 430.256, 430.640

Stats. Implemented: ORS 109.675, 413.520 - 413.522, 426.380, 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955, 461.549, 743A.168, 813.010 - 813.052 & 813.200 - 813.270

Hist.: MHS 6-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14; MHS 4-2014, f. & cert. ef. 2-3-14; MHS 1-2015(Temp), f. & cert. ef. 3-25-15 thru 9-20-15; MHS 3-2015, f. & cert. ef. 5-28-15

309-019-0170

Outpatient Problem Gambling Treatment Services

These services include group, individual and family treatment consistent with the following requirements:

(1) The first offered service appointment must be five business days or less from the date of request for services;

(2) Service sessions must address the challenges of the individual as they relate, directly or indirectly, to the problem gambling behavior;

(3) Telephone counseling: Providers may provide telephone counseling when person-to-person contact would involve an unwise delay, as follows:

(a) Individual must be currently enrolled in the problem gambling treatment program;

(b) Phone counseling must be provided by a qualified program staff within their scope of practice;

(c) Service Notes for phone counseling must follow the same criteria as face-to-face counseling and identify the session was conducted by phone and the clinical rationale for the phone session;

(d) Telephone counseling must meet HIPAA and 42 CFR standards for privacy; and

(e) There must be an agreement of informed consent for phone counseling that is discussed with the individual and documented in the individual's service record.

(4) Family Counseling: Family counseling includes face-to-face or non face-to-face service sessions between a program staff member delivering the service and a family member whose life has been negatively impacted by gambling.

(a) Service sessions must address the problems of the family member as they relate directly or indirectly to the problem gambling behavior; and

(b) Services to the family must be offered even if the individual identified as a problem gambler is unwilling, or unavailable to accept services.

(5) 24-hour crisis response accomplished through agreement with other crisis services, on-call program staff or other arrangement acceptable to the Division.

(6) A financial assessment must be included in the entry process and documented in the assessment; and

(7) The service plan must include a financial component, consistent with the financial assessment.

(8) A risk assessment for suicide ideation must be included in the entry process and documented in the assessment, as well as appropriate referrals made; and

(9) The service plan must address suicidal risks if determined within the assessment process.

Stat. Auth.: ORS 161.390, 428.205 - 428.270, 430.640, 461.549

Stats. Implemented: ORS 109.675, 161.390 - 161.400, 179.505, 409.430 - 409.435, 426.380-426.395, 426.490 - 426.500, 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955, 443.400 - 443.460, 443.991, 461.549

Hist.: MHS 6-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14; MHS 4-2014, f. & cert. ef. 2-3-14; MHS 1-2015(Temp), f. & cert. ef. 3-25-15 thru 9-20-15; MHS 3-2015, f. & cert. ef. 5-28-15

• • • • • • • • • •

Rule Caption: Permanent Amendments to OAR 309-031 for State hospital programs for forensic psychiatric services.

Adm. Order No.: MHS 4-2015

Filed with Sec. of State: 5-28-2015

Certified to be Effective: 5-28-15

Notice Publication Date: 1-1-2015

Rules Amended: 309-031-0010

Subject: This rule prescribes procedures for the assignment to state institutions of persons committed to the Division by a court of criminal jurisdiction and persons ordered to a state institution by the Psychiatric Security Review Board. This rule also designates the state institution to receive other dangerous persons in certain instances.

Rules Coordinator: Nola Russell—(503) 945-7652

309-031-0010

Forensic Psychiatric Services

(1) Purpose. This rule prescribes procedures for state institutions serving persons committed to the Division by a court of criminal jurisdiction and persons ordered to a state institution by the Psychiatric Security Review Board or Oregon Health Authority. This rule also designates the state institution to receive other dangerous persons in certain instances.

(2) Statutory Authority and Procedure. This rule is authorized by ORS 161.390, 179.360, 179.040, and 413.042 and carries out the provisions of 161.295 through 161.370, 161.725 to 161.735, 426.005 to 426.680, 427.175, 427.180 & 430.610 to 430.725.

(3) Definitions. As used in this rule:

(a) "Administrator" means the Assistant Director, of the Addictions and Mental Health Division.

(b) "Division" means the Addictions and Mental Health Division of the Oregon Health Authority.

(c) "Patient" means a person who is receiving care and treatment in a state institution for the mentally ill.

(d) "Psychiatric Security Review Board" is the Board created by ORS 161.385.

(e) "Resident" means a person who is receiving care, treatment, and training in a state institution for the mentally retarded.

(f) "State Institution" means Dammasch State Hospital in Wilsonville, Oregon State Hospital in Salem, Fairview Training Center in Salem, and Eastern Oregon Hospital and Training Center in Pendleton.

(g) "Superintendent" means the executive head of the state institution as listed in subsection (3)(f) of this rule.

(4) Designation of State Institution for Serving Persons Under Jurisdiction of Court, the Oregon Health Authority, or Psychiatric Security Review Board:

(a) If a court orders a person committed to a state institution for an evaluation under ORS 161.365 to determine a defendant's fitness to proceed to trial, under ORS 161.315 to determine a defendant's criminal responsibility, or under ORS 161.725 to determine if a defendant is a habitual criminal, the person will be admitted to the Forensic Psychiatric Service of Oregon State Hospital according to conditions set forth in subsection (b) of this section, unless otherwise ordered by the Administrator;

(b) The Clinical Director of the Forensic Psychiatric Service may, upon finding that requests for admission to the Service pursuant to subsection (a) of this section are sufficient in number to require the establishment of a waiting list to govern admissions, establish a waiting list based on such factors as:

(A) Severity of the mental disorder;

(B) Degree to which the person presents an immediate and serious danger to others;

(C) Adequacy of the facility having custody to continue care and custody of the person; and

(D) Sequence in which the order or request for admission was received by the Forensic Psychiatric Service.

(c) If a court orders a person committed to the custody of the Superintendent of a state institution under ORS 161.370, or if a court, the Psychiatric Security Review Board, or the Oregon Health Authority orders a person committed to a state institution under ORS 161.327, 161.328, 161.336, 161.341, or 161.346, the Superintendent may:

(A) Admit the person to a state institution; or

(B) Treat the person at another facility, by agreement with the authority responsible for that facility, if the Superintendent determines that the medical needs of the person or the safety and welfare of the person or of others require that the person be served in another facility, unless otherwise ordered by the Administrator.

(5) Interinstitutional Transfers:

(a) If, in the opinion of the Superintendent of Oregon State Hospital or his designee, it is deemed to be required by the medical needs of the person or for the safety and welfare of the person or the safety of others that a patient of the Forensic Psychiatric Service be transferred within Oregon State Hospital, or to Dammasch State Hospital, Eastern Oregon Hospital and Training Center, or Fairview Training Center, the superintendent shall initiate a request for transfer on forms prescribed by the Division and, upon approval by the superintendent of the receiving institution, arrange for transfer. A patient of the Forensic Psychiatric Service may request such a transfer through a written request to the Superintendent of Oregon State Hospital. Transfers made to the Mental Retardation Section of Eastern Oregon Hospital and Training Center or Fairview Training Center shall comply with the eligibility requirements outlined in OAR 309-042-0000 to 309-042-0050 (Admission and Release of Residents), as determined by the Diagnosis and Evaluation Service of the Division;

(b) If, in the opinion of the superintendent of a state institution, it is deemed to be required by the medical needs of the person or for the safety and welfare of the person or the safety of others that a patient or resident be transferred to the Forensic Psychiatric Service, the superintendent shall initiate a request for transfer on forms prescribed by the Division and, upon approval by the Superintendent of Oregon State Hospital, arrange for transfer;

(c) If a request for transfer to or transfer from the Forensic Psychiatric Service of Oregon State Hospital is rejected by the receiving state institution, the referring institution may request the Administrator to convene the Interinstitutional Disposition Board to determine the placement consistent with the person's needs and the safety of others. The Board shall be convened as expeditiously as possible but in no case later than two weeks after such request. The decision of the chairperson shall be final;

(d) In all cases, the patient or resident shall be informed in writing of the impending transfer or rejection of the transfer request and shall be given an opportunity to request a hearing. Within seven days after a patient or resident signs a request for hearing, a hearing shall be held before the Interinstitutional Disposition Board to determine whether the patient or resident shall be transferred. The patient or resident may be transferred on a emergency basis pending the decision of the Board for a period not to exceed 15 days;

(e) The Interinstitutional Disposition Board shall not consider the request for transfer or other written evidence or oral statements unless the patient or resident has the opportunity to cross-examine the person making the statement. At the hearing before the Board, the patient or resident shall have the right to present evidence, to cross-examine all witnesses, and to be represented by an attorney upon request. These rights shall only be denied when good cause is shown;

(f) The patient or resident shall have the right to be present at the Interinstitutional Disposition Board hearing on request, except when the Board finds that the testimony of the treating physician or any other witness in the presence of the patient or resident would be damaging to the future treatment and care of the patient or resident. In that instance, the testimony and cross-examination of those witnesses shall be conducted out of the presence of the patient or resident;

(g) Based upon the testimony given before the Interinstitutional Disposition Board, the Administrator of the Division or the Administrator's designee shall determine the best placement for the patient or resident and issue a written order directing that the patient or resident be transferred or that the transfer be denied. The order shall contain a statement of the facts upon which the order is based.

(6) Interinstitutional Disposition Board:

(a) The Interinstitutional Disposition Board is composed of the following representatives:

(A) The Administrator of the Division or the Administrator's designee, who shall serve as chairperson;

(B) The Superintendent of Oregon State Hospital or alternate;

(C) The Superintendent of Dammasch State Hospital or alternate;

(D) The Superintendent of Eastern Oregon Hospital and Training Center or alternate; and

(E) The Superintendent of Fairview Training Center or alternate.

(b) The Administrator may invite such other persons to sit with the Board as the Administrator believes may be helpful in reaching a decision;

(c) The Administrator shall inform all members of the Interinstitutional Disposition Board of the standards for confidentiality of records in ORS 179.505, 192.501 to 192.505, and 42 CFR Part 2, as well as prescribed penalties for failure to comply with these standards.

(7) Release of Patient or Resident. A patient or resident who is under a court having criminal jurisdiction, the Corrections Department, or the Psychiatric Security Review Board will not be released or otherwise discharged from the custody of the Division without the specific approval of the appropriate legal authority. This approval will be documented in the patient's or resident's clinical record.

Stat. Auth.: ORS 161. 390, 179.360, 179.040 & 413.042
Stats. Implemented: ORS 161, 426.005 – 426.680, 427.175 & 427.180
Hist.: MHD 38, f. 4-5-76, ef. 4-26-76, MHD 7-1978, f. & ef. 8-30-78; MHD 13-1982, f. & ef. 7-2-82; MHS 16-2014(Temp), f. & cert. ef. 12-12-14 thru 6-9-15; MHS 4-2015, f. & cert. ef. 5-28-15

• • • • • • • • • •

Oregon Health Authority, Division of Medical Assistance Programs Chapter 410

Rule Caption: Revise OHP Exclusions, Definitions, Copayment Table, and Codification Corrections
Adm. Order No.: DMAP 29-2015
Filed with Sec. of State: 5-29-2015
Certified to be Effective: 5-29-15
Notice Publication Date: 9-1-2014
Rules Amended: 410-120-0000
Subject: Revising the General Rules and correcting rule citations, acronyms, codifications, and definitions
Rules Coordinator: Sandy Cafourek—(503) 945-6430

410-120-0000
Acronyms and Definitions

Identification of acronyms and definitions within this rule specifically pertain to their use within the Oregon Health Authority (Authority), Division of Medical Assistance Programs (Division), or the Addictions and Mental Health Division (AMH) administrative rules, applicable to the medical assistance program. This rule does not include an exhaustive list of Division acronyms and definitions. For more information, see Oregon

Health Plan (OHP) program OAR 410-141-0000, Acronyms and Definitions; 410-200-0015, General Definitions; and any appropriate governing acronyms and definitions in the Department of Human Services (Department) chapter 411 or 413 administrative rules; or contact the Division.

(1) "Abuse" means provider practices that are inconsistent with sound fiscal, business, or medical practices and result in an unnecessary cost to the Authority or in reimbursement for services that are not medically necessary or that fail to meet professionally recognized standards for health care. It also includes recipient practices that result in unnecessary cost to the Authority.

(2) "Acupuncturist" means a person licensed to practice acupuncture by the relevant state licensing board.

(3) "Acupuncture Services" means services provided by a licensed acupuncturist within the scope of practice as defined under state law.

(4) "Acute" means a condition, diagnosis, or illness with a sudden onset and that is of short duration.

(5) "Acquisition Cost" means, unless specified otherwise in individual program administrative rules, the net invoice price of the item, supply, or equipment plus any shipping or postage for the item.

(6) "Addiction and Mental Health Division (AMH)" means a division within the Authority that administers mental health and addiction programs and services.

(7) "Adequate Record Keeping" means documentation that supports the level of service billed. See 410-120-1360, Requirements for Financial, Clinical, and Other Records, and the individual provider rules.

(8) "Administrative Medical Examinations and Reports" means examinations, evaluations, and reports, including copies of medical records, requested on the DMAP 729 form through the local Department branch office or requested or approved by the Authority to establish client eligibility for a medical assistance program or for casework planning.

(9) "Advance Directive" means an individual's instructions to an appointed person specifying actions to take in the event that the individual is no longer able to make decisions due to illness or incapacity.

(10) "Adverse Event" means an undesirable and unintentional, though not unnecessarily unexpected, result of medical treatment.

(11) "Aging and People with Disabilities (APD)" means the division in the Department of Human Services (Department) that administers programs for seniors and people with disabilities. This division was formerly named "Seniors and People with Disabilities (SPD)."

(12) "All-Inclusive Rate" or "Bundled Rate" means the nursing facility rate established for a facility. This rate includes all services, supplies, drugs, and equipment as described in OAR 411-070-0085 and in the Division's Pharmaceutical Services program administrative rules and the Home Enteral/Parenteral Nutrition and IV Services program administrative rules, except as specified in OAR 410-120-1340, Payment.

(13) "Allied Agency" means local and regional governmental agency and regional authority that contracts with the Authority or Department to provide the delivery of services to covered individuals (e.g., local mental health authority, community mental health program, Oregon Youth Authority, Department of Corrections, local health departments, schools, education service districts, developmental disability service programs, area agencies on aging (AAAs), federally recognized American Indian tribes).

(14) "Alternative Care Settings" means sites or groups of practitioners that provide care to members under contract with a PHP or CCO, including urgent care centers, hospice, birthing centers, out-placed medical teams in community or mobile health care facilities, long-term care facilities, and outpatient surgical centers.

(15) "Ambulance" means a specially equipped and licensed vehicle for transporting sick or injured persons that meets the licensing standards of the Authority or the licensing standards of the state in which the ambulance provider is located.

(16) "Ambulatory Payment Classification" means a reimbursement method that categorizes outpatient visits into groups according to the clinical characteristics, the typical resource use, and the costs associated with the diagnoses and the procedures performed. The groups are called Ambulatory Payment Classifications (APCs).

(17) "Ambulatory Surgical Center (ASC)" means a facility licensed as an ASC by the Authority.

(18) "American Indian/Alaska Native (AI/AN)" means a member of a federally recognized Indian tribe, band, or group, and an Eskimo or Aleut or other Alaska native enrolled by the Secretary of the Interior pursuant to the Alaska Native Claims Settlement Act, 43 U.S.C. 1601, or a person who is considered by the Secretary of the Interior to be an Indian for any purpose.

(19) "American Indian/Alaska Native (AI/AN) Clinic" means a clinic recognized under Indian Health Services (IHS) law or by the Memorandum of Agreement between IHS and the Centers for Medicare and Medicaid Services (CMS).

(20) "Ancillary Services" means services supportive of or necessary for providing a primary service, such as anesthesiology, which is an ancillary service necessary for a surgical procedure.

(21) "Anesthesia Services" means administration of anesthetic agents to cause loss of sensation to the body or body part.

(22) "Area Agency on Aging (AAA)" means the designated entity with which the Department contracts to meet the requirements of the Older Americans Act and ORS Chapter 410 in planning and providing services to the elderly or elderly and disabled population.

(23) "Atypical Provider" means an entity able to enroll as a billing provider (BP) or rendering provider for medical assistance programs related non-health care services but that does not meet the definition of health care provider for National Provider Identification (NPI) purposes.

(24) "Audiologist" means a person licensed to practice audiology by the State Board of Examiners for Speech Pathology and Audiology.

(25) "Audiology" means the application of principles, methods, and procedures of measurement, testing, appraisal, prediction, consultation, counseling, and instruction related to hearing and hearing impairment for the purpose of modifying communicative disorders involving speech, language, auditory function, including auditory training, speech reading and hearing aid evaluation, or other behavior related to hearing impairment.

(26) "Automated Voice Response (AVR)" means a computer system that provides information on clients' current eligibility status from the Division by computerized phone or web-based response.

(27) "Benefit Package" means the package of covered health care services for which the client is eligible.

(28) "Billing Agent or Billing Service" means third party or organization that contracts with a provider to perform designated services in order to facilitate an Electronic Data Interchange (EDI) transaction on behalf of the provider.

(29) "Billing Provider (BP)" means a person, agent, business, corporation, clinic, group, institution, or other entity who submits claims to or receives payment from the Division on behalf of a rendering provider and has been delegated the authority to obligate or act on behalf of the rendering provider.

(30) "Buying Up" means the practice of obtaining client payment in addition to the Division or managed care plan payment to obtain a non-covered service or item. (See 410-120-1350 Buying Up.)

(31) "By Report (BR)": means services designated, as BR requires operative or clinical and other pertinent information to be submitted with the billing as a basis for payment determination. This information must include an adequate description of the nature and extent of need for the procedure. Information such as complexity of symptoms, final diagnosis, pertinent physical findings, diagnostic and therapeutic procedures, concurrent problems, and follow-up care will facilitate evaluation.

(32) "Case Management Services" means services provided to ensure that CCO members obtain health services necessary to maintain physical, mental, and emotional development and oral health. Case management services include a comprehensive, ongoing assessment of medical, mental health, substance use disorder or dental needs plus the development and implementation of a plan to obtain or make referrals for needed medical, mental, chemical dependency, or dental services, referring members to community services and supports that may include referrals to Allied Agencies.

(33) "Child Welfare (CW)" means a division within the Department responsible for administering child welfare programs, including child abuse investigations and intervention, foster care, adoptions, and child safety.

(34) "Children's Health Insurance Program (CHIP)" means a federal and state funded portion of the Oregon Health Plan (OHP) established by Title XXI of the Social Security Act and administered by the Authority.

(35) "Chiropractor" means a person licensed to practice chiropractic by the relevant state licensing board.

(36) "Chiropractic Services" means services provided by a licensed chiropractor within the scope of practice as defined under state law and federal regulation.

(37) "Citizen/Alien-Waived Emergency Medical (CAWEM)" means aliens granted lawful temporary resident status or lawful permanent resident status under the Immigration and Nationality Act are eligible only for emergency services and limited service for pregnant women. Emergency services for CAWEM are defined in OAR 410-120-1210 (3)(f).

(38) "Claimant" means a person who has requested a hearing.

(39) "Client" means an individual found eligible to receive OHP health services. "Client" is inclusive of members enrolled in PHPs, PCMs, and CCOs.

(40) "Clinical Nurse Specialist" means a registered nurse who has been approved and certified by the Board of Nursing to provide health care in an expanded specialty role.

(41) "Clinical Social Worker" means a person licensed to practice clinical social work pursuant to state law.

(42) "Clinical Record" means the medical, dental, or mental health records of a client or member.

(43) "Comfort Care" means medical services or items that give comfort or pain relief to an individual who has a terminal Illness, including the combination of medical and related services designed to make it possible for an individual with terminal Illness to die with dignity and respect and with as much comfort as is possible given the nature of the illness.

(44) "Contested Case Hearing" means a proceeding before the Authority under the Administrative Procedures Act when any of the following contests an action:

(a) A client or member or their representative;

(b) A PHP or CCO member's provider; or

(c) A PHP or CCO.

(45) "Contiguous Area" means the area up to 75 miles outside the border of the State of Oregon.

(46) "Contiguous Area Provider" means a provider practicing in a contiguous area.

(47) "Continuing Treatment Benefit" means a benefit for clients who meet criteria for having services covered that were either in a course of treatment or scheduled for treatment the day immediately before the date the client's benefit package changed to one that does not cover the treatment.

(48) "Coordinated Care Organization (CCO)" as defined in OAR 410-141-0000.

(49) "Co-Payments" means the portion of a claim or medical, dental, or pharmaceutical expense that a client must pay out of their own pocket to a provider or a facility for each service. It is usually a fixed amount that is paid at the time service is rendered. (See 410-120-1230 Client Copayment.)

(50) "Cost Effective" means the lowest cost health service or item that, in the judgment of Authority staff or its contracted agencies, meets the medical needs of the client.

(51) "Cover Oregon" means the state's health insurance exchange that will help individuals find out if they qualify for Medicaid, CHIP, or health insurance coverage for themselves, their families, and their employees.

(52) "Covered Services" means medically appropriate health services described in ORS Chapter 414 and applicable administrative rules that the legislature funds, based on the Prioritized List of Health Services.

(53) "Current Dental Terminology (CDT)" means a listing of descriptive terms identifying dental procedure codes used by the American Dental Association.

(54) "Current Procedural Terminology (CPT)" means the physicians' CPT is a listing of descriptive terms and identifying codes for reporting medical services and procedures performed by physicians and other health care providers.

(55) "Date of Receipt of a Claim" means the date on which the Authority receives a claim as indicated by the Internal Control Number (ICN) assigned to a claim. Date of receipt is shown as the Julian date in the 5th through 7th position of the ICN.

(56) "Date of Service" means the date on which the client receives medical services or items, unless otherwise specified in the appropriate provider rules. For items that are mailed or shipped by the provider, the date of service is the date on which the order was received, the date on which the item was fabricated, or the date on which the item was mailed or shipped.

(57) "Dental Emergency Services" means dental services provided for severe tooth pain, unusual swelling of the face or gums, or an avulsed tooth.

(58) "Dental Services" means services provided within the scope of practice as defined under state law by or under the supervision of a dentist or dental hygienist.

(59) "Dentist" means a person licensed to practice dentistry pursuant to state law of the state in which he or she practices dentistry or a person licensed to practice dentistry pursuant to federal law for the purpose of practicing dentistry as an employee of the federal government.

(60) "Denturist" means a person licensed to practice denture technology pursuant to state law.

(61) "Denturist Services" means services provided within the scope of practice as defined under state law by or under the personal supervision of a denturist.

(62) "Dental Hygienist" means a person licensed to practice hygiene under the direction of a licensed professional within the scope of practice pursuant to state law.

(63) "Dental Hygienist with an Expanded Practice Permit" means a person licensed to practice dental hygiene services as authorized by the Board of Dentistry with an Expanded Practice Dental Hygienist Permit (EPDHP) pursuant to state law.

(64) "Dentally Appropriate" means services that are required for prevention, diagnosis, or treatment of a dental condition and that are:

(a) Consistent with the symptoms of a dental condition or treatment of a dental condition;

(b) Appropriate with regard to standards of good dental practice and generally recognized by the relevant scientific community and professional standards of care as effective;

(c) Not solely for the convenience of the client or a provider of the service;

(d) The most cost effective of the alternative levels of dental services that can be safely provided to a client.

(65) "Department of Human Services (Department or DHS)" means the agency established in ORS Chapter 409, including such divisions, programs and offices as may be established therein.

(66) "Department Representative" means a person who represents the Department and presents the position of the Department in a hearing.

(67) "Diagnosis Code" means as identified in the International Classification of Diseases, 9th revision, Clinical Modification (ICD-9-CM). The primary diagnosis code is shown in all billing claims, unless specifically excluded in individual provider rules. Where they exist, diagnosis codes shall be shown to the degree of specificity outlined in OAR 410-120-1280, Billing.

(68) "Diagnosis Related Group (DRG)" means a system of classification of diagnoses and procedures based on the ICD-9-CM.

(69) "Division of Medical Assistance Programs (Division)" means a division within the Authority. The Division is responsible for coordinating the medical assistance programs within the State of Oregon including the Oregon Health Plan (OHP) Medicaid demonstration, the State Children's Health Insurance Program (SCHIP-Title XXI), and several other programs.

(70) "Durable Medical Equipment, Prosthetics, Orthotics and Medical Supplies (DMEPOS)" means equipment that can stand repeated use and is primarily and customarily used to serve a medical purpose. Examples include wheelchairs, respirators, crutches, and custom built orthopedic braces. Medical supplies are non-reusable items used in the treatment of illness or injury. Examples of medical supplies include diapers, syringes, gauze bandages, and tubing.

(71) "Early and Periodic Screening, Diagnosis and Treatment (EPSDT) Services (aka, Medicheck)" mean the Title XIX program of EPSDT services for eligible clients under age 21. It is a comprehensive child health program to assure the availability and accessibility of required medically appropriate health care services and to help Authority clients and their parents or guardians effectively use them.

(72) "Electronic Data Interchange (EDI)" means the exchange of business documents from application to application in a federally mandated format or, if no federal standard has been promulgated, using bulk transmission processes and other formats as the Authority designates for EDI transactions. For purposes of rules 942-120-0100 through 942-120-0200, EDI does not include electronic transmission by web portal.

(73) "EDI Submitter" means an individual or an entity authorized to establish an electronic media connection with the Authority to conduct an EDI transaction. An EDI submitter may be a trading partner or an agent of a trading partner.

(74) "Electronic Verification System (EVS)" means eligibility information that has met the legal and technical specifications of the Authority in order to offer eligibility information to enrolled providers of the Division.

(75) "Emergency Department" means the part of a licensed hospital facility open 24 hours a day to provide care for anyone in need of emergency treatment.

(76) "Emergency Medical Condition (EMC)" means a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) such that a prudent layperson who possesses an average knowledge of health and medicine could reasonably expect the absence of immediate medical attention to result in placing the health of the individual (or with respect to a pregnant woman, the health of the woman or her

unborn child) in serious jeopardy, serious impairment to bodily functions, or serious dysfunction of any bodily organ or part. An emergency medical condition is determined based on the presenting symptoms (not the final diagnosis) as perceived by a prudent layperson (rather than a health care professional) and includes cases in which the absence of immediate medical attention would not in fact have had the adverse results described in the previous sentence. (This definition does not apply to clients with CAWEM benefit package. CAWEM emergency services are governed by OAR 410-120-1210(3)(f)(B)).

(77) "Emergency Medical Transportation" means transportation necessary for a client with an emergency medical condition as defined in this rule and requires a skilled medical professional such as an Emergency Medical Technician (EMT) and immediate transport to a site, usually a hospital, where appropriate emergency medical service is available.

(78) "Emergency Services" means health services from a qualified provider necessary to evaluate or stabilize an emergency medical condition, including inpatient and outpatient treatment that may be necessary to assure within reasonable medical probability that the patient's condition is not likely to materially deteriorate from or during a client's discharge from a facility or transfer to another facility.

(79) "Evidence-Based Medicine" means the conscientious, explicit, and judicious use of current best evidence in making decisions about the care of individual patients. The practice of evidence-based medicine means integrating individual clinical expertise with the best available external clinical evidence from systematic research. By individual clinical expertise we mean the proficiency and judgment that individual clinicians acquire through clinical experience and clinical practice. Increased expertise is reflected in many ways, but especially in more effective and efficient diagnosis and in the more thoughtful identification and compassionate use of individual patients' predicaments, rights, and preferences in making clinical decisions about their care. By best available external clinical evidence we mean clinically relevant research, often from the basic sciences of medicine, but especially from patient-centered clinical research into the accuracy and precision of diagnostic tests (including the clinical examination), the power of prognostic markers, and the efficacy and safety of therapeutic, rehabilitative, and preventive regimens. External clinical evidence both invalidates previously accepted diagnostic tests and treatments and replaces them with new ones that are more powerful, more accurate, more efficacious, and safer. (Source: BMJ 1996; 312:71-72 (13 January)).

(80) "False Claim" means a claim that a provider knowingly submits or causes to be submitted that contains inaccurate, misleading, or omitted information and such inaccurate, misleading, or omitted information would result, or has resulted, in an overpayment.

(81) "Family Planning Services" means services for clients of child bearing age (including minors who can be considered to be sexually active) who desire such services and that are intended to prevent pregnancy or otherwise limit family size.

(82) "Federally Qualified Health Center (FQHC)" means a federal designation for a medical entity that receives grants under Section 329, 330, or 340 of the Public Health Service Act or a facility designated as an FQHC by Centers for Medicare and Medicaid (CMS) upon recommendation of the U.S. Public Health Service.

(83) "Fee-for-Service Provider" means a health care provider who is not reimbursed under the terms of an Authority contract with a Coordinated Care Organization or Prepaid Health Plan (PHP). A medical provider participating in a PHP or a CCO may be considered a fee-for-service provider when treating clients who are not enrolled in a PHP or a CCO.

(84) "Flexible Service" means a service that is an alternative or addition to a service that is as likely or more likely to effectively treat the mental condition, substance use disorder condition, or physical condition as documented in the member's clinical record. Flexible Services may include, but are not limited to: Respite care, partial hospitalization, subacute psychiatric care, family support services, parent psychosocial skills development, peer services, and other non-traditional services identified.

(85) "Flexible Service Approach" means the delivery of any coordinated care service in a manner or place different from the traditional manner or place of service delivery. A flexible service approach may include delivering coordinated care services at alternative sites such as schools, residential facilities, nursing facilities, members' homes, emergency rooms, offices of the Department and the Authority, and other community settings offering flexible clinic hours, coordinated care services through outreach or a home-based approach, and using peers, paraprofessionals, community health workers, peer wellness specialists, or personal health navigators who are culturally competent to engage difficult-to-reach members.

(86) "Fraud" means an intentional deception or misrepresentation made by a person with the knowledge that the deception could result in some unauthorized benefit to him or some other person. It includes any act that constitutes fraud under applicable federal or state law.

(87) "Fully Dual Eligible" means for the purposes of Medicare Part D coverage (42 CFR 423.772), Medicare clients who are also eligible for Medicaid, meeting the income and other eligibility criteria adopted by the Authority for full medical assistance coverage.

(88) "General Assistance (GA)" means medical assistance administered and funded 100 percent with State of Oregon funds through OHP.

(89) "Healthcare Common Procedure Coding System (HCPCS)" means a method for reporting health care professional services, procedures, and supplies. HCPCS consists of the Level 1 — American Medical Association's Physician's Current Procedural Terminology (CPT), Level II — National codes, and Level III — Local codes. The Division uses HCPCS codes; however, the Division uses Current Dental Terminology (CDT) codes for the reporting of dental care services and procedures.

(90) "Health Care Professionals" means individuals with current and appropriate licensure, certification, or accreditation in a medical, mental health, or dental profession who provide health services, assessments, and screenings for clients within their scope of practice, licensure, or certification.

(91) "Health Evidence Review Commission" means a commission that, among other duties, develops and maintains a list of health services ranked by priority from the most to the least important representing the comparative benefits of each service to the population served.

(92) "Health Insurance Portability and Accountability Act (HIPAA) of 1996 (HIPAA)" means the federal law (Public Law 104-191, August 21, 1996) with the legislative objective to assure health insurance portability, reduce health care fraud and abuse, enforce standards for health information, and guarantee security and privacy of health information.

(93) "Health Maintenance Organization (HMO)" means a public or private health care organization that is a federally qualified HMO under Section 1310 of the U.S. Public Health Services Act. HMOs provide health care services on a capitated, contractual basis.

(94) "Health Plan New/non-categorical client (HPN)" means an individual who is 19 years of age or older, is not pregnant, is not receiving Medicaid through another program, and who must meet all eligibility requirements to become an OHP client.

(95) "Hearing Aid Dealer" means a person licensed by the Board of Hearing Aid Dealers to sell, lease, or rent hearing aids in conjunction with the evaluation or measurement of human hearing and the recommendation, selection, or adaptation of hearing aids.

(96) "Home Enteral Nutrition" means services provided in the client's place of residence to an individual who requires nutrition supplied by tube into the gastrointestinal tract as described in the Home Enteral/Parenteral Nutrition and IV Services program provider rules.

(97) "Home Health Agency" means a public or private agency or organization that has been certified by Medicare as a Medicare home health agency and that is licensed by the Authority as a home health agency in Oregon and meets the capitalization requirements as outlined in the Balanced Budget Act (BBA) of 1997.

(98) "Home Health Services" means part-time or intermittent skilled nursing services, other therapeutic services (physical therapy, occupational therapy, speech therapy), and home health aide services made available on a visiting basis in a place of residence used as the client's home.

(99) "Home Intravenous Services" means services provided in the client's place of residence to an individual who requires that medication (antibiotics, analgesics, chemotherapy, hydrational fluids, or other intravenous medications) be administered intravenously as described in the Home Enteral/Parenteral Nutrition and IV Services program administrative rules.

(100) "Home Parenteral Nutrition" means services provided in the client's residence to an individual who is unable to absorb nutrients via the gastrointestinal tract, or for other medical reasons, requires nutrition be supplied parenterally as described in the Home Enteral/Parenteral Nutrition and IV Services program administrative rules.

(101) "Hospice" means a public agency or private organization or subdivision of either that is primarily engaged in providing care to terminally ill individuals and is certified by the federal Centers for Medicare and Medicaid Services as a program of hospice services meeting current standards for Medicare and Medicaid reimbursement and Medicare Conditions of Participation and is currently licensed by the Oregon Health Authority (Authority), Public Health Division.

(102) "Hospital" means a facility licensed by the Office of Public Health Systems as a general hospital that meets requirements for participation in OHP under Title XVIII of the Social Security Act. The Division does not consider facilities certified by CMS as long-term care hospitals, long-term acute care hospitals, or religious non-medical facilities as hospitals for reimbursement purposes. Out-of-state hospitals will be considered hospitals for reimbursement purposes if they are licensed as a short term acute care or general hospital by the appropriate licensing authority within that state and if they are enrolled as a provider of hospital services with the Medicaid agency within that state.

(103) "Hospital-Based Professional Services" means professional services provided by licensed practitioners or staff based on a contractual or employee/employer relationship and reported as a cost on the Hospital Statement of Reasonable Cost report for Medicare and the Calculation of Reasonable Cost (division 42) report for the Division.

(104) "Hospital Dentistry" means dental services normally done in a dental office setting, but due to specific client need (as detailed in OAR chapter 410 division 123) are provided in an ambulatory surgical center or inpatient or outpatient hospital setting under general anesthesia (or IV conscious sedation, if appropriate).

(105) "Hospital Laboratory" means a laboratory providing professional technical laboratory services as outlined under laboratory services in a hospital setting as either an inpatient or outpatient hospital service whose costs are reported on the hospital's cost report to Medicare and to the Division.

(106) "Indian Health Care Provider" means an Indian health program or an urban Indian organization.

(107) "Indian Health Program" means any Indian Health Service (IHS) facility, any federally recognized tribe or tribal organization, or any FQHC with a 638 designation.

(108) "Indian Health Service (IHS)" means an operating division (OPDIV) within the U.S. Department of Health and Human Services (HHS) responsible for providing medical and public health services to members of federally recognized tribes and Alaska Natives.

(109) "Indigent" means for the purposes of access to the Intoxicated Driver Program Fund (ORS 813.602), individuals with-out health insurance coverage, public or private, who meet standards for indigence adopted by the federal government as defined in 813.602(5).

(110) "Individual Adjustment Request Form (DMAP 1036)" means a form used to resolve an incorrect payment on a previously paid claim, including underpayments or overpayments.

(111) "Inpatient Hospital Services" means services that are furnished in a hospital for the care and treatment of an inpatient. (See Division Hospital Services program administrative rules in chapter 410, division 125 for inpatient covered services.)

(112) "Institutional Level of Income Standards (ILIS)" means three times the amount SSI pays monthly to a person who has no other income and who is living alone in the community. This is the standard used for Medicaid eligible individuals to calculate eligibility for long-term nursing care in a nursing facility, Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICF/IID), and individuals on ICF/IID waivers or eligibility for services under Aging and People with Disabilities (APD) Home and Community Based Services program.

(113) "Institutionalized" means a patient admitted to a nursing facility or hospital for the purpose of receiving nursing or hospital care for a period of 30 days or more.

(114) "International Classification of Diseases, 9th Revision, Clinical Modification (ICD-9-CM) (including volumes 1, 2, and 3, as revised annually)" means a book of diagnosis codes used for billing purposes when treating and requesting reimbursement for treatment of diseases.

(115) "Laboratory" means a facility licensed under ORS 438 and certified by CMS, Department of Health and Human Services (DHHS), as qualified to participate under Medicare and to provide laboratory services (as defined in this rule) within or apart from a hospital. An entity is considered to be a laboratory if the entity derives materials from the human body for the purpose of providing information for the diagnosis, prevention, or treatment of any disease or impairment of or the assessment of the health of human beings. If an entity performs even one laboratory test, including waived tests for these purposes, it is considered to be a laboratory under the Clinical Laboratory Improvement Act (CLIA).

(116) "Laboratory Services" means those professional and technical diagnostic analyses of blood, urine, and tissue ordered by a physician or other licensed practitioner of the healing arts within his or her scope of practice as defined under state law and provided to a patient by or under the direction of a physician or appropriate licensed practitioner in an office or similar facility, hospital, or independent laboratory.

(117) "Licensed Direct Entry Midwife" means a practitioner who has acquired the requisite qualifications to be registered or legally licensed to practice midwifery by the Public Health Division.

(118) "Liability Insurance" means insurance that provides payment based on legal liability for injuries or illness. It includes, but is not limited to, automobile liability insurance, uninsured and underinsured motorist insurance, homeowner's liability insurance, malpractice insurance, product liability insurance, Worker's Compensation, and general casualty insurance. It also includes payments under state wrongful death statutes that provide payment for medical damages.

(119) "Managed Care Organization (MCO)" means a contracted health delivery system providing capitated or prepaid health services, also known as a Prepaid Health Plan (PHP). An MCO is responsible for providing, arranging, and making reimbursement arrangements for covered services as governed by state and federal law. An MCO may be a Chemical Dependency Organization (CDO), Fully Capitated Health Plan (FCHP), Dental Care Organization (DCO), Mental Health Organization (MHO), or Physician Care Organization (PCO).

(120) "Maternity Case Management" means a program available to pregnant clients. The purpose of maternity case management is to extend prenatal services to include non-medical services that address social, economic, and nutritional factors. For more information refer to the Division's Medical-Surgical Services program administrative rules.

(121) "Medicaid" means a joint federal and state funded program for medical assistance established by Title XIX of the Social Security Act as amended and administered in Oregon by the Authority.

(122) "Medical Assistance Eligibility Confirmation" means verification through the Electronic Verification System (EVS), AVR, Secure Web site or Electronic Data Interchange (EDI), or an authorized Department or Authority representative.

(123) "Medical Assistance Program" means a program for payment of health services provided to eligible Oregonians, including Medicaid and CHIP services under the OHP Medicaid Demonstration Project and Medicaid and CHIP services under the State Plan.

(124) "Medical Care Identification" means the card commonly called the "medical card" or medical ID issued to clients (called the Oregon Health ID starting Aug. 1, 2012).

(125) "Medical Services" means care and treatment provided by a licensed medical provider directed at preventing, diagnosing, treating, or correcting a medical problem.

(126) "Medical Transportation" means transportation to or from covered medical services.

(127) "Medically Appropriate" means services and medical supplies that are required for prevention, diagnosis, or treatment of a health condition that encompasses physical or mental conditions or injuries and that are:

(a) Consistent with the symptoms of a health condition or treatment of a health condition;

(b) Appropriate with regard to standards of good health practice and generally recognized by the relevant scientific community, evidence-based medicine, and professional standards of care as effective;

(c) Not solely for the convenience of an OHP client or a provider of the service or medical supplies; and

(d) The most cost effective of the alternative levels of medical services or medical supplies that can be safely provided to a Division client or Primary Care Manager (PCM) member in the PHP's or PCM's judgment.

(128) "Medicare" means a federally administered program offering health insurance benefits for persons aged 65 or older and certain other aged or disabled persons. This program includes:

(a) Hospital Insurance (Part A) for inpatient services in a hospital or skilled nursing facility, home health care, and hospice care; and

(b) Medical Insurance (Part B) for physicians' services, outpatient hospital services, home health care, end-stage renal dialysis, and other medical services and supplies;

(c) Prescription drug coverage (Part D) means covered Part D drugs that include prescription drugs, biological products, insulin as described in specified paragraphs of section 1927(k) of the Social Security Act, and vaccines licensed under section 351 of the Public Health Service Act. It also includes medical supplies associated with the injection of insulin. Part D covered drugs prohibit Medicaid Title XIX Federal Financial Participation (FFP). For limitations, see the Division's Pharmaceutical Services program administrative rules in chapter 410, division 121.

(129) "Medicare Advantage" means an organization approved by CMS to offer Medicare health benefits plans to Medicare beneficiaries.

(130) "Medicheck for Children and Teens" means services also known as Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) services. The Title XIX program of EPSDT services is for eligible clients under age 21. It is a comprehensive child health program to assure the availability and accessibility of required medically appropriate health care services and to help Authority clients and their parents or guardians effectively use them.

(131) "Member" means an OHP client enrolled with a pre-paid health plan or coordinated care organization.

(132) "Mental Health Case Management" means services provided to CCO members who require assistance to ensure access to mental health benefits and services from local, regional, or state allied agencies or other service providers. Services provided may include: Advocating for the CCO member's treatment needs; providing assistance in obtaining entitlements based on mental or emotional disability; referring CCO members to needed services or supports; accessing housing or residential programs; coordinating services, including educational or vocational activities; and establishing alternatives to inpatient psychiatric services.

(133) "National Correct Coding Initiative (NCCI)" means the Centers for Medicare and Medicaid Services (CMS) developed the National Correct Coding Initiative (NCCI) to promote national correct coding methodologies and to control improper coding leading to inappropriate payment.

(134) "National Drug Code or (NDC)" means a universal number that identifies a drug. The NDC number consists of 11 digits in a 5-4-2 format. The Food and Drug Administration assigns the first five digits to identify the manufacturer of the drug. The manufacturer assigns the remaining digits to identify the specific product and package size. Some packages will display less than 11 digits, but the number assumes leading zeroes.

(135) "National Provider Identification (NPI)" means federally directed provider number mandated for use on HIPAA covered transactions; individuals, provider organizations, and subparts of provider organizations that meet the definition of health care provider (45 CFR 160.103) and who conduct HIPAA covered transactions electronically are eligible to apply for an NPI. Medicare covered entities are required to apply for an NPI.

(136) "Naturopathic physician" means a person licensed to practice naturopathic medicine by the Oregon Board of Naturopathic Medicine.

(137) "Naturopathic Services" means services provided within the scope of practice as defined under state law and by rules of the Oregon Board of Naturopathic Medicine..

(138) "Non-covered Services" means services or items for which the Authority is not responsible for payment or reimbursement. Non-covered services are identified in:

(a) OAR 410-120-1200, Excluded Services and Limitations; and

(b) 410-120-1210, Medical Assistance Benefit Packages and Delivery System;

(c) 410-141-0480, OHP Benefit Package of Covered Services;

(d) 410-141-0520, Prioritized List of Health Services; and

(e) Any other applicable Division administrative rules.

(139) "Non-Emergent Medical Transportation Services (NEMT)"means transportation to or from a source of covered service, that does not involve a sudden, unexpected occurrence which creates a medical crisis requiring emergency medical services as defined in OAR 410-120-0000(76) and requiring immediate transportation to a site, usually a hospital, where appropriate emergency medical care is available.

(140) "Non-Paid Provider" means a provider who is issued a provider number for purposes of data collection or non-claims-use of the Provider Web Portal (e.g., eligibility verification).

(141) "Nurse Anesthetist, C.R.N.A." means a registered nurse licensed in the State of Oregon as a CRNA who is currently certified by the National Board of Certification and Recertification for Nurse Anesthetists.

(142) "Nurse Practitioner" means a person licensed as a registered nurse and certified by the Board of Nursing to practice as a nurse practitioner pursuant to state law.

(143) "Nurse Practitioner Services" means services provided within the scope of practice of a nurse practitioner as defined under state law and by rules of the Board of Nursing.

(144) "Nursing Facility" means a facility licensed and certified by the Department and defined in OAR 411-070-0005.

(145) "Nursing Services" means health care services provided to a patient by a registered professional nurse or a licensed practical nurse under the direction of a licensed professional within the scope of practice as defined by state law.

(146) "Nutritional Counseling" means counseling that takes place as part of the treatment of a person with a specific condition, deficiency, or disease such as diabetes, hypercholesterolemia, or phenylketonuria.

(147) "Occupational Therapist" means a person licensed by the State Board of Examiners for Occupational Therapy.

(148) "Occupational Therapy" means the functional evaluation and treatment of individuals whose ability to adapt or cope with the task of living is threatened or impaired by developmental deficiencies, physical injury or illness, the aging process, or psychological disability. The treatment utilizes task-oriented activities to prevent or correct physical and emotional difficulties or minimize the disabling effect of these deficiencies on the life of the individual.

(149) "Ombudsman Services" means advocacy services provided by the Authority to clients whenever the client is reasonably concerned about access to, quality of, or limitations on the health services provided.

(150) "Oregon Health ID" means a card the size of a business card that lists the client name, client ID (prime number), and the date it was issued.

(151) "Oregon Health Plan (OHP)" means the Medicaid and Children's Health Insurance (CHIP) Demonstration Project that expands Medicaid and CHIP eligibility beyond populations traditionally eligible for Medicaid to other low-income populations and Medicaid and CHIP services under the State Plan

(152) "Optometric Services" means services provided within the scope of practice of optometrists as defined under state law.

(153) "Optometrist" means a person licensed to practice optometry pursuant to state law.

(154) "Oregon Health Authority (Authority)" means the agency established in ORS Chapter 413 that administers the funds for Titles XIX and XXI of the Social Security Act. It is the single state agency for the administration of the medical assistance program under ORS chapter 414. For purposes of these rules, the agencies under the authority of the Oregon Health Authority are the Public Health Division, the Addictions and Mental Health Division, and the Division of Medical Assistance Programs.

(155) "Oregon Youth Authority (OYA)" means the state department charged with the management and administration of youth correction facilities, state parole and probation services, and other functions related to state programs for youth corrections.

(156) "Out-of-State Providers" means any provider located outside the borders of the State of Oregon:

(a) Contiguous area providers are those located no more than 75 miles from the border of the State of Oregon;

(b) Non-contiguous area providers are those located more than 75 miles from the borders of the State of Oregon.

(157) "Outpatient Hospital Services" means services that are furnished in a hospital for the care and treatment of an outpatient. For information on outpatient-covered services, see the Division's Hospital Services administrative rules found in chapter 410, division 125.

(158) "Overdue Claim" means a valid claim that is not paid within 45 days of the date it was received.

(159) "Overpayment" means a payment made by the Authority to a provider in excess of the correct Authority payment amount for a service. Overpayments are subject to repayment to the Authority.

(160) "Overuse" means use of medical goods or services at levels determined by Authority medical staff or medical consultants to be medically unnecessary or potentially harmful.

(161) "Paid Provider" means a provider who is issued a provider number for purposes of submitting medical assistance program claims for payment by the Authority.

(162) "Panel" means the Hearing Officer Panel established by section 3, chapter 849, Oregon Laws 1999.

(163) "Payment Authorization" means authorization granted by the responsible agency, office, or organization for payment prior or subsequent to the delivery of services, as described in these General Rules and the appropriate program rules. See the individual program rules for services requiring authorization.

(164) "Peer Review Organization (PRO)" means an entity of health care practitioners of services contracted by the state to review services ordered or furnished by other practitioners in the same professional field.

(165) "Pharmaceutical Services" means services provided by a pharmacist, including medications dispensed in a pharmacy upon an order of a licensed practitioner prescribing within his or her scope of practice.

(166) "Pharmacist" means a person licensed to practice pharmacy pursuant to state law.

(167) "Physical Capacity Evaluation" means an objective, directly observed measurement of a person's ability to perform a variety of physical tasks combined with subjective analysis of abilities of the person.

(168) "Physical Therapist" means a person licensed by the relevant state licensing authority to practice physical therapy.

(169) "Physical Therapy" means treatment comprising exercise, massage, heat or cold, air, light, water, electricity, or sound for the purpose of correcting or alleviating any physical or mental disability, or the performance of tests as an aid to the assessment, diagnosis, or treatment of a human being. Physical therapy may not include radiology or electrosurgery.

(170) "Physician" means a person licensed to practice medicine pursuant to state law of the state in which he or she practices medicine or a person licensed to practice medicine pursuant to federal law for the purpose of practicing medicine under a contract with the federal government. A physician may be an individual licensed under ORS 677 or ORS 685.

(171) "Physician Assistant" means a person licensed as a physician assistant in accordance with ORS 677. Physician assistants provide medical services under the direction and supervision of an Oregon licensed physician according to a practice description approved by the Board of Medical Examiners.

(172) "Physician Services" means services provided within the scope of practice as defined under state law by or under the personal supervision of a physician.

(173) "Podiatric Services" means services provided within the scope of practice of podiatrists as defined under state law.

(174) "Podiatrist" means a person licensed to practice podiatric medicine pursuant to state law.

(175) "Post-Payment Review" means review of billings or other medical information for accuracy, medical appropriateness, level of service, or for other reasons subsequent to payment of the claim.

(176) "Practitioner" means a person licensed pursuant to state law to engage in the provision of health care services within the scope of the practitioner's license or certification.

(177) "Premium Sponsorship" means premium donations made for the benefit of one or more specified Division clients (See 410-120-1390).

(178) "Prepaid Health Plan (PHP)" means a managed health, dental, chemical dependency, or mental health organization that contracts with the Authority on a case managed, prepaid, capitated basis under OHP. PHPs may be a Chemical Dependency Organization (CDO), Dental Care Organization (DCO), Fully Capitated Health Plan (FCHP), Mental Health Organization (MHO), or Physician Care Organization (PCO)

(179) "Primary Care Dentist (PCD)" means a dental practitioner who is responsible for supervising and coordinating initial and primary dental care within their scope of practice for their members.

(180) "Primary Care Provider (PCP)" means any enrolled medical assistance provider who has responsibility for supervising, coordinating, and providing initial and primary care within their scope of practice for identified clients. PCPs initiate referrals for care outside their scope of practice, consultations, and specialist care and assure the continuity of medically appropriate client care. A Federally qualified PCP means a physician with a specialty or subspecialty in family medicine, general internal medicine, or pediatric medicine as defined in OAR 410-130-0005.

(181) "Prior Authorization (PA)" means payment authorization for specified medical services or items given by Authority staff or its contracted agencies prior to provision of the service. A physician referral is not a PA.

(182) "Prioritized List of Health Services" means the listing of conditions and treatment pairs developed by the Health Evidence Review Commission for the purpose of administering OHP.

(183) "Private Duty Nursing Services" means nursing services provided within the scope of license by a registered nurse or a licensed practical nurse under the general direction of the patient's physician to an individual who is not in a health care facility.

(184) "Provider" means an individual, facility, institution, corporate entity, or other organization that supplies health services or items, also termed a rendering provider, or bills, obligates, and receives reimbursement on behalf of a rendering provider of services, also termed a billing provider (BP). The term provider refers to both rendering providers and BP unless otherwise specified.

(185) "Provider Organization" means a group practice, facility, or organization that is:

(a) An employer of a provider, if the provider is required as a condition of employment to turn over fees to the employer; or

(b) The facility in which the service is provided, if the provider has a contract under which the facility submits claims; or

(c) A foundation, plan, or similar organization operating an organized health care delivery system, if the provider has a contract under which the organization submits the claim; and

(d) Such group practice, facility, or organization is enrolled with the Authority, and payments are made to the group practice, facility, or organization;

(e) An agent if such entity solely submits billings on behalf of providers and payments are made to each provider. (See Subparts of Provider Organization.)

(186) "Public Health Clinic" means a clinic operated by a county government.

(187) "Public Rates" means the charge for services and items that providers, including hospitals and nursing facilities, made to the general public for the same service on the same date as that provided to Authority clients.

(188) "Qualified Medicare Beneficiary (QMB)" means a Medicare beneficiary as defined by the Social Security Act and its amendments.

(189) "Qualified Medicare and Medicaid Beneficiary (QMM)" means a Medicare beneficiary who is also eligible for Division coverage.

(190) "Quality Improvement" means the efforts to improve the level of performance of a key process or processes in health services or health care.

(191) "Quality Improvement Organization (QIO)" means an entity that has a contract with CMS under Part B of Title XI to perform utilization and quality control review of the health care furnished, or to be furnished, to Medicare and Medicaid clients; formerly known as a Peer Review Organization.

(192) "Radiological Services" means those professional and technical radiological and other imaging services for the purpose of diagnosis and treatment ordered by a physician or other licensed practitioner of the healing arts within the scope of practice as defined under state law and provided to a patient by or under the direction of a physician or appropriate licensed practitioner in an office or similar facility, hospital, or independent radiological facility.

(193) "Recipient" means a person who is currently eligible for medical assistance (also known as a client).

(194) "Recreational Therapy" means recreational or other activities that are diversional in nature (includes, but is not limited to, social or recreational activities or outlets).

(195) "Recoupment" means an accounts receivable system that collects money owed by the provider to the Authority by withholding all or a portion of a provider's future payments.

(196) "Referral" means the transfer of total or specified care of a client from one provider to another. As used by the Authority, the term referral also includes a request for a consultation or evaluation or a request or approval of specific services. In the case of clients whose medical care is contracted through a Prepaid Health Plan (PHP), or managed by a Primary Care Physician, a referral is required before non-emergency care is covered by the PHP or the Authority.

(197) "Remittance Advice (RA)" means the automated notice a provider receives explaining payments or other claim actions. It is the only notice sent to providers regarding claim actions.

(198) "Rendering provider" means an individual, facility, institution, corporate entity, or other organization that supplies health services or items, also termed a provider, or bills, obligates, and receives reimbursement on behalf of a provider of services, also termed a billing provider (BP). The term rendering provider refers to both providers and BP unless otherwise specified.

(199) "Request for Hearing" means a clear expression in writing by an individual or representative that the person wishes to appeal a Department or Authority decision or action and wishes to have the decision considered by a higher authority.

(200) "Representative" means an individual who can make OHP-related decisions for a client who is not able to make such decisions themselves.

(201) "Retroactive Medical Eligibility" means eligibility for medical assistance granted to a client retroactive to a date prior to the client's application for medical assistance.

(202) "Ride" means non-emergent medical transportation services for a client either to or from a location where covered services are provided. "Ride" does not include client-reimbursed medical transportation or emergency medical transportation in an ambulance.

(203) "Rural" means a geographic area that is ten or more map miles from a population center of 30,000 people or less.

(204) "Sanction" means an action against providers taken by the Authority in cases of fraud, misuse, or abuse of Division requirements.

(205) "School Based Health Service" means a health service required by an Individualized Education Plan (IEP) during a child's education program that addresses physical or mental disabilities as recommended by a physician or other licensed practitioner.

(206) "Self-Sufficiency" means the division in the Department of Human Services (Department) that administers programs for adults and families.

(207) "Service Agreement" means an agreement between the Authority and a specified provider to provide identified services for a specified rate. Service agreements may be limited to services required for the special needs of an identified client. Service agreements do not preclude the requirement for a provider to enroll as a provider.

(208) "Sliding Fee Schedule" means a fee schedule with varying rates established by a provider of health care to make services available to indigent and low-income individuals. The sliding-fee schedule is based on ability to pay.

(209) "Social Worker" means a person licensed by the Board of Clinical Social Workers to practice clinical social work.

(210) "Speech-Language Pathologist" means a person licensed by the Oregon Board of Examiners for Speech Pathology.

(211) "Speech-Language Pathology Services" means the application of principles, methods, and procedure for the measuring, evaluating, predicting, counseling, or instruction related to the development and disorders of speech, voice, or language for the purpose of preventing, habilitating, rehabilitating, or modifying such disorders in individuals or groups of individuals.

(212) "State Facility" means a hospital or training center operated by the State of Oregon that provides long-term medical or psychiatric care.

(213) "Subparts (of a Provider Organization)" means for NPI application, subparts of a health care provider organization would meet the definition of health care provider (45 CFR 160.103) if it were a separate legal entity and if it conducted HIPAA-covered transactions electronically or has an entity do so on its behalf and could be components of an organization or separate physical locations of an organization.

(214) "Subrogation" means right of the state to stand in place of the client in the collection of third party resources (TPR).

(215) "Supplemental Security Income (SSI)" means a program available to certain aged and disabled persons that is administered by the Social Security Administration through the Social Security office.

(216) "Surgical Assistant" means a person performing required assistance in surgery as permitted by rules of the State Board of Medical Examiners.

(217) "Suspension" means a sanction prohibiting a provider's participation in the medical assistance programs by deactivation of the provider's Authority-assigned billing number for a specified period of time. No payments, Title XIX, or State Funds will be made for services provided during the suspension. The number will be reactivated automatically after the suspension period has elapsed.

(218) "Targeted Case Management (TCM)" means activities that will assist the client in a target group in gaining access to needed medical, social, educational, and other services. This includes locating, coordinating, and monitoring necessary and appropriate services. TCM services are often provided by allied agency providers.

(219) "Termination" means a sanction prohibiting a provider's participation in the Division's programs by canceling the provider's Authority-assigned billing number and agreement. No payments, Title XIX, or state funds will be made for services provided after the date of termination. Termination is permanent unless:

(a) The exceptions cited in 42 CFR 1001.221 are met; or

(b) Otherwise stated by the Authority at the time of termination.

(220) "Third Party Liability (TPL), Third Party Resource (TPR), or Third party payer" means a medical or financial resource that, under law, is available and applicable to pay for medical services and items for an Authority client.

(221) "Transportation" means medical transportation.

(222) "Type A Hospital" means a hospital identified by the Office of Rural Health as a Type A hospital.

(223) "Type B AAA" means an AAA administered by a unit or combination of units of general purpose local government for overseeing Medicaid, financial and adult protective services, and regulatory programs for the elderly or the elderly and disabled.

(224) "Type B AAA Unit" means a Type B AAA funded by Oregon Project Independence (OPI), Title III—Older Americans Act, and Title XIX of the Social Security Act.

(225) "Type B Hospital" means a hospital identified by the Office of Rural Health as a Type B hospital.

(226) "Urban" means a geographic area that is less than ten map miles from a population center of 30,000 people or more.

(227) "Urgent Care Services" means health services that are medically appropriate and immediately required to prevent serious deterioration of a client's health that are a result of unforeseen illness or injury.

(228) "Usual Charge (UC)" means the lesser of the following unless prohibited from billing by federal statute or regulation:

(a) The provider's charge per unit of service for the majority of non-medical assistance users of the same service based on the preceding month's charges;

(b) The provider's lowest charge per unit of service on the same date that is advertised, quoted, or posted. The lesser of these applies regardless of the payment source or means of payment;

(c) Where the provider has established a written sliding fee scale based upon income for individuals and families with income equal to or less than 200 percent of the federal poverty level, the fees paid by these individuals and families are not considered in determining the usual charge. Any amounts charged to third party resources (TPR) are to be considered.

(229) "Utilization Review (UR)" means the process of reviewing, evaluating, and assuring appropriate use of medical resources and services. The review encompasses quality, quantity, and appropriateness of medical care to achieve the most effective and economic use of health care services.

(230) "Valid Claim" means an invoice received by the Division or the appropriate Authority or Department office for payment of covered health care services rendered to an eligible client that:

(a) Can be processed without obtaining additional information from the provider of the goods or services or from a TPR; and

(b) Has been received within the time limitations prescribed in these General Rules (OAR 410 division 120).

(231) "Vision Services" means provision of corrective eyewear, including ophthalmological or optometric examinations for determination of visual acuity and vision therapy and devices.

(232) "Volunteer" (for the purposes of NEMT) means an individual selected, trained and under the supervision of the Department who is providing services on behalf of the Department in a non-paid capacity except for incidental expense reimbursement under the Department Volunteer Program authorized by ORS 409.360.

Stat. Auth.: ORS 413.042 & 414.065

Stats. Implemented: ORS 414.065

Hist.: AFS 5-1981, f. 1-23-81, ef. 3-1-81; AFS 33-1981, f. 6-23-81, ef. 7-1-81; AFS 47-1982, f. 4-30-82 & AFS 52-1982, f. 5-28-82, ef. 5-1-82, for providers located in the geographical areas covered by the branch offices of North Salem, South Salem, Dallas, Woodburn, McMinnville, Lebanon, Albany and Corvallis, ef. 6-30-82 for remaining AFS branch offices; AFS 57-1982, f. 6-28-82, ef. 7-1-82; AFS 81-1982, f. 8-30-82, ef. 9-1-82; AFS 4-1984, f. & ef. 2-1-84; AFS 12-1984, f. 3-16-84, ef. 4-1-84; AFS 13-1984(Temp), f. & ef. 4-2-84; AFS 37-1984, f. 8-30-84, ef. 9-1-84; AFS 24-1985, f. 4-24-85, ef. 6-1-85; AFS 13-1987, f. 3-31-87, ef. 4-1-87; AFS 7-1988, f. & cert. ef. 2-1-88; AFS 69-1988, f. & cert. ef. 12-5-88; HR 2-1990, f. 2-12-90, cert. ef. 3-1-90, Renumbered from 461-013-0005; HR 25-1991(Temp), f. & cert. ef. 7-1-91; HR 41-1991, f. & cert. ef. 10-1-91; HR 32-1993, f. & cert. ef. 11-1-93; HR 2-1994, f. & cert. ef. 2-1-94; HR 31-1994, f. & cert. ef. 11-1-94; HR 40-1994, f. 12-30-94, cert. ef. 1-1-95; HR 5-1997, f. 1-31-97, cert. ef. 2-1-97; HR 21-1997, f. & cert. ef. 10-1-97; OMAP 20-1998, f. & cert. ef. 7-1-98; OMAP 10-1999, f. & cert. ef. 4-1-99; OMAP 31-1999, f. & cert. ef. 10-1-99; OMAP 11-2000, f. & cert. ef. 6-23-00; OMAP 35-2000, f. 9-29-00, cert. ef. 10-1-00; OMAP 42-2002, f. & cert. ef. 10-1-02; OMAP 3-2003, f. 1-31-03, cert. ef. 2-1-03; OMAP 62-2003, f. 9-8-03, cert. ef.10-1-03; OMAP 67-2004, f. 9-14-04, cert. ef. 10-1-04; OMAP 10-2005, f. 3-9-05, cert. ef. 4-1-05; OMAP 39-2005, f. 9-2-05, cert. ef. 10-1-05; OMAP 65-2005, f. 11-30-05, cert. ef. 1-1-06; OMAP 15-2006, f. 6-12-06, cert. ef. 7-1-06; OMAP 45-2006, f. 12-15-06, cert. ef. 1-1-07; DMAP 24-2007 f. 12-11-07 cert. ef. 1-1-08; DMAP 34-2008, f. 11-26-08, cert. ef. 12-1-08; DMAP 13-2009 f. 6-12-09, cert. ef. 7-1-09; DMAP 11-2011, f. 6-29-11, cert. ef. 7-1-11; DMAP 36-2011, f. 12-13-11, cert. ef. 1-1-12; DMAP 11-2012(Temp), f. & cert. ef. 3-16-12 thru 9-11-12; DMAP 28-2012, f. 6-21-12, cert. ef. 7-1-12; DMAP 49-2012, f. 10-31-12, cert. ef. 11-1-12; DMAP 37-2013(Temp), f. 6-27-13, cert. ef. 7-1-13 thru 12-24-13; DMAP 71-2013, f. & cert. ef. 12-27-13; DMAP 57-2014, f. 9-26-14, cert. ef. 10-1-14; DMAP 5-2015, f. & cert. ef. 2-10-15; DMAP 29-2015, f. & cert. ef. 5-29-15

• • • • • • • • • •

Rule Caption: Update Table of Not Covered/Bundled Billing Codes to Bring Current with Coverage Policy

Adm. Order No.: DMAP 30-2015(Temp)

Filed with Sec. of State: 5-29-2015

Certified to be Effective: 5-29-15 thru 11-24-15

Notice Publication Date:

Rules Amended: 410-130-0220

Subject: The table of billing codes in this rule lists medical services that are not covered for Oregon Health Plan reimbursement. The Division in consultation with the Health Evidence Review Commission (HERC) has made decisions to cover some services that at this time are still listed in this rule. The rule needs to be updated to reflect these decisions.
Rules Coordinator: Sandy Cafourek—(503) 945-6430

410-130-0220
Not Covered/Bundled Services

(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 or for services that the Division of Medical Assistance Programs (Division) considers to be bundled in other services.

(2) The following are examples of not covered services. This is not an all-inclusive list:

(a) Psychotherapy services (covered only through local mental health clinics and Mental Health Organizations);

(b) Routine postoperative visits (included in the payment for the surgery) during 90 days following major surgery (global period) or 10 days following minor surgery;

(c) Services that are normally provided in the practitioner's office but at the client's request are provided in a location other than the practitioner's office;

(d) Telephone calls for purposes other than tobacco cessation, maternity case management, and telemedicine.

(3) For specific information, see General Rules OAR 410-120-1200, Medical Assistance Benefits: Excluded Services and Limitations.

(4) **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

• • • • • • • • • •

Oregon Military Department, Office of Emergency Management
Chapter 104

Rule Caption: Amends Rules in support of HB 2426 ensuring continued operations of the 9-1-1 Emergency System.
Adm. Order No.: OEM 1-2015(Temp)
Filed with Sec. of State: 6-5-2015
Certified to be Effective: 6-5-15 thru 12-1-15
Notice Publication Date:
Rules Amended: 104-080-0000, 104-080-0010, 104-080-0020, 104-080-0030, 104-080-0040, 104-080-0050, 104-080-0060, 104-080-0070
Subject: These temporary rules change the references of E9-1-1 Emergency Telephone Systems and E9-1-1 emergency reporting system to Emergency Communications System. They clarify the definition of Primary Public Safety Answering Point to correspond to the definition in ORS 403.105. The references to OEM are changed from the Division to the Office. Language was inserted into OAR 104-080-0040 that was removed from ORS 403.115 describing the mandatory requirements for basic 9-1-1 and Enhanced 9-1-1. These temporary rules permit a PSAP's 9-1-1 final plan to serve as the 9-1-1 jurisdiction plan as long as the final plan met the requirements of ORS 403.130.
Rules Coordinator: Genevieve Ziebell—(503) 378-2911, ext. 22221

104-080-0000
Purpose

The purpose of the 9-1-1 Emergency Communication System Program is:

(1) To provide uniform statewide access to police, fire, or medical service through the emergency communication system utilizing 9-1-1.

(2) To provide the continued operation of 9-1-1 communications service statewide.

(3) To provide and monitor the distribution and expenditure of 9-1-1 tax funds in all accounts to 9-1-1 jurisdictions who provide 9-1-1 emergency communication system services in Oregon.

(4) To study the efficiency of 9-1-1 communication services throughout the State of Oregon.

(5) To implement the requirements of ORS 403.105 to 403.165 and ORS 403.235 to 403.250.

Stat. Auth.: ORS 403.120(1)(a)
Stats. Implemented: ORS 403.105 - 403.165
Hist.: EMD 2-1992, f. & cert. ef. 4-17-92; EMD 3-1992(Temp), f. & cert. ef. 7-15-92; EMD 3-1993(Temp), f. & cert. ef. 1-15-93; EMD 1-1997, f. & cert. ef. 8-15-97; OEM 1-2003, f. & cert. ef. 1-15-03; OEM 2-2010, f. & cert. ef. 2-5-10; OEM 1-2015(Temp), f. & cert. ef. 6-5-15 thru 12-1-15

104-080-0010
Definitions

(1) "Enhanced 9-1-1 (E9-1-1)" means the delivery of automatic number and location identification of a 9-1-1 call for service.

(2) "Automatic Location Identification (ALI)" means the automatic display at a public safety answering point of the subscriber telephone number, the service address for the telephone and supplementary information.

(3) "Automatic Number Identification (ANI)" means the automatic display at a public safety answering point of the subscriber telephone number. "Pseudo-ANI (pANI)" means the number assigned to a wireless 9-1-1 call identifying the tower or sector from which the call originated. It is used for the routing of 9-1-1 Wireless calls to the designated E9-1-1 Primary PSAP.

(4) "CAD" includes Computer Aided Dispatch; Computer Assisted Dispatch.

(5) "Geographic Information Systems" (GIS) means a mapping system utilized in support of 9-1-1 for the manipulation and display of mapping data at the PSAP.

(6) "Data Base" includes:

(a) The data required to direct network routing of an emergency call to the primary public safety answering point responsible for the emergency service zone of the calling party;

(b) The data used to identify the jurisdictional boundaries within a 9-1-1 service area for each associated public or private safety agency;

(c) The data required to transfer an emergency call from a primary public safety answering point to either another primary public safety answering point or a secondary public safety answering point; and

(d) The data required to assign default routing within Oregon to a designated public safety answering point at times of network routing failure.

(7) "Data Management System" means the combination of manual procedures and computer programs used to create, store, manipulate and update data required to provide selective routing and ALI/GALI.

(8) "Primary public safety answering point (PSAP)" means a 24-hour public safety answering point that receives emergency calls directly from members of the public.

(9) "Emergency Service Zone" means a defined geographical territory consisting of a specific combination of law enforcement, fire and EMS coverage areas.

(10) "Geographic Automatic Location Identification (GALI)" means the automatic display at a primary public safety answering point of the positional location of the subscriber, ten-digit ANI for the device and supplementary information.

(11) "Interoperability" means deployment of E9-1-1 technologies having been engineered to allow full functionality when providers' resources are shared by two or more PSAPs or where a PSAPs' E9-1-1 telecommunications service is derived from two or more utilities regardless of whether the call is received directly from the calling party or by transfer from a contiguous PSAP.

(12) "Master Street Address Guide (MSAG)" means a database of street names containing address ranges with their associated communities that denotes emergency service numbers for E9-1-1 purposes.

(13) "Network" includes:

(a) A series of connecting points which can be joined to create communications channels intended to allow public access into the emergency communications system;

(b) Connecting points which include all Oregon providers, facility and services required to complete the emergency call; and

(c) Provider based connection of both switched and dedicated channels ultimately terminating upon station terminal equipment within each primary public safety answering point.

(14) "Network Exchange Services" includes:

(a) Intrastate telecommunications services required to deliver E9-1-1;

(b) Any telecommunications service in which the information transmitted originates and terminates within the boundaries of the State of Oregon.

(15) "On-Premises Equipment (Also referred to as Customer Premise Equipment or CPE)" includes:

(a) Those devices required to decode network signaling allowing the display of ALI/GALI;

(b) The station terminal equipment required for display of decoded signaling and voice contact with the calling party in a synchronous manner.

(16) "Open Systems" includes but is not limited to:

(a) System Application Program Interface (ISO/IEC 9945-1:1990);

(b) Information technology-Portable Operating System Interface (POSIX) (IEEE Std1003.1-1990).

(17) "P.01 Grade of Service" means emergency telecommunications service in which no more than one call in 100 attempts will receive a busy signal on the first attempt during the average busiest hour.

(18) "Positional Location" means:

(a) The means by which to describe a point on the surface of the Earth usually termed an "x, y" coordinate;

(b) "x, y" coordinate information will be provided in decimal degrees with six places of accuracy based on the North American datum (NAD) 83-91;

(c) "x, y" shall also include a "z" element when available. "z" is intended to reflect elevation in feet from Mean Sea Level.

(19) "Primary Utility" means:

(a) A utility having an exchange boundary that contains a primary PSAP point and is therefore responsible for providing network access;

(b) The utility responsible as the first point of contact for coordination of network maintenance and repair.

(20) "Provisioning" means the process of providing or obtaining needed equipment or services.

(21) "Selective Routing" means the capability of routing an E9-1-1 call from a central office to a designated PSAP based upon the telephone number and/or the location of the calling party.

(22) "Automatic Telephone Number Identification (ATNI)" means:

(a) All forms of Automatic Number Identification (ANI), Automatic Location Identification (ALI), and database information used in the processing of an E9-1-1 emergency telephone call;

(b) ATNI refers to the utility customer's telephone number, the customer's main telephone service location and the name of the utility customer required pursuant to OAR 104-080-0050(11)(a) to be supplied to the primary PSAP or E9-1-1 jurisdiction through an E9-1-1 telephone system. This reference to ATNI does not include Wireless E9-1-1 services;

(c) ATNI information may be displayed either on a video monitor or hard copy printer.

(23) "Private Switch ALI (PS/ALI)" means a service option which provides E9-1-1 features for telephone stations behind private switches. e.g. PBXs.

(24) "DMS" means Data Management System as defined in OAR 104-080-0010 (7).

(25) "Official Report" means;

(a) A final document, created by a PSAP or other public safety agency, for incident reporting purposes;

(b) After all confidential data received from the (NP) or (NL) data source are edited or deleted in compliance with ORS 403.135(2) and this rule; and

(c) Which is incident specific and is not co-mingled with other related incidents.

(26) "Official report" does not mean:

(a) An intermediate or temporary record;

(b) An automatic electronic display, and hard copy or electronic storage of ATNI;

(c) Call logs, either manual or automated, unless separated by incident;

(d) Computer Aided Dispatch records, unless separated by incident;

(e) Call detail voice and log recorders;

(f) ATNI, ANI, or ALI display units and printers.

NOTE: Unless otherwise noted above, terms used in these rules are defined in ORS 403.105(1) through (18), and OAR 104-080-0010(1) through (26)

Stat. Auth.: ORS 403.120(1)(a)
Stats. Implemented: ORS 403.105 - 403.165
Hist.: EMD 2-1992, f. & cert. ef. 4-17-92; EMD 3-1992 (Temp), f. & cert. ef. 7-15-92; EMD 3-1993(Temp), f. & cert. ef. 1-15-93; EMD 1-1997, f. & cert. ef. 8-15-97; OEM 1-2003, f. & cert. ef. 1-15-03; OEM 2-2010, f. & cert. ef. 2-5-10; OEM 1-2015(Temp), f. & cert. ef. 6-5-15 thru 12-1-15

104-080-0020
Planning Considerations

(1) The Office shall maintain a file of PSAP disaster recovery plans for each 9-1-1 jurisdiction per ORS 403.150. Annual review of plans will be conducted by the 9-1-1 jurisdiction responsible for each plan. Revisions shall be submitted to the Office immediately upon completion.

(2) The Office shall maintain a file of the description and/or documentation from the primary utility that the 9-1-1 system within the jurisdiction is designed to a P.01 grade of service. A plan to monitor and maintain this grade of service must be included by the primary utility and reviewed annually by the Office.

(3) The Office shall maintain a listing of the non-emergency 24-hour published number for each PSAP or 9-1-1 jurisdiction and each participating Public and Private Safety Agency.

(4) The Office shall maintain a listing of primary and secondary PSAP(s) 10-digit 24-hour emergency numbers.

(5) The Office shall maintain an itemized listing of the primary PSAP(s) on-premise equipment that is necessary to maintain the 9-1-1 emergency communication system. The listing shall include the appropriate equipment lifespan and update schedule.

(6) The Office shall maintain a list of costs of the Network Exchange Services necessary to provide the minimum of P.01 grade of service, provided by the serving Utility and approved within a tariff schedule by the Oregon PUC.

[Publications: Publications referenced are available from the agency.]
Stat. Auth.: ORS 403.120(1)(a)
Stats. Implemented: ORS 403.105 - 403.165
Hist.: EMD 2-1992, f. & cert. ef. 4-17-92; EMD 3-1992(Temp), f. & cert. ef. 7-15-92; EMD 3-1993(Temp), f. & cert. ef. 1-15-93; EMD 1-1997, f. & cert. ef. 8-15-97; OEM 1-2003, f. & cert. ef. 1-15-03; OEM 2-2010, f. & cert. ef. 2-5-10; OEM 1-2015(Temp), f. & cert. ef. 6-5-15 thru 12-1-15

104-080-0030
Administrative Considerations

(1) Except as otherwise provided by local agreement that has been approved by the Office, 9-1-1 callers shall first be routed to the primary PSAP serving the caller's primary law enforcement agency.

(2) Transfers shall be kept to an absolute minimum. As a standard, a 9-1-1 call should not be transferred more than once. 9-1-1 calls subject to multiple transfers shall be allowed only when absolutely necessary. Any deviation from this section shall be subject to Office approval.

(3) Auto-dialing alarms and/or automated voice announcers shall not be allowed to access 9-1-1 telephone lines unless utilized to meet the requirements of the Americans with Disabilities Act.

(4) All 9-1-1 calls generated within the State of Oregon, shall be answered in the State of Oregon, to the extent telecommunications technology will allow. Exceptions to this rule shall be granted subject to conditions in 104-080-0070(2).

(5) No E9-1-1 emergency communications system shall use on-premises equipment designed to offer a 9-1-1 caller a choice of options for determining the disposition of their 9-1-1 call without the assistance of a 9-1-1 call taker. Devices specifically prohibited are known generically as "Automated Call Attendant" or "Voice Mail". The use of unintended/overload cell call screening systems may be utilized with prior approval from the Office.

(6) Allowable devices are limited to pre-recorded messages informing the 9-1-1 caller that all call taking positions are currently busy and to remain on the line. These "queue" devices shall be capable of sequencing calls in a manner that forces the oldest call in the queue to be answered first by the next available call taker.

(7) All telecommunicators, as defined in OAR 104-060-0010, should not rely solely on the automatic display of ATNI information to determine the location of the call unless no other information is available.

(8) The telecommunicator, to the extent practicable under the circumstances existing at the time of the call, should confirm the accuracy of the ATNI information, and the identity of the calling party because the calling party and the utility customer whose name is displayed may not be presumed to be the one-in-the-same person.

(9) A PSAP replacing E9-1-1 call taking equipment will only be authorized E9-1-1 telephone positions equal to those currently in use. A PSAP may request an increase of E9-1-1 telephone positions subject to

approval of the Office. All requests shall be in writing and based on the following criteria:

(a) Population increase of PSAP service area;

(b) Increased 9-1-1 call volume;

(c) PSAP consolidation.

Stat. Auth.: ORS 403.120(1)(a)

Stats. Implemented: ORS 403.105 - 403.165

Hist.: EMD 2-1992, f. & cert. ef. 4-17-92; EMD 3-1992(Temp), f. & cert. ef. 7-15-92; EMD 3-1993(Temp), f. & cert. ef. 1-15-93; EMD 1-1997, f. & cert. ef. 8-15-97 ; OEM 1-2003, f. & cert. ef. 1-15-03; OEM 2-2010, f. & cert. ef. 2-5-10; OEM 1-2015(Temp), f. & cert. ef. 6-5-15 thru 12-1-15

104-080-0040
Operations

(1) The 9-1-1 emergency communications system must include:

(a) A primary public safety answering point that is automatically accessible anywhere in the 9-1-1 jurisdiction service area by placing an emergency call to 9-1-1;

(b) Central dispatch of public and private safety services in the 9-1-1 service area or relay or transfer of 9-1-1 calls to an appropriate public or private safety agency;

(c) Two 9-1-1 circuits from each central office to each primary public safety answering point;

(d) Two call-taker stations and staffing for at least one of the stations at all times;

(e) Automatic display of the incoming telephone number and address in the designated public safety answering point at the time of receiving an incoming emergency call;

(f) A network developed to transport address and telephone number information to the designated public safety answering point automatically when an emergency call is placed to 9-1-1; and

(g) Emergency telephone service in which one or fewer calls in 100 attempts receive a busy signal on the first attempt during the average busiest hour. A public safety answering point may not have fewer than two 9-1-1 circuits.

(2) TTY equipment required. Each PSAP shall be equipped with a Telephone Typewriter (TTY) for which it is possible to connect an incoming TTY call on any line to the TTY. TTY access shall meet all Federal requirements outlined in the American Disabilities Act of 1990.

(3) Logging recorder equipment is recommended:

(a) It is recommended each PSAP have a logging recorder in operation equipped to record all voice conversations of each call as well as the date and time of each call;

(b) It is recommended each call taker station be equipped with an instant playback type of recorder to record each incoming 9-1-1 call. At least 10 minutes of storage capacity should be included. It is highly recommended that the recorder be of a digital voice storage type with no moving parts.

(4) Back-up power equipment is recommended:

(a) It is recommended each primary PSAP have a gasoline, diesel, propane or other powered motor generator set for powering the primary PSAP during long term power outages;

(b) Each primary public safety answering point shall have a battery powered Uninterruptible Power Supply (UPS) which should be capable of powering the essential customer premise equipment at the primary PSAP for a period sufficiently long to enable the motor generator recommended in subsection (3)(a) of this rule to start and stabilize. No calls shall be lost during the transition to the UPS.

(5) Each primary PSAP shall have building security to restrict intentional disruption of operations. All 9-1-1 processing and control equipment shall be accessible only to authorized personnel. Display and printing equipment shall be located so that the information is limited to those with a need to know.

(6) All exposed 9-1-1 circuit facilities and E9-1-1 customer premise equipment (CPE) rooms at the primary PSAP shall be protected and internally marked to prevent accidental damage or tampering. For this section "protected" includes maintaining the ambient room temperature per the CPE manufacturers' requirements.

(7) A primary PSAP call taker station shall consist of an operator position equipped with (minimum):

(a) Telephone device;

(b) ANI display; and

(c) ALI display.

(8) Any equipment, supplies and services purchased from the Enhanced 9-1-1 Subaccount shall be for the provisioning of Enhanced 9-1-1 telecommunications services.

Stat. Auth.: ORS 403.120(1)(a)

Stats. Implemented: ORS 403.105 - 403.165

Hist.: EMD 2-1992, f. & cert. ef. 4-17-92; EMD 3-1992(Temp), f. & cert. ef. 7-15-92; EMD 3-1993(Temp), f. & cert. ef. 1-15-93; EMD 1-1997, f. & cert. ef. 8-15-97; OEM 1-2003, f. & cert. ef. 1-15-03; OEM 2-2010, f. & cert. ef. 2-5-10; OEM 1-2015(Temp), f. & cert. ef. 6-5-15 thru 12-1-15

104-080-0050
Technical

(1) All plans or contracts submitted for State review will be approved by the Office on the basis of service and cost for the E9-1-1 service area impacted.

(2) Subscriber information data shall be the responsibility of the providers and made available through a Data Management System (DMS) to the requesting primary PSAP at time of receipt of an Enhanced 9-1-1 call.

(3) Unless approved by the Office no primary utility shall require any primary PSAP to query more than one Data Management System for all E9-1-1 calls.

(4) The primary PSAP, primary utility, and the Office shall mutually identify the need for selective routing and the associated devices through which all calls for service are to be processed.

(5) Where interoperability requires the affected telephone utility to share its automatic location identification, an Office approved method shall be implemented.

(6) Provisioning on-premise equipment is subject to approval by the Office and must meet open systems requirements:

(a) Two methods of provisioning on-premise equipment will be considered by the Office:

(A) Provided by the primary utility and billed as non-recurring charges with monthly maintenance included; and

(B) Customer Owned and Maintained.

(b) On-premises equipment shall perform the following minimal functions:

(A) Line hold and line indicator for E9-1-1 service;

(B) Common control equipment and, when determined necessary by the Office, Automatic Call Distribution equipment and call sequencers;

(C) Telephone sets as indicated for primary interrogation and dispatch positions only;

(D) Automatic Number Identification controller(s) and associated display(s) as indicated for primary interrogation and dispatch positions only;

(E) Automatic Location Identification controller(s), data device(s), data channel(s) and display(s) as indicated for primary interrogation and dispatch positions only;

(F) Call detail recorder defined as a character print device;

(G) Holdover battery supply for paragraphs (A) through (E) of this subsection;

(H) An Uninterrupted Power Supply (UPS) shall be allowed in lieu of battery holdover when prior approval is received from the Office. Any allowed UPS device shall be only for the purpose of supporting a PSAP's E9-1-1 CPE.

(c) When a primary PSAP elects to purchase CPE that is intended to be Customer Owned and Maintained the primary PSAP shall comply with the following:

(A) The equipment must be compatible with and functionally equivalent to the primary utility provided E9-1-1 network;

(B) Mean time to repair must be equal or better to that provided by the primary utility;

(C) Equipment must be FCC approved and provide noiseless supervised transfer and conferencing.

(d) All Customer Owned and Maintained equipment is the responsibility of the primary PSAP regarding maintenance and provisioning of these standards.

(9) All installations shall be capable of both analog and digital receipt of incoming E9-1-1 calls. Digital compatibility for voice includes, but is not limited to, Signaling System 7, Feature group "X" and ISDN. Digital compatibility for data includes the ability to accept location information on a single digital transport provided by the prime utility.

(10) Every utility providing Automatic Location Identification shall present uniform data streams as required for contiguous primary PSAP operations. Such data streams may be transmitted in such a manner to allow each primary PSAP's station terminal equipment to display automatic location identification in a predetermined manner. Unless otherwise approved by the Office, every provider will adhere to the statewide data format. Any vendor supplied data management system shall search other vendors' data management system to respond to an ALI request from a PSAP when the requested data does not reside on the vendors' system.

(11) Each Automatic Location Identification data set shall include at a minimum:

(a) Area Code and Telephone number, ten digit ANI when available;

(b) Class of service;

(c) Time in 24-hour format;

(d) Date;

(e) Subscriber name or non-published;

(f) House number;

(g) House number suffix;

(h) Prefix and or Post directional;

(i) Street name including type;

(j) Emergency Service Number location;

(k) Postal community;

(l) State;

(m) Emergency Service Number;

(n) Pilot number;

(o) Emergency Service Number translation;

(p) Latitude & Longitude of wireless caller location for Phase II wireless, or that of the cell tower for Phase I.

(12) Each utility shall provide to the primary PSAP a Master Street Address Guide in either printed or electronic format as agreed to within the plan.

(13) Ownership of the Master Street Address Guide shall be jointly held between the primary PSAP, the utility, and Office.

(14) Each utility shall provide an updated Master Street Address Guide to the primary PSAP on a quarterly basis or as agreed upon within the contract for service upon each primary PSAP's installation and thereafter at intervals agreed upon between the Office and providers.

(15) The provider of each Data Management System shall be responsible for the provider based Master Street Address Guide process including compilation and continued maintenance. Submitted changes from a primary PSAP shall be incorporated into the MSAG within 72 hours of such change. Exception may be granted by the Office with proper justification.

(16) The selective routing database contained within each approved selective routing device shall be maintained by the vendor(s) of such selective routers in such a manner as to accurately reflect the most recent issuance or change of address, service or service account datum within 48 hours of such change.

(17) The Office shall approve all Emergency Service Numbers assigned by a primary PSAP and primary utility. The Office will make a reasonable attempt to prevent duplication of these Emergency Service Numbers. The Office may, as required, assign or direct reassignment of Emergency Service Numbers to prevent unnecessary duplication or confusion. All geographic information data provided or produced from Enhanced 9-1-1 Sub-Account funding shall be jointly owned between the primary PSAP and the Office.

Stat. Auth.: ORS 403.120(1)(a)
Stats. Implemented: ORS 403.105 - 403.165
Hist.: EMD 2-1992, f. & cert. ef. 4-17-92; EMD 1-1997, f. & cert. ef. 8-15-97; OEM 1-2003, f. & cert. ef. 1-15-03; OEM 2-2010, f. & cert. ef. 2-5-10; OEM 1-2015(Temp), f. & cert. ef. 6-5-15 thru 12-1-15

104-080-0060
Funding Considerations

(1) Emergency Communications Account:

(a) Telephone tax funds shall be distributed in January, April, July and October of each year;

(b) Cities and Counties shall determine the appropriate E9-1-1 jurisdiction to which their distribution shall be directed;

(c) E9-1-1 jurisdictions shall receive telephone tax funds directly from their respective city(s) and county(s) within 45 days from the date city(s) and county(s) receive tax funds from the Office unless prior arrangements have been made and approved by the Office;

(d) The Office shall maintain a current listing of recognized E9-1-1 jurisdictions eligible to receive and expend E9-1-1 telephone tax funds;

(e) Allowable Emergency Communications Account expenditures at the primary PSAP include only:

(A) E9-1-1 call taking personnel;

(B) E9-1-1 telephone line charges;

(C) E9-1-1 telephone system for call processing of 9-1-1 calls;

(D) Transfer and relay telephone line charges to secondary PSAPs;

(E) Fifty percent funding of radio base stations necessary to notify responders of a 9-1-1 call for service;

(F) E9-1-1 telephone system maintenance costs;

(G) Receive only pagers if this is primary means of notifying responders of 9-1-1 call for service;

(H) Fifty percent funding of transmit/receive pagers, portable or mobile radios and repeater stations when used as primary means of notification of responding agencies of a 9-1-1 call for service;

(I) Training expenses for E9-1-1 call takers;

(J) 9-1-1 answering contracts for primary PSAPs;

(K) Telephone and radio recording equipment used to record 9-1-1 telephone calls and notifications of responding agencies of 9-1-1 calls for service;

(L) Uninterruptible power supply systems for E9-1-1 telephone systems;

(M) Plectrons and encoders if this is the primary means of notifying responding agencies of a 9-1-1 call for service;

(N) Public education regarding 9-1-1 use and availability;

(O) Computer data links to responding agencies if this is the means used to notify responding agencies of 9-1-1 calls for service;

(P) Rural addressing;

(Q) Base rate charges for seven or ten digit emergency and non-emergency PSAP reporting numbers.

(R) Emergency Notification System or "reverse 9-1-1 systems".

(f) The following items are allowed on a percentage basis of funding with Emergency Communications Account funds with prior approval of the Office as to the percentage allowed:

(A) Computer aided dispatch systems that handle E9-1-1 call processing and notification of responding agencies of 9-1-1 calls for service;

(B) Telephone and radio consoles;

(C) Administration and overhead (rent, utilities, and maintenance) of a multi-use PSAP that includes dispatching of public safety services;

(D) Backup power systems (generators);

(E) Alternate PSAP sites and circuit routing when used for disaster recovery;

(F) Planning costs for the preliminary and final plan preparation for E9-1-1 Plans required in Section 6 and 7, chapter 743, Oregon Laws 1991.

(g) Any other items not covered by these rules that after application by the primary PSAP and concurrence of the Office are necessary in providing E9-1-1 services in the primary PSAP service area;

(h) Secondary PSAPs are not eligible for funding from this account.

(2) Enhanced 9-1-1 Sub-Account: The following costs of providing E9-1-1 telephone service shall be reimbursed from the Enhanced 9-1-1 Sub-Account of the Emergency Communications Account, subject to available funds and the following requirements, to those 9-1-1 Planning Committees that have been issued an E9-1-1 Service Plan Approval by the Office:

(a) Costs of the Network Exchange Services necessary to provide the minimum grade of service defined in ORS 403.115(5)(d);

(b) Costs for on-premises equipment:

(A) Allowances for Customer Owned and Maintained on-premises equipment will be limited to the estimated cost of the primary utility supplied solution or actual costs, whichever is less;

(B) Integration of Automatic Number Identification and Automatic Location Identification into a Computer Aided Dispatch system in use by a primary PSAP may be compensated in lieu of on-premise display equipment with the exception that one Automatic Number Identification display and one Automatic Location Identification display must be actively in use on-site. Compensation will be limited to the cost of such displays as provided by the primary utility;

(C) On-going maintenance costs following the warranty period, if any, for on-premises equipment;

(D) Payment of costs for on-going maintenance of the on-premises equipment following the expiration of the warranty period for the equipment shall be made by submitting a copy of the maintenance contract with an itemized listing of hourly labor rates and equipment costs to the Office for approval;

(E) The Office shall make payment directly to the vendor upon verification that the charges are for the E9-1-1 on-premises equipment and services originally contracted for and that the vendor's hourly labor rate does not exceed the prevailing labor rate for similar communication equipment and services.

(c) Database, MSAG, GIS development and maintenance based on the hourly wage including benefits of employee(s) doing this work for the primary PSAP and the number of hours the employee(s) devotes to this process as approved by the Office;

(d) Payment of costs for consulting related to E9-1-1 shall be made by the Office directly to the consultant, but only after verification that:

(A) The need and proposed cost of consulting services were identified in either the original E9-1-1 Service Plan; and

(B) A copy of the consultant's contract and fees have been submitted and approved by the Office.

(C) Units of local government not directly providing PSAP operation and having investments as defined in Chapter 533, Section 20(2) of Oregon Laws 1981 as amended shall first expend such investments.

(3) Equipment Replacement Sub-Account: The Equipment Replacement Sub-Account was established to replace E9-1-1 customer premises equipment currently in service that does not accomplish the functional requirements for processing E9-1-1 calls as determined by the Office and may include:

(a) Maintenance issues based on the age of the equipment, and the availability of the parts;

(b) Ability to meet open systems requirements of the State of Oregon;

(c) Ability to migrate to new technologies developed for E9-1-1 services.

(4) The Office shall work with a PSAP that has requested CPE replacement to determine the need for equipment replacement and will make the final determination whether or not to replace the CPE.

(5) The process for provisioning replacement CPE will follow the same process outlined in OAR 104-080-0050(6), and is required to have Office approval.

(6) Funding from the Equipment Replacement Sub-Account will only be authorized for those PSAPs that comply with these rules.

(7) A PSAP's 9-1-1 final plan on file with the Office may serve as the 9-1-1 jurisdiction plan if the plan meets the requirements of ORS 403.130.

Stat. Auth.: ORS 403.120(1)(a)
Stats. Implemented: ORS 403.105 - 403.165
Hist.: EMD 2-1992, f. & cert. ef. 4-17-92; EMD 1-1997, f. & cert. ef. 8-15-97 ; OEM 1-2003, f. & cert. ef. 1-15-03; OEM 2-2010, f. & cert. ef. 2-5-10; OEM 1-2015(Temp), f. & cert. ef. 6-5-15 thru 12-1-15

104-080-0070
Variance

(1) The mediation of disputes between a governing body, E9-1-1 jurisdiction and public or private safety agency regarding an E9-1-1 system, not otherwise resolved in accordance with a written agreement, shall be undertaken as provided in ORS 403.160.

(2) Any deviation from these guidelines is subject to approval by the Office. Requests for deviation shall identify which section(s) are affected and include supporting documentation of the device or process involved. The Office may require additional clarification at its discretion.

(3) Primary PSAPs geographically situated in such a manner that interoperability with another primary PSAP is believed to be an unreasonable goal, shall request a variance from the applicable provisions of these rules.

Stat. Auth.: ORS 403.120(1)(a)
Stats. Implemented: ORS 403.105 - 403.165
Hist.: EMD 2-1992, f. & cert. ef. 4-17-92; EMD 1-1997, f. & cert. ef. 8-15-97; OEM 1-2003, f. & cert. ef. 1-15-03; OEM 2-2010, f. & cert. ef. 2-5-10; OEM 1-2015(Temp), f. & cert. ef. 6-5-15 thru 12-1-15

• • • • • • • • • •

Oregon Public Employees Retirement System
Chapter 459

Rule Caption: Update the order of priority for deductions from a benefit payment.
Adm. Order No.: PERS 6-2015
Filed with Sec. of State: 5-29-2015
Certified to be Effective: 5-29-15
Notice Publication Date: 4-1-2015
Rules Adopted: 459-045-0070
Rules Amended: 459-005-0600, 459-005-0610
Subject: OAR 459-005-0600 establishes the order of priority for deductions, whether pre-tax or post-tax, from a monthly benefit. The rule has not been updated since 1998; PERS has experienced many changes since that time, so a number of rule modifications are necessary. These modifications clarify that, if a member is subject to the benefit limitation under Internal Revenue Code section 415 and must receive a portion of their monthly benefit from the Benefit Equalization Fund under ORS 238.485, such allocation of the member's benefit payments takes precedence over all other payments. Deductions for administrable court orders, such as garnishments for restitution under ORS 238.447, have been added. And, finally, premium payments for PERS-sponsored health insurance were moved down in priority, as they are a voluntary deduction.

OAR 459-045-0070 is a new rule and establishes the order of priority for deductions, whether pre-tax or post-tax, from a member's monthly benefit when a domestic relations order awards a portion of the member's benefit to an alternate payee (AP). Such AP awards can be reductions (AP is responsible for the income tax on their portion of the benefit) or deductions (member is responsible for the income tax on the entire benefit, including the amount paid to the AP). The order of priority is slightly different for each of these scenarios and is broken out separately in the rule.

Finally, section (12) of OAR 459-005-0610 has been deleted because the order of precedence for recovery of an overpayment or an erroneous payment is addressed in both OAR 459-005-0600 and OAR 459-045-0070; therefore, this section of the rule is no longer necessary.
Rules Coordinator: Daniel Rivas—(503) 603-7713

459-005-0600
Precedence for Pre-Tax and Post-Tax Deductions from Benefit Payment

(1) The order of priority for deductions from a benefit payment is as follows:

(a) Adjustment for payments to be made from the Benefit Equalization Fund as established under ORS 238.485.

(b) Withholding for an overpayment or erroneous payment of benefit.

(c) Withholding for federal and state income taxes, and other current taxes.

(d) Withholding in response to support liens in accordance with ORS 238.445.

(e) Withholding in response to Internal Revenue Service (IRS) liens.

(f) Withholding due to other administrable court orders.

(g) Withholding for a premium payment of a PERS-sponsored health insurance plan.

(h) Other voluntary withholdings authorized by the Board and elected by the member or beneficiary of the member.

(2) This rule does not apply when there is a payment to an alternate payee award under ORS 238.465, as provided in OAR 459-045-0070.

Stat. Auth.: ORS 238.715(9), 238.650 & 238A.450
Stats. Implemented: ORS 238 and 238A
Hist.: PERS 14-1998, f. & cert. ef. 12-17-98; PERS 6-2015, f. & cert. ef. 5-29-15

459-005-0610
Recovery of Overpayments

(1) Authority and Purpose. In accordance with ORS 238.715, this rule sets forth the criteria and process for the recovery of overpayments and erroneous payments made by PERS. It is the policy of the Board to implement wherever possible, and if cost effective, a full recovery of all overpayments and erroneous payments. Staff shall attempt recovery of overpayments and erroneous payments in the most efficient method available and in the least amount of time possible.

(2) For the purposes of this rule:

(a) Erroneous payment" means any payment that has been made from the Public Employees Retirement Fund in error, including a payment to a payee that is not entitled to receive the payment.

(b) "Good cause" means a cause beyond the reasonable control of the person. "Good cause" exists when it is established by satisfactory evidence that factors or circumstances are beyond the reasonable control of a rational and prudent person of normal sensitivity, exercising ordinary common sense.

(c) "Lump-sum payment" means any one-time distribution or payment made under ORS Chapters 238 or 238A, or any other law directing PERS to make a payment, including a retroactive adjustment, that is not scheduled to be paid to or on behalf of a payee on a regular monthly basis.

(d) "Monthly payment" means any gross pension, annuity, service or disability retirement allowance, death benefit, or other benefit under ORS Chapter 238 or 238A that is paid monthly to or on behalf of a payee.

(e) "Overpayment" refers to an amount that is in excess of the amount a payee is entitled to under ORS Chapters 238 and 238A.

(f) "Payee" means:

(A) A member, a trust established by the member, or the member's estate;

(B) A member's beneficiary, a trust established by the member's beneficiary, or the estate of the member's beneficiary;

(C) An alternate payee, as defined in OAR 459-045-0001(2), a trust established by an alternate payee, or the estate of an alternate payee;

(D) The beneficiary of an alternate payee, a trust established by the beneficiary of an alternate payee, or the estate of the beneficiary of an alternate payee; or

(E) Any other recipient of a benefit payment by PERS.

(3) In addition to the notice of an overpayment or erroneous payment to a payee required by ORS 238.715(4), PERS shall also send an explanation of the overpayment or erroneous payment; whether the Board asserts a right to assess interest, penalties and costs of collection; and a description of the manner in which the payee may appeal the determinations reflected in the explanation, if applicable.

(4) In determining the amounts owed by a payee and setting a repayment schedule under sections (5) or (6) of this rule, PERS shall reduce the amount owed by any lump-sum payment then owed by PERS to that payee. If the payee should subsequently become entitled to any lump sum payment, it shall be applied against the amounts then owed by that payee. PERS, in its discretion, may revise the repayment schedule or continue on the established schedule until the remaining amounts owed are fully repaid.

(5) The following list includes possible methods for PERS to recover an overpayment under an agreement with the payee. These methods are listed in order of preference. Unless otherwise ordered by the Board, PERS Staff is granted the discretion to select the method deemed most likely to effect a full recovery:

(a) A repayment of all amounts owed in a single payment.

(b) A deduction of a percentage or fixed dollar amount, to be agreed upon between the payee and PERS, from future monthly payments for a period not to exceed two years that will fully repay the amounts owed.

(c) A fixed monthly dollar amount to be agreed upon between the payee and PERS that will fully repay the amounts owed.

(d) A deduction of a percentage or fixed dollar amount from future monthly payments, to be agreed upon between the payee and PERS, for a specified period greater than two years that will fully repay the amounts owed if PERS deems that a longer repayment period is warranted by the payee's personal financial circumstances.

(6) If the payee does not agree to one of the recovery methods under section (5) of this rule, PERS shall use one or more of the following methods to effect a full recovery of any overpayment or erroneous payment:

(a) Deducting not more than 10 percent from current and future monthly payments to a payee until the full amounts owed are recovered.

(b) Making an actuarially determined reduction, not to exceed 10 percent, to current and future payments from PERS calculated to repay the full amount of the overpayment or erroneous payment during the period in which monthly payments will be made to the payee.

(c) Seeking recovery of the overpayment or erroneous payment by using any remedy available to the Board under applicable law.

(d) Engaging the services of outside collection agencies.

(7) If a recovery method has to be selected under section (6) and the overpayment is caused solely by the actions of PERS or a participating public employer, PERS will select a method which imposes the least economic hardship on the member while allowing for a reasonably prudent recovery of the overpayment.

(8) The base or original benefit payment used to calculate cost-of-living adjustments, ad hoc increases, or other benefit increases shall not be altered by an actuarial reduction provided for in subsection (6)(b) of this rule.

(9) In the event that PERS determines that an overpayment or erroneous payment was not caused by PERS or by the actions of a participating public employer, PERS may include within the amounts owed by the payee:

(a) All costs incurred by PERS in recovering the overpayment or erroneous payment, including attorney fees, and fees assessed by an outside collection agency; and

(b) Interest in an amount equal to one percent per month on the balance of the overpayment or erroneous payment until that payment is fully recovered.

(10) The Board authorizes the Director, or the Director's designee, to waive:

(a) The interest and costs of collection associated with the recovery of an overpayment or erroneous payment for good cause shown; and

(b) The recovery of any overpayment or erroneous payment if the total amount of overpayments or erroneous payments is less than $50.

(11) Recovery of an overpayment or erroneous payment shall not be effected if PERS has not initiated recovery of those payments within six years after the date the overpayment or erroneous payment was made. PERS initiates recovery on the date it mails the notification required by ORS 238.715(4).

Stat. Auth.:ORS 238.715(9), 238.630 & 238.650
Stats. Implemented: ORS 238.715
Hist.: PERS 14-1998, f. & cert. ef. 12-17-98; PERS 2-2006, f. & cert. ef. 2-1-06; PERS 10-2013, f. & cert. ef. 11-22-13; PERS 6-2015, f. & cert. ef. 5-29-15

459-045-0070
Precedence for Benefit Payment Reductions or Deductions

(1) The order of priority when the alternate payee award is a reduction of a member's benefit payment is as follows:

(a) Adjustment for payments to be made from the Benefit Equalization Fund as established under ORS 238.485.

(b) Withholding for an alternate payee benefit payment.

(c) Withholding for an overpayment or erroneous payment of benefit.

(d) Withholding for federal and state income taxes, and other current taxes.

(e) Withholding in response to support liens in accordance with ORS 238.445.

(f) Withholding in response to Internal Revenue Service (IRS) liens.

(g) Withholding due to other administrable court orders.

(h) Withholding for a premium payment of a PERS-sponsored health insurance plan.

(i) Other voluntary withholdings authorized by the Board and elected by the member or beneficiary of the member.

(2) The order of priority when the alternate payee award is a deduction from a member's benefit payment is as follows:

(a) Adjustment for payments to be made from the Benefit Equalization Fund as established under ORS 238.485.

(b) Withholding for an overpayment or erroneous payment of benefit.

(c) Withholding for federal and state income taxes, and other current taxes.

(d) Withholding for an alternate payee benefit payment.

(e) Withholding in response to support liens in accordance with ORS 238.445.

(f) Withholding in response to Internal Revenue Service (IRS) liens.

(g) Withholding due to other administrable court orders.

(h) Withholding for a premium payment of a PERS-sponsored health insurance plan.

(i) Other voluntary withholdings authorized by the Board and elected by the member or beneficiary of the member.

Stat. Auth.: ORS 238.650, 238.715(9) & 238A.450
Stats. Implemented: ORS 238.465
Hist.: PERS 6-2015, f. & cert. ef. 5-29-15

• • • • • • • • • •

Rule Caption: Update rules to reflect the 2015 Internal Revenue Code and Social Security annual compensation limitations.
Adm. Order No.: PERS 7-2015
Filed with Sec. of State: 5-29-2015
Certified to be Effective: 5-29-15
Notice Publication Date: 4-1-2015
Rules Amended: 459-005-0525, 459-005-0545, 459-017-0060, 459-080-0500
Subject: The Internal Revenue Service (IRS) revises various dollar limits annually based on cost-of-living adjustments. These revisions are used throughout the PERS plan's statutes and rules, but revisions to the limits must be adopted by the legislature or PERS Board to be effective.

The rule modifications incorporate these federal adjustments and are necessary to ensure compliance with the IRC's limits on the amount of annual compensation allowed for determining contributions and benefits, annual benefits, and annual additions to PERS.

Also, under ORS 238.082, a Tier One or Tier Two retired member who is receiving Social Security benefits and who returns to PERS-covered employment may continue to receive their PERS retirement benefits so long as they work less than 1,040 hours or do not exceed any related Social Security annual compensation limits. The modifications to OAR 459-017-0060 adopt the 2015 Social Security earnings limitations. For these increases to be effective, the PERS Board has to adopt these rule modifications.
Rules Coordinator: Daniel Rivas—(503) 603-7713

459-005-0525
Ceiling on Compensation for Purposes of Contributions and Benefits

(1) The purpose of this rule is to assure compliance of the Public Employees Retirement System (PERS) with Internal Revenue Code (IRC) Section 401(a)(17) relating to the limitation on annual compensation allowable for determining contribution and benefits under ORS Chapters 238 and 238A.

(2) Definitions:

(a) "Annual compensation" means "salary," as defined in ORS 238.005 and 238.205 with respect to Chapter 238 and in 238A.005 with respect to Chapter 238A paid to the member during a calendar year or other 12-month period, as specified in this rule.

(b) "Eligible participant" means a person who first becomes a member of PERS before January 1, 1996.

(c) "Employer" means a "public employer" as defined in ORS 238.005, for the purposes of this rule as it applies to Chapter 238. For the purposes of this rule as it applies to Chapter 238A, an "employer" means a "participating public employer" as defined in 238A.005.

(d) "Noneligible participant" means a person who first becomes a member of PERS after December 31, 1995.

(e) "Participant" means an active or inactive member of PERS.

(3) For eligible participants, the limit set forth in IRC Section 401(a)(17) shall not apply for purposes of determining the amount of employee or employer contributions that may be paid into PERS, and for purposes of determining benefits due under ORS Chapters 238 and 238A. The limit on annual compensation for eligible participants shall be no less than the amount which was allowed to be taken into account for purposes of determining contributions or benefits under former ORS 237.001 to 237.315 as in effect on July 1, 1993.

(4) For noneligible participants, the annual compensation taken into account for purposes of determining contributions or benefits under ORS Chapters 238 and 238A shall be measured on a calendar year basis, and shall not exceed $265,000 per calendar year beginning in 2015.

(a) The limitation on annual compensation will be indexed by cost-of-living adjustments in subsequent years as provided in IRC Section 401(a)(17)(B).

(b) A noneligible participant employed by two or more agencies or instrumentalities of a PERS participating employer in a calendar year, whether concurrently or consecutively, shall have all compensation paid by the employer combined for determining the allowable annual compensation under this rule.

(c) PERS participating employers shall monitor annual compensation and contributions to assure that reports and remitting are within the limits established by this rule and IRC Section 401(a)(17).

(5) For a noneligible participant, Final Average Salary under ORS 238.005 with respect to Chapter 238 and under 238A.130 with respect to Chapter 238A shall be calculated based on the amount of compensation that is allowed to be taken into account under this rule.

(6) Notwithstanding sections (4) and (5) of this rule, if the Final Average Salary as defined in ORS 238.005 with respect to Chapter 238 and as defined in 238A.130 with respect to Chapter 238A is used in computing a noneligible participant's retirement benefits, the annual compensation shall be based on compensation paid in a 12-month period beginning with the earliest calendar month used in determining the 36 months of salary paid. For each 12-month period, annual compensation shall not exceed the amount of compensation that is allowable under this rule for the calendar year in which the 12-month period begins.

(7) With respect to ORS Chapter 238, creditable service, as defined in 238.005, shall be given for each month that an active member is paid salary or wages and allowable contributions have been remitted to PERS, or would be remitted but for the annual compensation limit in IRC Section 401(a)(17). With respect to Chapter 238A, retirement credit as determined in 238A.140, shall be given for each month that an active member is paid salary or wages and allowable contributions have been remitted to PERS, or would be remitted but for the annual compensation limit in IRC Section 401(a)(17).

(8) The provisions of this rule are effective on January 1, 2004.

Stat. Auth.: ORS 238.630, 238.650, 238A.370 & 238A.450
Stats. Implemented: ORS 238 & 238A
Hist.: PERS 4-1995, f. 11-14-95, cert. ef. 12-1-95; PERS 5-1999, f. & cert. ef. 11-15-99; PERS 11-2002, f. & cert. ef. 7-17-02; PERS 31-2004(Temp), f. & cert. ef. 12-15-04 thru 6-1-05; PERS 8-2005, f. & cert. ef. 2-22-05; PERS 19-2005, f. 11-1-05, cert. ef. 1-1-06; PERS 14-2008, f. & cert. ef. 11-26-08; PERS 1-2012, f. & cert. ef. 2-1-12; PERS 3-2013, f. &.cert. ef. 3-29-13; PERS 3-2014, f. & cert. ef. 1-31-14; PERS 7-2015, f. & cert. ef. 5-29-15

459-005-0545
Annual Addition Limitation

(1) Applicable Law. This administrative rule shall be construed consistently with the requirements of the Internal Revenue Code (IRC) Section 415(c) and the Treasury regulations and Internal Revenue Service rulings and other interpretations issued thereunder.

(2) Annual Addition Limitation. Except as otherwise provided in this rule, a member's annual additions to PERS for any calendar year after 2014 may not exceed $53,000 (as adjusted under IRC Section 415(d)).

(3) Annual Additions. For purposes of this rule, the term "annual additions" has the same meaning as under IRC Section 415(c)(2).

(4) Permissive Service Credit. The following special rules shall apply with respect to purchases of permissive service credit, as defined in OAR 459-005-0540, Permissive Service Credit:

(a) If a member's after-tax contributions to purchase permissive service credit are included in the member's annual additions under section (3) of this rule, the member shall not be treated as exceeding the limitation under section (2) of this rule solely because of the inclusion of such contributions.

(b) With respect to any eligible participant, the annual addition limitation in section (2) of this rule shall not be applied to reduce the amount of permissive service credit to an amount less than the amount that could be purchased under the terms of the plan as in effect on August 5, 1997. As used in this subsection, the term "eligible participant" includes any individual who became an active member before January 1, 2000.

(5) Purchase of Service in the Armed Forces Under ORS 238.156 or 238A.150. If a member makes a payment to PERS to purchase retirement credit for service in the Armed Forces pursuant to 238.156(3)(c) or 238A.150 and the service is covered under Internal Revenue Code Section 414(u), the following special rules shall apply for purposes of applying the annual addition limitation in section (2) of this rule:

(a) The payment shall be treated as an annual addition for the calendar year to which it relates;

(b) The payment shall not be treated as an annual addition for the calendar year in which it is made; and

(c) The member shall be treated as having received the following amount of compensation for the period of service in the Armed Forces to which the payment relates:

(A) The amount of compensation the member would have received from a participating employer had the member not been in the Armed Forces; or

(B) If the amount in paragraph (A) of this subsection is not reasonably certain, the member's average compensation from the participating employer during the 12-month period immediately preceding the period of service in the Armed Forces (or, if shorter, the period of employment immediately preceding the period of service in the Armed Forces).

(6) The provisions of this rule are effective on January 1, 2004.

Stat. Auth.: ORS 238.630, 238.650, 238A.370 & 238A.450
Stats. Implemented: ORS 238.005 - 238.715, 238A.370
Hist.: PERS 5-1999, f. & cert. ef. 11-15-99; PERS 11-2002, f. & cert. ef. 7-17-02; PERS 31-2004(Temp), f. & cert. ef. 12-15-04 thru 6-1-05; PERS 8-2005, f. & cert. ef. 2-22-05; PERS 14-2008, f. & cert. ef. 11-26-08; PERS 1-2012, f. & cert. ef. 2-1-12; PERS 3-2013, f. & cert. ef. 3-29-13; PERS 3-2014, f. & cert. ef. 1-31-14; PERS 7-2015, f. & cert. ef. 5-29-15

459-017-0060
Reemployment of Retired Members

(1) For purposes of this rule, "retired member" means a member of the PERS Chapter 238 Program who is retired for service.

(2) Reemployment under ORS 238.082. A retired member may be employed under 238.082 by a participating employer without loss of retirement benefits provided:

(a) The period or periods of employment with one or more participating employers total less than 1,040 hours in a calendar year; or

(b) If the retired member is receiving retirement, survivors, or disability benefits under the federal Social Security Act, the period or periods of employment total less than 1,040 hours in a calendar year or no more than the total number of hours in a calendar year that, at the retired member's specified hourly rate of pay, limits the annual compensation of the retired member to an amount that does not exceed the following Social Security annual compensation limits:

(A) For retired members who have not reached full retirement age under the Social Security Act, the annual compensation limit is $15,720; or

(B) For the calendar year in which the retired member reaches full retirement age under the Social Security Act and only for compensation for the months before reaching full retirement age, the annual compensation limit is $41,880.

(3) The limitations on employment in section (2) of this rule do not apply if the retired member has reached full retirement age under the Social Security Act.

(4) The limitations on employment in section (2) of this rule do not apply if:

(a) The retired member meets the requirements of ORS 238.082(4), (5), (6), (7) or (8), and did not retire at a reduced benefit under the provisions of 238.280(1), (2), or (3);

(b) The retired member retired at a reduced benefit under ORS 238.280(1), (2) or (3), is employed in a position that meets the requirements of 238.082(4), the date of employment is more than six months after the member's effective retirement date, and the member's retirement otherwise meets the standard of a bona fide retirement;

(c) The retired member is employed by a school district or education service district as a speech-language pathologist or speech-language pathologist assistant and:

(A) The retired member did not retire at a reduced benefit under the provisions of ORS 238.280(1), (2), or (3); or

(B) If the retired member retired at a reduced benefit under the provisions of ORS 238.280(1), (2) or (3), the retired member is not so employed until more than six months after the member's effective retirement date and the member's retirement otherwise meets the standard of a bona fide retirement;

(d) The retired member meets the requirements of section 2, chapter 499, Oregon Laws 2007;

(e) The retired member is employed for service during a legislative session under ORS 238.092(2); or

(f) The retired member is on active state duty in the organized militia and meets the requirements under ORS 399.075(8).

(g) For purposes of population determinations referenced by statutes listed in this section, the latest federal decennial census shall first be operative on the first day of the second calendar year following the census year.

(h) For purposes of ORS 238.082(6), a retired member replaces an employee if the retired member:

(A) Is assigned to the position of the employee; and

(B) Performs the duties of the employee or duties that might be assigned to an employee in that position.

(5) If a retired member is reemployed subject to the limitations of ORS 238.082 and section (2) of this rule, the period or periods of employment subsequently exceed those limitations, and employment continues into the month following the date the limitations are exceeded:

(a) If the member has been retired for six or more calendar months:

(A) PERS will cancel the member's retirement.

(i) If the member is receiving a monthly service retirement allowance, the last payment to which the member is entitled is for the month in which the limitations were exceeded.

(ii) If the member is receiving installment payments under ORS 238.305(4), the last installment payment to which the member is entitled is the last payment due on or before the last day of the month in which the limitations were exceeded.

(iii) If the member received a single lump sum payment under ORS 238.305(4) or 238.315, the member is entitled to the payment provided the payment was dated on or before the last day of the month in which the limitations were exceeded.

(iv) A member who receives benefits to which he or she is not entitled must repay those benefits to PERS.

(B) The member will reestablish active membership the first of the calendar month following the month in which the limitations were exceeded.

(C) The member's account must be rebuilt in accordance with the provisions of section (7) of this rule.

(b) If the member has been retired for less than six calendar months:

(A) PERS will cancel the member's retirement effective the date the member was reemployed.

(B) All retirement benefits received by the member must be repaid to PERS in a single payment.

(C) The member will reestablish active membership effective the date the member was reemployed.

(D) The member account will be rebuilt as of the date that PERS receives the single payment. The amount in the member account must be the same as the amount in the member account at the time of the member's retirement.

(6) For purposes of determining period(s) of employment in section (2) of this rule:

(a) Hours of employment are hours on and after the retired member's effective retirement date for which the member receives wages, salary, paid leave, or other compensation.

(b) Hours of employment that are performed under the provisions of section (4) of this rule on or after the later of January 1, 2004 or the operative date of the applicable statutory provision are not counted.

(7) Reemployment under ORS 238.078(1). If a member has been retired for service for more than six calendar months and is reemployed in a qualifying position by a participating employer under the provisions of 238.078(1):

(a) PERS will cancel the member's retirement effective the date the member is reemployed.

(b) The member will reestablish active membership on the date the member is reemployed.

(c) If the member elected a benefit payment option other than a lump sum option under ORS 238.305(2) or (3), the last monthly service retirement allowance payment to which the member is entitled is for the month before the calendar month in which the member is reemployed. Upon subsequent retirement, the member may choose a different benefit payment option.

(A) The member's account will be rebuilt as required by ORS 238.078 effective the date active membership is reestablished.

(B) Amounts from the Benefits-In-Force Reserve (BIF) credited to the member's account under the provisions of paragraph (A) of this subsection will be credited with earnings at the BIF rate or the assumed rate, whichever is less, from the date of retirement to the date of active membership.

(d) If the member elected a partial lump sum option under ORS 238.305(2), the last monthly service retirement allowance payment to which the member is entitled is for the month before the calendar month in which the member is reemployed. The last lump sum or installment payment to which the member is entitled is the last payment due before the date the member is reemployed. Upon subsequent retirement, the member may not choose a different benefit payment option unless the member has repaid to PERS in a single payment an amount equal to the lump sum and installment benefits received and the earnings that would have accumulated on that amount.

(A) The member's account will be rebuilt as required by ORS 238.078 effective the date active membership is reestablished.

(B) Amounts from the BIF credited to the member's account under the provisions of paragraph (A) of this subsection, excluding any amounts attributable to repayment by the member, will be credited with earnings at the BIF rate or the assumed rate, whichever is less, from the date of retirement to the date of active membership.

(e) If the member elected the total lump sum option under ORS 238.305(3), the last lump sum or installment payment to which the member is entitled is the last payment due before the date the member is reemployed. Upon subsequent retirement, the member may not choose a different benefit payment option unless the member has repaid to PERS in a single payment an amount equal to the benefits received and the earnings that would have accumulated on that amount.

(A) If the member repays PERS as described in this subsection the member's account will be rebuilt as required by ORS 238.078 effective the date that PERS receives the single payment.

(B) If any amounts from the BIF are credited to the member's account under the provisions of paragraph (A) of this subsection, the amounts may not be credited with earnings for the period from the date of retirement to the date of active membership.

(f) If the member received a lump sum payment under ORS 238.315:

(A) If the payment was dated before the date the member is reemployed, the member is not required or permitted to repay the benefit amount. Upon subsequent retirement:

(i) The member may choose a different benefit payment option.

(ii) The member's retirement benefit will be calculated based on the member's periods of active membership after the member's initial effective retirement date.

(B) If the payment was dated on or after the date the member is reemployed, the member must repay the benefit amount. Upon subsequent retirement:

(i) The member may choose a different benefit payment option.

(ii) The member's retirement benefit will be calculated based on the member's periods of active membership before and after the member's initial effective retirement date.

(iii) The member's account will be rebuilt as described in ORS 238.078(2).

(g) A member who receives benefits to which he or she is not entitled must repay those benefits to PERS.

(8) Reemployment under ORS 238.078(2). If a member has been retired for less than six calendar months and is reemployed in a qualifying position by a participating employer under the provisions of 238.078(2):

(a) PERS will cancel the member's retirement effective the date the member is reemployed.

(b) All retirement benefits received by the member must be repaid to PERS in a single payment.

(c) The member will reestablish active membership effective the date the member is reemployed.

(d) The member account will be rebuilt as of the date that PERS receives the single payment. The amount in the member account must be the same as the amount in the member account at the time of the member's retirement.

(e) Upon subsequent retirement, the member may choose a different benefit payment option.

(9) Upon the subsequent retirement of any member who reestablished active membership under ORS 238.078 and this rule, the retirement benefit of the member must be calculated using the actuarial equivalency factors in effect on the effective date of the subsequent retirement.

(10) The provisions of paragraphs (7)(c)(B), (7)(d)(B), and (7)(e)(B) of this rule are applicable to retired members who reestablish active membership under ORS 238.078 and this rule and whose initial effective retirement date is on or after March 1, 2006.

(11) Reporting requirement. A participating employer that employs a retired member must notify PERS in a format acceptable to PERS under which statute the retired member is employed.

(a) Upon request by PERS, a participating employer must certify to PERS that a retired member has not exceeded the number of hours allowed under ORS 238.082 and section (2) of this rule.

(b) Upon request by PERS a participating employer must provide PERS with business and employment records to substantiate the actual number of hours a retired member was employed.

(c) Participating employers must provide information requested under this section within 30 days of the date of the request.

(12) Sick leave. Accumulated unused sick leave reported by an employer to PERS upon a member's retirement, as provided in ORS 238.350, may not be made available to a retired member returning to employment under sections (2) or (7) of this rule.

(13) Subsections (4)(c) and (4)(d) of this rule are repealed effective January 2, 2016.

(14) This rule is effective January 1, 2015.

Stat. Auth.: ORS 238.650

Stats. Implemented: ORS 238.078, 238.082, 238.092, 399.075, & 2007 OL Ch. 499 & 774

Hist.: PERS 1-1994, f. 3-29-94, cert. ef. 4-1-94; PERS 1-1996, f. & cert. ef. 3-26-96; Renumbered from 459-010-0182; PERS 13-1998, f. & cert. ef. 12-17-98; PERS 7-2001, f. & cert. ef. 12-7-01; PERS 18-2003(Temp), f. & cert. ef. 12-15-03 thru 5-31-04; PERS 19-2004, f. & cert. ef. 6-15-04; PERS 3-2006, f. & cert. ef. 3-1-06; PERS 18-2007, f. & cert. ef. 11-23-07; PERS 3-2009, f. & cert. ef. 4-6-09; PERS 11-2009, f. & cert. ef. 12-1-09; PERS 7-2012, f. & cert. ef. 3-28-12; PERS 5-2013, f. & cert. ef. 3-29-13; PERS 3-2014, f. & cert. ef. 1-31-14; PERS 7-2015, f. & cert. ef. 5-29-15

459-080-0500
Limitation on Contributions

(1) Definitions. For purposes of this rule:

(a) "Annual addition" has the same meaning given the term in 26 U.S.C. 415(c)(2).

(b) "Compensation" has the same meaning given the term in 26 U.S.C. 415(c)(3)(A).

(2) Annual addition limitation. Except as otherwise provided in this rule, the annual addition to a member account for any calendar year may not exceed $53,000 effective January 1, 2015.

(3) Payment for military service. If a payment of employee contributions for a period of military service is made under OAR 459-080-0100:

(a) The payment shall be treated as an annual addition for the calendar year(s) of military service to which it relates;

(b) The payment shall not be treated as an annual addition for the calendar year in which it is made; and

(c) For the purpose of allocating payments under this section, the member's compensation shall be the amount described in OAR 459-080-0100(3)(d).

Stat. Auth.: ORS 238A.450

Stats. Implemented: ORS 238A.370

Hist.: PERS 21-2003, f. 12-15-03 cert. ef. 1-1-04; PERS 8-2012, f. & cert. ef. 3-28-12; PERS 3-2013, f. & cert. ef. 3-29-13; PERS 3-2014, f. & cert. ef. 1-31-14; PERS 7-2015, f. & cert. ef. 5-29-15

Oregon University System
Chapter 580

Rule Caption: Supersedes all prior Academic Year and Summer Session Fee Book Rules
Adm. Order No.: OUS 1-2015(Temp)
Filed with Sec. of State: 6-15-2015
Certified to be Effective: 6-15-15 thru 11-16-15
Notice Publication Date:
Rules Amended: 580-040-0040
Subject: Establish tuition and fees for both Academic Year 2015–16 and Summer Session 2016 under one administrative rule, for Eastern Oregon University, Oregon Institute of Technology, Southern Oregon University and Western Oregon University. Supersedes all prior Academic Year and Summer Session Fee Book rules.
Rules Coordinator: Ginger Shaw—(541) 346-5716

580-040-0040
Oregon University System Annual Fee Book

The document entitled "2015–16 Academic Year & 2016 Summer Session Fee Book" dated June 5, 2015, is hereby adopted as a temporary rule. All prior adoptions of Academic Year and Summer Session fee documents are hereby repealed except as to rights and obligations previously acquired or incurred thereunder. The Chancellor or designated staff is permitted to make revisions as needed and is authorized to make minor adjustments to the final document, if necessary.

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: HEB 4-1978, f. & ef. 6-15-78; HEB 5-1979, f. & ef. 7-20-79; HEB 11-1979, f. & ef. 8-22-79; HEB 1-1980, f. & ef. 4-18-80; HEB 7-1980, f. & ef. 6-18-80; HEB 11-1980, f. & ef. 8-20-80; HEB 4-1981(Temp), f. 6-30-81, ef. 7-1-81; HEB 5-1981, f. & ef. 8-18-81; HEB 15-1981(Temp), f. & ef. 12-18-81; HEB 5-1982, f. & ef. 7-14-82; HEB 4-1983, f. & ef. 7-29-83; HEB 4-1984, f. & ef. 6-20-84; HEB 5-1985, f. & ef. 8-12-85; HEB 12-1986, f. & ef. 7-30-86; HEB 6-1987, f. & ef. 8-4-87; HEB 8-1988, f.& cert. ef. 8-5-88; HEB 10-1988, f. & cert. ef. 11-16-88; HEB 3-1989, f. & cert. ef. 11-27-89; HEB 6-1989, f. & cert. ef. 7-28-89; HEB 7-1990, f. & cert. ef. 6-4-90; HEB 8-1990(Temp), f. & cert. ef. 7-26-90; HEB 12-1990, f. & cert. ef. 10-3-90; HEB 5-1991, f. & cert. ef. 8-15-91; HEB 8-1992, f. & cert. ef. 7-31-92; HEB 2-1993, f. & cert. ef. 2-5-93; HEB 5-1993, f. & cert. ef. 8-11-93; HEB 7-1994, f. & cert. ef. 8-4-94; HEB 3-1995, f. & cert. ef. 8-1-95; HEB 3-1996, f. & cert. ef. 8-8-96; HEB 5-1996, f. & cert. ef. 12-18-96; HEB 3-1997, f. & cert. ef. 7-24-97; OSSHE 4-1998, f. & cert. ef. 7-22-98; OSSHE 5-1998(Temp), f. & cert. ef. 8-21-98 thru 1-31-99; OSSHE 9-1998, f. & cert. ef. 12-23-98; OSSHE 3-1999(Temp), f. & cert. ef. 7-22-99 thru 1-14-00; OSSHE 4-1999, f. & cert. ef. 9-16-99; OSSHE 3-2000, f. & cert. ef. 7-26-00; OSSHE 4-2001, f. & cert. ef. 7-27-01; OSSHE 8-2002, f. & cert. ef. 8-14-02; OSSHE 2-2003, f. & cert. ef. 8-4-03; OSSHE 6-2004, f. & cert. ef. 6-15-04; OSSHE 2-2006, f. & cert. ef. 6-8-06; OSSHE 3-2007, f. & cert. ef. 6-21-07; OSSHE 6-2008(Temp), f. & cert. ef. 3-20-08 thru 9-1-08; OSSHE 8-2008, f. & cert. ef. 6-17-08; OSSHE 2-2009(Temp), f. & cert. ef. 2-20-09 thru 6-30-09; OSSHE 4-2009(Temp), f. & cert. ef. 3-13-09 thru 6-30-09; Administrative correction 7-21-09; OSSHE 5-2009(Temp), f. & cert. ef. 7-20-09 thru 1-8-10; OSSHE 6-2009(Temp), f. & cert. ef. 10-1-09 thru 1-8-10; Administrative correction 1-25-10; OUS 2-2010, f. & cert. ef. 2-11-10; OUS 3-2010, f. & cert. ef. 6-17-10; OUS 2-2011, f. & cert. ef. 6-23-11; OUS 3-2011, f. & cert. ef. 10-19-11; OUS 8-2012, f. & cert. ef. 6-18-12; OUS 4-2013, f. & cert. ef. 7-24-13; OUS 2-2014, f. & cert. ef. 6-13-14; OUS 1-2015(Temp), f. & cert. ef. 6-15-15 thru 11-16-15

• • • • • • • • • •

Oregon University System, Oregon Institute of Technology
Chapter 578

Rule Caption: Amend the fee schedule of Special Institutional Fees and Parking Permits.
Adm. Order No.: OIT 1-2015
Filed with Sec. of State: 5-29-2015
Certified to be Effective: 8-24-15
Notice Publication Date: 4-1-2015
Rules Amended: 578-041-0030, 578-072-0030
Subject: 578-041-0030 Amends the Schedule of Special Institution Fees and Charges. Amendments allow for increases, revisions, additions or deletions of special course fees, and general service fees for fiscal year 2015-2016. The schedule of subject fees may be obtained from the Oregon Institute of Technology Business Affairs office and available at http://www.oit.edu/college-costs/tuition-fees.

578-072-0030 Amends Parking Permit and Fees. Amendment allows for increases, revisions and additions of parking fines.
Rules Coordinator: Denise Reid—(541) 885-1227

578-041-0030
Special Institution Fees and Charges

The Schedule of special Institution Fees and Charges establishes charges for selected courses and general services for Oregon Institute of Technology for the academic year 2015–2016 and are hereby adopted by reference. Copies of this fee schedule may be obtained from the Oregon Institute of Technology Business Affairs Office.

Stat. Auth.: ORS 351
Stats. Implemented: ORS 351.070(2)
Hist.: OIT 1-1985, f. 1-10-85, ef. 2-1-85; OIT 1-1986, f. & ef. 9-4-86; OIT 4-1991, f. & cert. ef. 7-22-91; OIT 5-1992, f. & cert. ef. 9-24-92; OIT 1-1993, f. & cert. ef. 9-24-93; OIT 1-1995, f. & cert. ef. 7- 7-95; OIT 1-1996, f. & cert. ef. 9-11-96; OIT 2-1996; f. & cert. ef. 12-19-96; OIT 1-1997, f. & cert. ef. 12-31-97; OIT 2-1998, f. & cert. ef. 11-12-98; OIT 1-1999, f. & cert. ef. 8-26-99; OIT 1-2000, f. & cert. ef. 7-7-00; OIT 1-2001, f. & cert. ef. 7-19-01; OIT 1-2002, f. & cert. ef. 7-15-02; OIT 1-2003, f. & cert. ef. 6-11-03; OIT 1-2004, f. & cert. ef. 6-9-04; OIT 1-2005, f. & cert. ef. 6-10-05; OIT 1-2006, f. & cert. ef. 6-2-06; OIT 1-2007, f. & cert. ef. 6-7-07; OIT 1-2008, f. & cert. ef. 6-10-08; OIT 1-2009, f. & cert. ef. 9-2-09; OIT 1-2010(Temp), f. & cert. ef. 6-28-10 thru 12-23-10; OIT 2-2010, f. & cert. ef. 8-30-10; OIT 1-2011, f. & cert. ef. 6-20-11; OIT 4-2011, f. & cert. ef. 8-16-11; OIT 1-2012, f. & cert. ef. 7-11-12; OIT 2-2012, f. & cert. ef. 9-14-12; OIT 1-2013, f. 6-12-13, cert. ef. 9-16-13; OIT 1-2014, f. 6-18-14, cert. ef. 9-15-14; OIT 1-2015, f. 5-29-15, cert. ef. 8-24-15

578-072-0030
Parking Permit and Fees

(1) Faculty and Staff permits for Klamath Falls campus will be issued for a fee of $161.00 per year or $80.00 per term. Vehicles with these permits must park in the parking areas.

(2) Student permits for Klamath Falls campus will be issued for a fee of $102.00 per year or $51.00 per term. Vehicles with these permits must park in the parking areas.

(3) Faculty and Staff permits for Wilsonville Campus will be issued for a fee of $35.00 per year.

(4) Bicycles must be licensed by the municipal jurisdiction where the campus is located. A parking permit is not required.

(5) Special permits may be issued at the Cashier's office under the following circumstances:

(a) Application for a Disabled Parking permit must be submitted to the Student Health Service. After approval by Student Health Service, a Disabled Parking permit will be issued.

(b) Persons displaying either permanent or temporary disabled permits are authorized open parking on the campus in addition to parking in the areas designated as disabled parking.

(c) Temporary permits are issued at no charge by Campus Safety, if required. Vehicles displaying temporary permits must park in the area designated by that permit. Students, faculty, and staff members are able to obtain up to 3 days per term of temporary parking permits. Temporary permits are official documents and may not be modified or altered in any way.

(d) Visitor permits are issued at no charge and must be displayed as indicated on the permit. A visitor is any person who is an Oregon Tech guest but is not officially affiliated with Oregon Tech.

(e) Special guest permits: Guest permits will be issued by Campus Safety.

(6) Service Vendor permits are issued by Facilities or Campus Safety for contractors, media personnel, and vendors performing work on campus.

(7) Up to three vehicles registered on a single hanging permit-additional charge $10.00.

(8) Replacement Permits: A replacement permit may be purchased for a substitute vehicle when the original vehicle is sold, damaged beyond repair, or when the permit is lost or damaged. In the event a permit is stolen, a stolen permit report must be filed with Campus Safety before a replacement permit may be issued. A replacement permit may be obtained for a fee of $10.00 upon submission to the cashier of permit number evidence from the original permit.

(9) Possession of a lost or stolen permit may be grounds for criminal charges, and/or University disciplinary action, including revocation of parking privileges.

(10) Parking permits are issued by the academic year or for a term. Refunds will be made only if a parking permit is removed from the vehicle and returned to the Cashier within ten (10) days of the purchase date. No other refunds will be given.

(11) Parking permits are considered University records, and as such, may not be falsified, misused, forged, modified or altered in any way. Vehicles bearing forged or altered permits are subject to a fine, criminal proceeding, and/or discipline by the University.

Stat. Auth.: ORS 351
Stats. Implemented: ORS 351.070
Hist.: OIT 2, f. & ef. 9-7-76; OIT 10, f. & ef. 6-6-77; OIT 1-1978, f. & ef. 6-5-78; OIT 1-1979, f. & ef. 6-8-79; OIT 6-1980, f. & ef. 6-9-80; OIT 3-1985, f. 8-5-85, ef. 9-1-85; OIT 1-1988(Temp), f. 6-20-88, cert. ef. 7-1-88; OIT 3-1991, f. & cert. ef. 7-8-91; OIT 2-1992, f. & cert. ef. 7-21-92; OIT 1-1993, f. & cert. ef. 9-24-93; OIT 1-1994, f. & cert. ef. 8-25-94; OIT 1-1996, f. & cert. ef. 9-11-96; OIT 1-1997, f. & cert. ef. 12-31-97; OIT 2-1998, f. & cert. ef. 11-12-98; OIT 1-1999, f. & cert. ef. 8-26-99; OIT 1-2000, f. & cert. ef. 7-7-00; OIT 1-2001, f. & cert. ef. 7-19-01; OIT 1-2002, f. & cert. ef. 7-15-02; OIT 2-2005, f. & cert. ef. 6-10-05; OIT 2-2006, f. & cert. ef. 6-2-06; OIT 2-2007, f. & cert. ef. 6-7-07; OIT 3-2008, f. & cert. ef. 6-10-08; OIT 2-2011, f. & cert. ef. 7-25-11; OIT 3-2011, f. & cert. ef. 7-29-11; OIT 5-2011, f. & cert. ef. 8-16-11; OIT 1-2012, f. & cert. ef. 7-11-12; OIT 2-2012, f. & cert. ef. 9-14-12; OIT 1-2013, f. 6-12-13, cert. ef. 9-16-13; OIT 1-2014, f. 6-18-14, cert. ef. 9-15-14; OIT 1-2015, f. 5-29-15, cert. ef. 8-24-15

• • • • • • • • • •

Oregon University System, Southern Oregon University
Chapter 573

Rule Caption: Parking Enforcement and Appeals
Adm. Order No.: SOU 2-2015
Filed with Sec. of State: 6-5-2015
Certified to be Effective: 6-5-15
Notice Publication Date: 5-1-2015
Rules Amended: 573-050-0020, 573-050-0025, 573-050-0030
Subject: This amendment in Div. 050 edits language to correct subsections of the rule.
Rules Coordinator: Treasa Sprague—(541) 552-6319

573-050-0020
Driver Responsibility

(1) All persons operating vehicles on campus are responsible for knowing and adhering to the regulations herein. All parking and vehicle operating regulations are enforced 24 hours per day unless posted otherwise. All vehicles driven or parked on SOU property shall be legally licensed and operated by a legally licensed driver. The license must be displayed upon request of Campus Public Safety Officers.

(2) The responsibility for locating a legal parking space rests with the operator of the vehicle. Lack of parking space or an overabundance of parking space is not a valid excuse for violating any University parking regulation.

(3) Persons whose vehicles have broken down on the campus must immediately notify Parking Services. Major mechanical repairs to vehicles on the campus are prohibited. Abandoned or junked vehicles remaining on the campus more than 72 hours will be removed at the owner's expense. Unlicensed vehicles parked on the campus will be considered abandoned and subject to removal at the owner's expense. Unlicensed vehicles include those with expired vehicle registration. Campus parking includes the parking lots located at Family Housing.

(4) Southern Oregon University assumes no liability for personal injuries or for the care and/or protection of any vehicle or its contents while the vehicle is operated or parked on campus.

(5) Vehicles involved in driving safety violations may have their vehicle permits to park on campus revoked by Parking Services Enforcement Director. Revocations may be appealed through the Traffic Appeals Board process.

(6) Persons using physical or verbal abuse in violation of university conduct rules directed at Parking officials, Campus Public Safety personnel, and/or any University Parking staff may have their vehicle permits to park on campus revoked by the Campus Public Safety Director. Revocations may be appealed through the Traffic Appeals Board process.

Stat. Auth.: ORS 351.070
Stats. Implemented: ORS 352.360
Hist.: SOSC 5, f. & ef. 9-2-76; SOSC 4-1979, f. 8-8-79, ef. 9-1-79; SOSC 5-1980, f. & ef. 8-19-80; SOSC 6-1983, f. & ef. 8-23-83; SOSC 2-1984, f. & ef. 8-14-84; SOU 2-1997, f. & cert. ef. 8-26-97; SOU 1-2001, f. & cert. ef. 4-4-01; SOU 1-2004, f. & cert. ef. 4-5-04; SOU 2-2011, f. & cert. ef. 6-13-11; SOU 2-2015, f. & cert. ef. 6-5-15

573-050-0025
Vehicle Permits, Parking Areas and Fee Schedule

(1) All vehicles parked on the University campus are required to display a valid SOU permit when the posted signs require a permit. Faculty/Staff lots are posted yellow; Student Commuter lots are posted green; Resident Student lots are posted red. Parking Services can be contacted for the location where other types of permits may be obtained. Failure to display a permit may result in the issuance of a parking citation. Permits may be purchased during normal office hours at the Enrollment Services Center (ESC) located in Britt Hall. All permits are valid for the current academic year only, unless otherwise designated by Parking Services at the time of issuance; there are no open-ended permits. Permit is defined as any Parking Services sanctioned or issued permit. Examples include: decal, hangtag, guest, special, metered, temporary, courtesy*, media, or other placard or device issued or developed by Parking Services as needed to facilitate parking of vehicles on Southern Oregon University

property. *(A courtesy permit refers to a Retiree, VIP, or a Volunteer.) Any misuse of these parking permits may cause them to be revoked.

(2) Parking permits and faculty/staff hangtags are serialized for use on specific vehicle(s) with a license plate designated by the purchaser at the time of purchase. Permits (decals) must be affixed outside to left-rear bumper, left-rear body, left-rear window, or rear-side window behind driver of the vehicle where visible. The adhesive on the back of the permit must be the attaching mechanism. Hangtags are to be hung from the rear-view mirror; serialized numbers facing out. Parking Services (at the Enrollment Services Center in Britt Hall) must be informed of changes in vehicles; re-registering the hangtags to the appropriate vehicle(s). If a vehicle is disposed of, the permit must be removed and returned to Parking Services.

(3) Parking permits may be purchased for the time period designated on the decals; generally the academic year. The academic year begins and ends in September. Parking permits purchased during the winter, spring, or summer terms are at a proportionately reduced rate.

(4) Faculty/Staff (yellow) parking permits (or hangtags) will be sold to classified employees, graduate assistants, temporary employees who are half-time or more, and faculty. Faculty/staff employees working .50 FTE or less will be eligible for a permit at a reduced rate of one-half the cost of the permit. Hangtags are issued for a three-year period. Faculty/staff hangtags are considered the first permit. They are not to be sold as a second permit. Vehicles displaying a Faculty/Staff permit (yellow) (or hangtag) are authorized to park in designated Faculty/Staff (yellow) parking areas or Student parking areas (red parking areas or green parking areas).

(5) Student Commuter parking (green) permits will be sold to students who live off campus and wish to bring vehicles on campus. Vehicles displaying a Student Commuter permit are authorized to park in designated Student Commuter (green) parking areas.

(6) Residence Hall (red) parking permits will be sold to students living in campus residence halls. Vehicles displaying a Residence Hall permit are authorized to park in designated Residence Hall (red) parking areas.

(7) Second parking permits may be purchased for an additional vehicle if more than one vehicle will be brought to campus. The purchaser must also be the registered owner of the vehicle. Only one permit (the original or second permit) is valid in permit-required lots at a time. If both first and second permits of one person are parked in permit-required lots at the same time, both vehicles will be cited for improper permits. A second permit may not be purchased for a car if the first permit is for a vehicle used in a Residence Hall Parking area, a motorcycle, moped, or scooter.

(8) A replacement permit may be obtained for a damaged, unreadable permit or for a replacement vehicle. The replacement vehicle must be registered to the same owner as the original vehicle. The permit which is being replaced will be considered void and should be returned to Parking Services (at the Enrollment Services Center in Britt Hall) upon purchase of a replacement permit.

(9) Guest permits are available at Parking Services and departmental offices. Guest permits are issued for one day only. Guest permits may not be used in timed or visitor pay meter lots. Guest permits will not be valid if issued to University employees, faculty, students, buses, or vehicles displaying a valid parking permit. Guest permits will not be valid and a citation may be issued for failure to display permit if any of the following information is illegible or omitted:

(a) Both license number and make or color of vehicle;

(b) Date that permit is valid;

(c) Name and telephone extension of departmental personnel issuing the permit.

(10) Carpool parking permits will be sold for the entire school year only if the carpool meets the following criteria:

(a) The carpool must contain at least two registered participants but no more than six.

(b) No more than one vehicle from the carpool is allowed on campus at a particular time. They may not purchase a second permit. However, replacement permits are available if requirements as stated in the regulations for replacement permits are met.

(11) Temporary replacement vehicles for a vehicle with a permit may be brought on campus after obtaining a Substitute Vehicle parking permit from Parking Services. This permit is used for temporary situations of short duration (30 days or less).

(12) Special permits may be approved by Parking Services on an as-needed basis.

(13) Weekly or Daily permits, for those persons who use the campus parking facilities only intermittently, may be purchased at Parking Services (at the Enrollment Services Center in Britt Hall) or may be available in departments that have purchased them for use in special programs or events on campus.

(14) Courtesy (purple), parking permits are available to Emeritus Faculty only. Courtesy (purple), permits are valid for Emeritus Faculty only, not to be used by family or friends. A grandfather clause exists for employees who have already received a purple permit prior to the effective date of this rule. Volunteer board members, designated governmental officials, media representatives, and such others as deemed necessary by the President will have dated and numbered VIP hangtags to facilitate their interaction with the institution. Media representatives will receive dated and numbered hangtags. Permits may be used only for their intended purpose.

(15) Vendor or Volunteer permits may be obtained through Parking Services.

(a) Commercial permits will be sold to commercial vendors, including vending machine, video game, outside maintenance, travel, office supply, and food vendor companies, and contractors' employees. Companies or departments can purchase a long-term permit for six months or a year. Short-term permits are available for one day or one month. Companies or departments will be billed for the permits by Parking Services.

(b) Volunteer parking permits will be sold to departments for use by volunteers. Departments can purchase long-term permits for one year, short-term permits for less than one month or term-by-term. These permits will be billed by Parking Services to the issuing department. Volunteer permits are not valid if issued to current University employees, faculty or students.

(16) Disabled parking is in accordance with ORS 811.602, 811.605, 811.606, 811.607, and 811.615. Only vehicles displaying a disabled placard or license plate issued and registered at the Motor Vehicles Division (as designated in Rule 573-050-0020) will be allowed to park in spaces posted for use by disabled persons. These vehicles must also display an SOU permit or meter permit unless otherwise posted.

(a) Temporary placards are issued by the Motor Vehicle Division for persons with qualifying temporary disabilities (as provided by ORS 811.606 and 811.640). The requirements for parking on campus apply for all disabled parking listed above.

(b) Vehicles with an appropriate disabled placard or license plate and SOU permit may park in any lot or space without incurring citations, except where the lot or space is designated for parking limited to 60 minutes or less in a parking space reserved for other vehicles, or visitor-pay meter lots.

(17) Refunds will be given for student/staff parking permits for unused academic terms, except summer term. No refunds will be given for year permits that are not used summer term. Refunds will be given upon return of the permit or fragments thereof showing the permit numbers and expiration date. Refund schedules are on file at ESC.

(18) Vehicles displaying valid permits are not guaranteed a parking space on the campus.

(19) Vehicles displaying valid permits are not exempt from timed parking restrictions. Timed spaces are limited and are intended for visitors with SOU business and/or seeking to enroll at Southern Oregon University. SOU permitted vehicles shall not park in marked visitor parking spaces.

(20) Mopeds, scooters, & motorcycles must have a motorcycle permit and be parked in a motorcycle parking space. If a motorcycle has a full price vehicle parking permit they may park in a vehicle space that corresponds with the color of the permit. Motorcycles may park in timed spaces that are open to the public. Mopeds, scooters, and motorcycles parked in bicycle racks and on the campus grounds will be cited for improper parking. Vehicles parked inside University buildings will be towed at the owner's expense.

(21) If a faculty/staff hangtag is the first legal permit, and a motorcycle is the second vehicle, a decal may be purchased at second decal rate.

(22) If, during the process of issuing a parking citation, the driver of the violating vehicle drives away from the scene, thus preventing the issuing agent from placing the citation on the vehicle, the citation will be entered into the parking system as if it had been placed on the vehicle. When a driver leaves the scene during the issuing process, this will be considered "constructive notice" of the citation.

(23) Vehicles parked facing in the direction against one-way arrows will be cited for improper parking. Vehicles parked on the side of street opposing direction of usual traffic flow will be cited for improper parking.

(24) Vehicles using parking lots marked "Pay Parking" are required to display the serialized meter permit purchased at each lot of this type. Failure to display the meter permit in plain view on the left side of the vehicle's dashboard will result in a citation for failure to display a permit. There is no grace period to obtain change for the permit machine.

(25) Government Vehicles not assigned a permanent parking space may only be parked for a period of 24 hours in Faculty/Staff or Student parking spaces unless permission has been obtained from Parking Services. Vehicles may be liable for enforcement action for non-compliance.

(26) Buses may park where directed by Parking Services.

(27) Fee Schedule:

(a) Carpool, sold for entire school year only: $ 135 each pool.

(b) Faculty and staff decal for first-registered vehicle, fall term through summer term: $150.

(c) Faculty/staff hangtags are issued for a three-year period: $439.

(A) This fee is for a one-time purchase. Proration is available for the second and third year .

(B) Payroll deduction is available, plus applicable increases in permit fees.

(d) Student Commuter and Residence Hall decal for first-registered vehicle for only fall term through summer term: $140.

(e) Motorcycles, mopeds, and scooters, one vehicle only:

(A) Fall term through summer term: $57.

(B) If motorcycles park in auto spaces, the fee is commensurate with full auto fee for the area.

(f) Second Vehicle permit: $49,

(A) Second permits will be sold only to Faculty/Staff and Commuter permit holders. Red permit holders may not purchase a second permit.

(B) One second permit is allowed for each full-price (first-registered vehicle) permit purchased.

(C) Replacement permits can be obtained only in accordance with OAR 573-050-0025(8).

(g) Replacement permits or hangtags: $30.

(h) Lost/stolen permits: $25.

(i) Departmental Reserved Parking spaces (nonrefundable): $100 over and above price for regular parking permit and a $50 fee for each subsequent sign-change after a sign is posted.

(j) Commercial permit, each vehicle:

(A) Long-term, twelve months: $ 250

(B) Long-term, six months: $ 150.

(C) Short-term, one month: $ 40.

(D) Short-term, daily: $ 12.

(k) Weekly parking permits: $32 per week (available at Housing, and Parking Services).

(l) Daily parking permits: $12 per day (available at Housing, and Parking Services).

(m) Department Daily Guest Pass booklets: $ 50.

(n) Evening and weekend parking in designated lots: $ 2.

(o) Visitor pay meter allowed parking as follows:

(A) Lots 12 and 41 at $1 per hour.

(B) Lots 1, 29, 30, and 36 at $1 per hour, $6 per 24 hour day, $20 for week long week day pass, and $2 for weekend pass. All meter passes may be used in faculty/staff yellow parking lots after 6 p.m. and on weekends.

(p) Volunteer permit:

(A) Volunteer, each vehicle, long-term, one year: $ 8.

(B) Volunteer, each vehicle, short-term, less than one month: $ 3.

(q) Handling charges:

(A) Deducting fines from payroll check: $ 8.

(B) Out-of-state Department of Motor Vehicles research fee: $ 8.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 352.360

Hist.: SOSC 5, f. & ef. 9-2-76; SOSC 4-1979, f. 8-8-79, ef. 9-1-79; SOSC 5-1980, f. & ef. 8-19-80; SOSC 3-1981, f. & ef. 9-9-81; SOSC 4-1982, f. & ef. 7-28-82; SOSC 1-1983, f. & ef. 1-3-83; SOSC 6-1983, f. & ef. 8-23-83; SOSC 2-1984, f. & ef. 8-14-84; SOSC 8-1985, f. & ef. 8-12-85; SOSC 3-1986, f. & ef. 7-22-86; SOSC 5-1987, f. & ef. 9-8-87; SOSC 4-1989, f. & cert. ef. 9-19-89; SOSC 3-1990, f. & cert. ef. 5-31-90; SOSC 4-1991, f. & cert. ef. 6-11-91; SOSC 2-1994, f. & cert. ef. 6-10-94; SOSC 2-1996, f. & cert. ef. 8-2-96; SOU 2-1997, f. & cert. ef. 8-26-97; SOU 2-1998, f. & cert. ef. 7-16-98; SOU 1-1999, f. & cert. ef. 5-7-99; SOU 2-2000, f. & cert. ef. 6-9-00; SOU 1-2001, f. & cert. ef. 4-4-01; SOU 2-2002, f. & cert. ef. 6-28-02; SOU 1-2004, f. & cert. ef. 4-5-04; SOU 3-2006, f. & cert. ef. 6-29-06; SOU 3-2007, f. & cert. ef. 7-23-07; SOU 3-2009, f. 10-1-09, cert. ef. 10-4-09; SOU 3-2010, f. & cert. ef. 6-8-10; SOU 2-2011, f. & cert. ef. 6-13-11; SOU 2-2012, f. & cert. ef. 6-11-12; SOU 3-2013, f. & cert. ef. 6-20-13; SOU 3-2014, f. & cert. ef. 7-2-14; SOU 2-2015, f. & cert. ef. 6-5-15

573-050-0030

Driving and Parking Regulations on Campus

The Vice President for Administration and Finance, in consultation with the Transportation Planning and Parking Committee (TPPC), will designate parking areas on campus.

(1) Anyone operating a vehicle on campus will observe posted speed limits, barricades, bicycle lanes, crosswalks, and stop signs and will drive in a safe and prudent manner. The speed limit on campus is 15 MPH. Driving or parking vehicles, bicycles, motorcycles, mopeds, scooters, or motorized bicycles on sidewalks, lawns, and other areas not designated for driving, parking, or public thoroughfare is prohibited.

(2) Regulations may change from time to time. In the event of conflict between traffic signs or markings and printed regulations, the signs or markings will prevail.

(3) Vehicles shall be parked within indicated parking areas only. All lots will have permit requirements suspended during institution holidays except disabled, yellow zones, pay lots, reserved parking spaces, and restricted areas, which are enforced at all times. "Holidays" refers to the following observed state holidays: New Year's Day, Martin Luther King, Jr. Day, Memorial Day, Independence Day, Labor Day, Veterans' Day, Thanksgiving Day and the Friday following Thanksgiving, and Christmas Day.

(4) Residence Hall (red) parking areas, and pay lots are enforced 24 hours a day except for holidays as specified in the previous paragraph. All other lots are enforced as indicted herein:

(a) Faculty/staff (yellow) enforced 6A-6P, after 6P and weekends any university permit including a paid meter pass is valid. Faculty lots are enforced 24 hours per day unless otherwise posted.

(b) Commuter lots (green) enforced 6A-6P, after 6P and weekends any university permit is valid. All lots are enforced 24 hours per day unless otherwise posted.

(5) Persons, departments, or schools sponsoring University-hosted or community events must contact the Parking Services event coordinator online or contact Parking Services (at the Enrollment Service Center in Britt Hall) to arrange for parking and fee payment as appropriate. The Parking Department will have authority to determine which parking lot should be used for event. Event is defined as any activity occurring on Southern Oregon University property in which the sponsors or attendees pay a fee, collectively utilize more than 5 permit area spaces, or requires services from Parking Services.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 352.360

Hist.: SOSC 5, f. & ef. 9-2-76; SOSC 4-1979, f. 8-8-79, ef. 9-1-79; SOSC 5-1980, f. & ef. 8-19-80; SOSC 3-1981, f. & ef. 9-9-81; SOSC 6-1983, f. & ef. 8-23-83; SOSC 2-1984, f. & ef. 8-14-84; SOSC 3-1986, f. & ef. 7-22-86; SOSC 5-1987, f. & ef. 9-8-87; SOSC 4-1989, f. & cert. ef. 9-19-89; SOSC 2-1994, f. & cert. ef. 6-10-94; SOU 2-1997, f. & cert. ef. 8-26-97; SOU 2-1998, f. & cert. ef. 7-16-98; SOU 1-1999, f. & cert. ef. 5-7-99; SOU 2-2002, f. & cert. ef. 6-28-02; SOU 1-2004, f. & cert. ef. 4-5-04; SOU 3-2006, f. & cert. ef. 6-29-06; SOU 3-2007, f. & cert. ef. 7-23-07; SOU 3-2013, f. & cert. ef. 6-20-13; SOU 2-2015, f. & cert. ef. 6-5-15

• • • • • • • • • •

Public Utility Commission
Chapter 860

Rule Caption: In the Matter of Adoption of 2012 Version of IEEE-1366 in Division 023 Rules.

Adm. Order No.: PUC 2-2015

Filed with Sec. of State: 6-9-2015

Certified to be Effective: 6-9-15

Notice Publication Date: 5-1-2015

Rules Amended: 860-023-0081

Subject: This rulemaking adopts the most recent edition of the Institute of Electrical Electronic Engineers (IEEE) Standard 1366 entitled, "IEEE Guide for Electric Power Distribution Reliability Indices."

Rules Coordinator: Diane Davis—(503) 378-4372

860-023-0081

Definitions and Terms for Electric Service Reliability

(1) Effective beginning January 1, 2012, the definitions in IEEE 1366, as defined in subsection (2)(b) of this rule, are adopted unless otherwise expressly modified by this rule. If there is a conflict between the definitions in IEEE 1366 and this rule, the definitions in this rule govern.

(2) The following definitions apply to the Electric Service Reliability Rules, OAR 860-023-0081 through 860-023-0161:

(a) "Electric company" means a public utility, as defined in ORS 757.005, that supplies electricity.

(b) "IEEE 1366" means the Institute of Electrical Electronic Engineers (IEEE) Standard 1366 entitled "IEEE Guide for Electric Power Distribution Reliability Indices" (the 2012 edition), approved on May 14, 2012 by IEEE-SA Standards Board.

(c) "Loss of Supply — Substation" or "Power Supply — Substation" means an interruption cause category related to an outage of a distribution substation component.

(d) "Loss of Supply — Transmission" or "Power Supply — Transmission" means an interruption cause category related to the inter-

ruption of the electrical supply by the electric company's transmission system or by another electrical utility or operator.

(e) "Reliability reporting area" means a grouping of one or more operating areas, for which the electric company calculates major event thresholds.

(f) "Reporting Period" means the 12-month period, based on a calendar year, for which the electric company is reporting reliability performance.

(g) "System-wide" means pertaining to and limited to the electric company's customers in Oregon.

(3) For reference only, some IEEE 1366 acronyms or terms commonly used in OAR 860-023-0081 through 860-023-0161 are repeated herein. (Note - refer to exact definitions and calculation methodologies in IEEE 1366.)

(a) "CAIDI" means customer average interruption duration index.

(b) "Customer" means a metered electrical service point for which an active bill account is established at a specific location (e.g., premise).

(c) "Interruption" means the loss of service to one or more customers connected to the distribution portion of the system. It is the result of one or more component outages, depending on system configuration.

(d) "$MAIFI_E$" means momentary average interruption event frequency index. (Note -This index does not include events immediately preceding a lockout.)

(e) "SAIDI" means system average interruption duration index.

(f) "SAIFI" means system average interruption frequency index.

(g) "Major Event" designates an event that exceeds the reasonable design and or operational limits of the electric power system. A major event includes at least one Major Event Day (MED).

(h) "Major Event Day" or "MED" means a day in which the daily system SAIDI exceeds a threshold value, T_{MED}. For the purposes of calculating daily system SAIDI, any interruption that spans multiple calendar days is accrued to the day on which the interruption began. Statistically, days having a daily system SAIDI greater than T_{MED} are days on which the energy delivery system experienced stresses beyond that normally expected (such as severe weather). Activities that occur on major event days should be separately analyzed and reported.

(i) "T_{MED}" means a major event day identification threshold value.

[Publications: Publications referenced in this rule are available for review at the agency.]

Stat. Auth.: ORS 183, 756 & 757

Stats. Implemented: ORS 757.020

Hist.: PUC 10-2011, f. 10-14-11, cert. ef. 1-1-12; PUC 2-2015, f. & cert. ef. 6-9-15

• • • • • • • • • •

Public Utility Commission, Board of Maritime Pilots Chapter 856

Rule Caption: Amendment to synchronize timing of annual renewal with issuance of unlimited license.

Adm. Order No.: BMP 2-2015

Filed with Sec. of State: 6-1-2015

Certified to be Effective: 6-1-15

Notice Publication Date: 6-1-2015

Rules Amended: 856-010-0012

Subject: The amendment provides for the payment of a pro-rated license fee to synchronize the renewal of an unlimited license with the annual renewal.

Rules Coordinator: Susan Johnson—(971) 673-1530

856-010-0012

Degrees of Licenses for the Columbia and Willamette River Pilotage Ground

(1) Grade "C" License: The initial license issued by the Board to a pilot for the Columbia and Willamette River pilotage ground shall only authorize the pilot to pilot vessels under 600 feet length over-all (L.O.A.).

(2) To obtain a Grade "B" License while holding a Grade "C" License: In order to obtain authority from the Board to pilot vessels from and including 600 feet L.O.A. up to 700 feet L.O.A. on the Columbia and Willamette River pilotage ground, an applicant must meet the following requirements:

(a) Complete at least 180 days service on the pilotage ground while holding a Grade "C" license;

(b) Complete at least 30 transits on the pilotage ground piloting ships of between 300 and 600 feet L.O.A.;

(c) Complete at least 25 transits on ships 600 feet L.O.A. or greater under the supervision of a minimum of ten different pilots, at least six of whom have held unlimited state licenses for at least 5 years;

(d) Complete at least 5 trips in either direction between Astoria and either Longview or Kalama on ships 600 feet L.O.A. or greater under the supervision of an unlimited state-licensed pilot;

(e) Make at least 6 trips under the supervision of unlimited state-licensed pilots while on the bridge of ships not less than 500 feet L.O.A., with at least 3 trips in each of the following directions:

(A) From the Willamette River, turning east (upstream) into the Columbia River; and

(B) From the Columbia River upstream of the mouth of the Willamette River, turning south (upstream) into the Willamette River;

(f) Complete at least 2 trips from dock to dock or anchor to dock while on ships not less than 600 feet L.O.A. while under the supervision of an unlimited state-licensed pilot, with each such trip requiring a 180 degree turn before docking;

(g) Present recommendations from the training course monitor and from at least ten pilots holding unlimited state licenses who participated in the training, certifying that the applicant has sufficient knowledge and shiphandling skills to pilot vessels from and including 600 feet L.O.A. up to 700 feet L.O.A.; and

(h) The requirements specified in subsections (b), (c), (d), (e), and (f) of this section must have been met during the 180 days preceding application for authority to pilot vessels from and including 600 feet L.O.A. up to 700 feet L.O.A.; and

(i) When the foregoing requirements are met, the Board shall issue a license to the applicant authorizing the applicant to pilot vessels which are less than 700 feet L.O.A., except that the applicant shall not pilot tankers, or vessels with a draft of 38 feet or greater, on the pilotage ground.

(3) To obtain a Grade "A" License while holding a Grade "B" License: In order to obtain authority from the Board to pilot vessels from and including 700 feet L.O.A. up to 800 feet L.O.A. on the Columbia and Willamette River pilotage ground, an applicant must meet the following requirements:

(a) Complete at least 270 days service on the pilotage ground while holding a Grade "B" license;

(b) Complete at least 40 transits piloting ships of between 300 and 700 feet L.O.A. as a state-licensed pilot;

(c) Complete at least 20 transits on ships 700 feet L.O.A. or greater while under the supervision of at least ten unlimited state-licensed pilots;

(d) Complete 2 trips from dock to dock or from an anchorage to a dock under the supervision of unlimited state-licensed pilots while on ships 700 feet L.O.A. or greater, with each trip including a 180 degree turn before docking;

(e) Make at least 4 trips under the supervision of unlimited state-licensed pilots within the 270 days preceding the application while on the bridge of a ship 700 feet L.O.A. or greater, with trips in each of the following directions:

(A) At least 3 trips from the Willamette River, turning east (upstream) into the Columbia River; and

(B) At least 1 trip from the Columbia River upstream of the mouth of the Willamette River, turning south (upstream) into the Willamette River;

(f) Train at least 5 additional days as directed by the training course monitor, with assignments chosen at the discretion of the training course monitor;

(g) Present recommendations from the training course monitor and from at least ten unlimited pilots who participated in the training, certifying that the applicant has sufficient knowledge and shiphandling skills to pilot vessels from and including 700 feet L.O.A. up to 800 feet L.O.A. on the pilotage ground;

(h) The requirements specified in subsections (b), (c), (d), (e) and (f) of this section must have been met during the 270 days preceding application for authority to pilot vessels from and including 700 feet L.O.A. up to 800 feet L.O.A.; and

(i) When the foregoing requirements are met, the Board shall issue a license to the applicant authorizing the applicant to pilot vessels which are less than 800 feet L.O.A. on the pilotage ground, except that the applicant shall not pilot tankers, or vessels with a draft of 40 feet or greater.

(4) To obtain an Unlimited License while holding a Grade "A" License: In order to obtain authority from the Board to pilot vessels on the Columbia and Willamette River pilotage ground without any limitation on the length and draft of the vessels, including tankers and vessels with a draft of 40 feet or greater, an applicant must meet the following requirements:

(a) Complete at least 180 days service on the pilotage ground while holding a Grade "A" license;

(b) Complete at least 30 transits on ships of between 300 and 800 feet L.O.A. during the 180 days preceding application for an unlimited license;

(c) Train at least 10 additional days as directed by the training course monitor, with assignments chosen at the discretion of the training course monitor;

(d) While holding a Grade "B" or Grade "A" license, complete at least ten transits on ships greater than 800 feet L.O.A. while under the supervision of ten different unlimited pilots. Five of these transits must be supervised by pilots with not less than five years' experience as unlimited state-licensed pilots;

(e) Present recommendations from the training course monitor and from at least ten unlimited pilots who participated in training, certifying that the applicant has sufficient knowledge and shiphandling skills to pilot vessels 800 feet L.O.A. or greater on the pilotage ground;

(f) While holding a Grade "B" or Grade "A" license, complete at least 12 transits on tankers (including at least nine transits on loaded tankers) while under the supervision of at least six different state-licensed pilots with not less than five years' experience as unlimited state-licensed pilots;

(g) Present recommendations from the training course monitor and from at least six pilots who participated in training on tankers, certifying that the applicant has sufficient knowledge and shiphandling skills to pilot tankers on the pilotage ground and understands the risks and hazards peculiar to piloting tankers on the pilotage ground;

(h) While holding a Grade "B" or a Grade "A" license, complete at least twelve transits on ships with drafts of 40 feet or greater while under the supervision of at least six different state-licensed pilots with not less than five years' experience as unlimited state-licensed pilots;

(i) Present recommendations from the training course monitor and from at least six unlimited pilots who participated in training on vessels with drafts 40 feet or greater, certifying that the applicant has sufficient knowledge and shiphandling skills to pilot vessels with drafts 40 feet or greater;

(j) Provide proof of completion of a United States Coast Guard approved course in automatic radar plotting aids (ARPA).

(k) Submit a license fee, which may be pro-rated, in order to synchronize the annual license renewal with the renewal of an unlimited license.

(l) When the foregoing requirements are met, the Board shall issue an unlimited license to the applicant authorizing the applicant to pilot vessels of any length and draft, including tankers, on the pilotage ground.

(5) Each grade of license will be valid for one year. No license except an unlimited license may be renewed.

Stat. Auth.: ORS 776, 670

Stats. Implemented: ORS 776.115, 670.310

Hist.: MP 2-1985, f. & ef. 6-7-85; MP 3-1988, f. & cert. ef. 11-9-88; MP 1-1992, f. & cert. ef. 4-29-92; BMP 3-2001, f. & cert. ef. 10-30-01; BMP 1-2005, f. & cert. ef. 11-29-05; BMP 1-2007, f. 1-25-07, cert. ef. 1-26-07; BMP 4-2008, f. & cert. ef. 1-24-08; BMP 5-2011, f. 6-28-11, cert. ef. 6-29-11; BMP 2-2014(Temp), f. & cert. ef. 5-23-14 thru 11-19-14; BMP 4-2014, f. & cert. ef. 11-26-14; BMP 2-2015, f. & cert. ef. 6-1-15

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin
101-010-0005	5-12-2015	Amend	6-1-2015
101-010-0005(T)	5-12-2015	Repeal	6-1-2015
101-015-0005	5-12-2015	Amend	6-1-2015
101-015-0005(T)	5-12-2015	Repeal	6-1-2015
101-020-0002	5-12-2015	Amend	6-1-2015
101-020-0002(T)	5-12-2015	Repeal	6-1-2015
101-020-0005	5-12-2015	Amend	6-1-2015
101-020-0005(T)	5-12-2015	Repeal	6-1-2015
101-020-0012	5-12-2015	Amend	6-1-2015
101-020-0012(T)	5-12-2015	Repeal	6-1-2015
101-020-0015	12-31-2014	Amend	2-1-2015
101-020-0045	5-12-2015	Amend	6-1-2015
101-020-0045(T)	5-12-2015	Repeal	6-1-2015
101-030-0010	5-12-2015	Amend	6-1-2015
101-030-0010(T)	5-12-2015	Repeal	6-1-2015
101-030-0015	5-12-2015	Amend	6-1-2015
101-030-0015(T)	5-12-2015	Repeal	6-1-2015
101-030-0020	5-12-2015	Amend	6-1-2015
101-030-0020(T)	5-12-2015	Repeal	6-1-2015
104-010-0005	12-15-2014	Amend	1-1-2015
104-080-0000	6-5-2015	Amend(T)	7-1-2015
104-080-0010	6-5-2015	Amend(T)	7-1-2015
104-080-0020	6-5-2015	Amend(T)	7-1-2015
104-080-0030	6-5-2015	Amend(T)	7-1-2015
104-080-0040	6-5-2015	Amend(T)	7-1-2015
104-080-0050	6-5-2015	Amend(T)	7-1-2015
104-080-0060	6-5-2015	Amend(T)	7-1-2015
104-080-0070	6-5-2015	Amend(T)	7-1-2015
111-020-0010	3-13-2015	Amend(T)	4-1-2015
111-030-0011	4-28-2015	Adopt(T)	6-1-2015
121-020-0010	5-29-2015	Am. & Ren.	7-1-2015
121-020-0020	5-29-2015	Am. & Ren.	7-1-2015
121-020-0030	5-29-2015	Am. & Ren.	7-1-2015
121-020-0040	5-29-2015	Am. & Ren.	7-1-2015
121-020-0050	5-29-2015	Am. & Ren.	7-1-2015
121-030-0000	5-29-2015	Am. & Ren.	7-1-2015
121-030-0010	5-29-2015	Am. & Ren.	7-1-2015
121-030-0020	5-29-2015	Am. & Ren.	7-1-2015
121-030-0030	5-29-2015	Am. & Ren.	7-1-2015
121-030-0040	5-29-2015	Am. & Ren.	7-1-2015
121-030-0050	5-29-2015	Am. & Ren.	7-1-2015
121-030-0060	5-29-2015	Am. & Ren.	7-1-2015
121-030-0070	5-29-2015	Am. & Ren.	7-1-2015
121-030-0080	5-29-2015	Am. & Ren.	7-1-2015
121-030-0090	5-29-2015	Am. & Ren.	7-1-2015
121-040-0010	5-29-2015	Am. & Ren.	7-1-2015
123-021-0010	1-26-2015	Amend(T)	3-1-2015
123-021-0090	1-26-2015	Amend(T)	3-1-2015
123-021-0110	1-26-2015	Amend(T)	3-1-2015
123-052-1000	2-24-2015	Adopt	4-1-2015
123-052-1100	2-24-2015	Adopt	4-1-2015
123-052-1200	2-24-2015	Adopt	4-1-2015
123-052-1300	2-24-2015	Adopt	4-1-2015
123-052-1400	2-24-2015	Adopt	4-1-2015
123-052-1500	2-24-2015	Adopt	4-1-2015
123-052-1600	2-24-2015	Adopt	4-1-2015
123-052-1700	2-24-2015	Adopt	4-1-2015
123-052-1800	2-24-2015	Adopt	4-1-2015
123-052-1900	2-24-2015	Adopt	4-1-2015
123-052-2000	2-24-2015	Adopt	4-1-2015
123-052-2100	2-24-2015	Adopt	4-1-2015
123-052-2200	2-24-2015	Adopt	4-1-2015
123-052-2300	2-24-2015	Adopt	4-1-2015
123-052-2400	2-24-2015	Adopt	4-1-2015
123-630-0000	2-12-2015	Amend(T)	3-1-2015
123-630-0030	2-12-2015	Amend(T)	3-1-2015
123-630-0050	2-12-2015	Amend(T)	3-1-2015
125-021-0005	5-29-2015	Repeal	7-1-2015
125-120-0000	4-5-2015	Amend	5-1-2015
125-120-0100	4-5-2015	Amend	5-1-2015
125-120-0120	4-5-2015	Amend	5-1-2015
125-120-0130	4-5-2015	Amend	5-1-2015
125-120-0150	4-5-2015	Amend	5-1-2015
125-120-0160	4-5-2015	Repeal	5-1-2015
125-120-0180	5-4-2015	Repeal	6-1-2015
125-246-0110	1-1-2015	Amend	2-1-2015
125-246-0165	1-1-2015	Amend	2-1-2015
125-246-0170	1-1-2015	Amend	2-1-2015
125-246-0316	1-1-2015	Amend	2-1-2015
125-246-0318	1-1-2015	Amend	2-1-2015
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
125-247-0296	1-1-2015	Amend	2-1-2015
125-247-0690	1-1-2015	Amend	2-1-2015
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
137-005-0052	5-26-2015	Adopt(T)	7-1-2015
137-005-0054	5-26-2015	Adopt(T)	7-1-2015
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
137-048-0220	2-3-2015	Amend	3-1-2015
137-049-0100	2-3-2015	Amend	3-1-2015
137-049-0120	2-3-2015	Amend	3-1-2015
137-049-0130	2-3-2015	Amend	3-1-2015
137-049-0380	2-3-2015	Amend	3-1-2015
137-049-0600	2-3-2015	Amend	3-1-2015
137-049-0610	2-3-2015	Amend	3-1-2015
137-049-0620	2-3-2015	Amend	3-1-2015

OAR Number	Effective	Action	Bulletin
137-049-0630	2-3-2015	Amend	3-1-2015
137-049-0640	2-3-2015	Amend	3-1-2015
137-049-0650	2-3-2015	Amend	3-1-2015
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
137-130-0001	2-23-2015	Adopt	4-1-2015
137-130-0001(T)	2-23-2015	Repeal	4-1-2015
137-130-0005	2-23-2015	Adopt	4-1-2015
137-130-0005(T)	2-23-2015	Repeal	4-1-2015
137-130-0010	2-23-2015	Adopt	4-1-2015
137-130-0010(T)	2-23-2015	Repeal	4-1-2015
137-130-0110	2-23-2015	Adopt	4-1-2015
137-130-0110(T)	2-23-2015	Repeal	4-1-2015
137-130-0210	2-23-2015	Adopt	4-1-2015
137-130-0210(T)	2-23-2015	Repeal	4-1-2015
141-088-0002	6-1-2015	Amend	6-1-2015
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
141-088-0205	6-1-2015	Adopt	6-1-2015
141-102-0020	3-1-2015	Amend	3-1-2015
141-102-0030	3-1-2015	Amend	3-1-2015
150-294.311(30)	1-1-2015	Renumber	2-1-2015
150-305.265(11)	1-1-2015	Amend	2-1-2015
150-306.265	1-1-2015	Amend	2-1-2015
150-307.130-(B)	1-1-2015	Repeal	2-1-2015
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
150-308.149(6)	1-1-2015	Amend	2-1-2015
150-309.115(2)(b)	1-1-2015	Am. & Ren.	2-1-2015
150-311.670(1)	1-1-2015	Am. & Ren.	2-1-2015
150-311.672(1)(a)	1-1-2015	Amend	2-1-2015
150-314.515(2)	1-1-2015	Amend	2-1-2015
150-317.131	1-1-2015	Adopt	2-1-2015
150-457.440(9)-(B)	1-1-2015	Adopt	2-1-2015
161-001-0010	1-1-2015	Amend	2-1-2015
161-006-0025	1-1-2015	Amend	2-1-2015
161-006-0025	7-20-2015	Amend(T)	7-1-2015
161-006-0155	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
161-015-0025	1-1-2015	Repeal	2-1-2015
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
161-020-0045	1-1-2015	Amend	2-1-2015
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
161-020-0150	1-1-2015	Amend	2-1-2015
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
161-025-0030	1-1-2015	Amend	2-1-2015
161-025-0060	1-1-2015	Amend	2-1-2015
161-030-0000	1-1-2015	Amend	2-1-2015
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
165-020-2033	2-13-2015	Adopt(T)	3-1-2015
165-020-2034	2-24-2015	Adopt(T)	4-1-2015
165-020-2035	3-3-2015	Adopt(T)	4-1-2015
165-020-2036	3-10-2015	Adopt(T)	4-1-2015
165-020-2037	3-12-2015	Adopt(T)	4-1-2015
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
166-200-0350	1-27-2015	Amend	3-1-2015
166-200-0370	1-27-2015	Amend	3-1-2015
166-200-0375	1-27-2015	Amend	3-1-2015
166-200-0380	1-27-2015	Amend	3-1-2015
170-061-0015	1-22-2015	Amend	3-1-2015
213-060-0010	1-1-2015	Adopt	1-1-2015
213-060-0020	1-1-2015	Adopt	1-1-2015
213-060-0030	1-1-2015	Adopt	1-1-2015
213-060-0050	1-1-2015	Adopt	1-1-2015
213-060-0060	1-1-2015	Adopt	1-1-2015
213-060-0070	1-1-2015	Adopt	1-1-2015
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
213-060-0140	1-1-2015	Adopt	1-1-2015
230-001-0000	2-9-2015	Amend	3-1-2015
230-001-0005	2-9-2015	Amend	3-1-2015

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin
230-001-0010	2-9-2015	Amend	3-1-2015
230-030-0150	2-9-2015	Amend	3-1-2015
230-140-0030	2-9-2015	Amend	3-1-2015
250-010-0010	5-1-2015	Amend	6-1-2015
250-010-0025	5-1-2015	Amend	6-1-2015
250-010-0164	5-1-2015	Adopt	6-1-2015
250-010-0175	5-1-2015	Am. & Ren.	6-1-2015
250-010-0180	5-1-2015	Am. & Ren.	6-1-2015
250-010-0185	5-1-2015	Am. & Ren.	6-1-2015
250-010-0190	5-1-2015	Am. & Ren.	6-1-2015
250-010-0195	5-1-2015	Renumber	6-1-2015
250-010-0200	5-1-2015	Repeal	6-1-2015
250-010-0205	5-1-2015	Am. & Ren.	6-1-2015
250-010-0206	5-1-2015	Adopt	6-1-2015
250-010-0210	5-1-2015	Am. & Ren.	6-1-2015
250-010-0215	5-1-2015	Adopt	6-1-2015
250-010-0225	5-1-2015	Adopt	6-1-2015
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
250-020-0032	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
250-020-0051	5-1-2015	Amend	6-1-2015
250-020-0062	5-1-2015	Amend	6-1-2015
250-020-0065	5-1-2015	Amend	6-1-2015
250-020-0091	5-1-2015	Amend	6-1-2015
250-020-0102	5-1-2015	Amend	6-1-2015
250-020-0151	5-1-2015	Amend	6-1-2015
250-020-0161	5-1-2015	Amend	6-1-2015
250-020-0201	5-1-2015	Amend	6-1-2015
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
250-020-0211	5-1-2015	Amend	6-1-2015
250-020-0221	4-10-2015	Amend(T)	5-1-2015
250-020-0221	5-1-2015	Amend	6-1-2015
250-020-0231	5-1-2015	Amend	6-1-2015
250-020-0239	5-1-2015	Amend	6-1-2015
250-020-0240	5-1-2015	Amend	6-1-2015
250-020-0243	5-1-2015	Amend	6-1-2015
250-020-0250	5-1-2015	Amend	6-1-2015
250-020-0260	5-1-2015	Amend	6-1-2015
250-020-0270	5-1-2015	Amend	6-1-2015
250-020-0280	5-1-2015	Amend	6-1-2015
250-020-0282	5-1-2015	Amend	6-1-2015
250-020-0285	5-1-2015	Amend	6-1-2015
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
250-030-0030	5-1-2015	Amend	6-1-2015
250-030-0041	5-1-2015	Amend	6-1-2015
255-030-0013	4-15-2015	Amend	5-1-2015
255-032-0022	4-15-2015	Amend	5-1-2015
259-008-0005	3-24-2015	Amend	5-1-2015
259-008-0010	1-1-2015	Amend	2-1-2015
259-008-0010	3-24-2015	Amend	5-1-2015
259-008-0011	1-1-2015	Amend	2-1-2015
259-008-0011	3-24-2015	Amend	5-1-2015
259-008-0015	12-29-2014	Amend	2-1-2015
259-008-0025	3-24-2015	Amend	5-1-2015
259-008-0060	1-5-2015	Amend	2-1-2015
259-008-0060	3-24-2015	Amend	5-1-2015
259-008-0060(T)	1-5-2015	Repeal	2-1-2015
259-008-0069	1-1-2015	Amend	2-1-2015
259-008-0078	3-24-2015	Adopt	5-1-2015
259-009-0005	12-31-2014	Amend	2-1-2015
259-009-0015	12-29-2014	Adopt	2-1-2015
259-009-0015	1-15-2015	Amend(T)	2-1-2015
259-009-0059	12-31-2014	Amend	2-1-2015
259-009-0062	12-31-2014	Amend	2-1-2015
259-009-0070	12-31-2014	Amend	2-1-2015
259-020-0010	12-30-2014	Amend	2-1-2015
259-020-0015	12-30-2014	Amend	2-1-2015
259-060-0010	1-5-2015	Amend	2-1-2015
259-060-0010	3-24-2015	Amend	5-1-2015
259-060-0010	5-19-2015	Amend(T)	7-1-2015
259-060-0015	5-19-2015	Amend(T)	7-1-2015
259-060-0060	3-24-2015	Amend	5-1-2015
259-060-0120	3-24-2015	Amend	5-1-2015
259-060-0130	1-5-2015	Amend	2-1-2015
259-060-0130	3-24-2015	Amend	5-1-2015
259-060-0135	3-24-2015	Amend	5-1-2015
259-060-0145	3-24-2015	Amend	5-1-2015
259-060-0145	5-19-2015	Amend(T)	7-1-2015
259-060-0300	3-24-2015	Amend	5-1-2015
259-060-0450	3-24-2015	Amend	5-1-2015
259-061-0005	1-5-2015	Amend	2-1-2015
259-061-0190	3-24-2015	Repeal	5-1-2015
259-061-0240	1-5-2015	Amend	2-1-2015
259-061-0260	1-5-2015	Repeal	2-1-2015
259-061-0300	3-24-2015	Amend	5-1-2015
259-070-0010	12-30-2014	Amend	2-1-2015
259-070-0010(T)	12-30-2014	Repeal	2-1-2015
274-005-0040	3-26-2015	Amend(T)	5-1-2015
274-005-0045	3-26-2015	Adopt(T)	5-1-2015
291-016-0020	12-3-2014	Amend	1-1-2015
291-016-0020(T)	12-3-2014	Repeal	1-1-2015
291-016-0120	12-3-2014	Adopt	1-1-2015
291-016-0120(T)	12-3-2014	Repeal	1-1-2015
291-055-0005	12-29-2014	Amend	2-1-2015
291-055-0010	12-29-2014	Amend	2-1-2015
291-055-0010(T)	12-29-2014	Repeal	2-1-2015
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(T)	12-29-2014	Repeal	2-1-2015

OAR Number	Effective	Action	Bulletin
291-055-0025	12-29-2014	Amend	2-1-2015
291-055-0025(T)	12-29-2014	Repeal	2-1-2015
291-055-0031	12-29-2014	Amend	2-1-2015
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
291-055-0045(T)	12-29-2014	Repeal	2-1-2015
291-055-0050	12-29-2014	Amend	2-1-2015
291-055-0050(T)	12-29-2014	Repeal	2-1-2015
291-078-0010	2-25-2015	Amend	4-1-2015
291-078-0010(T)	2-25-2015	Repeal	4-1-2015
291-078-0020	2-25-2015	Amend	4-1-2015
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
291-078-0031	2-25-2015	Amend	4-1-2015
291-078-0031(T)	2-25-2015	Repeal	4-1-2015
291-082-0100	1-6-2015	Amend(T)	2-1-2015
291-082-0100	5-21-2015	Amend	7-1-2015
291-082-0100(T)	5-21-2015	Repeal	7-1-2015
291-082-0105	1-6-2015	Amend(T)	2-1-2015
291-082-0105	5-21-2015	Amend	7-1-2015
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
291-082-0115	5-21-2015	Amend	7-1-2015
291-082-0115(T)	5-21-2015	Repeal	7-1-2015
291-082-0120	1-6-2015	Amend(T)	2-1-2015
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
291-082-0145	1-6-2015	Amend(T)	2-1-2015
291-082-0145	5-21-2015	Amend	7-1-2015
291-082-0145(T)	5-21-2015	Repeal	7-1-2015
291-104-0111	1-6-2015	Amend(T)	2-1-2015
291-104-0111	5-21-2015	Amend	7-1-2015
291-104-0111(T)	5-21-2015	Repeal	7-1-2015
291-104-0116	1-6-2015	Amend(T)	2-1-2015
291-104-0116	5-21-2015	Amend	7-1-2015
291-104-0116(T)	5-21-2015	Repeal	7-1-2015
291-104-0125	1-6-2015	Amend(T)	2-1-2015
291-104-0125	5-21-2015	Amend	7-1-2015
291-104-0125(T)	5-21-2015	Repeal	7-1-2015
291-104-0135	1-6-2015	Amend(T)	2-1-2015
291-104-0135	5-21-2015	Amend	7-1-2015
291-104-0135(T)	5-21-2015	Repeal	7-1-2015
291-104-0140	1-6-2015	Amend(T)	2-1-2015
291-104-0140	5-21-2015	Amend	7-1-2015
291-104-0140(T)	5-21-2015	Repeal	7-1-2015
291-109-0120	11-19-2014	Amend	1-1-2015
291-109-0140	11-19-2014	Amend	1-1-2015
291-109-0150	11-19-2014	Amend	1-1-2015
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
291-109-0200	11-19-2014	Renumber	1-1-2015
291-130-0005	1-1-2015	Amend(T)	2-1-2015
291-130-0006	1-1-2015	Amend(T)	2-1-2015
291-130-0011	1-1-2015	Amend(T)	2-1-2015
291-130-0016	1-1-2015	Amend(T)	2-1-2015
291-130-0019	1-1-2015	Adopt(T)	2-1-2015
291-130-0020	1-1-2015	Amend(T)	2-1-2015
309-019-0125	3-25-2015	Amend(T)	5-1-2015
309-019-0125	5-28-2015	Amend	7-1-2015
309-019-0170	3-25-2015	Amend(T)	5-1-2015
309-019-0170	5-28-2015	Amend	7-1-2015
309-031-0010	12-12-2014	Amend(T)	1-1-2015
309-031-0010	5-28-2015	Amend	7-1-2015
309-114-0005	12-1-2014	Amend(T)	1-1-2015
309-114-0005	4-24-2015	Amend(T)	6-1-2015
309-114-0010	4-24-2015	Amend(T)	6-1-2015
309-114-0015	4-24-2015	Amend(T)	6-1-2015
309-114-0020	4-24-2015	Amend(T)	6-1-2015
309-114-0025	12-1-2014	Amend(T)	1-1-2015
325-005-0015	3-17-2015	Amend	5-1-2015
330-070-0010	1-1-2015	Amend	1-1-2015
330-070-0013	1-1-2015	Amend	1-1-2015
330-070-0014	1-1-2015	Amend	2-1-2015
330-070-0020	1-1-2015	Amend	1-1-2015
330-070-0021	1-1-2015	Amend	1-1-2015
330-070-0022	1-1-2015	Amend	1-1-2015
330-070-0025	1-1-2015	Amend	1-1-2015
330-070-0026	1-1-2015	Amend	1-1-2015
330-070-0027	1-1-2015	Amend	1-1-2015
330-070-0029	1-1-2015	Amend	1-1-2015
330-070-0040	1-1-2015	Amend	1-1-2015
330-070-0045	1-1-2015	Amend	1-1-2015
330-070-0059	1-1-2015	Amend	1-1-2015
330-070-0060	1-1-2015	Amend	1-1-2015
330-070-0062	1-1-2015	Amend	1-1-2015
330-070-0063	1-1-2015	Amend	1-1-2015
330-070-0064	1-1-2015	Amend	1-1-2015
330-070-0070	1-1-2015	Amend	1-1-2015
330-070-0073	1-1-2015	Amend	1-1-2015
330-070-0073(T)	1-1-2015	Repeal	1-1-2015
330-070-0076	1-1-2015	Adopt	1-1-2015
330-070-0078	1-1-2015	Adopt	1-1-2015
330-070-0089	1-1-2015	Amend	1-1-2015
330-070-0091	1-1-2015	Repeal	1-1-2015
330-090-0160	3-23-2015	Amend(T)	5-1-2015
330-230-0150	3-23-2015	Amend(T)	5-1-2015

OAR Number	Effective	Action	Bulletin
331-410-0050	12-1-2014	Amend	1-1-2015
331-800-0010	1-1-2015	Amend	1-1-2015
331-800-0020	1-1-2015	Amend	1-1-2015
331-810-0010	1-1-2015	Adopt	1-1-2015
331-810-0020	1-1-2015	Amend	1-1-2015
331-810-0025	1-1-2015	Adopt	1-1-2015
331-810-0030	1-1-2015	Repeal	1-1-2015
331-810-0031	1-1-2015	Adopt	1-1-2015
331-810-0038	1-1-2015	Repeal	1-1-2015
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
331-810-0060	1-1-2015	Adopt	1-1-2015
331-820-0010	1-1-2015	Repeal	1-1-2015
331-820-0020	1-1-2015	Amend	1-1-2015
331-830-0005	1-1-2015	Repeal	1-1-2015
331-830-0010	1-1-2015	Amend	1-1-2015
331-830-0020	1-1-2015	Amend	1-1-2015
331-840-0010	1-1-2015	Amend	1-1-2015
331-840-0020	1-1-2015	Amend	1-1-2015
331-840-0030	1-1-2015	Repeal	1-1-2015
331-840-0040	1-1-2015	Amend	1-1-2015
331-840-0050	1-1-2015	Repeal	1-1-2015
331-840-0060	1-1-2015	Amend	1-1-2015
331-840-0070	1-1-2015	Amend	1-1-2015
331-850-0010	1-1-2015	Amend	1-1-2015
332-015-0000	1-1-2015	Amend	2-1-2015
332-015-0025	1-1-2015	Adopt	2-1-2015
332-015-0030	1-1-2015	Amend	2-1-2015
332-015-0030	1-2-2015	Amend(T)	2-1-2015
332-015-0070	1-1-2015	Repeal	2-1-2015
332-020-0000	1-1-2015	Amend	2-1-2015
332-020-0010	1-1-2015	Amend	2-1-2015
332-025-0020	1-2-2015	Amend(T)	2-1-2015
332-025-0110	1-2-2015	Amend(T)	2-1-2015
332-025-0125	1-1-2015	Adopt	2-1-2015
332-030-0000	1-1-2015	Repeal	2-1-2015
333-008-1010	1-28-2015	Amend	3-1-2015
333-008-1020	1-28-2015	Amend	3-1-2015
333-008-1040	1-28-2015	Amend	3-1-2015
333-008-1050	1-28-2015	Amend	3-1-2015
333-008-1060	1-28-2015	Amend	3-1-2015
333-008-1070	1-28-2015	Amend	3-1-2015
333-008-1080	1-28-2015	Amend	3-1-2015
333-008-1090	1-28-2015	Amend	3-1-2015
333-008-1100	1-28-2015	Amend	3-1-2015
333-008-1110	1-28-2015	Amend	3-1-2015
333-008-1120	1-28-2015	Amend	3-1-2015
333-008-1150	1-28-2015	Amend	3-1-2015
333-008-1160	1-28-2015	Amend	3-1-2015
333-008-1170	1-28-2015	Amend	3-1-2015
333-008-1180	1-28-2015	Amend	3-1-2015
333-008-1190	1-28-2015	Amend	3-1-2015
333-008-1200	1-28-2015	Amend	3-1-2015
333-008-1210	1-28-2015	Amend	3-1-2015
333-008-1220	1-28-2015	Amend	3-1-2015
333-008-1225	1-28-2015	Amend	3-1-2015
333-008-1230	1-28-2015	Amend	3-1-2015
333-008-1260	1-28-2015	Amend	3-1-2015
333-008-1275	1-28-2015	Amend	3-1-2015
333-008-1280	1-28-2015	Amend	3-1-2015
333-014-0040	12-17-2014	Amend	2-1-2015
333-014-0040(T)	12-17-2014	Repeal	2-1-2015
333-014-0042	12-17-2014	Adopt	2-1-2015
333-014-0042(T)	12-17-2014	Repeal	2-1-2015
333-014-0080	12-17-2014	Adopt	2-1-2015
333-014-0080(T)	12-17-2014	Repeal	2-1-2015
333-014-0090	12-17-2014	Adopt	2-1-2015
333-014-0090(T)	12-17-2014	Repeal	2-1-2015
333-014-0100	12-17-2014	Adopt	2-1-2015
333-014-0100(T)	12-17-2014	Repeal	2-1-2015
333-018-0110	3-24-2015	Amend	5-1-2015
333-018-0127	3-24-2015	Amend	5-1-2015
333-019-0010	1-7-2015	Amend(T)	2-1-2015
333-028-0220	5-6-2015	Amend(T)	6-1-2015
333-072-0215	1-16-2015	Amend	3-1-2015
333-072-0215(T)	1-16-2015	Repeal	3-1-2015
333-102-0203	1-1-2015	Amend	2-1-2015
333-102-0305	1-1-2015	Amend	2-1-2015
333-106-0005	1-1-2015	Amend	2-1-2015
333-106-0025	1-1-2015	Amend	2-1-2015
333-106-0040	1-1-2015	Amend	2-1-2015
333-106-0045	1-1-2015	Amend	2-1-2015
333-106-0055	1-1-2015	Amend	2-1-2015
333-106-0060	1-1-2015	Adopt	2-1-2015
333-106-0201	1-1-2015	Amend	2-1-2015
333-106-0205	1-1-2015	Amend	2-1-2015
333-106-0210	1-1-2015	Amend	2-1-2015
333-106-0215	1-1-2015	Amend	2-1-2015
333-106-0220	1-1-2015	Amend	2-1-2015
333-106-0225	1-1-2015	Amend	2-1-2015
333-106-0240	1-1-2015	Amend	2-1-2015
333-106-0245	1-1-2015	Amend	2-1-2015
333-106-0301	1-1-2015	Amend	2-1-2015
333-106-0325	1-1-2015	Amend	2-1-2015
333-106-0601	1-1-2015	Amend	2-1-2015
333-106-0700	1-1-2015	Amend	2-1-2015
333-106-0735	1-1-2015	Amend	2-1-2015
333-106-0750	1-1-2015	Amend	2-1-2015
333-116-0130	1-1-2015	Amend	2-1-2015
333-116-0190	1-1-2015	Amend	2-1-2015
333-119-0010	1-1-2015	Amend	2-1-2015
333-119-0020	1-1-2015	Amend	2-1-2015
333-119-0030	1-1-2015	Amend	2-1-2015
333-119-0040	1-1-2015	Amend	2-1-2015
333-119-0041	1-1-2015	Amend	2-1-2015
333-119-0050	1-1-2015	Amend	2-1-2015
333-119-0060	1-1-2015	Amend	2-1-2015
333-119-0070	1-1-2015	Amend	2-1-2015
333-119-0080	1-1-2015	Amend	2-1-2015
333-119-0090	1-1-2015	Amend	2-1-2015
333-119-0100	1-1-2015	Amend	2-1-2015

OAR Number	Effective	Action	Bulletin
333-119-0110	1-1-2015	Amend	2-1-2015
333-119-0120	1-1-2015	Amend	2-1-2015
333-119-0130	1-1-2015	Amend	2-1-2015
333-120-0200	1-1-2015	Amend	2-1-2015
333-120-0670	1-1-2015	Amend	2-1-2015
333-121-0001	1-1-2015	Amend	2-1-2015
333-121-0010	1-1-2015	Amend	2-1-2015
333-121-0020	1-1-2015	Amend	2-1-2015
333-122-0005	1-1-2015	Amend	2-1-2015
333-500-0010	2-6-2015	Amend	3-1-2015
333-500-0010	2-20-2015	Amend(T)	4-1-2015
333-500-0010	3-24-2015	Amend(T)	5-1-2015
333-500-0025	2-6-2015	Amend	3-1-2015
333-500-0025	2-20-2015	Amend(T)	4-1-2015
333-500-0025	3-24-2015	Amend(T)	5-1-2015
333-500-0027	3-24-2015	Adopt(T)	5-1-2015
333-525-0000	2-6-2015	Amend	3-1-2015
333-700-0004	2-1-2015	Amend	3-1-2015
333-700-0017	2-1-2015	Amend	3-1-2015
333-700-0120	2-1-2015	Amend	3-1-2015
333-700-0130	2-1-2015	Amend	3-1-2015
334-001-0012	7-1-2015	Amend	4-1-2015
334-001-0055	7-1-2015	Amend	4-1-2015
334-001-0055	7-2-2015	Amend	7-1-2015
334-001-0060	7-1-2015	Amend	4-1-2015
334-010-0018	7-1-2015	Amend	4-1-2015
334-010-0033	7-1-2015	Amend	4-1-2015
334-020-0005	7-1-2015	Amend	4-1-2015
334-040-0010	7-1-2015	Amend	4-1-2015
335-005-0026	11-17-2014	Adopt	1-1-2015
337-010-0007	5-8-2015	Amend	6-1-2015
337-010-0011	3-10-2015	Amend	4-1-2015
337-010-0011(T)	3-10-2015	Repeal	4-1-2015
339-010-0006	11-20-2014	Adopt	1-1-2015
339-010-0006	3-27-2015	Adopt	5-1-2015
339-020-0010	3-6-2015	Amend	4-1-2015
340-041-0002	1-7-2015	Amend	2-1-2015
340-041-0007	1-7-2015	Amend	2-1-2015
340-041-0028	1-7-2015	Amend	2-1-2015
340-041-0033	1-7-2015	Amend	2-1-2015
340-041-0124	1-7-2015	Amend	2-1-2015
340-041-0310	1-7-2015	Amend	2-1-2015
340-041-0315	1-7-2015	Amend	2-1-2015
340-041-8033	1-7-2015	Adopt	2-1-2015
340-071-0140	2-3-2015	Amend	3-1-2015
340-100-0001	4-15-2015	Amend	5-1-2015
340-100-0002	4-15-2015	Amend	5-1-2015
340-100-0003	4-15-2015	Amend	5-1-2015
340-100-0004	4-15-2015	Amend	5-1-2015
340-100-0010	4-15-2015	Amend	5-1-2015
340-101-0001	4-15-2015	Amend	5-1-2015
340-101-0030	4-15-2015	Amend	5-1-2015
340-102-0010	4-15-2015	Amend	5-1-2015
340-102-0011	4-15-2015	Amend	5-1-2015
340-102-0041	4-15-2015	Amend	5-1-2015
340-102-0065	4-15-2015	Amend	5-1-2015
340-102-0070	4-15-2015	Amend	5-1-2015
340-103-0010	4-15-2015	Amend	5-1-2015
340-104-0001	4-15-2015	Amend	5-1-2015
340-104-0145	4-15-2015	Amend	5-1-2015
340-104-0149	4-15-2015	Amend	5-1-2015
340-105-0001	4-15-2015	Amend	5-1-2015
340-105-0140	4-15-2015	Amend	5-1-2015
340-106-0001	4-15-2015	Amend	5-1-2015
340-109-0001	4-15-2015	Amend	5-1-2015
340-111-0010	4-15-2015	Amend	5-1-2015
340-111-0070	4-15-2015	Amend	5-1-2015
340-200-0010	4-16-2015	Amend	6-1-2015
340-200-0020	4-16-2015	Amend	6-1-2015
340-200-0025	4-16-2015	Amend	6-1-2015
340-200-0030	4-16-2015	Amend	6-1-2015
340-200-0035	4-16-2015	Adopt	6-1-2015
340-200-0040	4-16-2015	Amend	6-1-2015
340-200-0040	4-16-2015	Amend	6-1-2015
340-200-0050	4-16-2015	Amend	6-1-2015
340-200-0100	4-16-2015	Amend	6-1-2015
340-200-0110	4-16-2015	Amend	6-1-2015
340-200-0120	4-16-2015	Amend	6-1-2015
340-202-0010	4-16-2015	Amend	6-1-2015
340-202-0020	4-16-2015	Amend	6-1-2015
340-202-0050	4-16-2015	Amend	6-1-2015
340-202-0070	4-16-2015	Amend	6-1-2015
340-202-0100	4-16-2015	Amend	6-1-2015
340-202-0110	4-16-2015	Amend	6-1-2015
340-202-0130	4-16-2015	Amend	6-1-2015
340-202-0200	4-16-2015	Amend	6-1-2015
340-202-0210	4-16-2015	Amend	6-1-2015
340-202-0220	4-16-2015	Amend	6-1-2015
340-202-0225	4-16-2015	Adopt	6-1-2015
340-204-0010	4-16-2015	Amend	6-1-2015
340-204-0020	4-16-2015	Amend	6-1-2015
340-204-0030	4-16-2015	Amend	6-1-2015
340-204-0040	4-16-2015	Amend	6-1-2015
340-204-0050	4-16-2015	Amend	6-1-2015
340-204-0060	4-16-2015	Amend	6-1-2015
340-204-0070	4-16-2015	Amend	6-1-2015
340-204-0080	4-16-2015	Amend	6-1-2015
340-204-0090	4-16-2015	Amend	6-1-2015
340-204-0300	4-16-2015	Adopt	6-1-2015
340-204-0310	4-16-2015	Adopt	6-1-2015
340-204-0320	4-16-2015	Adopt	6-1-2015
340-206-0010	4-16-2015	Amend	6-1-2015
340-206-0020	4-16-2015	Amend	6-1-2015
340-206-0030	4-16-2015	Amend	6-1-2015
340-206-0040	4-16-2015	Amend	6-1-2015
340-206-0050	4-16-2015	Amend	6-1-2015
340-206-0070	4-16-2015	Amend	6-1-2015
340-206-8010	4-16-2015	Adopt	6-1-2015
340-206-8020	4-16-2015	Adopt	6-1-2015
340-206-8030	4-16-2015	Adopt	6-1-2015
340-206-8040	4-16-2015	Adopt	6-1-2015
340-208-0005	4-16-2015	Adopt	6-1-2015

OAR Number	Effective	Action	Bulletin
340-208-0010	4-16-2015	Amend	6-1-2015
340-208-0100	4-16-2015	Repeal	6-1-2015
340-208-0110	4-16-2015	Amend	6-1-2015
340-208-0200	4-16-2015	Repeal	6-1-2015
340-208-0210	4-16-2015	Amend	6-1-2015
340-208-0300	4-16-2015	Amend	6-1-2015
340-208-0310	4-16-2015	Amend	6-1-2015
340-208-0320	4-16-2015	Amend	6-1-2015
340-208-0450	4-16-2015	Amend	6-1-2015
340-208-0600	4-16-2015	Repeal	6-1-2015
340-209-0010	4-16-2015	Amend	6-1-2015
340-209-0020	4-16-2015	Amend	6-1-2015
340-209-0030	4-16-2015	Amend	6-1-2015
340-209-0040	4-16-2015	Amend	6-1-2015
340-209-0050	4-16-2015	Amend	6-1-2015
340-209-0060	4-16-2015	Amend	6-1-2015
340-209-0070	4-16-2015	Amend	6-1-2015
340-209-0080	4-16-2015	Amend	6-1-2015
340-210-0010	4-16-2015	Amend	6-1-2015
340-210-0020	4-16-2015	Amend	6-1-2015
340-210-0100	4-16-2015	Amend	6-1-2015
340-210-0110	4-16-2015	Amend	6-1-2015
340-210-0120	4-16-2015	Amend	6-1-2015
340-210-0205	4-16-2015	Amend	6-1-2015
340-210-0215	4-16-2015	Amend	6-1-2015
340-210-0225	4-16-2015	Amend	6-1-2015
340-210-0230	4-16-2015	Amend	6-1-2015
340-210-0240	4-16-2015	Amend	6-1-2015
340-210-0250	4-16-2015	Amend	6-1-2015
340-212-0005	4-16-2015	Adopt	6-1-2015
340-212-0010	4-16-2015	Amend	6-1-2015
340-212-0110	4-16-2015	Amend	6-1-2015
340-212-0120	4-16-2015	Amend	6-1-2015
340-212-0130	4-16-2015	Amend	6-1-2015
340-212-0140	4-16-2015	Amend	6-1-2015
340-212-0150	4-16-2015	Amend	6-1-2015
340-212-0200	4-16-2015	Amend	6-1-2015
340-212-0210	4-16-2015	Amend	6-1-2015
340-212-0220	4-16-2015	Amend	6-1-2015
340-212-0230	4-16-2015	Amend	6-1-2015
340-212-0240	4-16-2015	Amend	6-1-2015
340-212-0250	4-16-2015	Amend	6-1-2015
340-212-0260	4-16-2015	Amend	6-1-2015
340-212-0270	4-16-2015	Amend	6-1-2015
340-212-0280	4-16-2015	Amend	6-1-2015
340-214-0005	4-16-2015	Adopt	6-1-2015
340-214-0010	4-16-2015	Amend	6-1-2015
340-214-0100	4-16-2015	Amend	6-1-2015
340-214-0110	4-16-2015	Amend	6-1-2015
340-214-0114	4-16-2015	Amend	6-1-2015
340-214-0130	4-16-2015	Amend	6-1-2015
340-214-0200	4-16-2015	Amend	6-1-2015
340-214-0210	4-16-2015	Amend	6-1-2015
340-214-0220	4-16-2015	Amend	6-1-2015
340-214-0300	4-16-2015	Amend	6-1-2015
340-214-0310	4-16-2015	Amend	6-1-2015
340-214-0320	4-16-2015	Amend	6-1-2015
340-214-0330	4-16-2015	Amend	6-1-2015
340-214-0340	4-16-2015	Amend	6-1-2015
340-214-0350	4-16-2015	Amend	6-1-2015
340-214-0360	4-16-2015	Amend	6-1-2015
340-214-0400	4-16-2015	Repeal	6-1-2015
340-214-0410	4-16-2015	Repeal	6-1-2015
340-214-0420	4-16-2015	Repeal	6-1-2015
340-214-0430	4-16-2015	Repeal	6-1-2015
340-216-0010	4-16-2015	Amend	6-1-2015
340-216-0020	4-16-2015	Amend	6-1-2015
340-216-0025	4-16-2015	Amend	6-1-2015
340-216-0030	4-16-2015	Amend	6-1-2015
340-216-0040	4-16-2015	Amend	6-1-2015
340-216-0052	4-16-2015	Amend	6-1-2015
340-216-0054	4-16-2015	Amend	6-1-2015
340-216-0056	4-16-2015	Amend	6-1-2015
340-216-0060	4-16-2015	Amend	6-1-2015
340-216-0062	4-16-2015	Amend	6-1-2015
340-216-0064	4-16-2015	Amend	6-1-2015
340-216-0066	4-16-2015	Amend	6-1-2015
340-216-0068	4-16-2015	Amend	6-1-2015
340-216-0070	4-16-2015	Amend	6-1-2015
340-216-0082	4-16-2015	Amend	6-1-2015
340-216-0084	4-16-2015	Amend	6-1-2015
340-216-0090	4-16-2015	Amend	6-1-2015
340-216-0094	4-16-2015	Amend	6-1-2015
340-216-8010	4-16-2015	Amend	6-1-2015
340-216-8020	4-16-2015	Amend	6-1-2015
340-218-0010	4-16-2015	Amend	6-1-2015
340-218-0020	4-16-2015	Amend	6-1-2015
340-218-0030	4-16-2015	Amend	6-1-2015
340-218-0040	4-16-2015	Amend	6-1-2015
340-218-0050	4-16-2015	Amend	6-1-2015
340-218-0060	4-16-2015	Amend	6-1-2015
340-218-0070	4-16-2015	Amend	6-1-2015
340-218-0080	4-16-2015	Amend	6-1-2015
340-218-0090	4-16-2015	Amend	6-1-2015
340-218-0100	4-16-2015	Amend	6-1-2015
340-218-0110	4-16-2015	Amend	6-1-2015
340-218-0120	4-16-2015	Amend	6-1-2015
340-218-0140	4-16-2015	Amend	6-1-2015
340-218-0150	4-16-2015	Amend	6-1-2015
340-218-0160	4-16-2015	Amend	6-1-2015
340-218-0170	4-16-2015	Amend	6-1-2015
340-218-0180	4-16-2015	Amend	6-1-2015
340-218-0190	4-16-2015	Amend	6-1-2015
340-218-0200	4-16-2015	Amend	6-1-2015
340-218-0210	4-16-2015	Amend	6-1-2015
340-218-0220	4-16-2015	Amend	6-1-2015
340-218-0230	4-16-2015	Amend	6-1-2015
340-218-0240	4-16-2015	Amend	6-1-2015
340-218-0250	4-16-2015	Repeal	6-1-2015
340-220-0010	4-16-2015	Amend	6-1-2015
340-220-0020	4-16-2015	Amend	6-1-2015
340-220-0030	1-7-2015	Amend	2-1-2015

OAR Number	Effective	Action	Bulletin
340-220-0040	1-7-2015	Amend	2-1-2015
340-220-0050	1-7-2015	Amend	2-1-2015
340-220-0060	4-16-2015	Amend	6-1-2015
340-220-0070	4-16-2015	Amend	6-1-2015
340-220-0080	4-16-2015	Amend	6-1-2015
340-220-0090	4-16-2015	Amend	6-1-2015
340-220-0100	4-16-2015	Amend	6-1-2015
340-220-0110	4-16-2015	Amend	6-1-2015
340-220-0120	4-16-2015	Amend	6-1-2015
340-220-0130	4-16-2015	Amend	6-1-2015
340-220-0140	4-16-2015	Amend	6-1-2015
340-220-0150	4-16-2015	Amend	6-1-2015
340-220-0160	4-16-2015	Amend	6-1-2015
340-220-0170	4-16-2015	Amend	6-1-2015
340-220-0180	4-16-2015	Amend	6-1-2015
340-220-0190	4-16-2015	Amend	6-1-2015
340-222-0010	4-16-2015	Amend	6-1-2015
340-222-0020	4-16-2015	Amend	6-1-2015
340-222-0030	4-16-2015	Amend	6-1-2015
340-222-0040	4-16-2015	Amend	6-1-2015
340-222-0041	4-16-2015	Amend	6-1-2015
340-222-0042	4-16-2015	Amend	6-1-2015
340-222-0043	4-16-2015	Am. & Ren.	6-1-2015
340-222-0045	4-16-2015	Am. & Ren.	6-1-2015
340-222-0046	4-16-2015	Adopt	6-1-2015
340-222-0048	4-16-2015	Adopt	6-1-2015
340-222-0051	4-16-2015	Adopt	6-1-2015
340-222-0060	4-16-2015	Amend	6-1-2015
340-222-0070	4-16-2015	Repeal	6-1-2015
340-222-0080	4-16-2015	Amend	6-1-2015
340-222-0090	4-16-2015	Amend	6-1-2015
340-224-0010	4-16-2015	Amend	6-1-2015
340-224-0020	4-16-2015	Amend	6-1-2015
340-224-0025	4-16-2015	Adopt	6-1-2015
340-224-0030	4-16-2015	Amend	6-1-2015
340-224-0038	4-16-2015	Adopt	6-1-2015
340-224-0040	4-16-2015	Amend	6-1-2015
340-224-0045	4-16-2015	Adopt	6-1-2015
340-224-0050	4-16-2015	Amend	6-1-2015
340-224-0055	4-16-2015	Adopt	6-1-2015
340-224-0060	4-16-2015	Amend	6-1-2015
340-224-0070	4-16-2015	Amend	6-1-2015
340-224-0080	4-16-2015	Am. & Ren.	6-1-2015
340-224-0245	4-16-2015	Adopt	6-1-2015
340-224-0250	4-16-2015	Adopt	6-1-2015
340-224-0255	4-16-2015	Adopt	6-1-2015
340-224-0260	4-16-2015	Adopt	6-1-2015
340-224-0270	4-16-2015	Adopt	6-1-2015
340-224-0500	4-16-2015	Adopt	6-1-2015
340-224-0510	4-16-2015	Adopt	6-1-2015
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

OAR Number	Effective	Action	Bulletin
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
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
340-240-0350	4-16-2015	Amend	6-1-2015
340-240-0360	4-16-2015	Amend	6-1-2015
340-240-0400	4-16-2015	Amend	6-1-2015
340-240-0410	4-16-2015	Amend	6-1-2015
340-240-0420	4-16-2015	Amend	6-1-2015
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

OAR Number	Effective	Action	Bulletin
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
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
340-253-0000	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
345-022-0000	5-18-2015	Amend	7-1-2015
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
407-007-0300	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
407-025-0010	2-11-2015	Amend(T)	3-1-2015
407-025-0020	2-11-2015	Amend(T)	3-1-2015
407-025-0030	2-11-2015	Amend(T)	3-1-2015
407-025-0040	2-11-2015	Amend(T)	3-1-2015
407-025-0050	2-11-2015	Amend(T)	3-1-2015
407-025-0060	2-11-2015	Amend(T)	3-1-2015
407-025-0070	2-11-2015	Amend(T)	3-1-2015

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin
407-025-0080	2-11-2015	Amend(T)	3-1-2015
407-025-0090	2-11-2015	Amend(T)	3-1-2015
407-025-0100	2-11-2015	Amend(T)	3-1-2015
407-025-0110	2-11-2015	Amend(T)	3-1-2015
409-035-0020	2-1-2015	Amend	2-1-2015
409-035-0040	2-1-2015	Amend	2-1-2015
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
410-050-0861	12-1-2014	Amend	1-1-2015
410-050-0861(T)	12-1-2014	Repeal	1-1-2015
410-120-0000	2-10-2015	Amend	3-1-2015
410-120-0000	5-29-2015	Amend	7-1-2015
410-120-0006	3-19-2015	Amend(T)	4-1-2015
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
410-121-0030	12-12-2014	Amend	1-1-2015
410-121-0030	12-12-2014	Amend(T)	1-1-2015
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(T)	12-12-2014	Repeal	1-1-2015
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(T)	12-12-2014	Repeal	1-1-2015
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
410-122-0080	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
410-122-0209	3-1-2015	Amend	4-1-2015
410-122-0520	1-1-2015	Amend	2-1-2015
410-123-1220	2-17-2015	Amend(T)	4-1-2015
410-123-1220	5-1-2015	Amend	6-1-2015
410-123-1220(T)	5-1-2015	Repeal	6-1-2015
410-123-1260	2-17-2015	Amend(T)	4-1-2015
410-123-1260	5-1-2015	Amend	6-1-2015
410-123-1260(T)	5-1-2015	Repeal	6-1-2015
410-130-0160	1-1-2015	Amend(T)	1-1-2015
410-130-0160	4-1-2015	Amend	5-1-2015
410-130-0160(T)	4-1-2015	Repeal	5-1-2015
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(T)	3-10-2015	Repeal	4-1-2015
410-130-0240	1-1-2015	Amend	1-1-2015
410-141-0060	1-1-2015	Amend(T)	1-1-2015
410-141-0060	3-1-2015	Amend	4-1-2015
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
410-141-0520	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(T)	12-31-2014	Repeal	2-1-2015
410-141-0520(T)	4-1-2015	Repeal	5-1-2015
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(T)	1-1-2015	Repeal	1-1-2015
410-141-3060(T)	3-1-2015	Repeal	4-1-2015
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
410-165-0000	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

OAR Number	Effective	Action	Bulletin
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
410-172-0000	1-1-2015	Suspend	2-1-2015
410-172-0010	1-1-2015	Suspend	2-1-2015
410-172-0020	1-1-2015	Suspend	2-1-2015
410-172-0030	1-1-2015	Suspend	2-1-2015
410-172-0040	1-1-2015	Suspend	2-1-2015
410-172-0050	1-1-2015	Suspend	2-1-2015
410-172-0060	1-1-2015	Suspend	2-1-2015
410-172-0070	1-1-2015	Suspend	2-1-2015
410-172-0080	1-1-2015	Suspend	2-1-2015
410-172-0090	1-1-2015	Suspend	2-1-2015
410-172-0100	1-1-2015	Suspend	2-1-2015
410-172-0110	1-1-2015	Suspend	2-1-2015
410-172-0120	1-1-2015	Suspend	2-1-2015
410-172-0130	1-1-2015	Suspend	2-1-2015
410-172-0140	1-1-2015	Suspend	2-1-2015
410-172-0150	1-1-2015	Suspend	2-1-2015
410-172-0160	1-1-2015	Suspend	2-1-2015
410-172-0170	1-1-2015	Suspend	2-1-2015
410-172-0180	1-1-2015	Suspend	2-1-2015
410-172-0190	1-1-2015	Suspend	2-1-2015
410-172-0200	1-1-2015	Suspend	2-1-2015
410-172-0210	1-1-2015	Suspend	2-1-2015
410-172-0220	1-1-2015	Suspend	2-1-2015
410-172-0230	1-1-2015	Suspend	2-1-2015
410-172-0240	1-1-2015	Suspend	2-1-2015
410-172-0250	1-1-2015	Suspend	2-1-2015
410-172-0260	1-1-2015	Suspend	2-1-2015
410-172-0270	1-1-2015	Suspend	2-1-2015
410-172-0280	1-1-2015	Suspend	2-1-2015
410-172-0290	1-1-2015	Suspend	2-1-2015
410-172-0300	1-1-2015	Suspend	2-1-2015
410-172-0310	1-1-2015	Suspend	2-1-2015
410-172-0320	1-1-2015	Suspend	2-1-2015
410-172-0330	1-1-2015	Suspend	2-1-2015
410-172-0340	1-1-2015	Suspend	2-1-2015
410-172-0350	1-1-2015	Suspend	2-1-2015
410-172-0360	1-1-2015	Suspend	2-1-2015
410-172-0370	1-1-2015	Suspend	2-1-2015
410-172-0380	1-1-2015	Suspend	2-1-2015
410-172-0390	1-1-2015	Suspend	2-1-2015
410-172-0400	1-1-2015	Suspend	2-1-2015
410-172-0410	1-1-2015	Suspend	2-1-2015
410-172-0420	1-1-2015	Suspend	2-1-2015
410-172-0430	1-1-2015	Suspend	2-1-2015
410-172-0440	1-1-2015	Suspend	2-1-2015
410-172-0450	1-1-2015	Suspend	2-1-2015
410-172-0460	1-1-2015	Suspend	2-1-2015
410-172-0470	1-1-2015	Suspend	2-1-2015
410-172-0480	1-1-2015	Suspend	2-1-2015
410-172-0490	1-1-2015	Suspend	2-1-2015
410-172-0500	1-1-2015	Suspend	2-1-2015
410-172-0510	1-1-2015	Suspend	2-1-2015
410-172-0600	1-1-2015	Adopt(T)	2-1-2015
410-172-0610	1-1-2015	Adopt(T)	2-1-2015
410-172-0620	1-1-2015	Adopt(T)	2-1-2015
410-172-0630	1-1-2015	Adopt(T)	2-1-2015
410-172-0640	1-1-2015	Adopt(T)	2-1-2015
410-172-0650	1-1-2015	Adopt(T)	2-1-2015
410-172-0660	1-1-2015	Adopt(T)	2-1-2015
410-172-0670	1-1-2015	Adopt(T)	2-1-2015
410-172-0680	1-1-2015	Adopt(T)	2-1-2015
410-172-0690	1-1-2015	Adopt(T)	2-1-2015
410-172-0700	1-1-2015	Adopt(T)	2-1-2015
410-172-0710	1-1-2015	Adopt(T)	2-1-2015
410-172-0720	1-1-2015	Adopt(T)	2-1-2015
410-172-0730	1-1-2015	Adopt(T)	2-1-2015
410-172-0740	1-1-2015	Adopt(T)	2-1-2015
410-172-0750	1-1-2015	Adopt(T)	2-1-2015
410-172-0760	1-1-2015	Adopt(T)	2-1-2015
410-172-0770	1-1-2015	Adopt(T)	2-1-2015
410-172-0780	1-1-2015	Adopt(T)	2-1-2015
410-172-0790	1-1-2015	Adopt(T)	2-1-2015
410-172-0800	1-1-2015	Adopt(T)	2-1-2015
410-172-0810	1-1-2015	Adopt(T)	2-1-2015
410-172-0820	1-1-2015	Adopt(T)	2-1-2015
410-172-0830	1-1-2015	Adopt(T)	2-1-2015
410-172-0840	1-1-2015	Adopt(T)	2-1-2015
410-172-0850	1-1-2015	Adopt(T)	2-1-2015
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

OAR Number	Effective	Action	Bulletin
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(T)	1-30-2015	Repeal	3-1-2015
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
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
411-030-0040	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
411-032-0050	12-28-2014	Adopt	2-1-2015
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
411-050-0625	1-1-2015	Amend(T)	2-1-2015
411-050-0640	1-1-2015	Amend(T)	2-1-2015
411-050-0645	1-1-2015	Amend(T)	2-1-2015
411-050-0655	1-1-2015	Amend(T)	2-1-2015
411-050-0665	1-1-2015	Amend(T)	2-1-2015
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
411-054-0200	1-15-2015	Amend	2-1-2015
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
411-085-0010	1-1-2015	Amend(T)	2-1-2015

OAR Number	Effective	Action	Bulletin
411-085-0013	1-1-2015	Amend(T)	2-1-2015
411-085-0015	1-1-2015	Amend(T)	2-1-2015
411-085-0030	1-1-2015	Amend(T)	2-1-2015
411-085-0040	1-1-2015	Amend(T)	2-1-2015
411-085-0060	1-1-2015	Amend(T)	2-1-2015
411-085-0310	1-1-2015	Amend(T)	2-1-2015
411-085-0350	1-1-2015	Amend(T)	2-1-2015
411-085-0360	1-1-2015	Amend(T)	2-1-2015
411-085-0370	1-1-2015	Amend(T)	2-1-2015
411-088-0050	3-2-2015	Amend(T)	4-1-2015
411-088-0060	3-2-2015	Amend(T)	4-1-2015
411-089-0010	1-1-2015	Amend(T)	2-1-2015
411-089-0020	1-1-2015	Amend(T)	2-1-2015
411-089-0030	1-1-2015	Amend(T)	2-1-2015
411-089-0040	1-1-2015	Amend(T)	2-1-2015
411-089-0050	1-1-2015	Amend(T)	2-1-2015
411-089-0070	1-1-2015	Amend(T)	2-1-2015
411-089-0075	1-1-2015	Amend(T)	2-1-2015
411-089-0100	1-1-2015	Amend(T)	2-1-2015
411-089-0110	1-1-2015	Amend(T)	2-1-2015
411-089-0120	1-1-2015	Amend(T)	2-1-2015
411-089-0130	1-1-2015	Amend(T)	2-1-2015
411-089-0140	1-1-2015	Amend(T)	2-1-2015
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(T)	2-16-2015	Repeal	3-1-2015
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
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

OAR Number	Effective	Action	Bulletin
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
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

OAR Number	Effective	Action	Bulletin
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
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(T)	2-16-2015	Repeal	3-1-2015
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
411-360-0020	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

OAR Number	Effective	Action	Bulletin
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
413-010-0180	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
413-015-0115	12-24-2014	Amend	2-1-2015
413-015-0115(T)	12-24-2014	Repeal	2-1-2015
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(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
413-015-9020	4-1-2015	Amend	5-1-2015
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
413-030-0405	5-22-2015	Amend(T)	7-1-2015
413-070-0063	2-1-2015	Amend	3-1-2015
413-070-0063	5-22-2015	Amend(T)	7-1-2015
413-070-0069	1-21-2015	Amend(T)	3-1-2015
413-070-0072	1-21-2015	Amend(T)	3-1-2015
413-070-0410	1-1-2015	Amend	2-1-2015
413-070-0430	1-1-2015	Amend	2-1-2015
413-070-0450	1-1-2015	Amend	2-1-2015
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
413-070-0505	2-1-2015	Amend	3-1-2015
413-070-0505	5-22-2015	Amend(T)	7-1-2015
413-070-0620	2-1-2015	Amend	3-1-2015
413-070-0620	5-22-2015	Amend(T)	7-1-2015
413-070-0655	2-1-2015	Amend	3-1-2015
413-070-0655	5-22-2015	Amend(T)	7-1-2015
413-070-0810	5-22-2015	Amend(T)	7-1-2015
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(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
413-070-0917	1-21-2015	Amend(T)	3-1-2015
413-070-0949	1-21-2015	Amend(T)	3-1-2015
413-090-0110	1-1-2015	Amend	2-1-2015
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
413-090-0135	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
413-090-0210	1-1-2015	Amend	2-1-2015
413-110-0110	5-22-2015	Amend(T)	7-1-2015
413-120-0010	2-1-2015	Amend	3-1-2015
413-120-0010	5-22-2015	Amend(T)	7-1-2015
413-120-0195	2-1-2015	Amend	3-1-2015
413-120-0195	5-22-2015	Amend(T)	7-1-2015
413-120-0510	2-1-2015	Amend	3-1-2015
413-120-0510	5-22-2015	Amend(T)	7-1-2015
413-120-0710	2-1-2015	Amend	3-1-2015
413-120-0710	5-22-2015	Amend(T)	7-1-2015
413-130-0010	5-22-2015	Amend(T)	7-1-2015
413-200-0414	12-24-2014	Amend	2-1-2015
413-200-0414(T)	12-24-2014	Repeal	2-1-2015
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

OAR Number	Effective	Action	Bulletin
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
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
416-260-0010	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
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
436-010-0005	3-1-2015	Amend	3-1-2015
436-010-0280	3-1-2015	Amend	3-1-2015
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
436-030-0015	5-21-2015	Amend(T)	7-1-2015
436-030-0020	3-1-2015	Amend	3-1-2015
436-030-0020	5-21-2015	Amend(T)	7-1-2015
436-030-0023	5-21-2015	Amend(T)	7-1-2015
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

OAR Number	Effective	Action	Bulletin
436-030-0115	5-21-2015	Amend(T)	7-1-2015
436-030-0125	5-21-2015	Amend(T)	7-1-2015
436-030-0135	3-1-2015	Amend	3-1-2015
436-030-0135	5-21-2015	Amend(T)	7-1-2015
436-030-0145	5-21-2015	Amend(T)	7-1-2015
436-030-0165	3-1-2015	Amend	3-1-2015
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
436-105-0500	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
438-006-0020	1-1-2015	Amend	1-1-2015
438-013-0025	1-1-2015	Amend	1-1-2015
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
441-875-0075	1-1-2015	Am. & Ren.	2-1-2015
441-880-0400	5-21-2015	Amend(T)	7-1-2015
441-930-0270	5-21-2015	Amend(T)	7-1-2015
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
459-007-0009	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
459-017-0060	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
459-080-0250	3-30-2015	Amend	5-1-2015
459-080-0500	5-29-2015	Amend	7-1-2015
461-001-0000	4-1-2015	Amend	4-1-2015
461-101-0010	4-1-2015	Amend	4-1-2015
461-110-0210	4-1-2015	Amend	4-1-2015
461-110-0430	4-1-2015	Amend	4-1-2015
461-115-0016	3-31-2015	Amend	4-1-2015
461-115-0050	4-1-2015	Amend	5-1-2015
461-115-0050(T)	4-1-2015	Repeal	5-1-2015
461-115-0071	1-1-2015	Amend	2-1-2015
461-115-0071(T)	1-1-2015	Repeal	2-1-2015
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(T)	12-8-2014	Suspend	1-1-2015
461-135-0405	4-1-2015	Amend	5-1-2015
461-135-0407	4-1-2015	Amend	5-1-2015
461-135-0780	1-1-2015	Amend	2-1-2015
461-135-0834	4-1-2015	Amend	5-1-2015
461-140-0040	3-19-2015	Amend	5-1-2015
461-145-0050	4-1-2015	Amend	4-1-2015
461-145-0088	4-1-2015	Amend	4-1-2015
461-145-0120	4-1-2015	Amend	5-1-2015
461-145-0130	4-1-2015	Amend	4-1-2015
461-145-0200	1-1-2015	Amend(T)	2-1-2015
461-145-0220	1-1-2015	Amend	2-1-2015
461-145-0530	4-1-2015	Amend	5-1-2015
461-145-0910	4-1-2015	Amend	4-1-2015
461-145-0930	4-1-2015	Amend	4-1-2015
461-155-0150	3-23-2015	Amend(T)	5-1-2015
461-155-0180	2-1-2015	Amend	3-1-2015
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
461-160-0055	3-10-2015	Amend(T)	4-1-2015
461-160-0580	1-1-2015	Amend	2-1-2015
461-160-0620	1-1-2015	Amend	2-1-2015
461-165-0030	4-1-2015	Amend	5-1-2015

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin
461-165-0030(T)	4-1-2015	Repeal	5-1-2015
461-165-0180	2-1-2015	Amend	3-1-2015
461-165-0180(T)	2-1-2015	Repeal	3-1-2015
461-170-0101	1-1-2015	Amend(T)	2-1-2015
461-175-0210	4-1-2015	Amend	5-1-2015
461-175-0210(T)	4-1-2015	Repeal	5-1-2015
461-190-0211	1-1-2015	Amend(T)	2-1-2015
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
461-195-0321	4-1-2015	Amend	5-1-2015
462-150-0030	11-21-2014	Amend	1-1-2015
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
578-041-0030	8-24-2015	Amend	7-1-2015
578-072-0030	8-24-2015	Amend	7-1-2015
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
581-015-2245	12-17-2014	Amend	2-1-2015
581-015-2320	3-11-2015	Amend	4-1-2015
581-018-0133	12-4-2014	Adopt	1-1-2015
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
581-026-0065	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
583-001-0005	3-17-2015	Amend	5-1-2015
583-001-0015	3-17-2015	Adopt	5-1-2015
583-030-0005	3-17-2015	Amend	5-1-2015
583-030-0009	3-17-2015	Amend	5-1-2015
583-030-0010	3-17-2015	Amend	5-1-2015
583-030-0011	3-17-2015	Amend	5-1-2015
583-030-0015	3-17-2015	Amend	5-1-2015
583-030-0016	3-17-2015	Amend	5-1-2015
583-030-0020	3-17-2015	Amend	5-1-2015
583-030-0025	3-17-2015	Amend	5-1-2015
583-030-0030	3-17-2015	Amend	5-1-2015
583-030-0032	3-17-2015	Amend	5-1-2015
583-030-0035	3-17-2015	Amend	5-1-2015
583-030-0036	3-17-2015	Amend	5-1-2015
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
583-030-0042	3-17-2015	Amend	5-1-2015
583-030-0043	3-17-2015	Amend	5-1-2015
583-030-0044	3-17-2015	Amend	5-1-2015
583-030-0045	3-17-2015	Amend	5-1-2015
583-030-0046	3-17-2015	Amend	5-1-2015
583-030-0049	3-17-2015	Amend	5-1-2015
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
583-050-0011	3-17-2015	Amend	5-1-2015
583-050-0014	3-17-2015	Amend	5-1-2015
583-050-0016	3-17-2015	Amend	5-1-2015
583-050-0026	3-17-2015	Amend	5-1-2015
583-050-0027	3-17-2015	Amend	5-1-2015
583-050-0028	3-17-2015	Amend	5-1-2015
583-050-0036	3-17-2015	Amend	5-1-2015
583-050-0040	3-17-2015	Amend	5-1-2015
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
584-017-1026	2-10-2015	Adopt(T)	3-1-2015
584-017-1028	2-10-2015	Amend	3-1-2015
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
584-018-0110	2-10-2015	Amend	3-1-2015
584-018-0115	2-10-2015	Amend	3-1-2015
584-018-0120	2-10-2015	Amend	3-1-2015
584-018-0130	2-10-2015	Amend	3-1-2015
584-018-0140	2-10-2015	Amend	3-1-2015

OAR Number	Effective	Action	Bulletin
584-018-0150	2-10-2015	Amend	3-1-2015
584-018-0165	2-10-2015	Adopt	3-1-2015
584-018-0305	2-10-2015	Amend	3-1-2015
584-018-1070	4-15-2015	Adopt	5-1-2015
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
584-036-0055	2-10-2015	Amend	3-1-2015
584-036-0070	2-10-2015	Amend	3-1-2015
584-036-0080	2-10-2015	Amend	3-1-2015
584-036-0083	2-10-2015	Amend	3-1-2015
584-038-0003	2-10-2015	Amend	3-1-2015
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
584-042-0036	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
584-050-0021	2-10-2015	Amend	3-1-2015
584-052-0027	2-10-2015	Amend	3-1-2015
584-060-0062	4-15-2015	Amend	5-1-2015
584-060-0181	2-10-2015	Amend	3-1-2015
584-060-0181	4-15-2015	Amend	5-1-2015
584-060-0210	2-10-2015	Amend	3-1-2015
584-060-0635	2-10-2015	Amend	3-1-2015
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(T)	5-15-2015	Suspend	6-1-2015
584-065-0001	2-10-2015	Amend	3-1-2015
584-065-0060	2-10-2015	Amend	3-1-2015
584-065-0070	2-10-2015	Amend	3-1-2015
584-065-0080	2-10-2015	Amend	3-1-2015
584-065-0090	2-10-2015	Amend	3-1-2015
584-065-0120	2-10-2015	Amend	3-1-2015
584-066-0010	2-10-2015	Amend	3-1-2015
584-066-0020	2-10-2015	Amend	3-1-2015
584-066-0025	2-10-2015	Adopt	3-1-2015
584-066-0030	4-15-2015	Adopt	5-1-2015
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
584-080-0152	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
584-090-0115	2-10-2015	Amend	3-1-2015
584-090-0120	4-15-2015	Amend	5-1-2015
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
589-002-0120	6-15-2015	Amend	7-1-2015
589-006-0100	5-18-2015	Amend	7-1-2015
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
603-057-0388	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
632-030-0025	1-7-2015	Amend	2-1-2015
635-003-0003	4-27-2015	Amend	6-1-2015
635-003-0085	4-27-2015	Amend	6-1-2015
635-004-0215	1-15-2015	Amend	2-1-2015
635-004-0275	1-1-2015	Amend(T)	1-1-2015
635-004-0275	3-10-2015	Amend	4-1-2015
635-004-0275	6-12-2015	Amend(T)	7-1-2015

OAR Number	Effective	Action	Bulletin
635-004-0275(T)	3-10-2015	Repeal	4-1-2015
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(T)	1-15-2015	Repeal	2-1-2015
635-004-0370	5-27-2015	Amend(T)	7-1-2015
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(T)	5-27-2015	Suspend	7-1-2015
635-004-0376	5-27-2015	Adopt(T)	7-1-2015
635-004-0405	5-27-2015	Amend(T)	7-1-2015
635-004-0420	5-27-2015	Suspend	7-1-2015
635-004-0430	5-27-2015	Amend(T)	7-1-2015
635-004-0500	5-27-2015	Suspend	7-1-2015
635-004-0505	1-16-2015	Amend(T)	3-1-2015
635-004-0520	5-27-2015	Suspend	7-1-2015
635-004-0535	5-27-2015	Suspend	7-1-2015
635-004-0585	4-28-2015	Amend	6-1-2015
635-005-0355	2-6-2015	Amend(T)	3-1-2015
635-005-0465	11-25-2014	Amend(T)	1-1-2015
635-005-0480	3-16-2015	Amend(T)	5-1-2015
635-005-0485	11-25-2014	Amend(T)	1-1-2015
635-005-0920	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
635-006-0212	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
635-006-0225	5-1-2015	Amend(T)	5-1-2015
635-006-0232	1-13-2015	Amend	2-1-2015
635-011-0100	1-1-2015	Amend	2-1-2015
635-011-0104	1-1-2015	Amend	2-1-2015
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
635-016-0080	1-1-2015	Amend	2-1-2015
635-016-0090	1-1-2015	Amend	2-1-2015
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(T)	6-12-2015	Suspend	7-1-2015
635-017-0095	1-1-2015	Amend	2-1-2015
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
635-019-0080	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(T)	6-6-2015	Suspend	7-1-2015
635-019-0090(T)	6-9-2015	Suspend	7-1-2015
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
635-023-0080	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(T)	6-3-2015	Suspend	7-1-2015
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
635-023-0130	1-1-2015	Amend	2-1-2015
635-023-0134	1-1-2015	Amend	2-1-2015
635-023-0134	5-2-2015	Amend(T)	6-1-2015
635-023-0140	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
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
635-041-0063	11-25-2014	Amend(T)	1-1-2015
635-041-0063(T)	11-25-2014	Suspend	1-1-2015
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

OAR Number	Effective	Action	Bulletin
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
635-041-0076	6-16-2015	Amend(T)	7-1-2015
635-041-0525	1-1-2015	Adopt	1-1-2015
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
635-042-0130	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(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
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
635-042-0160	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(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
635-042-0170	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(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(T)	4-21-2015	Suspend	6-1-2015
635-042-0180(T)	5-4-2015	Suspend	6-1-2015
635-043-0151	1-15-2015	Adopt(T)	2-1-2015
635-043-0151(T)	1-15-2015	Suspend	2-1-2015
635-045-0000	6-11-2015	Amend	7-1-2015
635-048-0005	12-10-2014	Amend	1-1-2015
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
635-065-0001	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
635-065-0625	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
635-068-0000	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
635-075-0010	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

OAR Number	Effective	Action	Bulletin
635-075-0022	1-6-2015	Adopt	2-1-2015
635-075-0022	6-11-2015	Amend	7-1-2015
635-078-0011	6-11-2015	Amend	7-1-2015
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
635-440-0001	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
660-024-0030	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
690-200-0005	11-25-2014	Amend	1-1-2015
690-210-0310	11-25-2014	Amend	1-1-2015
690-210-0340	11-25-2014	Amend	1-1-2015
690-215-0045	11-25-2014	Amend	1-1-2015
690-240-0005	11-25-2014	Amend	1-1-2015
690-240-0035	11-25-2014	Amend	1-1-2015
690-240-0046	11-25-2014	Amend	1-1-2015
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
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
715-045-0007	12-18-2014	Amend	2-1-2015
715-045-0009	12-18-2014	Amend	2-1-2015

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin
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
731-090-0000	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
734-082-0037	4-21-2015	Amend	6-1-2015
735-001-0040	12-19-2014	Amend	2-1-2015
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
735-062-0005	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
735-062-0030	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
735-150-0040	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
740-100-0010	5-26-2015	Amend	7-1-2015
740-100-0065	5-26-2015	Amend	7-1-2015
740-100-0070	5-26-2015	Amend	7-1-2015
740-100-0080	5-26-2015	Amend	7-1-2015
740-100-0085	5-26-2015	Amend	7-1-2015
740-100-0090	5-26-2015	Amend	7-1-2015
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
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

OAR Number	Effective	Action	Bulletin
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
801-010-0010	1-8-2015	Amend	1-1-2015
801-010-0045	1-8-2015	Amend	1-1-2015
801-010-0050	1-8-2015	Amend	1-1-2015
801-010-0060	1-8-2015	Amend	1-1-2015
801-010-0065	1-8-2015	Amend	1-1-2015
801-010-0073	1-8-2015	Amend	1-1-2015
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
801-010-0110	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
801-010-0345	1-8-2015	Amend	1-1-2015
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
804-001-0002	7-1-2015	Amend	7-1-2015
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
804-040-0000	11-19-2014	Amend	1-1-2015
806-001-0003	7-1-2015	Amend	6-1-2015
808-001-0008	3-24-2015	Amend	5-1-2015
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
808-003-0231	12-1-2014	Adopt	1-1-2015
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
811-010-0086	7-1-2015	Amend	7-1-2015
811-015-0005	4-10-2015	Amend	5-1-2015
813-013-0035	2-26-2015	Amend(T)	4-1-2015
813-044-0040	3-11-2015	Amend(T)	4-1-2015
813-044-0045	3-11-2015	Adopt(T)	4-1-2015
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
813-110-0015	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

OAR Number	Effective	Action	Bulletin
813-110-0026	12-2-2014	Amend	1-1-2015
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
818-035-0025	4-17-2015	Amend(T)	6-1-2015
818-035-0030	4-17-2015	Amend(T)	6-1-2015
820-010-0225	5-27-2015	Amend(T)	7-1-2015
820-010-0226	5-27-2015	Amend(T)	7-1-2015
820-010-0227	5-27-2015	Amend(T)	7-1-2015
820-010-0228	5-27-2015	Amend(T)	7-1-2015
820-010-0417	2-3-2015	Amend	3-1-2015
820-010-0417	5-21-2015	Amend	7-1-2015
820-010-0440	5-21-2015	Amend	7-1-2015
820-010-0463	2-3-2015	Amend	3-1-2015
820-010-0465	5-21-2015	Amend	7-1-2015
820-010-0505	2-3-2015	Amend	3-1-2015
820-010-0505	5-21-2015	Amend	7-1-2015
820-010-0520	2-3-2015	Amend	3-1-2015
820-010-0621	5-21-2015	Amend	7-1-2015
820-010-0730	2-3-2015	Amend	3-1-2015
820-015-0026	2-3-2015	Amend	3-1-2015
820-050-0010	2-3-2015	Amend	3-1-2015
824-030-0030	12-2-2014	Amend(T)	1-1-2015
836-010-0026	3-12-2015	Adopt	4-1-2015
836-011-0000	3-10-2015	Amend	4-1-2015
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
836-053-1205	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
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
837-095-0010	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
839-009-0210	11-20-2014	Amend(T)	1-1-2015
839-009-0210	5-18-2015	Amend	7-1-2015
839-009-0220	5-18-2015	Amend	7-1-2015
839-009-0230	5-18-2015	Amend	7-1-2015
839-009-0240	5-18-2015	Amend	7-1-2015
839-009-0250	5-18-2015	Amend	7-1-2015
839-009-0260	5-18-2015	Amend	7-1-2015
839-009-0320	5-18-2015	Amend	7-1-2015
839-009-0325	5-18-2015	Amend	7-1-2015
839-009-0330	5-18-2015	Amend	7-1-2015
839-009-0335	5-18-2015	Repeal	7-1-2015
839-009-0340	11-20-2014	Amend(T)	1-1-2015
839-009-0340	5-18-2015	Amend	7-1-2015
839-009-0350	5-18-2015	Amend	7-1-2015
839-009-0355	5-18-2015	Amend	7-1-2015
839-009-0360	5-18-2015	Amend	7-1-2015
839-009-0362	5-18-2015	Amend	7-1-2015
839-009-0363	5-18-2015	Amend	7-1-2015
839-009-0365	5-18-2015	Amend	7-1-2015
839-009-0380	5-18-2015	Amend	7-1-2015
839-009-0410	5-18-2015	Amend	7-1-2015
839-009-0420	5-18-2015	Amend	7-1-2015
839-009-0430	5-18-2015	Amend	7-1-2015
839-009-0460	5-18-2015	Amend	7-1-2015
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
839-011-0140	6-1-2015	Amend(T)	7-1-2015
839-011-0143	6-1-2015	Amend(T)	7-1-2015
839-011-0145	6-1-2015	Amend(T)	7-1-2015
839-011-0170	6-1-2015	Amend(T)	7-1-2015
839-011-0270	6-1-2015	Amend(T)	7-1-2015
839-011-0310	6-1-2015	Amend(T)	7-1-2015
839-025-0700	1-1-2015	Amend	1-1-2015
839-025-0700	4-1-2015	Amend	4-1-2015
839-025-0700	7-1-2015	Amend	7-1-2015
847-001-0020	4-3-2015	Repeal	5-1-2015
847-010-0073	4-3-2015	Amend	5-1-2015
847-023-0005	1-13-2015	Amend	2-1-2015
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
847-035-0030	4-3-2015	Amend	5-1-2015
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

OAR Number	Effective	Action	Bulletin
847-070-0016	1-13-2015	Amend	2-1-2015
847-070-0019	1-13-2015	Amend	2-1-2015
847-070-0022	1-13-2015	Amend	2-1-2015
847-070-0045	1-13-2015	Amend	2-1-2015
848-005-0010	7-1-2015	Amend	5-1-2015
850-030-0195	4-17-2015	Amend	6-1-2015
850-035-0230	4-17-2015	Amend	6-1-2015
850-040-0210	4-17-2015	Amend	6-1-2015
851-002-0010	6-1-2015	Amend	6-1-2015
851-002-0020	6-1-2015	Amend	6-1-2015
851-002-0030	6-1-2015	Amend	6-1-2015
851-002-0035	6-1-2015	Amend	6-1-2015
851-050-0000	1-1-2015	Amend	1-1-2015
851-050-0142	1-1-2015	Amend	1-1-2015
851-056-0000	1-1-2015	Amend	1-1-2015
851-056-0004	1-1-2015	Amend	1-1-2015
851-056-0006	1-1-2015	Amend	1-1-2015
851-056-0008	1-1-2015	Amend	1-1-2015
851-056-0010	1-1-2015	Amend	1-1-2015
851-056-0012	1-1-2015	Amend	1-1-2015
851-056-0014	1-1-2015	Amend	1-1-2015
851-056-0016	1-1-2015	Amend	1-1-2015
851-056-0018	1-1-2015	Amend	1-1-2015
851-056-0020	1-1-2015	Amend	1-1-2015
851-056-0022	1-1-2015	Amend	1-1-2015
851-056-0026	1-1-2015	Amend	1-1-2015
851-061-0020	1-1-2015	Amend	1-1-2015
851-061-0030	1-1-2015	Amend	1-1-2015
851-061-0040	1-1-2015	Amend	1-1-2015
851-061-0050	1-1-2015	Amend	1-1-2015
851-061-0070	1-1-2015	Amend	1-1-2015
851-061-0080	1-1-2015	Amend	1-1-2015
851-061-0090	1-1-2015	Amend	1-1-2015
851-062-0010	1-1-2015	Amend	1-1-2015
851-062-0016	1-1-2015	Repeal	1-1-2015
851-062-0050	1-1-2015	Amend	1-1-2015
851-062-0070	1-1-2015	Amend	1-1-2015
851-063-0010	1-1-2015	Amend	1-1-2015
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
851-063-0090	1-1-2015	Amend	1-1-2015
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
852-010-0005	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
852-010-0020	1-1-2015	Amend	2-1-2015
852-010-0023	1-1-2015	Amend	1-1-2015
852-010-0023	1-1-2015	Amend	2-1-2015
852-010-0024	1-1-2015	Adopt	1-1-2015
852-010-0024	1-1-2015	Adopt	2-1-2015
852-010-0051	1-1-2015	Amend	1-1-2015
852-010-0051	1-1-2015	Amend	2-1-2015
852-010-0080	1-1-2015	Amend	1-1-2015
852-010-0080	1-1-2015	Amend	2-1-2015
852-020-0029	1-1-2015	Amend	1-1-2015
852-020-0029	1-1-2015	Amend	2-1-2015
852-020-0031	1-1-2015	Amend	1-1-2015
852-020-0031	1-1-2015	Amend	2-1-2015
852-020-0035	1-1-2015	Amend	1-1-2015
852-020-0035	1-1-2015	Amend	2-1-2015
852-020-0060	1-1-2015	Amend	1-1-2015
852-020-0060	1-1-2015	Amend	2-1-2015
852-050-0001	1-1-2015	Amend	1-1-2015
852-050-0001	1-1-2015	Amend	2-1-2015
852-050-0005	1-1-2015	Amend	1-1-2015
852-050-0005	1-1-2015	Amend	2-1-2015
852-050-0006	1-1-2015	Amend	1-1-2015
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
852-050-0013	1-1-2015	Amend	1-1-2015
852-050-0013	1-1-2015	Amend	2-1-2015
852-050-0014	1-1-2015	Amend	1-1-2015
852-050-0014	1-1-2015	Amend	2-1-2015
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
852-070-0010	1-1-2015	Amend	1-1-2015
852-070-0010	1-1-2015	Amend	2-1-2015
852-070-0016	1-1-2015	Amend	1-1-2015
852-070-0016	1-1-2015	Amend	2-1-2015
852-070-0020	1-1-2015	Amend	1-1-2015
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
852-080-0040	1-1-2015	Amend	2-1-2015
855-001-0005	1-1-2015	Amend	2-1-2015
855-019-0100	1-1-2015	Amend	2-1-2015

OAR Number	Effective	Action	Bulletin
855-019-0120	1-1-2015	Amend	2-1-2015
855-019-0122	1-1-2015	Adopt	2-1-2015
855-019-0170	1-1-2015	Amend	2-1-2015
855-019-0171	1-1-2015	Adopt	2-1-2015
855-019-0205	1-1-2015	Amend	2-1-2015
855-019-0320	1-1-2015	Repeal	2-1-2015
855-021-0005	7-1-2015	Amend	2-1-2015
855-021-0010	7-1-2015	Amend	2-1-2015
855-021-0016	7-1-2015	Amend	2-1-2015
855-021-0025	7-1-2015	Amend	2-1-2015
855-021-0045	7-1-2015	Amend	2-1-2015
855-021-0050	7-1-2015	Amend	2-1-2015
855-021-0055	7-1-2015	Amend	2-1-2015
855-025-0001	1-1-2015	Amend	2-1-2015
855-025-0005	1-1-2015	Amend	2-1-2015
855-025-0010	1-1-2015	Amend	2-1-2015
855-025-0012	1-1-2015	Adopt	2-1-2015
855-025-0015	1-1-2015	Amend	2-1-2015
855-025-0020	1-1-2015	Amend	2-1-2015
855-025-0025	1-1-2015	Amend	2-1-2015
855-025-0030	1-1-2015	Amend	2-1-2015
855-025-0035	1-1-2015	Amend	2-1-2015
855-025-0040	1-1-2015	Amend	2-1-2015
855-025-0050	1-1-2015	Amend	2-1-2015
855-025-0060	1-1-2015	Amend	2-1-2015
855-031-0045	4-10-2015	Amend(T)	5-1-2015
855-031-0055	4-10-2015	Amend(T)	5-1-2015
855-041-1120	1-1-2016	Amend	2-1-2015
855-044-0070	12-4-2014	Amend	1-1-2015
855-080-0022	1-1-2015	Amend	2-1-2015
855-110-0003	4-1-2015	Amend	2-1-2015
855-110-0005	4-1-2015	Amend	2-1-2015
856-010-0010	11-26-2014	Amend	1-1-2015
856-010-0011	11-26-2014	Amend	1-1-2015
856-010-0012	11-26-2014	Amend	1-1-2015
856-010-0012	6-1-2015	Amend	7-1-2015
856-010-0029	4-7-2015	Adopt	5-1-2015
858-010-0010	11-17-2014	Amend	1-1-2015
858-010-0015	11-17-2014	Amend	1-1-2015
858-010-0036	11-17-2014	Amend	1-1-2015
858-010-0062	1-21-2015	Adopt	3-1-2015
858-030-0005	11-17-2014	Amend	1-1-2015
858-040-0015	1-21-2015	Amend	3-1-2015
859-001-0005	12-18-2014	Amend	2-1-2015
859-001-0010	12-18-2014	Amend	2-1-2015
859-010-0005	12-18-2014	Amend	2-1-2015
859-050-0100	12-18-2014	Adopt	2-1-2015
859-050-0105	12-18-2014	Adopt	2-1-2015
860-001-0020	3-3-2015	Amend	4-1-2015
860-001-0070	3-3-2015	Amend	4-1-2015
860-001-0140	3-3-2015	Amend	4-1-2015
860-001-0150	3-3-2015	Amend	4-1-2015
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
860-001-0390	3-3-2015	Adopt	4-1-2015
860-001-0400	3-3-2015	Amend	4-1-2015
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
860-016-0000	3-3-2015	Amend	4-1-2015
860-016-0020	3-3-2015	Amend	4-1-2015
860-016-0021	3-3-2015	Amend	4-1-2015
860-016-0025	3-3-2015	Amend	4-1-2015
860-016-0030	3-3-2015	Amend	4-1-2015
860-016-0050	3-3-2015	Amend	4-1-2015
860-021-0015	3-3-2015	Amend	4-1-2015
860-022-0005	3-3-2015	Amend	4-1-2015
860-022-0047	3-3-2015	Amend	4-1-2015
860-023-0081	6-9-2015	Amend	7-1-2015
860-023-0151	3-3-2015	Amend	4-1-2015
860-024-0017	12-16-2014	Amend	2-1-2015
860-025-0060	3-3-2015	Amend	4-1-2015
860-027-0300	3-3-2015	Amend	4-1-2015
860-028-0070	3-3-2015	Amend	4-1-2015
860-029-0100	3-3-2015	Amend	4-1-2015
860-032-0002	3-3-2015	Amend	4-1-2015
860-032-0005	3-3-2015	Amend	4-1-2015
860-033-0006	3-3-2015	Amend	4-1-2015
860-034-0060	3-3-2015	Amend	4-1-2015
860-034-0300	3-3-2015	Amend	4-1-2015
860-036-0025	3-3-2015	Amend	4-1-2015
860-036-0605	3-3-2015	Amend	4-1-2015
860-037-0025	3-3-2015	Amend	4-1-2015
860-037-0410	3-3-2015	Amend	4-1-2015
860-038-0400	3-3-2015	Amend	4-1-2015
860-038-0420	3-3-2015	Amend	4-1-2015
860-082-0085	3-3-2015	Amend	4-1-2015
860-085-0500	12-3-2014	Adopt	1-1-2015
860-085-0550	12-3-2014	Adopt	1-1-2015
860-085-0600	12-3-2014	Adopt	1-1-2015
860-085-0650	12-3-2014	Adopt	1-1-2015
860-085-0700	12-3-2014	Adopt	1-1-2015
860-085-0750	12-3-2014	Adopt	1-1-2015
877-001-0006	1-1-2015	Amend	2-1-2015
877-015-0106	1-1-2015	Adopt	2-1-2015
877-020-0000	1-1-2015	Amend	2-1-2015
877-020-0010	1-1-2015	Amend	2-1-2015
877-020-0012	1-1-2015	Amend	2-1-2015
877-020-0057	1-1-2015	Amend	2-1-2015
877-020-0060	1-1-2015	Amend	2-1-2015
918-020-0090	5-12-2015	Amend(T)	6-1-2015
918-020-0090(T)	5-12-2015	Suspend	6-1-2015
918-098-1505	1-1-2015	Adopt	2-1-2015
918-098-1505(T)	1-1-2015	Repeal	2-1-2015
918-200-0025	1-1-2015	Amend	2-1-2015
918-200-0070	1-1-2015	Amend	2-1-2015
918-200-0100	1-1-2015	Amend	2-1-2015

OAR Number	Effective	Action	Bulletin
918-225-0220	4-1-2015	Repeal	5-1-2015
918-225-0345	4-1-2015	Repeal	5-1-2015
918-225-0390	4-1-2015	Repeal	5-1-2015
918-225-0400	4-1-2015	Repeal	5-1-2015
918-225-0430	4-1-2015	Amend	5-1-2015
918-225-0435	4-1-2015	Amend	5-1-2015
918-225-0570	4-1-2015	Amend	5-1-2015
918-225-0600	4-1-2015	Amend	5-1-2015
918-225-0606	4-1-2015	Amend	5-1-2015
918-305-0105	4-1-2015	Amend	5-1-2015
918-460-0015	4-1-2015	Amend	5-1-2015
918-480-0010	4-1-2015	Amend	5-1-2015
918-750-0115	4-1-2015	Amend	5-1-2015
918-800-0010	4-1-2015	Repeal	5-1-2015
918-800-0020	4-1-2015	Repeal	5-1-2015
918-800-0030	4-1-2015	Repeal	5-1-2015
918-800-0040	4-1-2015	Repeal	5-1-2015
943-090-0000	1-1-2015	Adopt	2-1-2015
943-090-0010	1-1-2015	Adopt	2-1-2015
943-090-0020	1-1-2015	Adopt	2-1-2015
945-001-0011	3-11-2015	Amend(T)	4-1-2015
945-010-0001	3-11-2015	Suspend	4-1-2015
945-010-0006	3-11-2015	Suspend	4-1-2015
945-010-0011	3-11-2015	Suspend	4-1-2015
945-010-0021	3-11-2015	Suspend	4-1-2015
945-010-0031	3-11-2015	Suspend	4-1-2015
945-010-0041	3-11-2015	Suspend	4-1-2015
945-010-0051	3-11-2015	Suspend	4-1-2015
945-010-0061	3-11-2015	Suspend	4-1-2015
945-010-0071	3-11-2015	Suspend	4-1-2015
945-010-0081	3-11-2015	Suspend	4-1-2015
945-010-0091	3-11-2015	Suspend	4-1-2015
945-010-0101	3-11-2015	Suspend	4-1-2015
945-020-0010	3-11-2015	Amend(T)	4-1-2015
945-020-0020	3-11-2015	Amend(T)	4-1-2015
945-030-0020	3-11-2015	Amend(T)	4-1-2015
945-030-0030	3-11-2015	Amend(T)	4-1-2015
945-030-0035	3-31-2015	Adopt	5-1-2015
945-030-0040	3-11-2015	Amend(T)	4-1-2015
945-030-0045	3-11-2015	Amend(T)	4-1-2015
945-040-0005	3-11-2015	Adopt(T)	4-1-2015
945-050-0005	3-11-2015	Adopt(T)	4-1-2015
966-100-0700	4-1-2015	Adopt	5-1-2015
966-100-0800	4-1-2015	Adopt	5-1-2015
976-001-0010	12-17-2014	Adopt	2-1-2015
976-001-0020	12-17-2014	Adopt	2-1-2015
976-002-0010	3-1-2015	Adopt	4-1-2015
976-002-0020	3-1-2015	Adopt	4-1-2015
976-002-0030	3-1-2015	Adopt	4-1-2015
976-002-0040	3-1-2015	Adopt	4-1-2015