

OREGON BULLETIN

Supplements the 2017 Oregon Administrative Rules Compilation

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DENNIS RICHARDSON
Secretary of State
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INFORMATION ABOUT ADMINISTRATIVE RULES

General Information

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

Background on Oregon Administrative Rules

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

OAR Citations

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

Understanding an Administrative Rule’s “History”

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

Locating Current Versions of Administrative Rules

The online version of the OAR Compilation is updated on the first of each month to include all rule actions filed with the Administrative Rules Unit by the 15th of the previous month. The annual printed OAR Compilation volumes contain text for all rules filed through

November 15 of the previous year. Administrative Rules created or changed after publication in the print Compilation will appear in a subsequent edition of the online Bulletin. These are listed by rule number in the Bulletin’s OAR Revision Cumulative Index, which is updated monthly. The listings specify each rule’s effective date, rule-making 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 Administrative 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.

Administrative 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 rule-making authority to an officer or employee within the agency must also file a Delegation of Rulemaking Authority form. It is the agency’s responsibility to monitor the rulemaking authority of selected employees and keep the forms updated. The Administrative Rules Unit does not verify agency signatures as part of the rulemaking process.

Publication Authority

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

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

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EXECUTIVE ORDERS

EXECUTIVE ORDER 17 - 08

STRENGTHENING PUBLIC EMPLOYEE BARGAINING AND TRAINING PRACTICES

WHEREAS, the State of Oregon must spend public resources responsibly, and must maximize the value received from every dollar it spends;

WHEREAS, the costs of recruiting and retaining the best possible state employees must be considered in the light of both the limitations of available public resources, and the benefits such high quality employees provide with respect to higher quality, more cost-effective, and more efficient delivery of services to Oregonians;

WHEREAS, each biennium the Oregon Legislature appropriates an amount of money available for the purpose of increasing state employee compensation, generally referred to as the "Salary Pot";

WHEREAS, the Executive Branch engages in formal bargaining with many state employees regarding compensation;

WHEREAS, the State of Oregon is and should remain a market employer, capable of attracting and retaining top-tier employee talent to work for the public good;

WHEREAS, obtaining current information about comparable employers allows the State of Oregon to continue to be a market employer, safeguarding public dollars while providing competitive compensation; and

WHEREAS, it is in the public interest that the State provide training to new state employees to maximize their effectiveness and efficiency;

NOW THEREFORE, IT IS HEREBY DIRECTED AND ORDERED:

I. Definitions. For purposes of this Executive Order, the following definitions shall apply:

A. "Salary Pot" shall mean the sums (if any) appropriated by the Oregon State Legislature on a biannual basis for purposes of increasing state employee compensation.

B. "Bargaining" shall mean any negotiation between the State of Oregon (through the Department of Administrative Services [DAS]) on the one hand, and a bloc of state employees (generally, between one or more public employee labor unions), on the other hand, relating to the effort to reach an agreed-to contract covering public employee compensation.

C. "Executive Branch" shall mean the Executive Department as defined in ORS 174.112, except that it shall not include the offices of the Oregon Secretary of State, Oregon State Treasury, Oregon Department of Justice.

D. "State employee" shall mean any employee of the State of Oregon.

E. "Market Employer" shall mean an employer whose employees earn, on average, between 95-105% the compensation earned by similarly situated employees in comparable markets.

F. "Step Increase" shall mean a salary increase from one salary step to another within a state employee's compensation range.

II. Market Study. DAS shall, on a biannual basis, conduct a market study of Executive Branch employee compensation.

A. This market study shall be completed by December 31 of the even-numbered year in every biennium.

B. DAS shall, before commencing the 2018 market study, evaluate the comparable markets to be used in the study to ensure that they include the employers the state most commonly competes with for the recruitment and retention of employees across classifications.

C. The State (through DAS) shall employ the data included in the market study in determining its position in bargaining.

D. In utilizing the market study in bargaining, the State shall seek to remain or regain its status as a market employer.

III. Bargaining Within Salary Pot.

A. When engaged in bargaining, DAS shall treat the Salary Pot as the source of General Fund funding, for the purposes of any bargained-for contract, for: (1) state employee cost of living adjustments ("COLAs"); (2) regular "step" increases in salary for Executive Branch employees; and (3) increases in state employee health care coverage costs.

B. If, in the opinion of the Chief Operating Officer, the legislatively determined Salary Pot is insufficient for the State to be a market employer for the coming biennium, DAS shall as soon as practicable send a letter explaining this circumstance to the Governor's Office, with copies sent to the President of the Oregon Senate and the Speaker of the Oregon House of Representatives. DAS' letter shall identify the amount of money DAS believes would be required to permit Oregon to maintain or regain its status as a market employer.

IV. State Employee Training. DAS, in collaboration with Executive Branch agencies, shall develop and implement a policy (the "DAS Policy") that identifies a statewide employee training program.

A. All permanent Executive Branch employees hired on or after the effective date of the DAS Policy shall participate in the training program within one year of the completion of their trial service.

B. The DAS Policy shall describe a suite of required trainings which include a core set of skills trainings common to all employees.

C. The DAS Policy shall describe a series of additional trainings required for specific employees, as determined in consultation with the relevant Executive Branch agencies.

D. All trainings provided subject to the DAS Policy shall be presented by qualified experts. Such experts may be state employees or outside vendors engaged for the purpose of providing training. The DAS Policy may distinguish between trainings that must be attended in person, and those that may be taken through remote learning, online, or other alternative platforms.

E. DAS shall consult in good faith with labor unions representing state workers around the content and format of employee trainings, as appropriate.

F. DAS may exempt from this training requirement those employees for whom DAS concludes training is not an appropriate use of public resources, due to previous training or experience, current job duties, or for other reasons.

V. This Executive Order will remain in effect unless and until it is superseded by a subsequent Executive Order or source of law.

Done at Salem, Oregon this 27th day of April, 2017.

EXECUTIVE ORDERS

/s/ Kate Brown
Kate Brown
GOVERNOR

ATTEST

/s/ Dennis Richardson
Dennis Richardson
SECRETARY OF STATE

EXECUTIVE ORDER NO. 17 - 09

PROMOTING FISCAL RESPONSIBILITY BY RECOVERING MONIES OWED TO THE STATE

WHEREAS, Oregonians deserve a fiscally responsible state government that maximizes the value of taxpayer dollars it receives; and

WHEREAS, one way of operating government efficiently and maximizing value received from taxpayer dollars is by recovering monies owed to the State; and

WHEREAS, Oregon is currently owed, and, despite collection efforts, has not recovered, significant sums of money that could be used for delivering services to the public; and

WHEREAS, analyses by the Secretary of State in 2015 and the Legislative Fiscal Office in 2016 calculated that more than \$600 million of debt owed to the State is tied to the State's General Fund; and

WHEREAS, given Oregon's current budget deficit of approximately \$1.6 billion, it is important that state government improve collection of monies owed to the State;

NOW THEREFORE, IT IS HEREBY DIRECTED AND ORDERED:

I. Definitions. For purposes of this Executive Order:

A. "State agency" shall be defined as any agency within the Executive Department as defined in ORS 174.112, other than the Oregon Secretary of State, Oregon State Treasury, Oregon Department of Justice, and Oregon Bureau of Labor and Industries.

B. "Liquidated Debt" shall have the meaning given the term in the Oregon Accounting Manual number 35.30.30.

C. "Delinquent Debt" is a receivable for which payment has not been received by the due date.

II. Reporting of Liquidated and Delinquent Debt. State agencies shall immediately determine the amounts of Liquidated and Delinquent Debts on their books for the most recent fiscal year, and shall issue a report of such amounts to the Department of Administrative Services ("DAS") Chief Operating Officer by June 30, 2017. The report shall include:

A. The total amount of Liquidated and Delinquent Debt on their books for the most recent fiscal year;

B. Of the amount reflected in Section II(A), what amount they believe is recoverable with reasonable effort and using collection tools available to the State; and

C. How their debt collection processes meet or, by December 31, 2017, will meet, the collection guidelines stated in the Oregon Accounting Manual; and, further, how their debt collection process would be influenced by the passage of Senate Bill 89. Agency processes reflected in Section II(C) should include plans for prompt referrals to the Department of Revenue, Other Agency Accounts unit, no later than 60 days after the debt is declared

Liquidated and Delinquent, or as allowed by the Oregon Accounting Manual.

III. Quarterly Tracking. DAS, in partnership with all state agencies, shall develop a quarterly reporting measurement that tracks debt collection activities. The Governor will set a debt collection benchmark to measure performance of state agencies by January 1, 2017.

IV. Procurement. State agencies shall modify their procurement and contracting practices to facilitate debt collection, to the extent permitted by law, including the following:

A. The Chief Procurement Officer shall facilitate the State's recovery of Liquidated and Delinquent Debt as follows:

1. The Chief Procurement Officer shall revise public contract templates to include a model provision that, if included in a procurement contract and to the extent not prohibited by law, would allow state agencies to recoup Liquidated and Delinquent Debt owed by vendors to any state agency by means of reducing state agencies' payments to such vendors.

2. The Chief Procurement Officer shall revise procurement instructions to enable state agencies to consider, where appropriate, Liquidated and Delinquent Debt owed to the State when evaluating vendors on state price agreements, when issuing purchase orders or similar ordering documents, or when entering into new contracts with vendors when the contract value exceeds \$150,000, to the extent not prohibited by law.

B. State agencies shall consider Liquidated and Delinquent Debt owed to the State when evaluating vendors on state price agreements, when issuing purchase orders or similar ordering documents, or when entering into new contracts with vendors, to the extent not prohibited by law.

V. Coordination of Payments and Collection Efforts. Subject to policies established by DAS, state agencies shall make efforts to recover Liquidated and Delinquent Debt from entities to which state agencies are remitting significant payments. DAS is directed to develop policies requiring:

A. State agencies to recoup Liquidated and Delinquent Debt owed by vendors by means of reducing state agencies' payments to such vendors, where permitted by the contract or contracts imposing the payment obligation or other law.

B. State agencies to take other measures in furtherance of recoupment of Liquidated and Delinquent Debt, where recoupment by offsetting payments is not permitted by the contract or contracts imposing the payment obligation or other law.

VI. Publicize Debtors. The Department of Revenue shall assess the feasibility of creating a website listing entities and individuals that owe the State Liquidated and Delinquent Debt, and shall report such feasibility to the DAS Chief Operating Officer by December 31, 2017. The assessment shall include, if appropriate, standards for adding and removing entities and individuals from the list, including removing entities and individuals that have entered into and are performing an agreement with the State to pay their Liquidated and Delinquent Debt in installments.

VII. Electronic garnishments. The Department of Revenue shall make efforts to recover Liquidated and Delinquent Debt by issuing garnishments using electronic means, to the extent permitted by law. The Department of Revenue shall report to the DAS Chief Operating Officer on the results of these efforts by September 1, 2017.

VIII. The provisions of this Executive Order are subject to all applicable state and federal laws and controlling contract provisions.

EXECUTIVE ORDERS

IX. Governor Kate Brown encourages the Secretary of State, the State Treasurer, the Attorney General, and the Commissioner of the Bureau of Labor and Industries, as well as the Legislative Assembly and the Judicial Department, to adopt policies and practices to recover Liquidated and Delinquent Debt consistent with the measures adopted by this Executive Order. DAS and the Department of Revenue are directed to assist the above-mentioned officials and entities of state government in accomplishing these objectives as they may request.

X. Except as otherwise provided herein, this Executive Order will remain in effect until June 30, 2019, unless superseded by a subsequent Executive Order or source of law.

Done this 5th day of May, 2017, at Salem, Oregon.

/s/ Kate Brown
Kate Brown
GOVERNOR

ATTEST

/s/ Dennis Richardson
Dennis Richardson
SECRETARY OF STATE

EXECUTIVE ORDER NO. 17-10

AMENDING EXECUTIVE ORDER NO. 17-09

NOW THEREFORE, IT IS HEREBY DIRECTED AND ORDERED:

Executive Order 17-09 was issued on May 5, 2017. In Section III of Executive Order 17-09, the last sentence is amended to provide as follows:

The Governor will set a debt collection benchmark to measure performance of state agencies by January 1, 2018.

Done this 12th day of May, 2017, at Salem, Oregon.

/s/ Kate Brown
Kate Brown
GOVERNOR

ATTEST

/s/ Dennis Richardson
Dennis Richardson
SECRETARY OF STATE

OTHER NOTICES

REQUEST FOR COMMENTS AND NOTICE OF PUBLIC HEARING ON PROPOSED 2017–2021 STATE PLAN ON AGING

HEARING DATE: June 28, 2017, 1:00 pm to 3:00 pm

HEARING LOCATION: Human Services Building, 500 Summer Street NE, Rm. 160, Salem, Oregon 97301

COMMENTS DUE: June 28, 2017

PROPOSAL: The Oregon Department of Human Services' (DHS) Aging and People with Disabilities (APD) Division develops a State Plan on Aging every two to four years as required under the Older Americans Act of 1965, as amended. The Plan is a contract with the Administration on Aging (AoA), which is now part of the Administration for Community Living (ACL), and allows DHS to receive funds under Title III and Title VII of the Act. The Plan also provides a vision of and direction for Oregon's aging network of services and supports overseen by the DHS State Unit on Aging (SUA).

HIGHLIGHTS: APD is accountable for the implementation of programs for older Oregonians and Oregonians with disabilities. The State Unit on Aging (SUA), a part of APD, is charged with the purpose and responsibility of implementing Older Americans Act (OAA) programs. The SUA works closely with Oregon's 17 Area Agencies on Aging (AAAs) to create a comprehensive package of services. AAAs provide direct information and services to seniors and people with disabilities across Oregon, while the SUA coordinates distribution of Federal Funds, provides training and technical assistance, and ensures statewide oversight and coordination for OAA programs.

The focus areas of the proposed State Plan are united around a consistent vision: to ensure that older Oregonians can remain independent, safe, and active in their own homes and communities. The areas on which the State Unit on Aging has strategically chosen to focus are, Aging & Disability Resource Connection of Oregon, Person-directed Services & Supports, Older Americans Act Core Programs, and Legal Assistance and Elder Rights Protection Programs. Specific objectives, strategies, and outcomes are articulated for each of these focus areas. By implementing the State Plan's goals and objectives, APD and the aging network will improve the capacity to provide services, information, outreach, education, and advocacy for older Oregonians. More importantly, it is a key component of APD's mission: to help Oregonians in their own communities achieve wellbeing and independence through opportunities that protect, empower, respect choice and preserve dignity.

HOW TO COMMENT: The proposed State Plan on Aging may be viewed at SUA's website at <http://www.oregon.gov/DHS/SENIORS-DISABILITIES/SUA/Pages/index.aspx> or by contacting the State Unit on Aging contact, Sarah Odell, sarah.d.odell@state.or.us. Comments on the proposed State Plan on Aging may be sent to Aging and People with Disabilities, Attention Sarah Odell, Fax or email comments are acceptable. The Fax number is 503-373-1133 and the email address is SUA.Email@state.or.us. Deadline for comments is June 28, 2017 at 5:00 p.m.

THE NEXT STEPS: Upon completion of the comment period, the comments will be addressed. Once the comments have been adequately addressed, the State Plan on Aging will be finalized with an effective date of October 1, 2017.

ACCESSIBILITY INFORMATION: APD is committed to accommodating people with disabilities. Please notify APD of any accommodations or if you need information in an alternate format. To make these arrangements, please call Lori Watt at 503-945-6237 or email at lori.c.watt@state.or.us

REQUEST FOR COMMENTS PROPOSED CONDITIONAL NO FURTHER ACTION FOR GRAPHIC PACKAGING INTERNATIONAL, INC., PORTLAND

COMMENTS DUE: 5 p.m., Fri., June 30, 2017

PROJECT LOCATION: 3400 N. Marine Dr., Portland, OR

PROPOSAL: The Department of Environmental Quality seeks comments on its proposed no further action for the property

located at 3400 N. Marine Drive in Portland. Graphic Packaging International, Inc. is the responsible party.

Graphic Packaging, a Georgia corporation, has owned and operated a flexible packaging division on the property since 1999. Throughout the history of the site, the following operations included: gummed tape, polyethylene plastic and polyethylene/wax blended film production; polyethylene extrusion; and electrophotographic and electrographic coated paper production. The facility currently processes plastics and paper as raw materials to produce imprinted plastic coated freezer paper, plastic printed films, and wax coated cereal liners.

Between 2014 and 2016, Graphic Packaging completed subsurface investigations and groundwater monitoring at twelve areas of environmental concern. With that data and data from the 1990s, Graphic Packaging completed a risk evaluation and requested a no further action letter from DEQ.

DEQ has posted a Staff Memo on the Environmental Site Cleanup Information (ECSI) database in support of a conditional no further action status for soil and groundwater only. With that DEQ and Graphic Packaging have agreed to enter into an Easement and Equitable Servitudes that will require property and groundwater use restrictions and a management plan for managing contaminated soil and/or groundwater in select areas of the property.

HOW TO COMMENT: Send comments to DEQ Project Manager Rob Hood at 700 NE Multnomah St., Suite 600, Portland, OR 97232 or hood.robert@deq.state.or.us. For more information contact the project manager at 503-229-5617.

Find information about requesting a review of DEQ project files at: <http://www.oregon.gov/deq/about-us/Pages/Requesting-Public-Records-FAQ.aspx>

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

To access site summary information and other documents in the DEQ Environmental Cleanup Site Information database, go to <http://www.oregon.gov/deq/Hazards-and-Cleanup/env-cleanup/Pages/ecsi.aspx>, select "Search complete ECSI database", then enter ECSI #127 in the Site ID box and click "Submit" at the bottom of the page. Next, click the link labeled ECSI #127 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.aspx?SourceId=127&SourceIdType=11>.

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

THE NEXT STEP: DEQ will consider all public comments received by the date and time stated above before making a final decision regarding the proposed prospective purchaser agreement for the site.

ACCESSIBILITY INFORMATION: Documents can be provided upon request in an alternate format for individuals with disabilities or in a language other than English for people with limited English skills. To request a document in another format or language, call DEQ in Portland at 503-229-5696, or toll-free in Oregon at 1-800-452-4011, ext. 5696; or email deqinfo@deq.state.or.us.

PUBLIC NOTICE PROPOSED CONSENT JUDGMENT WITH METRO METALS IN PORTLAND, OREGON

COMMENTS DUE: 5 p.m., June 30, 2017

PROJECT LOCATION: 5611 NE Columbia Blvd. Portland, OR

PROPOSAL: The Department of Environmental Quality proposes to enter into a consent judgment with Metro Metals Northwest, Inc. The Consent Judgment outlines DEQ's oversight of remedial design and cleanup of East Whitaker Pond sediments and adjacent soil and wildlife habitat improvement.

The consent judgment also includes settlement of Metro Metals' potential liability for contribution to sediment contamination in the Columbia Slough and satisfaction of liability associated with State of Oregon natural resource damages to Whitaker Ponds and the Columbia Slough.

OTHER NOTICES

HIGHLIGHTS: Metro Metals has operated a metal recycling operation adjacent to East Whitaker Pond since 1994. Investigation completed in 2011 and 2012 indicate hazardous substance (primarily metals and PCBs) contamination in soil and sediment of the pond with concentrations decreasing with distance from the Metro Metals stormwater discharge area. In 2008, Metro Metals installed a stormwater treatment system through which the majority of site stormwater runoff passes prior to discharging into the pond.

DEQ issued a Record of Decision for the site on Jan. 29, 2016 which describes the selected remedial action which consists of the following elements:

- Excavation and off-site disposal of sediment and soils with relatively higher concentrations of contaminants
- Placement of activated carbon in areas with moderate PCB concentrations
- Placement of a thin-layer of clean substrate to enhance natural recovery in peripheral areas
- Effectiveness Monitoring

Metro Metals also proposes to complete natural resource enhancement in and adjacent to East Whitaker Pond with the primary goal of improving habitat for native turtles, to address State natural resource damages. DEQ is also proposing a \$100,000 settlement with Metro Metals for potential sediment impacts beyond East Whitaker Pond.

When the work is completed to DEQ's satisfaction, DEQ will issue a certificate of completion.

HOW TO COMMENT: Send comments to DEQ Project Manager Sarah Miller at 700 NE Multnomah St. Suite #600 Portland, Oregon 97232 or miller.sarah@deq.state.or.us. For more information contact the project manager at 503-229-5040.

To access site summary information and other documents in the DEQ Environmental Cleanup Site Information database, go to <https://www.oregon.gov/deq/Hazards-and-Cleanup/env-cleanup/Pages/ecsi.aspx>, select "Search complete ECSI database", then enter ECSI#5455 in the Site ID box and click "Submit" at the bottom of the page. Next, click the link labeled ECSI #5455 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/FPCController.ashx?SourceIdType=11&SourceId=5455&Screen=Load>

Find information about requesting a review of DEQ project files at: <http://www.oregon.gov/deq/about-us/Pages/Request-Public-Record.aspx>

THE NEXT STEP: Once the comment period closes, DEQ will consider any comments. If DEQ determines to enter the consent judgment, it will be executed by the parties and then filed with the Multnomah County Circuit Court. The court must approve the consent judgment for it to take effect. Metro Metals will then move forward to perform the remedial design and cleanup with DEQ approval.

ACCESSIBILITY INFORMATION: Documents can be provided upon request in an alternate format for individuals with disabilities or in a language other than English for people with limited English skills. To request a document in another format or language, call DEQ in Portland at 503-229-5696, or toll-free in Oregon at 1-800-452-4011, ext. 5696; or email deqinfo@deq.state.or.us

PUBLIC NOTICE PROPOSED NO FURTHER ACTION FOR GOSHEN EQUIPMENT SITE

COMMENTS DUE: 5 p.m., June 30, 2017

PROJECT LOCATION: 34024 Old Willamette Highway, Eugene, Oregon

PROPOSAL: The Oregon Department of Environmental Quality proposes a No Further Action determination under Oregon Environmental Cleanup Law Oregon Revised Statutes 465.200 for the property listed above. The Goshen Equipment property is adjacent to Interstate 5, with proposed redevelopment for commercial use.

HIGHLIGHTS: Contamination to soil and groundwater resulted from former operations at the site, historically used as a fuel

service station and for heavy equipment sales and repair. Petroleum contamination resulted from leaking underground storage tanks and surface spills, as well as equipment washing and materials storage. The tanks were removed in 2008, followed by remediation of petroleum-contaminated soil and investigation of soil and groundwater impacts. The tank cleanup site was issued No Further Action by DEQ in May 2016 and included conditions on land and groundwater use. Additional work was needed to assess impacts from surface spills. A separate environmental cleanup project was established due to oil contamination in shallow soil at various locations. The investigations, completed in 2016 and 2017, identified low levels of petroleum at the property. With protective measures established in the 2016 deed restriction, the site is protective of human health and the environment.

HOW TO COMMENT: Send comments to DEQ Project Manager Cathy Brown at 165 E. Seventh Avenue, Suite 100, Eugene, OR 97401 or brown.cathy@deq.state.or.us. For more information contact the project manager at 541-687-7325.

Find information about requesting a review of DEQ project files at: Request Public Records

Find the File Review Application form at: Public Records Request Form

To access site summary information and other documents in the DEQ Leaking Underground Storage Tank (LUST) Cleanup database, go to <http://www.deq.state.or.us/lq/tanks/lust/LustPublicLookup.asp>, then enter 20-08-1394 in the LUST Number boxes and click "Lookup" at the bottom of the page. Next, click the link labeled 20-08-1394 in the Log Number column. Alternatively, you may go directly to the database website for this page at: <http://www.deq.state.or.us/WebDocs/Forms/Output/LustOutput.aspx?SourceId=35333&SourceIdType=10>

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

THE NEXT STEP: If no comments based on technical merit are received objecting to this proposal, DEQ will issue No Further Action to this cleanup site.

ACCESSIBILITY INFORMATION: Documents can be provided upon request in an alternate format for individuals with disabilities or in a language other than English for people with limited English skills. To request a document in another format or language, call DEQ in Portland at 503-229-5696, or toll-free in Oregon at 800-452-4011, ext. 5696; or email deqinfo@deq.state.or.us.

PUBLIC NOTICE PROPOSED NO FURTHER ACTION FOR EWEB OPERATIONS SITE

COMMENTS DUE: 5 p.m., June 30, 2017

PROJECT LOCATION: 500 E. Fourth Ave., Eugene, Oregon

PROPOSAL: The Oregon Department of Environmental Quality proposes a No Further Action determination under Oregon Environmental Cleanup Law Oregon Revised Statutes 465.200 for the property listed above. The former EWEB property is adjacent to the Willamette River and is part of a proposed downtown riverfront redevelopment initiative.

HIGHLIGHTS: The EWEB operations site includes 21 acres of land historically used by the utility. Three areas of concern were identified in assessments conducted in 2014 through a Eugene brownfield grant funded by the U.S. Environmental Protection Agency. EWEB investigated the three areas and began cleanup in November 2016. Soil contaminated with arsenic was removed at the former EWEB Credit Union building on Fourth Avenue, and soil containing old transformer oil chemicals was removed from a former substation on the southeast portion of the property. Soil contaminated with oil was also removed from three areas near the current Willamette Substation. Over 570 tons of contaminated soil was removed from the site and disposed of at an approved landfill. An evaluation of soil confirmed there is no risk to human health or the environment following cleanup under expected land uses. Construction work will require proper safety measures and management of contaminated soil encountered through excavation.

OTHER NOTICES

HOW TO COMMENT: Send comments to DEQ Project Manager Cathy Brown at 165 E. 7th Avenue, Suite 100, Eugene, OR 97401 or brown.cathy@deq.state.or.us. For more information contact the project manager at 541-687-7325. An informational meeting will be held in the Training Center at EWEB's North Building on Tuesday, June 13 from 6 p.m. to 7:30 p.m.

Find information about requesting a review of DEQ project files at: Request Public Records

Find the File Review Application form at: Public Records Request Form

To access site summary information and other documents in the DEQ Environmental Cleanup Site Information database, go to the Cleanup Site Database, select "Search complete ECSI database," then enter 3808 in the Site ID box and click "Submit" at the bottom of the page. Next, click the link labeled 3808 in the Site ID/Info column. You may also go directly to the webpage at: <http://www.deq.state.or.us/Webdocs/Forms/Output/FPController.ashx?SourceIdType=11&SourceId=3808&Screen=Load>.

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

THE NEXT STEP: If no comments based on technical merit are received objecting to this proposal, DEQ will issue No Further Action to this cleanup site.

ACCESSIBILITY INFORMATION: Documents can be provided upon request in an alternate format for individuals with disabilities or in a language other than English for people with limited English skills. To request a document in another format or language, call DEQ in Portland at 503-229-5696, or toll-free in Oregon at 1-800-452-4011, ext. 5696; or email deqinfo@deq.state.or.us.

NOTICES OF PROPOSED RULEMAKING

Notices of Proposed Rulemaking and Proposed Rulemaking Hearings

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

Public comment may be submitted in writing directly to an agency or presented orally 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: These rules relate to organization, administration and procedures for the Appraiser Certification and Licensure Board.

Stat. Auth.: ORS 674.010, 674.100, 674.305 & 674.310

Stats. Implemented: ORS 674.010, 674.100, 674.140, 674.145, 674.305, 674.310 & 674.850

Proposed Adoptions: 161-006-0185

Proposed Amendments: 161-006-0000, 161-006-0060, 161-006-0140, 161-006-0155, 161-006-0160, 161-006-0175

Proposed Repeals: 161-006-0025, 161-006-0030, 161-006-0050, 161-006-0070, 161-006-0080, 161-006-0110, 161-006-0120

Last Date for Comment: 6-21-17, Close of Business

Summary: Division 006 is being amended to include a variety of housekeeping changes in order to clean up language. A number of unnecessary rules are being repealed that would benefit from an agency policy rather than rulemaking. A new rule for Notification of Disciplinary Action has been added.

Rules Coordinator: Reena Keene

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 rules related to registration qualifications, renewal of registrations, inactive status, CWRE examination, housekeeping.

Stat. Auth.: ORS 183.430(1), 537.798, 670.310, 672.020, 672.025, 672.028, 672.045, 672.155, 672.168, 672.170, 672.180, 672.255

Stats. Implemented: ORS 672.002-672.325

Proposed Amendments: 820-010-0505, 820-010-0510, 820-010-0520, 820-010-1020, 820-010-2020, 820-010-3010, 820-010-5000, 820-025-0005, 820-080-0010

Last Date for Comment: 7-11-17, Close of Business

Summary: OAR 820-010-0505 and OAR 820-010-0520 - The proposed revisions allow for a registrant to be in an "inactive" status not predicated upon serious illness or disability.

OAR 820-010-0510 and OAR 820-025-0005 - The proposed revisions address a "pending" status for registrants who timely make an application to renew a registration, in accordance with the agency's rules, but the review of the renewal application extends past the registration expiration date.

OAR 820-010-1020 - The proposed revisions clarify the qualifying programs where six of the nine required academic subjects can be obtained.

OAR 820-010-2020 and OAR 820-010-3010 - The proposed revisions are minor housekeeping (renumbering of rules and adding the word "professional" to land surveyor).

OAR 820-010-5000 - The proposed revisions adds a date to withdraw from a Certified Water Right Examiner examination administration and to forward the application and fees to the next available administration.

OAR 820-080-0010 - The proposed revision decreases the fee for an inactive registrant or certificate holder to reinstate from \$225 to \$50.

Rules Coordinator: Jenn Gilbert

Address: Board of Examiners for Engineering and Land Surveying, 670 Hawthorne Ave. SE, Suite 220, Salem, OR 97301

Telephone: (503) 934-2107

Board of Medical Imaging Chapter 337

Rule Caption: Establishes fees for public records requests, amends and clarifies civil penalties, and deletes outdated language

Stat. Auth.: ORS 688.555

Stats. Implemented: ORS 688.445, 688.455, 688.560

Proposed Adoptions: 337-021-0090

Proposed Amendments: 337-010-0011, 337-030-0010

Last Date for Comment: 6-30-17, 4:30 p.m.

Summary: This rulemaking accomplishes three measures:

1. Strikes obsolete language from OAR 337-010-0011.
2. Establishes a fee schedule for requests for public records. Fee schedule is copied directly from DAS statewide policy 107-001-030 (adopted 2/15/17), including no cost for first 30 minutes of staff time for public records requests.

3. Establishes a graduated civil penalty schedule for employing an individual to practice medical imaging without a valid license, based upon the number of patients served by the unlicensed person: up to 50 patients—\$5,000; 51-100—\$10,000; 101-150—\$20,000; 151-200—\$30,000; over 200—\$50,000.

Rules Coordinator: Ed Conlow

Address: Board of Medical Imaging, 800 NE Oregon St., Suite 1160A, Portland, OR 97232

Telephone: (971) 673-0216

Construction Contractors Board Chapter 812

Rule Caption: Construction Flagging Contractor, Old Dispute Resolution Process, Dual and Inactive Licenses Continuing Education, Fee Changes

Date:	Time:	Location:
6-15-17	11 a.m.	201 High St. SE, 6th Flr. Salem OR

Hearing Officer: Leslie Culpepper

Stat. Auth.: ORS 670.310, 701.235, 701.068, 701.088, 701.086, 701.082, 701.083, 701.126, 701.267, 701.265, 701.238, 183.310, 183.500, 701.140, 701.145, 701.150

Stats. Implemented: ORS 701.042, 701.081, 701.084, 701.470, 701.540, 701.068, 701.088, 701.073, 701, 701.139, 701.140, 701.145, 701.146, 701.082, 701.086, 701.083, 701.063, 701.267, 701.265, 701.056, 701.238, 701.102, 183.455, 183.415, 183.460, 183.450, 701.117, 701.085 (2005), 701.150, 183.480, 701.143,

NOTICES OF PROPOSED RULEMAKING

701.131, 701.133, 701.180, 87.057, 87.058, 183.417, 183.470, 183.460

Proposed Adoptions: 812-020-0080

Proposed Amendments: 812-003-0131, 812-003-0142, 812-003-0171, 812-003-0221, 812-004-1001, 812-020-0071, 812-020-0085, 812-022-0000, 812-022-0021, 812-022-0025, 812-022-0028, 812-022-0040

Proposed Repeals: 812-004-0001, 812-004-0110, 812-004-0120, 812-004-0140, 812-004-0160, 812-004-0180, 812-004-0195, 812-004-0210, 812-004-0240, 812-004-0250, 812-004-0260, 812-004-0300, 812-004-0320, 812-004-0340, 812-004-0350, 812-004-0360, 812-004-0400, 812-004-0420, 812-004-0440, 812-004-0450, 812-004-0460, 812-004-0470, 812-004-0480, 812-004-0500, 812-004-0510, 812-004-0520, 812-004-0530, 812-004-0535, 812-004-0537, 812-004-0540, 812-004-0550, 812-004-0560, 812-004-0590, 812-004-0600, 812-022-0016, 812-022-0026, 812-022-0027, 812-022-0029

Last Date for Comment: 6-15-17, 5 p.m.

Summary: AMEND:

812-003-0131 is amended to add Construction Flagging Contractor to the license endorsements issued by CCB.

812-003-0142 is amended to reduce the license fee for 2017–2019 biennium to \$250.

812-003-0171 is amended to add a \$20,000 bond (or letter of credit) for a Construction Flagging Contractor license endorsement.

812-003-0221 is amended to add a \$500,000 per occurrence minimum liability insurance policy for a Construction Flagging Contractor license endorsement.

812-004-1001 is amended because rules that applied to complaints filed before July 1, 2011 will be repealed.

812-020-0071 is amended to work with OAR 812-022-0021 (10), which exempts “dual” contractors from residential continuing education requirements.

812-020-0085 is amended to require that holders of lapsed licenses must complete continuing education regardless of the period of lapse.

812-022-0000 is amended to remove reference to fees for continuing education.

812-022-0021 is amended to exempt “dual” endorsed contractors from residential education.

812-022-0025 is amended to remove the reference to fees for continuing education and remove requirement for surety bond to assure payment of fees by providers.

812-022-0028 is amended to remove reference to fees.

812-022-0040 is amended to require that any renewal to active status requires completion of residential continuing education.

REPEAL:

812-004-0001 is repealed to remove the rule relating to the application of rules for complaints filed before July 1, 2011.

812-004-0110 is repealed to remove the complaint processing fee for complaints filed before July 1, 2011.

812-004-0120 is repealed to remove the individual liability of certain licensees for complaints filed before July 1, 2011.

812-004-0140 is repealed to remove the liability of a contractor filing a complaint for complaints filed before July 1, 2011.

812-004-0160 is repealed to remove the rule allowing a person to become a co-complainant for complaints filed before July 1, 2011.

812-004-0180 is repealed to remove the rule relating to pursuit of a complaint for complaints filed before July 1, 2011.

812-004-0195 is repealed to remove the rule relating to exhibits for complaints filed before July 1, 2011.

812-004-0210 is repealed to remove the rule relating to addresses and notices for complaints filed before July 1, 2011.

812-004-0240 is repealed to remove the rule relating to exhausted surety bonds, letters of credit or cash deposits for complaints filed before July 1, 2011.

812-004-0250 is repealed to remove the rule relating to complaint processing fees, attorney fees, interest, and other costs for residential complaints filed before July 1, 2011.

812-004-0260 is repealed to remove the rule relating to closing a complaint for complaints filed before July 1, 2011.

812-004-0300 is repealed to remove the rule relating to filing dates for complaints filed before July 1, 2011.

812-004-0320 is repealed to remove the rule relating to jurisdictional requirements for complaints filed before July 1, 2011.

812-004-0340 is repealed to remove the rule relating to the form of complaints and pre-complaint notice for complaints filed before July 1, 2011.

812-004-0350 is repealed to remove the rule relating to the agency’s procedure if information is incomplete for complaints filed before July 1, 2011.

812-004-0360 is repealed to remove the rule relating to the adding complaint items at the on-site meeting for complaints filed before July 1, 2011.

812-004-0400 is repealed to remove the rule relating to the initial processing of and collecting fees for complaints filed before July 1, 2011.

812-004-0420 is repealed to remove the rule relating to processing owner with primary contractor complaints filed before July 1, 2011.

812-004-0440 is repealed to remove the rule relating to contracts with arbitration agreements involved in complaints filed before July 1, 2011.

812-004-0450 is repealed to remove the rule relating to the on-site meeting for complaints filed before July 1, 2011.

812-004-0460 is repealed to remove the rule relating to the agency recommendation for complaints filed before July 1, 2011.

812-004-0470 is repealed to remove the rule relating to a challenge to the investigation report for complaints filed before July 1, 2011.

812-004-0480 is repealed to remove the rule relating to settlements and settlement agreements for complaints filed before July 1, 2011.

812-004-0500 is repealed to remove the rule relating to closing a complaint after settlement for complaints filed before July 1, 2011.

812-004-0510 is repealed to remove the rule relating to court judgments, arbitration awards and other determinations involving complaints filed before July 1, 2011.

812-004-0520 is repealed to remove the rule relating to processing certain complaints filed before July 1, 2011.

812-004-0530 is repealed to remove the rule relating to construction lien complaints filed before July 1, 2011.

812-004-0535 is repealed to remove the rule relating to elements that must be proved for complaints filed before July 1, 2011.

812-004-0537 is repealed to remove the rule relating to standards of care and workmanship for complaints filed before July 1, 2011.

812-004-0540 is repealed to remove the rule relating to establishing damages and issuing proposed default orders or hearing referrals for complaints filed before July 1, 2011.

812-004-0550 is repealed to remove the rule relating to proposed default orders for complaints filed before July 1, 2011.

812-004-0560 is repealed to remove the rule relating to general requirements for proposed default orders or hearing requests for complaints filed before July 1, 2011.

812-004-0590 is repealed to remove the rule relating to arbitration, contested case or court proceeding for complaints filed before July 1, 2011.

812-004-0600 is repealed to remove the rule relating to payment from surety bond, letter of credit or cash deposit for complaints filed before July 1, 2011.

812-022-0016 is repealed to remove the \$15 per hour fees paid by contractors to the Construction Contractors Board (CCB) for three hours of courses prepared by the board; remove fees for processing, shipping and handling of CCB course materials; and remove \$4 per student per course hour fees if CCB enters into an agreement for a provider to offer CCB’s courses.

NOTICES OF PROPOSED RULEMAKING

812-022-0026 is repealed to remove \$2,000 provider approval fees and remove the \$4 per student per hour Series A course fees.

812-022-0027 is repealed to remove requirement for surety bond to assure payment of fees by providers.

812-022-0029 is repealed to remove non-refundable \$100 course application fee for Series A courses.

ADOPT:

812-020-0080 is adopted to require CE every time a license is activated, unless CE was completed at the last renewal.

Rules Coordinator: Leslie Culpepper

Address: Construction Contractors Board, 201 High St. SE, Suite 600, Salem, OR 97301

Telephone: (503) 934-2228

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Department of Administrative Services Chapter 125

Rule Caption: Amends Inmate Injury rules updating how eligibility is determined and benefits are provided.

Date:	Time:	Location:
6-15-17	1 p.m.	DAS IT Conference Rm. 1225 Ferry St. SE Salem, OR 97301

Hearing Officer: Deborah Bogart

Stat. Auth.: ORS 184.340, 278.405, 655.520 & 655.555

Stats. Implemented: ORS 655.505-655.555

Proposed Amendments: 125-160-0010, 125-160-0100, 125-160-0110, 125-160-0300, 125-160-0710, 125-160-0800, 125-160-0900

Last Date for Comment: 6-15-17, 5 p.m.

Summary: The primary reason for the rule amendment is to convert references to age 65 to references of attaining "other benefit eligibility." A definition has been added which defines "other benefit eligibility" as attainment of the age when eligibility for Social Security, Medicare and Medicaid occurs for the claimant. The amendments increase the amount of maximum medical benefits to \$75,000 from \$50,000.

Rules Coordinator: Janet Chambers

Address: Department of Administrative Services, 155 Cottage St. NE, Salem, OR 97301

Telephone: (503) 378-5522

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Rule Caption: Amends, repeals, and reorganizes Vehicle Use and Access Rules.

Date:	Time:	Location:
6-15-17	2 p.m.	1225 Ferry St. SE Salem, OR 97301 DAS IT Conference Rm.

Hearing Officer: Deborah Bogart

Stat. Auth.: ORS 184.305, 184.340, 278.405, & 283.305

Stats. Implemented: ORS 283.310, 283.312, 283.314, 283.340, 283.345 & 283.395

Proposed Amendments: 125-155-0000, 125-155-0010, 125-155-0020, 125-155-0100, 125-155-0200, 125-155-0300, 125-155-0400, 125-155-0420, 125-155-0500, 125-155-0510, 125-155-0600, 125-155-0700, 125-155-0800, 125-155-0900

Proposed Repeals: 125-155-0410, 125-155-0430, 125-155-0520, 125-155-0530, 125-155-0540

Last Date for Comment: 6-15-17, 5 p.m.

Summary: The primary reason for the rule amendment is to align the vehicle use and access rules with the changes in DMV procedures, practices and the Oregon Vehicle Code relating to filing for hardship permits and ignition interlock device waivers. The rule revisions provide greater activity latitude and clarification for state drivers who are expected to respond in a state vehicle 24/7 or assigned duties involving overnight travel status. Most changes involve a reorganization of the rules to consolidation rules of a specific topic in one location within the body of the rules. The last update was when the rules were written in 1995. These rules were in general need of an update.

Rules Coordinator: Janet Chambers

Address: Department of Administrative Services, 155 Cottage St. NE, Salem, OR 97301

Telephone: (503) 378-5522

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Department of Agriculture Chapter 603

Rule Caption: Increase in annual registration fees for industrial hemp growers, handlers, and seed producers

Date:	Time:	Location:
6-21-17	9 a.m.	Oregon Department of Agriculture Salem, OR

Hearing Officer: Brad LeaMaster

Stat. Auth.: ORS 561.190; ORS 569.445; ORS 571.300 to 571.315; Oregon Laws 2016, Chapter 71 (2016 Laws); ORS 633.511-633.996

Stats. Implemented: ORS 571.300-571.315; Oregon Laws 2016, Chapter 71 (2016 Laws)

Proposed Amendments: 603-048-0700

Proposed Repeals: 603-048-0700(T)

Last Date for Comment: 7-7-17, 5 p.m.

Summary: This rule makes permanent the temporary rule filed January 18, 2017, set to expire on July 16, 2017, that increased annual registration fees for industrial hemp growers, handlers, and seed producers.

The industrial hemp program (program) is financially insolvent. Current registration fees do not generate funds sufficient to cover the cost to pay for administration of the program. Without sufficient funds, the program will go further in debt, the program's ability to register and regulate registrants will be impaired, and the new industry will be prejudiced. The only mechanism available for financing the program under the current statute (ORS 571.300 to 571.315, as modified by Oregon Laws 2016, Chapter 71) is annual registration fees. The proposed fee change increases annual registration fees for industrial hemp as follows:

Industrial hemp grower registration increases from \$500 to \$1300;

Industrial hemp handler registration increases from \$500 to \$1300;

Agriculture hemp seed producer registration increases from \$25 to \$120.

Rules Coordinator: Sue Gooch

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

Telephone: (503) 986-4583

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Rule Caption: Amends identification requirements for sheep and goats attending exhibition events.

Stat. Auth.: ORS 596.388 & 596.392

Stats. Implemented: ORS 596.392

Proposed Amendments: 603-011-0388

Last Date for Comment: 7-14-17, 5 p.m.

Summary: The proposed change addresses a deficiency in individual identification requirements for sheep and goats attending exhibition events. Requiring all sheep and goats attending exhibition events to have official individual identification strengthens animal disease traceability as per 9 CFR Part 86. Historically, sheep and goat identification rules were aligned with the federal scrapie disease identification laws outlined in 9 CFR Part 79. Those identification requirements focused on sexually intact animals and provided an exemption for neutered animals, i.e., wethers. This makes sense for a scrapie disease control strategy, as neutered animals pose little to no risk of transmitting scrapie. The concern, and identification deficiency, applies to tracing other infectious diseases that could be contracted at an exhibition. Exhibitions provide the opportunity for mixing of animals and therefore an increased risk of transmission of diseases other than scrapie. If animals return home after attending a show then there is increased risk of spreading a disease back to the home flock. Non-scrapie diseases of concern include respiratory diseases, certain parasites, bluetongue and malignant catarrhal fever

NOTICES OF PROPOSED RULEMAKING

(MCF). There was an outbreak of MCF at a fair in Puyallup, WA in 2008. Identification of all animals at an exhibition regardless of sex status (ie., intact or neutered), benefits participants in that animal identification provides quick and accurate traceability of livestock in an animal disease event. A quick and efficient disease control response shortens investigation timelines as well as quarantine times and reduces the number of animals that may have to be tested and/or disposed of.

The Agency received input and approval of the proposed rule changes from the Oregon State University 4-H and FFA programs and the Oregon Sheep Grower's Association.

Rules Coordinator: Sue Gooch

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

Telephone: (503) 986-4583

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

Rule Caption: Adopts the 2017 Oregon Electrical Specialty Code & low-rise electrical provisions of the 2017 ORSC

Date: 6-20-17 **Time:** 9:30 a.m. **Location:** 1535 Edgewater St. NW
Salem, OR 97304

Hearing Officer: Staff

Stat. Auth.: ORS 455.020, 455.030, 455.110, 455.380, 455.525, 479.730

Stats. Implemented: ORS 455.610, 479.730

Proposed Adoptions: Rules in 918-305, 918-306, 918-480

Proposed Amendments: Rules in 918-305, 918-306, 918-480

Proposed Repeals: Rules in 918-305, 918-306, 918-480

Last Date for Comment: 6-23-17, 5 p.m.

Summary: These proposed rules adopt the 2017 Oregon Electrical Specialty Code based on the 2017 edition of the NFPA 70, National Electrical Code, with Oregon specific amendments. These proposed rules also adopt the low-rise residential electrical provisions for the 2017 Oregon Residential Specialty Code. Additionally, the proposed rules include some non-substantive housekeeping changes to administrative rules that provide clarity and consistency among the division's rules.

Rules Coordinator: Holly A. Tucker

Address: Department of Consumer and Business Services, Building Codes Division, PO Box 14470, Salem, OR 97309-0404

Telephone: (503) 378-5331

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Rule Caption: Electric Vehicle Ready Parking Facilities

Date: 6-20-17 **Time:** 11 a.m. **Location:** 1535 Edgewater St. NW
Salem, OR 97304

Hearing Officer: Staff

Stat. Auth.: ORS 455.030, 455.110, 479.730

Stats. Implemented: ORS 455.030, 455.110, 479.730

Proposed Adoptions: 918-020-0380

Last Date for Comment: 6-23-17, 5 p.m.

Summary: This rule implements the Electric Vehicle Ready Parking program. This program sets the standards when a parking facility must provide the supporting infrastructure for the future installation of electric vehicle charging stations. This program only requires the supporting infrastructure, and does not require the charging equipment be installed at the time of initial construction.

This rule automatically includes the cities of Eugene, Gresham, Portland, and Salem in the program. Other jurisdictions will be able to join the program through the local amendment process.

Rules Coordinator: Holly A. Tucker

Address: Department of Consumer and Business Services, Building Codes Division, PO Box 14470, Salem, OR 97309-0404

Telephone: (503) 378-5331

Rule Caption: Adopts the 2017 Oregon Plumbing Specialty Code & low-rise plumbing provisions of the 2017 ORSC

Date: 6-20-17 **Time:** 10 a.m. **Location:** 1535 Edgewater St. NW
Salem, OR 97304

Hearing Officer: Staff

Stat. Auth.: ORS 447.020, 455.020, 455.030, 455.110, 455.380, 455.525

Stats. Implemented: ORS 447.020, 455.020, 455.030, 455.110, 455.610

Proposed Adoptions: Rules in 918-480, 918-750

Proposed Amendments: Rules in 918-480, 918-750

Proposed Repeals: Rules in 918-480, 918-750

Last Date for Comment: 6-23-17, 5 p.m.

Summary: These proposed rules adopt the 2017 Oregon Plumbing Specialty Code based on the 2015 edition of the Uniform Plumbing Code published by the International Association of Plumbing and Mechanical Officials, with Oregon specific amendments. These proposed rules also adopt the low-rise residential plumbing provisions for the 2017 Oregon Residential Specialty Code. Additionally, the proposed rules include some non-substantive housekeeping changes to administrative rules that provide clarity and consistency among the division's rules.

The approved recommendations for the 2017 Oregon Residential Specialty Code (ORSC) from the Residential and Manufactured Structures Board created an inconsistency with the recommendations from the State Plumbing Board for the 2017 OPSC. Specifically, the 2017 ORSC changes the maximum consumption for water closets and shower heads installed in one- and two-family dwellings and townhouses. The 2017 OPSC states that the maximum flow rate for a shower head is 2.5 gallons per minute (408.2), and the maximum consumption for a water closet is 1.6 gallons per flush (411.2). Whereas, the 2017 ORSC states that the maximum flow rate for a shower head is 2.0 gallons per minute (N1108.2.1), and the maximum consumption for a water closet is 1.28 gallons per flush (N1108.1). The 2017 OPSC does not distinguish between what type of structure the fixture is installed in. The changes to the consumption rates for plumbing fixtures in the 2017 ORSC would only impact one- and two-family dwellings and townhouses.

Rules Coordinator: Holly A. Tucker

Address: Department of Consumer and Business Services, Building Codes Division, PO Box 14470, Salem, OR 97309-0404

Telephone: (503) 378-5331

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Rule Caption: Adopts the 2017 Oregon Residential Specialty Code

Date: 6-20-17 **Time:** 10:30 a.m. **Location:** 1535 Edgewater St. NW
Salem, OR 97304

Hearing Officer: Staff

Stat. Auth.: ORS 455.020, 455.030, 455.110, 455.380, 455.525, 455.610

Stats. Implemented: ORS 455.610

Proposed Adoptions: Rules in 918-480

Proposed Amendments: Rules in 918-480

Proposed Repeals: Rules in 918-480

Last Date for Comment: 6-23-17, 5 p.m.

Summary: These proposed rules adopt the structural and mechanical code provisions of the 2017 Oregon Residential Specialty Code. The current code is the 2014 Oregon Residential Specialty Code, which is based on the 2009 edition of the International Residential Code, with Oregon amendments. These proposed rules adopt and amend the 2015 edition of the International Residential Code for One-and Two-Family Dwellings with Oregon amendments, and will be known as the 2017 Oregon Residential Specialty Code.

Rules Coordinator: Holly A. Tucker

Address: Department of Consumer and Business Services, Building Codes Division, PO Box 14470, Salem, OR 97309-0404

Telephone: (503) 378-5331

NOTICES OF PROPOSED RULEMAKING

Department of Consumer and Business Services, Insurance Regulation Chapter 836

Rule Caption: Amendment to 2018 standard bronze and silver health benefit plans

Date:	Time:	Location:
6-22-17	10 a.m.	Labor & Industries Bldg. 350 Winter St. NE Basement, Conf. Rm. E Salem, OR 97301

Hearing Officer: Gayle Woods

Stat. Auth.: ORS 731.244

Stats. Implemented: ORS 743B.130

Proposed Adoptions: 836-053-0011

Proposed Amendments: 836-053-0013

Last Date for Comment: 6-29-17, 5 p.m.

Summary: These proposed rules establish the requirement that the standard bronze health benefit plan be HSA eligible, in order to promote consumer choice. HSA plans are high deductible plans that allow consumers to pay for medical expenses with tax-free dollars. Consumers are responsible for initial health care costs until the deductible is met. The proposed rules further clarify that the insurer or health care service contractor shall clearly indicate on any applicable plan and benefits template or other plan or product specific filing document that the plan is HSA eligible.

The proposed rules also bring the standard bronze and standard silver plans into compliance with federal law by amending the exhibits for the plans for plan years beginning on or after January 1, 2018, to meet federal minimum actuarial value (AV) requirements. The amended rule does not contain new requirements, but rather adjusts certain benefits within these plans.

Rules Coordinator: Karen Winkel

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

Telephone: (503) 947-7694

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

Rule Caption: Adopt federal OSHA amendments: Occupational Exposure to Beryllium in General Industry, Construction, and Maritime.

Date:	Time:	Location:
6-22-17	10 a.m.	Oregon OSHA, Durham Plaza 16760 SW Upper Boones Ferry Rd. Suite 200 Tigard, OR 97224
6-27-17	10 a.m.	Oregon OSHA Valley River Office Park 1500 Valley River Dr., Suite 150 Eugene, OR 97401

Hearing Officer: Heather Case

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

Stats. Implemented: ORS 654.001–654.295, 654.412–654.423, 654.750–654.780

Proposed Adoptions: 437-002-2024, 437-002-2025, 437-002-2026, 437-002-2027, 437-002-2028, 437-002-2029, 437-002-2030, 437-002-2031, 437-002-2032, 437-002-2033, 437-002-2034, 437-002-2035, 437-002-2036, 437-002-2037, 437-002-2038

Proposed Amendments: 437-002-0382, 437-003-1000, 437-005-0001

Last Date for Comment: 6-30-17, Close of Business

Summary: This rulemaking is to keep Oregon OSHA in harmony with recent changes to Federal OSHA's standards.

On January 9, 2017, federal OSHA adopted final rules for beryllium for general industry, construction, and maritime. Before these rules, the only specific rule for beryllium was an airborne permissible exposure limit (PEL) of 2 micrograms per cubic meter of air ($\mu\text{g}/\text{m}^3$). With the adoption of these rules, federal OSHA lowered the

PEL from 2 $\mu\text{g}/\text{m}^3$ to 0.2 $\mu\text{g}/\text{m}^3$, and instituted an action level of 0.1 $\mu\text{g}/\text{m}^3$. These rules require an exposure assessment, with periodic monitoring under certain circumstances, requires engineering and work practice controls to reduce exposure levels, institutes a written exposure control plan, requires provisions for regulating employee access to certain areas, respiratory protection, medical surveillance, and employee training and information.

Oregon OSHA proposes to combine the requirements of the general industry and construction rules into one set of rules applicable to both industries, as new Oregon-initiated rules OAR 437-002-2024 through 437-002-2038.

Oregon OSHA also proposes to update the air contaminants rules for general industry and construction, OAR 437-002-0382 and 437-003-1000, to reflect the new beryllium rules.

Please visit our web site osha.oregon.gov Click 'Rule changes' in the Topics, rules, guidelines column and view our proposed rules; or, select other rule activity from the left vertical column on the Proposed Rules page.

Rules Coordinator: Sue C. Joye

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

Telephone: (503) 947-7449

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**Department of Corrections
Chapter 291**

Rule Caption: Contracts and Governmental Agreements

Stat. Auth.: ORS 179.040, 279A.050, 421.438, 423.020, 423.030, 423.075

Stats. Implemented: ORS 179.040, 279A.050, 421.438, 423.020, 423.030, 423.075

Proposed Amendments: 291-026-0005 through 291-026-0140

Last Date for Comment: 7-19-17, 4:30 p.m.

Summary: These rule amendments are necessary to bring the rules current with state procurement rules, policies, and statutes, and to reflect operational and organizational changes that have occurred within the department since the rules were last revised.

Rules Coordinator: Janet R. Worley

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

Telephone: (503) 945-0933

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**Department of Energy
Chapter 330**

Rule Caption: Update and clarify definitions and requirements for State Energy Efficient Design program.

Date:	Time:	Location:
6-22-17	10 a.m.	Oregon Department of Energy 550 Capitol St. NE Salem, OR 97301

Hearing Officer: Wendy Simons

Stat. Auth.: ORS 469.040, 276.900–276.915

Stats. Implemented: ORS 276.900–276.915

Proposed Amendments: 330-130-0010, 330-130-0020, 330-130-0030, 330-130-0040, 330-130-0050, 330-130-0060, 330-130-0070, 330-130-0080, 330-130-0090, 330-130-0100

Proposed Repeals: 330-130-0025

Last Date for Comment: 6-22-17, 5 p.m.

Summary: The purpose of the proposed rule amendments is to make a number of updates to the requirements and administration of the State Energy Efficient Design (SEED) program. The proposed amendments would better align program rules with ORS 276.900–276.915, which require new state facilities to be designed and constructed to perform 20 percent better than a building built to the current energy code. The proposed amendments would also: remove alternate compliance paths no longer applicable to the SEED process; remove rule language pertaining to outdated energy reduction goal timelines; describe methods and frequency of energy use

NOTICES OF PROPOSED RULEMAKING

reporting, including the minimum building square footage that triggers reporting requirements; correct inadvertent errors in language that occurred in a previous rulemaking; and make general house-keeping changes to rule language.

Rules Coordinator: Elizabeth Ross

Address: Department of Energy, 550 Capitol St. NE, 1st Floor, Salem, OR 97301

Telephone: (503) 378-8534

Department of Environmental Quality Chapter 340

Rule Caption: Update LRAPA Title 43 - Asbestos Requirements

Date:	Time:	Location:
6-8-17	12:30 p.m.	LRAPA Meeting Rm. 1010 Main St. Springfield, OR 97477

Hearing Officer: Merlyn Hough

Stat. Auth.: ORS 468.020, 468.065, 468A.035, 468A.040, 468A.050 & 468A.310

Other Auth.: LRAPA Title 43

Stats. Implemented: ORS 468.020, 468.065, 468A.035, 468A.040, 468A.050 & 468A.310

Proposed Amendments: 340-200-0040

Last Date for Comment: 6-8-17, 12:30 p.m.

Summary: Short summary

LRAPA proposes the Board of Directors approve the proposed rule changes based on the need to be as stringent as the Department of Environmental Quality's asbestos regulations. With the recent changes to the ODEQ asbestos survey requirement

Brief history

On July 26, 2010, the LRAPA Board adopted amendments to LRAPA Title 43: Asbestos Requirements moving the asbestos survey requirement to the applicability section of the rule and out of the work practices section for purposes clarification on the survey requirements. This proposed rulemaking will focus on the residential construction date for asbestos survey exemption.

Beginning with Senate Bill 705 (2015) and legislature's direction, DEQ proposed rule changes which have been adopted. In January 2016, the DEQ adopted new asbestos rules which are contained in OAR 340-248. DEQ made changes to their asbestos regulation by adopting a residential construction date (January 1, 2004) by which homes are exempt from the survey requirement. The rule amendment was adopted by a temporary rulemaking on December 10, 2015 and effective January 1, 2016, then followed by a full rulemaking in March 2016 effective April 21, 2016. DEQ is in process of revising the entirety of OAR 340-248 - Asbestos Requirements. This larger, more comprehensive rulemaking is scheduled to be completed in early 2018, at which time LRAPA staff will revisit and propose updates to title 43 for consistency and stringency throughout.

Regulated parties

The proposed amendment to LRAPA's Title 43: Asbestos Regulations does not change the regulated parties. These rules apply to any person who owns, controls, or supervises the renovation or demolition of a residential building.

Rules Coordinator: Meyer Goldstein

Address: Department of Environmental Quality, 700 NE Multnomah St., 6th Floor, Portland, OR 97232

Telephone: (503) 229-6478

Rule Caption: Water Quality Permit and Onsite Fee Rulemaking 2017

Date:	Time:	Location:
6-27-17	1 p.m.	DEQ Headquarters 700 NE Multnomah St., Rm. 1110 Portland, OR 97232

Hearing Officer: DEQ Staff

Stat. Auth.: 454.615, 454.625, 454.745, 183, 459.045, ORS 459.785, 468, 468B, 468.020, 468B.020, 468B.035, 468A.040, 468B.048, 468B.010, 468B.110

Stats. Implemented: 454.020, 454.625, 454.745, 468.015, 468.065, 468.070, 468B.025, 468B.035, 468B.050, 468B.195, ORS 454.605, 454.607, 454.610, 454.615, 454.655, 454.665, 454.675, 454.695, 454.725, 454.755, 454.775, 454.780, 454.784, 468.020, 468.035, 468.045, 468.065, 468B.050, 468B.055, 468B.080.

Proposed Adoptions: 340-071-0800

Proposed Amendments: 340-045-0005, 340-045-0010, 340-045-0015, 340-045-0020, 340-045-0027, 340-045-0030, 340-045-0033, 340-045-0035, 340-045-0037, 340-045-0040, 340-045-0045, 340-045-0050, 340-045-0055, 340-045-0060, 340-045-0061, 340-045-0062, 340-045-0063, 340-045-0065, 340-045-0070, 340-045-0075, 340-045-0080, 340-045-0100, 340-045-0105, 340-071-0100, 340-071-0110, 340-071-0115, 340-071-0120, 340-071-0130, 340-071-0135, 340-071-0140, 340-071-0150, 340-071-0155, 340-071-0160, 340-071-0162, 340-071-0165, 340-071-0170, 340-071-0175, 340-071-0205, 340-071-0210, 340-071-0215, 340-071-0220, 340-071-0260, 340-071-0265, 340-071-0275, 340-071-0290, 340-071-0295, 340-071-0302, 340-071-0315, 340-071-0320, 340-071-0330, 340-071-0335, 340-071-0340, 340-071-0345, 340-071-0400, 340-071-0410, 340-071-0415, 340-071-0420, 340-071-0430, 340-071-0440, 340-071-0460, 340-071-0500, 340-071-0520, 340-071-0600, 340-071-0650.

Last Date for Comment: 6-30-17, 4 p.m.

Summary: DEQ proposes the Oregon Environmental Quality Commission approve proposed rule amendments increasing water quality fees by 3 percent above the fiscal year 2016 fees for National Pollutant Discharge Elimination System, Water Pollution Control Facility, including Water Pollution Control Facility permits specific to onsite septic systems, and fees for the septic system program.

DEQ also proposes establishing in rule fees for Underground Injection Control systems as well as clarifying and updating fees for technical and administrative activities not covered with application and annual permit fees. DEQ proposes updated rule language and modifications to the fee tables to capture the use of existing fees and to establish a new fee for electronic reporting waivers.

Rules Coordinator: Meyer Goldstein

Address: Department of Environmental Quality, 700 NE Multnomah St., 6th Floor, Portland, OR 97232

Telephone: (503) 229-6478

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

Rule Caption: Investigation of Reported Abuse in Certain Child-Caring Agencies to Allow Reconsideration of Substantiated Abuse Findings

Date:	Time:	Location:
6-19-17	10 a.m.	State Library 250 Winter St. NE, 3rd Fl. Mt. Bachelor Conf. Rm.

Hearing Officer: Jennifer Bittel

Stat. Auth.: ORS 409.050 & 418.005

Stats. Implemented: ORS 418.005 & OL 2016, Ch. 106

Proposed Amendments: 407-045-0940

Last Date for Comment: 6-26-17, 5 p.m.

Summary: The Department of Human Services (Department) is proposing to permanently adopt temporary rules that went into effect on January 13, 2017 that provides the Director or Director's designee the opportunity for good cause, to reconsider a substantiated abuse finding regarding a person or child-caring agency (CCA) investigated by the Office of Adult Abuse Prevention and Investigations (OAAPI) under these rules. The amended rule outlines the director/designee ability to initiate action that may affirm, modify, reverse or remand the substantiated abuse finding. The amended rule does not affect current rule provisions that affords a person or CCA with

NOTICES OF PROPOSED RULEMAKING

a substantiated abuse finding the right to request an administrative review of the OAAPI determination by the Substantiation Review Committee, as stated in these rules.

Proposed rules are available on the Department of Human Services website: <http://www.oregon.gov/DHS/POLICIES/Pages/ss-admin-rules.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: Amendments to Federal Child Care and Development Block Grant, Mandatory Exclusions, Expedited Hearing Rights

Date:	Time:	Location:
6-19-17	11 a.m.	State Library 250 Winter St. NE Salem, OR 97301, 3rd Floor Mt. Bachelor Conf. Rm.

Hearing Officer: Jennifer Bittel

Stat. Auth.: ORS 181A.195, 181A.200, 181.537, 183.459, 409.027 & 409.050

Stats. Implemented: ORS 181A.195, 181A.200, 181.534, 181.537, 183.459, 409.010, 409.027, 443.004 & OL 2016, Ch. 106, sec. 6

Proposed Amendments: 407-007-0210, 407-007-0250, 407-007-0279, 407-007-0320, 407-007-0330, 407-007-0335

Last Date for Comment: 6-26-17, 5 p.m.

Summary: In January 2017, the Department of Human Services began implementing the Child Care and Development Block Grant's reauthorization and regulatory changes issued 9/23/2016 by filing temporary rules needed to meet requirements under federal regulations. The Department now proposes to make the temporary rule changes permanent. Rule updates include:

- Clarification of who is considered a childcare provider subject individual (OAR 407-007-0210)

- New requirement for all childcare provider subject individual to have a national fingerprint based criminal records check (OAR 407-007-0250)

- Guidelines for convictions leading to mandatory exclusion of childcare provider subject individuals and the available appeal rights (OAR 407-007-0279, 407-007-0330)

In OAR 407-007-0279, additional language is added to clarify the different mandatory exclusions in place.

The Department proposes to correct an error that occurred in rule filings from 12/1/2016. Updates to the Criminal Records Checks and Abuse Checks on Providers (OAR 407-007-0200 to 407-007-0370) on 12/1/2016 inadvertently changed the hearing rights of subject individuals who have only potentially disqualifying abuse involving adult victims. Under guidance from the Department's original Abuse Steering Committee, if a weighing test leads to a negative fitness determination, the subject individual shall be notified of an Intent to Deny and granted expedited hearing rights. OAR 407-007-0335 was corrected in a temporary rule filing in January 2016; this proposed permanent rulemaking restores the correct notice and expedited hearing rights to these subject individuals.

Proposed rules are available on the Department of Human Services website: <http://www.oregon.gov/DHS/POLICIES/Pages/ss-admin-rules.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

Department of Human Services, Child Welfare Programs Chapter 413

Rule Caption: Department Review of Foster Care Payment Rates

Date:	Time:	Location:
6-15-17	1:30 p.m.	Human Services Bldg. Salem, OR

Hearing Officer: Amie Fender

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.647

Proposed Adoptions: 413-090-0051

Last Date for Comment: 6-22-17, 5 p.m.

Summary: The Department of Human Services, Office of Child Welfare Programs, is adopting a new rule, OAR 418-090-0051, as the result of an agreement with the Oregon Secretary of State. The rule directs the Department to review the foster care payment rates every two years in conjunction with the preparation of the Agency Request Budget to the governor. The Department already engages in this practice, but now it will be memorialized in administrative rule.

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

Rules Coordinator: Amie Fender

Address: Department of Human Services, Child Welfare Programs, 500 Summer St. NE, E48, Salem, OR 97301

Telephone: (503) 945-8986

Rule Caption: The permanent adoption of the Application of the Indian Child Welfare Act (ICWA)

Date:	Time:	Location:
6-21-17	1:30 p.m.	Human Services Bldg., Rm. 160 Salem, OR

Hearing Officer: Amie Fender

Stat. Auth.: ORS 418.005

Other Auth.: 25 USC §§ 1901-63, 25 CFR 23

Stats. Implemented: ORS 418.005, 419A.004, 419A.116, 419B.090, 419B.100, 419B.118, 419B.150, 419B.171, 419B.185, 419B.192, 419B.340, 419B.365, 419B.366, 419B.476, 419B.498, 419B.500, 419B.521, 419B.529, 419B.875, 419B.878, 419B.923, 418.015, 418.625, 418.627

Proposed Adoptions: 413-115-0000, 413-115-0010, 413-115-0020, 413-115-0030, 413-115-0040, 413-115-0050, 413-115-0060, 413-115-0070, 413-115-0080, 413-115-0090, 413-115-0100, 413-115-0110, 413-15-0120, 413-115-0130, 413-115-0140, 413-115-0150

Proposed Amendments: 413-015-0115, 413-015-0205, 413-015-0215, 413-015-0415, 413-015-0432, 413-015-0455, 413-020-0000, 413-020-0010, 413-020-0020, 413-020-0050, 413-020-0075, 413-030-0009, 413-030-0210, 413-030-0220, 413-030-0445, 413-030-0460, 413-040-0000, 413-040-0010, 413-040-0155, 413-040-0159, 413-040-0310, 413-070-0000, 413-070-0010, 413-070-0072, 413-070-0512, 413-070-0516, 413-070-0519, 413-070-0625, 413-070-1050, 413-100-0240, 413-110-0000, 413-110-0240, 413-110-0300, 413-120-0000, 413-120-0020, 413-120-0021, 413-120-0025, 413-120-0057, 413-120-0060, 413-120-0115, 413-120-0165, 413-120-0175, 413-120-0625, 413-120-0730, 413-120-0750, 413-200-0306, 413-215-0000, 413-215-0081, 413-215-0426, 413-215-0431, 413-215-0441

Proposed Repeals: 413-070-0100, 413-070-0130, 413-070-0140, 413-070-0150, 413-070-0160, 413-070-0170, 413-070-0180, 413-070-0190, 413-070-0200, 413-070-0210, 413-070-0220, 413-070-0230, 413-070-0240, 413-070-0250, 413-070-0260

Last Date for Comment: 6-28-17, 5 p.m.

Summary: On June 14, 2016, the Bureau of Indian Affairs (BIA) published rules relating to implementation of the Indian Child Wel-

NOTICES OF PROPOSED RULEMAKING

fare Act (ICWA). ICWA is the federal law controlling the welfare of Indian children and on February 7, 2017, the Department of Human Services, Office of Child Welfare Programs, adopted temporary rules to comply with these regulations relating to the Department's responsibilities when serving Indian children. The Department is now moving to permanently adopt those rules.

Previous rules governing ICWA, OAR 413-070-0100 to 413-070-0260, are being repealed and the updated requirements are reflected in new rules, OAR 413-115-0000 to 413-115-0150. The primary changes of the BIA regulations that are reflected in Department rules include clarification around the following ICWA provisions:

- Definition of key terms;
- Process for determination of tribal membership or enrollment;
- Responsibilities relating to "active efforts" to involve the child's tribe and to prevent removal of an Indian child from his or her family;
- Emergency removal;
- The placement of Indian children;
- Notification and Notice requirements;
- Qualifications for a qualified expert witness; and
- Parental consent for voluntary proceedings.

Additionally, Child Welfare rules throughout OAR chapter 413 that reference the ICWA requirements are being amended where needed to reflect the new rule references or new substantive requirements.

Rules Coordinator: Amie Fender

Address: Department of Human Services, Child Welfare Programs, 500 Summer St. NE, E48, Salem, OR 97301

Telephone: (503) 945-8986

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Department of Public Safety Standards and Training Chapter 259

Rule Caption: Amends basic certification maintenance requirements for Telecommunicators/Emergency Medical Dispatchers (EMD); adds maintenance for supervisory certification.

Stat. Auth.: ORS 181A.410

Stats. Implemented: ORS 181A.410

Proposed Amendments: 259-008-0064

Last Date for Comment: 6-21-17, 5 p.m.

Summary: The proposed changes to OAR 259-008-0064 provide additional clarity for the requirements to maintain basic certification as a telecommunicator or emergency medical dispatcher (EMD); change the requirements for individuals who are only certified as EMD from 4 hours of annual training to 8 hours of annual training; change the maintenance training reporting period to a calendar year cycle; and add maintenance training requirements for telecommunicators who hold supervisory certification.

The Board on Public Safety Standards and Training adopted the recommendations and proposed rule changes on April 27, 2017. The recommendations were developed through the Telecommunications/EMD Maintenance Training Workgroup.

Changes to the current standards.

Section (3) - Changes the maintenance training cycle from the current July 1 through June 30 tracking year to a January through December calendar year for tracking maintenance training requirements. The period July 1, 2017 through December 31, 2017 has been added to the first January through December maintenance training year that would begin January 1, 2018. This is in recognition that such an implementation would create a transition period for adjustments to the new reporting and tracking period.

Section (4) - Changes the minimum number of hours required to maintain basic certification for those who are only certified as EMD from 4 hours of annual training to 8 hours of annual training. Section (4) also adds the rule language to incorporate the Board approved standard to complete a minimum of one hour of ethics training annually. This requirement transitions as recommended training through December 31, 2019 and becomes required training beginning January 1, 2020. The employing agency maintains dis-

cretion on what training meets this requirement and the hour is included in the total annual training hours required.

Section (5) - Adds a requirement to complete Leadership training in order to maintain supervisory certification. The Workgroup recommended that telecommunicators who hold supervisory certification be required to complete 2 hours of leadership related training annually. The 2 hours would be in addition to the maintenance training for basic certification. The employing agency will maintain the discretion on what training will satisfy the leadership related training requirements. This requirement is established with a transition period. Leadership maintenance training would be recommended training through December 31, 2019 and failure to complete and report the leadership training would not result in suspension of a supervisory certification prior to that date. The requirement for leadership training would have an effective beginning requirement date of January 1, 2020. Individuals who are in the EMD discipline and are not multi-discipline certified as a telecommunicator would not be affected by the leadership training requirements because EMD certification is only awarded at the basic level.

Changes made for clarity (includes reorganization and house-keeping but no changes to the intent of the current rule).

Section (2) - Identifies that the rule applies to currently employed and certified telecommunicators and EMD. This is a change from the current rule language that requires a telecommunicator or an EMD to complete the annual maintenance training requirements regardless of whether they are employed. This change was made in recognition that the Department only takes action on deficient maintenance training for someone who is not currently employed once DPSST receives notification of their reemployment. In those circumstances, the new employer is generally able to facilitate the reporting of completed training hours that will meet the maintenance requirements or obtain a time extension in order to meet the requirements.

Section (3) - Adds new language that outlines how a maintenance training cycle is established when a basic certification is issued. The proposed language reflects DPSST's current internal process and has been included to provide clear and uniform guidelines that agencies can use for planning purposes.

Section (4) - Outlines the requirements for maintaining basic certification. Amended language in this section is used to clearly identify the training requirements when an individual holds both telecommunications basic certification and EMD basic certification.

- 12 hours specific to telecommunications for certified telecommunicators; and

- 16 hours, comprised of 12 hours specific to telecommunications and 4 hours specific to EMD, for those with both telecommunications and EMD certifications.

Section (7) - Outlines the documentation requirements and the submission of training through a Department approved submission process.

Section (8) - Amends the rule language regarding the extension of a maintenance training cycle when a telecommunicator or EMD has been on leave. This section provides a more thorough application of the current rule language that states "Failure to complete required maintenance training will not result in suspension of certification if the telecommunicator or EMD is on leave from a public or private safety agency." An individual on leave for more than 180 days would receive an extension of their current maintenance cycle. This is a process that DPSST could complete internally upon receipt and review of the F4 Personnel Action Report Form. An individual who is on leave for less than 180 days would not receive an extension due to leave but would still be eligible for a time extension if needed.

Section (9) - This section identifies the steps taken for suspending certifications. Amended language has been added to specify that DPSST will send a notice of deficiency to the telecommunicator or EMD and a copy to their agency when a maintenance training requirement has not been met. The telecommunicator or EMD will be given 30 days from the notice of deficiency to complete the training requirements or request a time extension. Failure to complete the

NOTICES OF PROPOSED RULEMAKING

maintenance training requirements identified in the notice of deficiency or to request a time extension within 30 days will result in a Notice of Intent to suspend the certifications.

Section (10) - Amends rule language regarding requests for time extensions. This section provides a more thorough application of the current rule language that states "The Department may grant an extension of time for completion of any required training or in-service training based upon good cause. A written request for an extension of time must be submitted to the Department by the department head." The workgroup recommended limiting time extensions to one year, not exceed December 31st of the following year, and requiring the individual to complete the current maintenance cycle requirements. This means that a telecommunicator or EMD deficient for a maintenance cycle ending December 31, 2018 could be granted a time extension up to December 31, 2019. The time extension would not change the maintenance training requirement for the January 1, 2019-December 31, 2019 maintenance cycle.

Section (11) - Identifies that a telecommunicator or EMD whose basic certification has been suspended is prohibited from working in a certifiable position while basic certifications are suspended. After January 1, 2020, basic certification may be suspended for failure to complete 1 hour of ethics training each year even if the telecommunicator or EMD met the total number of hours required for their certifications. After January 1, 2020, supervisory, management and executive certifications may be suspended for failure to complete the required 2 hours of Leadership training during a maintenance training cycle without suspending basic, intermediate and advanced certifications as long as the total number of hours required for their basic certifications have been met. However, the suspension of the supervisory, management and executive certifications would not preclude the telecommunicator or EMD from working in a certifiable position while these certifications are suspended.

Section (12) - Outlines the requirements for recertification after a suspension. Telecommunicator or EMD certifications may be reinstated from a suspension once the deficient maintenance training requirements have been met.

Rules Coordinator: Jennifer Howald

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

Telephone: (503) 378-2432

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Rule Caption: Adds Firearms/Use of Force training requirement when officer has been separated longer than 1 year.

Stat. Auth.: ORS 181A.410

Stats. Implemented: ORS 181A.410

Proposed Amendments: 259-008-0025

Last Date for Comment: 6-21-17, 5 p.m.

Summary: This rule change moves a requirement for an officer to complete 8 hours of Firearms or Use of Force related training within 30 days of re-employment after a separation longer than 1 year but less than 5 years from OAR 259-008-0065 (Maintenance of Law Enforcement Officer Certification) to OAR 259-008-0025 (Minimum Standards for Training).

The Board on Public Safety Standards and Training approved the proposed rule changes on April 27, 2017.

For consistency with the recently adopted law enforcement officer maintenance training standard (OAR 259-008-0065), the proposed rule is a standard for law enforcement officers and includes police officers, corrections officers, parole and probation officers and regulatory specialists.

The proposed rule change requires that the 8 hours of Firearms/Use of Force training be completed within 30 days of the law enforcement officer's reemployment. Law enforcement officers and their employing agencies will have the opportunity to request a time extension. This requirement only applies to a law enforcement officer who has previously completed the basic course. The training must be completed prior to the award of a certification. The employing agency maintains the discretion on what training satisfies the

requirement to complete 8 hours of Firearms or Use of Force related training.

DPSST will develop a tracking process to support the requirement. Applications for certification received with no record of completion of the 8 hours of Firearms/Use of Force training would be considered incomplete and would not be granted until documentation of the completion of the 8 hours of Firearms/Use of Force training requirement was submitted.

Currently, when DPSST reissues a basic certification for an officer whose certifications have lapsed, a new maintenance training cycle is established for that officer. The requirements for maintenance of the basic certification include the completion of 8 hours of Firearms/Use of Force training annually. The same 8 hours of Firearms/Use of Force training completed as required within 30 days of reemployment may also be used to meet the maintenance training requirement to complete 8 hours of Firearms/Use of Force training annually if the law enforcement officer's certifications are granted and the assigned maintenance training cycle includes the dates that the law enforcement officer completed the Firearms/Use of Force training.

The research regarding the history and the intent of the original rule language shows that the requirement relating to Firearms/Use of Force training for previously certified officers was implemented in 2006 in order to support the intent of the maintenance training requirements to have each police officer complete 8 hours of Firearms/Use of Force training annually. The addition of the requirement was further supported, at the time of its implementation, by the recognition that a formerly certified officer may become reemployed at any time up to 2-1/2 years after leaving their former position without being required to complete any Firearms/Use of Force training and that a formerly certified officer who becomes reemployed between 2-1/2 years and 5 years after leaving their former position is required to complete the Career Officer Development Course which does not include Firearms/Use of Force training.

Rules Coordinator: Jennifer Howald

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

Telephone: (503) 378-2432

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Rule Caption: Updates the Oregon fire service professional certifications for Urban Search and Rescue (US&R).

Stat. Auth.: ORS 181A.410

Stats. Implemented: ORS 181A.410

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

Last Date for Comment: 6-21-17, 5 p.m.

Summary: On April 27, 2017 the Board on Public Safety Standards and Training approved changes to the Oregon Urban Search and Rescue (US&R) fire service professional certification requirements. The Oregon fire service professional certifications in US&R are Oregon specific standards.

OAR 259-009-0005 adds definitions for US&R, US&R Rescue Technician, US&R Medical Technician, US&R Rigging Technician, US&R Search Technician and Archived Certification.

OAR 259-009-0062 amends the US&R certification requirements to specify the individual certification requirements for US&R Rescue Technician, US&R Medical Technician, US&R Rigging Technician, and US&R Search Technician. Changes to this rule also specify that the US&R certifications for Logistics Manager, Rescue Company Officer, Rescue Team Manager, Safety Officer, Search Company Officer, Search Team Manager and Task Force Leader become inactive and archived certifications effective July 1, 2017.

Fire service professionals who are currently certified in any of the seven archived US&R certifications will be allowed to maintain their certifications until the conclusion of the maintenance re-certification on December 31, 2018.

Archiving the certifications instead of permanently removing the certifications will allow for future evaluation based on the needs or the request of the Oregon fire service.

NOTICES OF PROPOSED RULEMAKING

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

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Department of State Lands
Chapter 141

Rule Caption: Administrative rules governing the placement of ocean renewable energy facilities in the territorial sea.

Date:	Time:	Location:
6-20-17	5 p.m.	North Bend Public Library 1800 Sherman Ave. North Bend, OR 97459
6-21-17	5 p.m.	Oregon Sea Grant Thompson Rm. 1211 SE Bay Blvd. Newport, OR 97365
6-28-17	5 p.m.	Astoria Public Library Flag Rm., 450 10th St. Astoria, OR 97103

Hearing Officer: Chris Castelli or Kirk Jarvie, Chris Castelli or Mike DeBlasi

Stat. Auth.: ORS Chapter 183 - regarding administrative procedures and rules of state agencies; ORS 196.810 - regarding the Department's authority to require a removal-fill permit for work in waters of the state. ORS 196.817 - regarding the Department's authority to create a removal-fill general permit by rule or order. ORS 274.870 to 274.879- regarding ocean renewable energy facility siting on state-owned submerged and submersible lands.

Other Auth.: ORS 196.485(3) - Oregon Territorial Sea Plan; ORS 197.180 - Statewide Planning Goal 19; ORS 196.405 to 583 - Oregon Ocean Resources Management Plan

Stats. Implemented: ORS 196.600–196.692, ORS 196.795–196.990 & ORS 274.870 to 274.879

Proposed Adoptions: 141-093-0330, 141-093-0335, 141-093-0340, 141-093-0345, 141-093-0350, 141-093-0355, 141-140-0045, 141-140-0095, 141-140-0105, 141-140-0115

Proposed Amendments: 141-085-0510, 141-085-0520, 141-085-0550, 141-085-0560, 141-085-0565, 141-140-0010, 141-140-0020, 141-140-0030, 141-140-0040, 141-140-0050, 141-140-0060, 141-140-0070, 141-140-0080, 141-140-0090, 141-140-0100, 141-140-0110, 141-140-0120, 141-140-0130

Last Date for Comment: 7-14-17, 5 p.m.

Summary: The Department of State Lands has initiated rulemaking to implement the requirements of recent administrative and legislative actions affecting the placement of ocean renewable energy devices in the territorial sea.

These actions include adoption of Part 5 of the Territorial Sea Plan by the Land Conservation and Development Commission; enactment of HB 2694 (2013) - establishing seafloor data sharing requirements; enactment of SB 606 (2013) - amending financial assurance and civil penalty statutes for ocean renewable energy projects; and enactment of SB 319 (2015) refining the Department's regulatory and proprietary roles in siting ocean renewable energy projects. SB 319 specifically requires the Department to convene a committee to assist in evaluating whether to establish by rule a general permit under ORS 196.816, or grant by rule a general authorization under ORS 196.850, for ocean renewable energy facilities that are used as components of research projects or demonstration projects that produce ocean renewable energy.

The Department also specifically requests 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 pursuant to ORS 183.335(2)(b)(G).

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

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

Sabrina Foward, Rules Coordinator
OAR 141-140, 085 & 093 Rulemaking
Department of State Lands
775 Summer Street N.E., Suite 100
Salem, Oregon 97301

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

Rules Coordinator: Sabrina L. Foward
Address: Department of State Lands, 775 Summer St. NE, Suite 100, Salem, OR 97301-1279

Telephone: (503) 986-5236

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

Rule Caption: Clarifies Exempt Jurisdiction Program requirements and addresses housekeeping items.

Date:	Time:	Location:
6-22-17	1 p.m.	3565 Trelstad Ave. SE Salem OR 97317

Hearing Officer: Kristin Schafer

Stat. Auth.: ORS 476.030; 479.165

Stats. Implemented: ORS 476.030; 476.070; 476.120; 476.165; 479.165

Proposed Adoptions: 837-039-0035, 837-039-0045

Proposed Amendments: 837-039-0003, 837-039-0055

Proposed Ren. & Amends: 837-039-0015 to 837-039-0006, 837-039-0110 to 837-039-0011, 837-039-0120 to 837-039-0016, 837-039-0010 to 837-039-0031, 837-039-0055 to 837-039-0041

Last Date for Comment: 6-22-17, 3 p.m.

Summary: These rule amendments clarify requirements for the application, review, decision-making, and monitoring of local jurisdictions who request exempt authority to implement and enforce the Oregon adopted fire code and related statutes, rules and programs in their jurisdiction. Some amendments were housekeeping in nature. Reorganized rules numbering to provide better readability. Reorganization led to the adoption and renumbering of some rules.

Rules Coordinator: Valerie Abrahamson

Address: Department of State Police, Office of State Fire Marshal, 3565 Trelstad Ave. SE, Salem, OR 97317

Telephone: (503) 934-8211

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

Rule Caption: Requires vehicle dealers to maintain proof of insurance with DMV and adds a related violation

Stat. Auth.: ORS 184.616, 184.619, 802.010, 802.370, 803.600, 803.625, 821.060, 821.080, 822.020, 822.025, 822.035

Stats. Implemented: ORS 822.005–822.080

Proposed Adoptions: 735-150-0031

Proposed Amendments: 735-150-0110, 735-150-0140

Last Date for Comment: 6-21-17, 4 p.m.

Summary: ORS 822.033 requires an applicant for a vehicle dealer certificate to submit a certificate of insurance to DMV (as proof of insurance) upon initial application and at each subsequent certificate renewal. Dealer certificates are valid for three years. The certificate of insurance shows the effective date and expiration date of the required dealer insurance policy in effect at the time of submission. Vehicle dealer liability insurance policies typically expire in one year or less. But there is nothing in statute or DMV rule to require a dealer to maintain proof of valid insurance for the duration the dealer's certificate. Consequently, DMV is proposing to adopt OAR 735-150-0031 to require vehicle dealers to maintain proof of a current, valid insurance policy in their official business records for the duration of their dealer certificate.

The proposed amendment of OAR 735-150-0110 adds a new violation — failure to maintain proof of dealer liability insurance-to the

NOTICES OF PROPOSED RULEMAKING

list of dealer offenses subject to sanctions and penalties. The proposed amendment of OAR 735-150-0140 specifies the schedule of sanction both for the offense of failure to maintain proof of dealer liability insurance and to possible offenses of ORS 822.045 that are not otherwise included in rule.

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

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Rule Caption: Establishment of Full Legal Name by Individual

Stat. Auth.: ORS 184.616, 184.619, 802.010

Stats. Implemented: ORS 801.562, 803.015, 803.050, 803.140, 803.220, 803.370, 807.050, 807.110, 807.400, 807.420, 807.560, 809.135, 821.080

Proposed Amendments: 735-010-0130

Last Date for Comment: 6-21-17, 5 p.m.

Summary: DMV proposes to amend OAR 735-010-0130 to include in rule the special characters that can be used in establishing a full legal name within DMV's system and that will appear on DMV documents such as driver licenses, driver permits, identification cards, vehicle titles and vehicle registrations. DMV is also amending this rule to clearly state that if a full legal name has been established, that name will appear on title and registration documents even if it varies slightly from how a person completes documents submitted to DMV. If no full legal name has been established the name used on the application for title and registration will appear on title and registration documents. The rule does require that an individual must use the individual's full legal name when doing business with DMV. Other amendments are made for consistency and clarity.

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

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Department of Transportation, Motor Carrier Transportation Division Chapter 740

Rule Caption: Amendment of 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, 825.260

Proposed Amendments: 740-100-0010, 740-100-0065, 740-100-0070, 740-100-0080, 740-100-0085, 740-100-0090, 740-110-0010

Last Date for Comment: 6-21-17, 4 p.m.

Summary: 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 are necessary to 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

Address: Department of Transportation, Motor Carrier Transportation Division, 355 Capitol St. NE, MS 51, Salem, OR 97301

Telephone: (503) 986-3171

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Landscape Contractors Board Chapter 808

Rule Caption: Clarifies that all sales are final, adopts DAS Policy #107-001-030 for public records requests charges.

Stat. Auth.: ORS 183, 293.445, 670.310 & 671.670

Stats. Implemented: ORS 183, 192.430, 293.445 & 671

Proposed Amendments: 808-001-0020

Last Date for Comment: 6-22-17, 12 p.m.

Summary: Clarifies that all sales are final, adopts DAS Policy #107-001-030 for public records requests charges.

Rules Coordinator: Kim Gladwill-Rowley

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

Telephone: (503) 967-6291, ext. 223

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Mortuary and Cemetery Board Chapter 830

Rule Caption: Relating to the handling of persons who have died of or with communicable diseases.

Date:	Time:	Location:
6-22-17	10 a.m.	800 NE Oregon St., Rm. 445 Portland, OR 97232

Hearing Officer: Chad Dresselhaus

Stat. Auth.: ORS 692.160 & 692.320

Stats. Implemented: ORS 692.025

Proposed Amendments: 830-030-0070

Last Date for Comment: 6-22-17, 4 p.m.

Summary: Allows Oregon Health Authority to provide requirements for handling human remains afflicted with communicable diseases.

Rules Coordinator: Chad Dresselhaus

Address: Mortuary and Cemetery Board, 800 NE Oregon St., Suite 430, Portland, OR 97232

Telephone: (971) 673-1503

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Rule Caption: Relating to the holding of funerals for individuals afflicted with communicable diseases.

Date:	Time:	Location:
6-22-17	10 a.m.	800 NE Oregon St., Rm. 445 Portland, OR 97232

Hearing Officer: Chad Dresselhaus

Stat. Auth.: ORS 183.341, 183.545, 692.160 & 692.320

Stats. Implemented: ORS 692.025

Proposed Amendments: 830-030-0080

Last Date for Comment: 6-22-17, 4 p.m.

Summary: Allows Oregon Health Authority to identify communicable diseases in cases of epidemics.

Rules Coordinator: Chad Dresselhaus

Address: Mortuary and Cemetery Board, 800 NE Oregon St., Suite 430, Portland, OR 97232

Telephone: (971) 673-1503

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Rule Caption: Relating to the Indigent Disposition Program

Date:	Time:	Location:
6-22-17	10 a.m.	800 NE Oregon St., Rm. 445 Portland, OR 97232

Hearing Officer: Chad Dresselhaus

Stat. Auth.: ORS 97.170

Stats. Implemented: ORS 97.170

Proposed Amendments: 830-040-0090

Last Date for Comment: 6-22-17, 4 p.m.

Summary: Establishes a time limit when IDF reimbursements must be submitted.

Rules Coordinator: Chad Dresselhaus

Address: Mortuary and Cemetery Board, 800 NE Oregon St., Suite 430, Portland, OR 97232

Telephone: (971) 673-1503

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

Stat. Auth.: ORS 692.025, Sec. 1

Stats. Implemented: ORS 692.025, Sec. 1

Proposed Amendments: 830-011-0065

Last Date for Comment: 6-22-17, 4 p.m.

NOTICES OF PROPOSED RULEMAKING

Summary: Permits State Mortuary and Cemetery Board to issue temporary permit to carry out existing prearrangement sales contracts to which cemetery is party and to effect rights of plot owners

Rules Coordinator: Chad Dresselhaus

Address: Mortuary and Cemetery Board, 800 NE Oregon St., Suite 430, Portland, OR 97232

Telephone: (971) 673-1503

Oregon Board of Naturopathic Medicine

Chapter 850

Rule Caption: Amend current rules to clarify prescribing authority by Naturopathic physicians.

Stat. Auth.: ORS 685.125

Stats. Implemented: ORS 685.145

Proposed Amendments: 850-060-0223, 850-060-0226

Last Date for Comment: 7-19-17, 3 p.m.

Summary: Amends 850-060-0223 to remove inaccurate citations due to proposed amendments to 850-060-0223.

Amends 850-050-0226 for clarity in prescribing authority for Naturopathic Physicians.

Rules Coordinator: Mary-Beth Baptista

Address: Oregon Board of Naturopathic Medicine, 800 NE Oregon St., Suite 407, Portland, OR 97232

Telephone: (971) 673-0192

Oregon Criminal Justice Commission

Chapter 213

Rule Caption: Amends Justice Reinvestment Rules for Increased Flexibility Regarding Unknown Funding Level

Date:	Time:	Location:
7-6-17	10 a.m.	Capitol Bldg. - Hearing Rm. C 900 Court St. NE Salem, OR 97301

Hearing Officer: Ross Caldwell

Stat. Auth.: 2013 Oregon Laws c.649 §§ 53 54

Stats. Implemented: 2013 Oregon Laws c.649 §§ 52 54

Proposed Amendments: 213-060-0050, 213 060 0060, 213 060 0070, 213 060 0080, 213-060-0130, 213-060-0140

Last Date for Comment: 7-10-17, Close of Business

Summary: Under 2013 Oregon Laws c.649 §§ 52 56, the Criminal Justice Commission administers the Justice Reinvestment Grants Program. The Program is funded each biennium in the state budget and the Commission then distributes the funds to counties via a grants process. The Commission will not know the level of grant funding for the 2017-19 biennium until the end of the legislative session which is expected to be in July 2017. The 2015-17 biennium was the first biennium that the Commission reviewed detailed county grant applications as part of the grant administration process. These changes to Chapter 213 of the Oregon Administrative Rules gives the Commission increased flexibility around how the grant funds are distributed and focuses the grant application process on the goals of Justice Reinvestment (per c.649 §§ 52 56). The Commission needs this flexibility because the level of funding could vary drastically from the level of funding in the 2015-17 biennium and the grant administration process needs to be able to respond accordingly. Additionally, these amendments to the OARs streamline the grant reporting process for counties based on lessons learned by the Commission in the 2015-17 grant administration process and shorten the OARs by removing unnecessary language that was originally included before the grant administration process had begun.

Rules Coordinator: Julie Vaughn

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

Telephone: (503) 378-4830

Oregon Department of Aviation

Chapter 738

Rule Caption: K-12 exemption from registration of Unmanned Aircraft System

Stat. Auth.: ORS 835.035, 835.112, 837.360

Stats. Implemented: ORS 837.360

Proposed Amendments: 738-080-0045

Last Date for Comment: 6-21-17, 4 p.m.

Summary: Currently all public entities in the state of Oregon must register each Unmanned Aircraft System (UAS) with the Federal Aviation Administration prior to registration with Oregon Department of Aviation (ODA). Registration with ODA must be completed prior to UAS flight.

Per OAR 738-080-0045 the fee to register each UAS weighing less than 55 lbs is \$25 and the fee to register a UAS weighing 55 lbs or more is \$50. A fee of \$25 per aircraft can be cost prohibitive to a high school program with 10 UAS and an annual budget of \$2000.

During the 2017 Legislative Session, Senate Bill 757 sought to reduce the registration fee for each UAS operated by K-12 educational programs to \$5 per aircraft. Working with the bill sponsor and a teacher at McMinnville High School, ODA recommended achieving the objective of SB 757 by administrative rule change. On March 20, 2017 the Senate Committee on Business and Transportation concurred with the proposed course of action and requested a report once the permanent rule change was complete.

With this proposed rule change ODA will exempt K-12 public schools from the registration requirement, thereby eliminating the registration fee in its entirety.

Rules Coordinator: Lauri Kunze

Address: Oregon Department of Aviation, 3040 25th St. SE, Salem, OR 97302-1125

Telephone: (503) 986-3171

Rule Caption: Amendment of Exhibit 2 in OAR 738-090-0030 to include the Sisters Eagle Air Airport

Stat. Auth.: ORS 184.616, 184.619, 836.610

Stats. Implemented: ORS 836.610

Proposed Amendments: 738-090-0030

Last Date for Comment: 6-28-17, 5 p.m.

Summary: Following a public hearing and other procedures set out in OAR 738-090-0040 and 738-090-0050, the Department is amending 738-090-0030 to add Sisters Eagle Air Airport to its airport listings under section (2), privately-owned public-use airports.

Rules Coordinator: Lauri Kunze

Address: Oregon Department of Aviation, 3040 25th St. SE, Salem, OR 97302-1125

Telephone: (503) 986-3171

Oregon Department of Education

Chapter 581

Rule Caption: Standards for K-12 Public Schools

Date:	Time:	Location:
6-20-17	1 p.m.	Public Service Bldg. 400A Salem, OR

Hearing Officer: Emily Nazarov

Stat. Auth.: ORS 326.051, ORS Chapter 329

Stats. Implemented: ORS 326.051, ORS Chapter 329

Proposed Repeals: 581-022-1362, 581-022-1363, 581-022-1365, 581-022-1366, 581-022-1367, 581-022-1368, 581-022-1370, 581-022-1371, 581-022-1372, 581-022-1364, 581-022-1020, 581-022-1030, 581-022-1215

Proposed Renumberings: 581-022-1130 to 581-0225-2000, 581-022-1134 to 581-022-2010, 581-022-1133 to 581-022-2015, 581-022-1135 to 581-022-2020, 581-022-1131 to 581-022-2025, 581-022-1210 to 581-022-2030, 581-022-0413 to 581-022-2045, 581-022-1440 to 581-022-2050, 581-022-0610 to 581-022-2100, 581-022-0612 to 581-022-2110, 581-022-0615 to 581-022-2115,

NOTICES OF PROPOSED RULEMAKING

581-022-0617 to 581-022-2120, 581-022-0711 to 581-022-2205, 581-022-0416 to 581-022-2210, 581-022-0421 to 581-022-2215, 581-022-0705 to 581-022-2220, 581-022-1420 to 581-022-2225, 581-022-1430 to 581-022-2230, 581-022-0606 to 581-022-2250, 581-022-1060 to 581-022-2255, 581-022-1660 to 581-022-2260, 581-022-1661 to 581-022-2265, 581-022-1670 to 581-022-2270, 581-022-0807 to 581-022-2300, 581-022-1610 to 581-022-2305, 581-022-1140 to 581-022-2310, 581-022-1340 to 581-022-2315, 581-022-1620 to 581-022-2320, 581-022-1310 to 581-022-2325, 581-022-1320 to 581-022-2330, 581-022-1630 to 581-022-2335, 581-022-1520 to 581-022-2340, 581-022-1530 to 581-022-2345, 581-022-1622 to 581-022-2350, 581-022-1640 to 581-022-2355, 581-022-1650 to 581-022-2360, 581-022-1941 to 581-022-2370, 581-022-1710 to 581-022-2400, 581-022-1720 to 581-022-2405, 581-022-1723 to 581-022-2410, 581-022-1724 to 581-022-2415, 581-022-1725 to 581-022-2420, 581-022-1730 to 581-022-2430, 581-022-1330 to 581-022-2500, 581-022-1350 to 581-022-2505, 581-022-0405 to 581-022-2510, 581-022-1510 to 581-022-2060

Last Date for Comment: 6-22-17, 9 a.m.
Summary: Reorganization and revision of rules relating to standards for public schools; repeals obsolete, outdated and redundant rules.
Rules Coordinator: Cindy Hunt
Address: Oregon Department of Education, 255 Capitol St. NE, Salem, OR 97310
Telephone: (503) 947-5651

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Rule Caption: Teacher and Administrator Evaluation and Support
Date: 6-20-17 **Time:** 1 p.m. **Location:** Public Services Bldg., 400A Salem, OR

Hearing Officer: Emily Nazarov
Stat. Auth.: ORS 342.805–342.937
Stats. Implemented: 2011 OL Ch. 729 Sec. 2 (Enrolled SB 290)
Proposed Amendments: 581-022-1723
Last Date for Comment: 6-22-17, 9 a.m.
Summary: Aligns rule with the vision of educator evaluation described in Oregon’s Every Student Succeeds Act (ESSA) state plan.
Rules Coordinator: Cindy Hunt
Address: Oregon Department of Education, 255 Capitol St. NE, Salem, OR 97310
Telephone: (503) 947-5651

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Rule Caption: Accountability Reporting Advisory Committee
Date: 6-20-17 **Time:** 1 p.m. **Location:** Public Service Bldg., 400A Salem, OR

Hearing Officer: Emily Nazarov
Stat. Auth.: ORS 326.051
Stats. Implemented: ORS 326.051
Proposed Amendments: 581-002-0090
Last Date for Comment: 6-22-17, 9 a.m.
Summary: Broadens a school district’s ability to appeal accountability data for unusual or extraordinary circumstance, increasing accuracy of reported data.
Rules Coordinator: Cindy Hunt
Address: Oregon Department of Education, 255 Capitol St. NE, Salem, OR 97310
Telephone: (503) 947-5651

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Rule Caption: Definitions for Special Education
Date: 6-20-17 **Time:** 1 p.m. **Location:** Public Services Bldg, 400A Salem, OR

Hearing Officer: Emily Nazarov
Stat. Auth.: ORS 343.041, 343.045, 343.155 & 343.223

Stats. Implemented: ORS 343.045, 343.155, 343.223, 34 CRF 300.5, 300.6, 300.8, 300.11, 300.15, 300.19, 300.22, 300.27, 300.28, 300.29, 300.30, 300.34, 300.37, 300.39, 300.42, 300.43, 300.45

Proposed Amendments: 581-015-2000
Last Date for Comment: 6-22-17, 9 a.m.
Summary: Autism definition revised to align with Individuals with Disabilities Act (IDEA)
Rules Coordinator: Cindy Hunt
Address: Oregon Department of Education, 255 Capitol St. NE, Salem, OR 97310
Telephone: (503) 947-5651

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Rule Caption: Criteria used to establish autism spectrum disorder special education eligibility.

Date: 6-20-17 **Time:** 1 p.m. **Location:** Public Service Bldg., 400A Salem, OR

Hearing Officer: Emily Nazarov
Stat. Auth.: ORS 343.035(1), 343.045, 343.146, 343.157
Stats. Implemented: ORS 343.035(1), 343.045, 343.146, 343.157, 34 CFR 300.8, 300.306

Proposed Amendments: 581-015-2130
Last Date for Comment: 6-22-17, 9 a.m.
Summary: Autism Spectrum Disorder evaluation criteria.
Rules Coordinator: Cindy Hunt
Address: Oregon Department of Education, 255 Capitol St. NE, Salem, OR 97310
Telephone: (503) 947-5651

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Rule Caption: Hearing Impairment Special Education Criteria
Date: 6-20-17 **Time:** 1 p.m. **Location:** Public Services Bldg., 400A Salem, OR

Hearing Officer: Emily Nazarov
Stat. Auth.: ORS 343.035(1), 343.045, 343.146, 343.157
Stats. Implemented: ORS 343.035(1), 343.045, 343.146, 343.157, 34 CFR 300.8, 300.306

Proposed Amendments: 581-015-2150
Last Date for Comment: 6-22-17, 9 a.m.
Summary: Adds hearing impairment eligibility criteria for children birth until age three.
Rules Coordinator: Cindy Hunt
Address: Oregon Department of Education, 255 Capitol St. NE, Salem, OR 97310
Telephone: (503) 947-5651

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Rule Caption: Complaints and Appeals relating to school districts and public schools.
Date: 6-20-17 **Time:** 1 p.m. **Location:** Public Service Bldg., 400A Salem, OR

Hearing Officer: Emily Nazarov
Stat. Auth.: ORS 339.303, 326.051, 326.051
Stats. Implemented: ORS 327.103, 326.051, 339.285–339.303
Proposed Amendments: 581-021-0570
Proposed Repeals: 581-021-0049
Proposed Ren. & Amends: 581-022-1940 to 581-002-0040, 581-022-1941 to 581-022-2370
Last Date for Comment: 6-22-17, 9 a.m.

Summary: Revisions update the complaint and appeal process for complaints involving Division 22 Standards, Restraint and Seclusion, Discrimination, and Retaliation. The proposed revisions are not required by legislation. The revisions are suggestions by ODE staff for making the complaint and appeal system more consistent, streamlined and user friendly.
Rules Coordinator: Cindy Hunt

NOTICES OF PROPOSED RULEMAKING

Address: Oregon Department of Education, 255 Capitol St. NE,
Salem, OR 97310
Telephone: (503) 947-5651

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**Oregon Department of Education,
Early Learning Division
Chapter 414**

Rule Caption: Regarding the use of vehicles in regulated and licensed child care settings.

Stat. Auth.: ORS 329A.250–329A.450, 326.425

Stats. Implemented: ORS 329A.250–329A.450, 329A.505

Proposed Amendments: 414-180-0025, 414-205-0110, 414-300-0350, 414-350-0250

Last Date for Comment: 6-21-17, 5 p.m.

Summary: The Office of Child Care licenses Certified Centers, Certified Family Child Care Homes, Registered Family Child Care Homes and monitors Regulated Subsidy child care. All types of care provide safe and healthy environments for children when in care.

An important component of health and safety is the safe transportation of child care children.

The rule establishes allowable vehicle types, and provides options for types of vehicles and establishes conditions.

Rules Coordinator: Lisa Pinheiro

Address: Oregon Department of Education, Early Learning Division, 775 Summer St. NE, Suite 300, Salem, OR 97301

Telephone: (503) 910-8135

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**Oregon Health Authority,
Health Policy and Analytics
Chapter 409**

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

Date:	Time:	Location:
6-19-17	2 p.m.	500 Summer St. NE Salem, OR, Rm. 456

Hearing Officer: Staff

Stat. Auth.: ORS 442.466

Stats. Implemented: ORS 442.464 & 442.466 & 441.993

Proposed Amendments: 409-025-0100, 409-025-0110, 409-025-0120, 409-025-0130, 409-025-0150

Last Date for Comment: 6-21-17, 5 p.m.

Summary: The Oregon Health Authority proposes to amend the rules in order to update definitions, clarify language and align data collection requirements with program needs, OHA priorities, and statutory requirements.

A copy of the proposed rule changes are available on the rulemaking website at: <http://www.oregon.gov/OHA/OHPR/pages/rulemaking/index.aspx>.

Rules Coordinator: Zarie Haverkate

Address: Oregon Health Authority, Health Policy and Analytics, 500 Summer St. NE, E-65, Salem, OR 97301

Telephone: (503) 931-6420

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**Oregon Health Authority,
Health Systems Division: Addiction Services
Chapter 415**

Rule Caption: Clarify Procedural Detail and Process for Taking Action on a Behavioral Health Provider License

Date:	Time:	Location:
6-15-17	10:30 a.m.	500 Summer St. NE Salem, OR 97301

Hearing Officer: Sandy Cafourek

Stat. Auth.: ORS 413.042, 430.256, 430.357

Stats. Implemented: ORS 413.032, 430.010-430.030, 430.256, 430.306, 30.335, 430.357, 430.397, 430.405, 430.450, 430.590, 430.630, 430.850, 443.400-443.445, 813.020, 813.260, 813.500

Proposed Adoptions: 415-012-0075

Proposed Amendments: 415-012-0010, 415-012-0020, 415-012-0030, 415-012-0035, 415-012-0060

Proposed Repeals: 415-012-0010(T), 415-012-0020(T), 415-012-0030(T), 415-012-0035(T), 415-012-0060(T), 415-012-0075(T)

Last Date for Comment: 6-19-17, 5 p.m.

Summary: Under Oregon Revised Statutes 443.400 to 443.455, 430.357, 430.335, 430.256, and 413.032, the Oregon Health Authority licenses and has authority to regulate residential substance use disorders treatment providers. The Authority's administrative rules set the minimum standards for providing services in licensed settings and describe the process by which the Authority regulates the service providers. The rules provide clarification and procedural detail regarding how an applicant may obtain a license and the circumstances and process by which the Authority may take action regarding a license or application for a license, such as denials, revocations, or imposing of conditions. In particular, the rule clarifies that the Authority may take action on a license based on substantiated evidence of abuse, neglect, or mistreatment. If these immediate amendments were not adopted, there could be delay in providers achieving compliance with administrative rules or delay in the Authority's response in situations to protect vulnerable persons being served by these providers.

Rules Coordinator: Sandy Cafourek

Address: Oregon Health Authority, Health Systems Division: Addiction Services, 500 Summer St. NE, 3rd Floor, Salem, OR 97301

Telephone: (503) 945-6430

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**Oregon Health Authority,
Health Systems Division: Medical Assistance Programs
Chapter 410**

Rule Caption: Updates the Covered and Non-Covered Dental Services and Clarifies Timeframes for Partial Denture Replacement

Date:	Time:	Location:
6-15-17	10:30 a.m.	500 Summer St. NE Salem, OR 97301, Rm. 137B

Hearing Officer: Sandy Cafourek

Stat. Auth.: ORS 413.042 & 414.065

Stats. Implemented: ORS 414.065

Proposed Amendments: 410-123-1220, 410-123-1260

Proposed Repeals: 410-123-1220(T), 410-123-1260(T)

Last Date for Comment: 6-19-17, 5 p.m.

Summary: Updates the version of the Covered and Non-Covered dental services list on June 29, 2017. This rule needs to be amended promptly so that the Authority can clarify which document providers and clients should reference when they have questions about dental care coverage. Also clarifies time frames for partial denture replacement.

Rules Coordinator: Sandy Cafourek

Address: Oregon Health Authority, Health Systems Division: Medical Assistance Programs, 500 Summer St. NE, 3rd Floor, Salem, OR 97301

Telephone: (503) 945-6430

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Rule Caption: Amending PDL January 26, 2017 DUR/P&T Action

Date:	Time:	Location:
6-15-17	10:30 a.m.	500 Summer St. NE Salem, OR 97301, Rm. 137B

Hearing Officer: Sandy Cafourek

Stat. Auth.: ORS 413.032, 413.042, 414.065, 414.325, 414.330 to 414.414, 414.312, & 414.316

Stats. Implemented: ORS 414.065; 414.325, 414.334, 414.361, 414.369, 414.371, 414.353, & 414.354

Proposed Amendments: 410-121-0030

Proposed Repeals: 410-121-0030(T)

Last Date for Comment: 6-19-17, 5 p.m.

Summary: The Pharmaceutical Services Program administrative rules (Division 121) govern Division payments for services provid-

NOTICES OF PROPOSED RULEMAKING

ed to certain clients. The Division needs to amend rules as follows for 410-121-0030:

- Preferred:
- Promethazine tabs, syrup and suppositories
- Prochlorperazine tabs, syrup and suppositories
- Metoclopramide tabs and oral solutions
- Phosphoric acid/dextrose/fructose oral solutions
- Depo-Provera® injection
- Medroxyprogesterone acetate tabs
- Micronized progesterone caps
- Norethindrone acetate tabs
- Loperamide
- Ursodiol
- Naltrexone Microspheres

Rules Coordinator: Sandy Cafourek

Address: Oregon Health Authority, Health Systems Division: Medical Assistance Programs, 500 Summer St. NE, 3rd Floor, Salem, OR 97301

Telephone: (503) 945-6430

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Rule Caption: Comply with Amended CFRs, Revise Reimbursement Methodology, Clarify Vaccine Reimbursement, and Remove Copays

Date:	Time:	Location:
6-15-17	10:30 a.m.	500 Summer St. NE Salem, OR 97301, Rm. 137B

Hearing Officer: Sandy Cafourek

Stat. Auth.: ORS 413.042, 414.034, 414.065, & 414.325

Stats. Implemented: ORS 414.065

Proposed Amendments: 410-121-0000, 410-121-0150, 410-121-0155, 410-121-0185, 410-121-0200, 410-121-0220

Proposed Repeals: 410-121-0300

Last Date for Comment: 6-19-17, 5 p.m.

Summary: The Division needs to amend these rules to ensure compliance with recent Covered Outpatient Drug Final Rule (CMS-2345-FC) (81 FR 5170) to better align reimbursement with a cost-based reimbursement methodology required by CMS and to provide direction and clarification to Oregon pharmacies who provide pharmacy services to fee-for-service Oregon Health Plan clients. The Division will better align with a cost-based reimbursement methodology by: (1) Applying the rate set by the National Average Drug Acquisition Cost (NADAC) when there is no Oregon Average Actual Acquisition Cost (AAAC) and (2) Removing consideration of the Federal Upper Limit (FUL). Adding NADAC allows the Division to reduce reliance on the Wholesale Acquisition Cost (WAC). The changes in this filing apply to fee-for-service coverage of pharmacy benefits.

Rules Coordinator: Sandy Cafourek

Address: Oregon Health Authority, Health Systems Division: Medical Assistance Programs, 500 Summer St. NE, 3rd Floor, Salem, OR 97301

Telephone: (503) 945-6430

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Rule Caption: Align with Department of Human Services OAR Chapter 461 Rules

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 413.042, 414.065

Proposed Amendments: 410-120-0006

Last Date for Comment: 6-19-17, 5 p.m.

Summary: In coordination with the Department of Human Services' (Department) revision of rules established in OAR chapter 461 for all overpayment, personal injury liens, and estate administration, the Division is amending OAR 410-120-0006 to assure that the Division's rule aligns with and reflects information found in the Department's amended rules. In OAR 410-120-0006, the Division adopts and incorporates Department rules and must update OAR 410-120-0006 accordingly. The Division is amending this rule that incorporates rules established in OAR Chapter 461 for all overpayment, personal injury liens, and estate administration for Authority pro-

grams covered under OAR 410-200. References to OAR Chapter 461 in contracts of the Authority are deemed to be references to the requirements of this rule.

Rules Coordinator: Sandy Cafourek

Address: Oregon Health Authority, Health Systems Division: Medical Assistance Programs, 500 Summer St. NE, 3rd Floor, Salem, OR 97301

Telephone: (503) 945-6430

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Oregon Health Authority, Health Systems Division: Mental Health Services Chapter 309

Rule Caption: Rules Revisions Required to Comply with Federal 1915(i) Home and Community-based Regulations

Date:	Time:	Location:
6-15-17	10:30 a.m.	500 Summer St. NE Salem, OR 97301, Rm. 137B

Hearing Officer: Sandy Cafourek

Stat. Auth.: ORS 413.042, 413.032, 413.735 & 413.085

Stats. Implemented: ORS 127.700–127.737, 426.072 & 443.705–443.825

Proposed Adoptions: 309-040-0307, 309-040-0393, 309-040-0394

Proposed Amendments: 309-040-0300, 309-040-0305, 309-040-0310, 309-040-0315, 309-040-0320, 309-040-0325, 309-040-0330, 309-040-0335, 309-040-0340, 309-040-0345, 309-040-0350, 309-040-0355, 309-040-0360, 309-040-0365, 309-040-0370, 309-040-0375, 309-040-0380, 309-040-0385, 309-040-0390, 309-040-0395, 309-040-0400, 309-040-0405, 309-040-0410, 309-040-0415, 309-040-0420, 309-040-0425, 309-040-0430, 309-040-0435, 309-040-0440, 309-040-0445, 309-040-0450, 309-040-0455

Proposed Repeals: 309-040-0301, 309-040-0391, 309-040-0392, 309-040-0300(T), 309-040-0305(T), 309-040-0307(T), 309-040-0310(T), 309-040-0315(T), 309-040-0320(T), 309-040-0325(T), 309-040-0330(T), 309-040-0335(T), 309-040-0340(T), 309-040-0345(T), 309-040-0350(T), 309-040-0355(T), 309-040-0360(T), 309-040-0365(T), 309-040-0370(T), 309-040-0375(T), 309-040-0380(T), 309-040-0385(T), 309-040-0390(T), 309-040-0393(T), 309-040-0394(T), 309-040-0395(T), 309-040-0400(T), 309-040-0405(T), 309-040-0410(T), 309-040-0415(T), 309-040-0420(T), 309-040-0425(T), 309-040-0430(T), 309-040-0435(T), 309-040-0440(T), 309-040-0445(T), 309-040-0450(T), 309-040-0455(T)

Last Date for Comment: 6-19-17, 5 p.m.

Summary: Under Oregon Revised Statutes 413.042 and 413.450, the Authority licenses and has authority to regulate mental health treatment providers, including adult foster homes for adults with mental or emotional health disorders. The Authority's administrative rules set the minimum standards for providing services in licensed settings and describe the process by which the Authority regulates the service providers.

The rules provide updated procedural detail regarding federal regulation requirements, as issued by the Centers for Medicare and Medicaid Services (CMS) for 1915(i) Home and Community-Based Services (HCBS). The purpose of these updated regulations is to ensure individuals receive HCBS in settings that are integrated in and support full access to the greater community. The rules also provides clarification of current and appropriate behavioral health terminology, in particular, the use of "adults with mental or emotional disorders" rather than adults with "mental illness."

The amendments are necessary to provide clarification for the Authority and the providers of HCBS practices and procedures regarding each individual's federal rights under HCBS.

Rules Coordinator: Sandy Cafourek

Address: Oregon Health Authority, Health Systems Division: Mental Health Services, 500 Summer St. NE, 3rd Floor, Salem, OR 97301

Telephone: (503) 945-6430

NOTICES OF PROPOSED RULEMAKING

Rule Caption: Amend Standards for Occupancy Payments When Individual Requires Acute Care Hospitalization

Date: 6-15-17 **Time:** 10:30 a.m. **Location:** 500 Summer St. NE
Salem, OR 97301, Rm. 137B

Hearing Officer: Sandy Cafourek

Stat. Auth.: ORS 413.042 & 443.450

Stats. Implemented: ORS 430.210, 443.400–443.465

Proposed Amendments: 309-011-0105, 309-011-0110, 309-011-0115

Last Date for Comment: 6-19-17, 5 p.m.

Summary: The purpose of these rules is to establish the standards by which the Health Systems Division approves payments to licensed residential programs funded by the Division for adult consumers of mental health services.

Rules Coordinator: Sandy Cafourek

Address: Oregon Health Authority, Health Systems Division: Mental Health Services, 500 Summer St. NE, 3rd Floor, Salem, OR 97301

Telephone: (503) 945-6430

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Rule Caption: Rules Revisions Required to Comply with the Oregon Performance Plan

Date: 6-15-17 **Time:** 10:30 a.m. **Location:** 500 Summer St. NE
Salem, OR 97301, Rm.137B

Hearing Officer: Sandy Cafourek

Stat. Auth.: ORS 413.042 & 430.640

Stats. Implemented: ORS 430.610–430.695

Proposed Amendments: 309-032-0311, 309-032-0850, 309-032-0860, 309-032-0870, 309-032-0890

Last Date for Comment: 6-19-17, 5 p.m.

Summary: The Authority needs to amend OAR 309, division 32 in order to comply with the Oregon Performance Plan.

Rules Coordinator: Sandy Cafourek

Address: Oregon Health Authority, Health Systems Division: Mental Health Services, 500 Summer St. NE, 3rd Floor, Salem, OR 97301

Telephone: (503) 945-6430

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Rule Caption: Rules Revisions Required to Comply with the Oregon Performance Plan

Date: 6-15-17 **Time:** 10:30 a.m. **Location:** 500 Summer St. NE
Salem, OR 97301, Rm. 137B

Hearing Officer: Sandy Cafourek

Stat. Auth.: ORS 161.390, 413.042, 426.490–426.500, 430.256, 430.640, 443.450, 461.549

Stats. Implemented: ORS 109.675, 161.390–161.400, 179.505, 413.520–413.522, 426.380–426.395, 426.490–426.500, 428.205–428.270, 430.010, 430.205–430.210, 430.254–430.640, 430.630, 430.640, 430.634, 430.644–430.646, 430.850–430.955, 443.400–443.460, 461.549, 743A.168, 813.010–813.052, 813.200–813.270

Proposed Adoptions: 309-019-0151, 309-019-0152, 309-019-0226, 309-019-0241, 309-019-0242, 309-019-0270, 309-019-0275, 309-019-0280, 309-019-0285, 309-019-0290, 309-019-0295, 309-019-0300, 309-019-0305, 309-019-0310, 309-019-0315, 309-019-0320

Proposed Amendments: 309-019-0100, 309-019-0105, 309-019-0110, 309-019-0115, 309-019-0120, 309-019-0125, 309-019-0130, 309-019-0135, 309-019-0140, 309-019-0145, 309-019-0150, 309-019-0155, 309-019-0160, 309-019-0165, 309-019-0170, 309-019-0175, 309-019-0180, 309-019-0185, 309-019-0190, 309-019-0195, 309-019-0200, 309-019-0205, 309-019-0210, 309-019-0215, 309-019-0220, 309-019-0225, 309-019-0230, 309-019-0235, 309-019-0240, 309-019-0245, 309-019-0248, 309-019-0250, 309-019-0255

Proposed Repeals: 309-019-0105(T), 309-019-0110(T), 309-019-0115(T), 309-019-0120(T), 309-019-0125(T), 309-019-0130(T),

309-019-0135(T), 309-019-0140(T), 309-019-0145(T), 309-019-0150(T), 309-019-0151(T), 309-019-0152(T), 309-019-0155(T), 309-019-0160(T), 309-019-0165(T), 309-019-0175(T), 309-019-0180(T), 309-019-0185(T), 309-019-0215(T), 309-019-0225(T), 309-019-0226(T), 309-019-0230(T), 309-019-0235(T), 309-019-0240(T), 309-019-0241(T), 309-019-0242(T), 309-019-0245(T), 309-019-0248(T), 309-019-0250(T), 309-019-0270(T), 309-019-0275(T), 309-019-0280(T), 309-019-0285(T), 309-019-0290(T), 309-019-0295(T)

Last Date for Comment: 6-19-17, 5 p.m.

Summary: The Authority needs to amend these rules in o OAR 309 Division 019 in order to comply with the Oregon Performance Plan. The majority of the changes to OAR 309-019 were made to comply with Oregon Performance Plan for Individuals with Serious and Persistent Mental Illness with the United States Department of Justice. The Oregon Health Authority (OHA) has issued a Plan to improve mental health services for adults with serious and persistent mental illness (SPMI). This Plan is referred to as the Oregon Performance Plan. The Plan is being issued after lengthy discussions with the Civil Rights Division of the United States Department of Justice (USDOJ). In the Oregon Performance Plan, the Authority commits to quality and performance improvement measures, and to data reporting. These measures cover a broad array of subjects, including Assertive Community Treatment (ACT) services, crisis services, peer-delivered services, and supported employment services. New rules are being adopted for crisis line services in order to comply with the crisis services performance outcomes of the Oregon Performance Plan.

Rules Coordinator: Sandy Cafourek

Address: Oregon Health Authority, Health Systems Division: Mental Health Services, 500 Summer St. NE, 3rd Floor, Salem, OR 97301

Telephone: (503) 945-6430

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Rule Caption: Intensive and Emergency Psychiatric Interventions for Children and Adolescents

Date: 6-15-17 **Time:** 10:30 a.m. **Location:** 500 Summer St. NE
Salem, OR 97301 Room 137B

Hearing Officer: Sandy Cafourek

Stat. Auth.: ORS 413.042 & 426.415

Stats. Implemented: ORS 109.675, 161.390-161.400, 179.505, 413.520-413.522, 416.380-426.395, 426.490-426.500, 430.010, 430.205-430.210, 430.240-430.640, 430.850-430.955, 443.400-443.460, 443.991, 743A.168

Proposed Adoptions: 309-022-0192

Proposed Amendments: 309-022-0105, 309-022-0110, 309-022-0115, 309-022-0125, 309-022-0130, 309-022-0140, 309-022-0155, 309-022-0160, 309-022-0175, 309-022-0180

Proposed Repeals: 309-022-0105(T), 309-022-0110(T), 309-022-0115(T), 309-022-0125(T), 309-022-0130(T), 309-022-0140(T), 309-022-0155(T), 309-022-0160(T), 309-022-0175(T), 309-022-0180(T), 309-022-0192(T)

Last Date for Comment: 6-19-17, 5 p.m.

Summary: The rules need to prescribe minimum standards for services and supports provided by addictions and mental health providers approved by the Health Systems Division (Division) of the Oregon Health Authority. These rules standardize the acceptable use of intensive and emergency services for children and adolescents, the qualification of those who authorize and implement such services, the related documentation, and other details that best ensure the safety of the children who require such services.

Rules Coordinator: Sandy Cafourek

Address: Oregon Health Authority, Health Systems Division: Mental Health Services, 500 Summer St. NE, 3rd Floor, Salem, OR 97301

Telephone: (503) 945-6430

NOTICES OF PROPOSED RULEMAKING

Oregon Public Employees Retirement System Chapter 459

Rule Caption: Exempt non-PERS participating employers from EFT payment requirements.

Date: 6-27-17
Time: 2 p.m.
Location: Boardroom, PERS
11410 SW 68th Parkway
Tigard, OR 97223

Hearing Officer: Daniel Rivas

Stat. Auth.: ORS 238.650

Stats. Implemented: ORS 293.525

Proposed Amendments: 459-005-0225

Last Date for Comment: 7-7-17, 5 p.m.

Summary: ORS 293.525 allows state agencies to require payments via EFT. In 2005, PERS began requiring public employers to make payments via EFT, which provides for safer, more efficient processing of payments. However, the definition of “public employer” in OAR 459-005-0225 includes non-PERS participating employers that pay only an annual fee to PERS for their share of the expenses incurred in administering the state Social Security Program, as required by ORS 237.500. Currently, 889 PERS-participating employers pay this annual fee via EFT, and 189 non-PERS participating employers pay the annual fee via check. The non-PERS participating employers make no other payments to PERS, and to require the Social Security annual fee be paid by EFT would put an undue burden on these small employers that typically only have a few employees. In order to continue allowing non-PERS participating employers to pay the Social Security annual fee via check, staff has amended OAR 459-005-0225 to clearly state that the EFT requirements apply only to PERS-participating employers.

Rules Coordinator: Daniel Rivas

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

Telephone: (503) 603-7713

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Rule Caption: Specifies the effective date to implement an assumed rate change for PERS transactions.

Date: 6-27-17
Time: 2 p.m.
Location: Boardroom, PERS
11410 SW 68th Parkway
Tigard, OR 97223

Hearing Officer: Daniel Rivas

Stat. Auth.: ORS 238.650, 238A.450

Stats. Implemented: ORS Chapters 238 & 238A

Proposed Amendments: 459-007-0007

Last Date for Comment: 7-7-2017, 5 p.m.

Summary: The PERS Board reviews the assumed rate in odd-numbered years as part of the Board’s review and adoption of actuarial assumptions and methods. The proposed rule modifications will implement any change to the assumed rate adopted at the July 28, 2017 PERS Board meeting. Those modifications include a blank space to show the assumed rate once it is adopted by the Board.

The rule specifies that the new assumed rate will be effective for PERS transactions with an effective date of January 1, 2018, consistent with this Board’s policy decision from 2013 that changes to the assumed rate will be effective January 1 following the Board’s adoption of the new rate, giving staff ample time to perform the necessary preparations and communicate with members and employers. A January 1 effective date also gives equitable treatment to all members who retire in a year that a change is adopted, no matter which month they retire. The new assumed rate will be aligned with the new actuarial equivalency factors (AEFs), which will allow for a clear effective date for all transactions that involve calculations using both the latest year-to-date rate and AEF components.

Rules Coordinator: Daniel Rivas

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

Telephone: (503) 603-7713

Rule Caption: Ease requirements for employer side accounts; minor edits regarding employer lump-sum payments and side accounts.

Date: 6-27-17
Time: 2 p.m.
Location: Boardroom, PERS
11410 SW 68th Parkway
Tigard, OR 97223

Hearing Officer: Daniel Rivas

Stat. Auth.: ORS 238.650

Stats. Implemented: ORS 238.225–238.229

Proposed Amendments: 459-009-0084, 459-009-0085, 459-009-0090

Last Date for Comment: 7-7-17, 5 p.m.

Summary: Consider options for easing the requirements around employer side accounts; and housekeeping edits relating to employer lump-sum UAL payments, surplus lump-sum payments, and side accounts.

Rules Coordinator: Daniel Rivas

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

Telephone: (503) 603-7713

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Oregon State Marine Board Chapter 250

Rule Caption: Clarification of motor use exemption for landowners with special boater passes for the Deschutes River

Stat. Auth.: ORS 830.110 & ORS 830.175

Stats. Implemented: ORS 830.175

Proposed Amendments: 250-030-0110

Last Date for Comment: 6-30-17, Close of Business

Summary: Rule amendment will add motor use exemption language for landowner’s ability to ingress/egress the Deschutes River with authorization by special annual boater passes issued from the Oregon Department of Parks and Recreation OAR 736-040-0071(10).

Rules Coordinator: June LeTarte

Address: Oregon State Marine Board, P.O. Box 14145, Salem, OR 97309-5065

Telephone: (503) 378-2617

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Oregon Watershed Enhancement Board Chapter 695

Rule Caption: Revisions to Education and Outreach grant rules to implement Stakeholder Engagement grant-making.

Date: 6-15-17
Time: 10:30 a.m.
Location: Sisters City Hall
Council Chambers
520 East Cascade Ave.
Sisters, OR 97759

6-30-17
9 a.m.
City of Eugene
Community Conference Rm.
125 E. 8th Ave.
Eugene, OR 97401

Hearing Officer: Eric Williams

Stat. Auth.: ORS 541.906

Stats. Implemented: ORS 541.890–ORS 541.969

Proposed Adoptions: Rules in 695-015

Proposed Amendments: Rules in 695-015

Proposed Repeals: Rules in 695-015

Last Date for Comment: 6-30-17, 5 p.m.

Summary: OWEB is proposing rulemaking to revise the Education and Outreach Grants administrative rules (Division 15). The purpose is to develop a stakeholder engagement grant program that is necessary for carrying out eligible restoration or acquisition projects.

Copies of the proposed rules will be available June 1, 2017 on OWEB’s website: http://www.oregon.gov/OWEB/pages/admin_rules_statutes.aspx

Rules Coordinator: Eric Hartstein

NOTICES OF PROPOSED RULEMAKING

Address: Oregon Watershed Enhancement Board, 775 Summer St. NE, Suite 360, Salem, OR 97301
Telephone: (503) 986-0029

Parks and Recreation Department Chapter 736

Rule Caption: Revise rules governing Fees for Public Records
Stat. Auth.: ORS 192.410–192.495 & 390.124
Stats. Implemented: ORS 194.440
Proposed Amendments: 736-001-0030
Last Date for Comment: 6-30-17, 5 p.m.
Summary: Recent changes to statewide policy related to public records require revisions to Oregon Administrative Rule 736-001-0030, the rule governing how the department charges for access to public records. The rule revisions will create much better consistency between agencies.
Rules Coordinator: Claudia Ciobanu
Address: Parks and Recreation Department, 725 Summer St. NE, Suite C, Salem, OR 97301-1226
Telephone: (503) 872-5295

Psychiatric Security Review Board Chapter 859

Rule Caption: Repealing redundant PSRB rule: OAR 859-020-0020
Date: 6-21-17 **Time:** 9 a.m. **Location:** 610 SW Alder St., Suite 420
Portland, OR 97205
Hearing Officer: Sid Moore
Stat. Auth.: ORS 161.387
Stats. Implemented: ORS 161.387
Proposed Repeals: 859-020-0020
Last Date for Comment: 6-21-17, 5 p.m.
Summary: OAR 859-020-0020 is to be repealed.
Rules Coordinator: Sid Moore
Address: Psychiatric Security Review Board, 610 SW Alder St., Suite 420, Portland, OR 97205
Telephone: (503) 229-5032

Rule Caption: Repeal of redundant PSRB rule: OAR 859-020-0020
Stat. Auth.: ORS 161.387
Stats. Implemented: ORS 161.387
Proposed Repeals: 859-020-0020
Last Date for Comment: 6-21-17, 5 p.m.
Summary: OAR 859-020-0020 is to be repealed.
Rules Coordinator: Sid Moore

Address: Psychiatric Security Review Board, 610 SW Alder St., Suite 420, Portland, OR 97205
Telephone: (503) 229-5032

Public Utility Commission, Oregon Board of Maritime Pilots Chapter 856

Rule Caption: Amends applicant selection requirements.
Stat. Auth.: ORS Chapter 776
Stats. Implemented: ORS 776.115
Proposed Amendments: 856-010-0014
Last Date for Comment: 6-20-17, 4 p.m.
Summary: Counsel to the Board has determined that applicant interviews as prescribed by 856-010-0014(14)(c) constitute a public meeting. This amendment corrects the process so that applicant interviews do not constitute a public meeting.
Rules Coordinator: Susan Johnson
Address: Public Utility Commission, Oregon Board of Maritime Pilots, 800 NE Oregon St., Suite 507, Portland, OR 97232
Telephone: (971) 673-1530

Secretary of State, Archives Division Chapter 166

Rule Caption: Expand public records training and add facilitated dispute resolution for public records requests.
Date: 6-26-17 **Time:** 10 a.m. **Location:** Oregon State Archives Bldg.
800 Summer St. NE
Salem, OR 97310
Hearing Officer: Mary Beth Herkert
Stat. Auth.: ORS 192.015, 357.895, 357.855, 357.875
Stats. Implemented: ORS 192 & 357
Proposed Adoptions: 166-035, 166-035-0005, 166-035-0010, 166-035-0015, 166-037, 166-037-0010, 166-037-0020
Last Date for Comment: 6-26-17, Close of Hearing
Summary: The Secretary of State is launching the Oregon Access Project to improve public records access. As part of the project, the Archives Division will expand public records trainings for members of the public, media, state agencies, and local governments while also adding a new service: facilitated dispute resolution for public records requests. This will maximize current staff expertise, use existing resources, and avoid unnecessary duplication.
Rules Coordinator: Julie Yamaka
Address: Secretary of State, Archives Division, 800 Summer St. NE, Salem, OR 97310
Telephone: (503) 378-5199

ADMINISTRATIVE RULES

Board of Architect Examiners Chapter 806

Rule Caption: Board of Architect Examiners 2017–19 Budget
Adm. Order No.: BAE 1-2017
Filed with Sec. of State: 5-15-2017
Certified to be Effective: 5-15-17
Notice Publication Date: 2-1-2017
Rules Amended: 806-001-0003
Subject: Adopts the Board of Architect Examiners 2017–19 Budget of \$1,248,270.00
Rules Coordinator: Maria Brown—(503) 763-0662

806-001-0003 Biennial Budget

Pursuant to the provisions of ORS 182.462, the Board adopts by reference the Oregon State Board of Architect Examiners' 2017–2019 Biennial Budget of \$1,248,270 covering the period July 1, 2017, through June 30, 2019. The Board Administrator will amend budgeted accounts as necessary, within the approved budget of \$1,248,270, for the effective operation of the Board. The Board will not exceed the approved budget amount without amending this rule, notifying holders of licenses, and holding a public hearing. Copies of the budget are available from the Board's office.

[Publications: Publications referenced are available from the agency.]
Stat. Auth.: ORS 671.120, 671.125, 182.462 & 183.705
Stats. Implemented: ORS 671.125 & 182.462
Hist.: AE 1-1997(Temp), f. & cert. ef. 7-25-97; AE 3-1997, f. & cert. ef. 12-11-97; BAE2-1998, f. & cert. ef. 6-22-98; BAE 2-1999, f. & cert. ef. 5-25-99; BAE 2-2001, f. 6-6-01, cert. ef. 7-1-01; BAE 2-2003, f. 4-11-03 cert. ef. 7-1-03; BAE 1-2005, f. 3-14-05, cert. ef. 7-1-05; BAE 1-2007, f. 5-8-07, cert. ef. 7-1-07; BAE 2-2009, f. & cert. ef. 5-14-09; BAE 3-2009, f. 5-22-09, cert. ef. 7-1-09; BAE 1-2011, f. 6-6-11, cert. ef. 7-1-11; BAE 4-2012, f. 10-25-12, cert. ef. 11-1-12; BAE 2-2013, f. 4-8-13, cert. ef. 7-1-13; BAE 1-2015, f. 5-14-15, cert. ef. 7-1-15; BAE 1-2017, f. & cert. ef. 5-15-17

Board of Chiropractic Examiners Chapter 811

Rule Caption: Add definition for “good moral character” to Code of Ethics — Definitions 811-035-0001
Adm. Order No.: BCE 2-2017
Filed with Sec. of State: 4-21-2017
Certified to be Effective: 4-21-17
Notice Publication Date: 2-1-2007
Rules Amended: 811-035-0001
Subject: Adds a definition of “good moral character”.
Rules Coordinator: Kelly J. Beringer—(503) 373-1573

811-035-0001 Definitions

(1) “Direct supervision”: means that the licensed Chiropractic physician is physically present in the clinic, is monitoring the activities of the supervisee and is available to intervene, if necessary.

(2) “Supervisee”: one under direct supervision by a licensee.

(3) “Diagnosis”: as defined in the Practice and Utilization Guidelines means the art of distinguishing one disease from another.

(4) “Prognosis”: as defined in the Practice and Utilization Guidelines means a forecast as to the probable outcome of an attack of disease; the prospect as to recovery from a disease as indicated by the nature and symptoms of the case.

(5) “Good moral character”: an applicant or subject individual who has not:

- (a) Committed an offense or crime involving moral turpitude;
- (b) Engaged in behavior involving dishonesty, fraud, deception, misrepresentation, gross negligence or incompetence;
- (c) Had a professional license revoked or suspended by this state, a political subdivision of this state, or a regulatory board in another jurisdiction in or outside the United States, or voluntarily surrendered a professional license in lieu of disciplinary action;
- (d) Displayed evidence of an existing and untreated drug, alcohol, or mind altering substance dependency;
- (e) Been subject to any disciplinary action for conduct in an academic setting.

Stat. Auth.: ORS 684
Stats. Implemented: ORS 684.155
Hist.: CE 2-1995, f. & cert. ef. 10-30-95; BCE 2-2017, f. & cert. ef. 4-21-17

Rule Caption: Transition to birth month renewal for assistants; require background checks at renewal for all licensees
Adm. Order No.: BCE 3-2017
Filed with Sec. of State: 4-26-2017
Certified to be Effective: 1-1-18
Notice Publication Date: 3-1-2017
Rules Amended: 811-010-0110
Subject: Amendment creates a transition from annual renewal to a birth month renewal for all chiropractic assistants, in line with existing birth month renewal for doctors. Also language added for background checks at annual renewal
Rules Coordinator: Kelly J. Beringer—(503) 373-1573

811-010-0110 Chiropractic Assistants

(1) The certification period for chiropractic assistants in Oregon is a period equal to 12 months, expiring on the last day of the chiropractic assistant's birth month/renewal date.

(a) Exception: during the transition from an annual renewal to a birth month renewal, the certification period will be from August 1 of the year of transition to the last day of the assistant's birth month/renewal date of the following year.

(b) During the 30 days immediately following the renewal date the chiropractic assistant may continue to practice but must meet the requirements of (14)(a) and (b) below. Any chiropractic assistant who has not renewed within that 30 day grace period must cease practice until the requirements of (15)(b) below are met.

(c) Continuing education:

(A) During the transition from an annual renewal to a birth month renewal, all assistants shall submit proof of six hours continuing education.

(B) Allowable continuing education shall be completed between August 1 of year of transition and the last day of the chiropractic assistant's birth month the following year. This may be more or less than 12 months.

(2) Chiropractic assistants may be certified upon compliance with the following standards and procedures:

(a) The chiropractic assistant applicant shall successfully complete a Board approved training course offered by an association, college or otherwise approved person. The initial training course shall be at least twelve hours in length, of which eight hours shall be didactic training and four hours shall be practical training.

(A) The practical training must be in physiotherapy, electrotherapy and hydrotherapy administered by a health care provider licensed to independently provide those therapies.

(B) A chiropractic physician may perform the initial practical training provided this is direct contact time.

(C) The initial training must have been completed within 60 days preceding the application submission date.

(b) The applicant shall complete an application form and an open book examination supplied by the Board.

(c) If an applicant has a certificate or license from another state and adequate documentation of training, the Board may waive the requirement for the initial training course.

(3) The training course verification form, completed application form, completed examination, and fees in the following amounts shall be submitted to the Board:

- (a) A non-refundable application fee - \$50;
- (b) A non-refundable examination fee - \$35; and
- (c) An initial certification fee - \$50. A refund of the certification fee will only be allowed when requested within 60 days of the initial application.

(d) In circumstances beyond the applicant's control (e.g. Board review of criminal history) the Board may determine to refund the fees or portion thereof.

(e) In the event the Board requires the NBCE chiropractic assistant examination in lieu of the Board's examination, the fee in subsection (b) will be waived.

(4) The Board shall maintain an incomplete application file for six months from the date the application was received; afterward, applicants will need to re-apply.

(5) The applicant shall be at least 18 years of age.

(6) The chiropractic assistant shall not perform electrotherapy, hydrotherapy, or physiotherapy until they receive a certificate from the Board.

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(7) A chiropractic assistant shall be directly supervised by the chiropractor at all times. The supervising chiropractor must be on the premises.

(8) The chiropractic assistant scope of practice

(a) includes physiotherapy, electrotherapy and hydrotherapy, taking vitals such as height, weight, blood pressure, temperature, pulse, respiration and/or body fat percentages and other duties as described by the Board, and

(b) does not otherwise include performing physical examinations, taking initial histories, taking X-rays (unless properly licensed), interpretation of postural screening, doing manual muscle testing, or performing osseous adjustments or manipulations or other tasks as authorized by the Board.

(9) Chiropractic assistants shall report to the Board, in writing, their mailing address and place of employment. Notification of a change of mailing address or place of employment must be made within 10 days of the change.

(10) At least 30 days prior to the renewal date, the Board shall send the renewal notice to the chiropractic assistant at the last known mailing address, and/or email address.

(11) For the transition to a birth month renewal, renewal fees shall be prorated as follows:

(a) Assistants with birthdays January through April - \$25;

(b) Assistants with birthdays May through August - \$50;

(c) Assistants with birthdays September through December - \$75;

(12) During transition to a birth month renewal, all certificates will be valid August 1 of the transition year through last day of birth month the following year.

(13) After the full transition to a birth month system, and on or before the last day of the birth month, the chiropractic assistant shall submit to the Board the following:

(a) A completed renewal application and renewal fee of \$75,

(A) The renewal application may include a request for fingerprinting and a criminal background check with fees to be paid by the chiropractic assistant.

(B) Frequency of fingerprinting and criminal background checks will be determined by the Board.

(b) An attestation that the six hours of continuing education has been completed.

(14) A certificate that is not renewed on time may not be renewed except:

(a) Upon submission of the completed renewal application, proof of continuing education, and payment of the renewal fee plus a delinquent fee of \$25 for renewals submitted during the 30 day grace period ; or

(b) Upon submission of the renewal application, proof of continuing education, and payment to the board of the renewal fee plus a delinquent fee of \$50 for renewals submitted after the 30 day grace period. .

(15) A chiropractic assistant has up to one year following their renewal date to renew and reinstate their certificate upon meeting the provisions of (14)(a) and (b) above. After 12 months a person must restart the application process.

(16) Continuing education programs may be comprised of subjects that are pertinent to clinical practices of chiropractic. Continuing education must meet the criteria outlined in OAR 811-015-0025 sections (8), (9) and (10). No continuing education hours may be carried over into the next renewal year. Evidence of successful completion of six hours of continuing education during the 12 months preceding the renewal must be submitted upon request by the Board.

(17) The chiropractic assistant's certificate shall be displayed at all times in the chiropractic physician's office during the chiropractic assistant's employment.

(18) The Board may refuse to grant a certificate to any applicant, may suspend or revoke a certificate, or may impose upon an applicant for certification or chiropractic assistant a civil penalty not to exceed \$1,000 upon finding of any of the following:

(a) Cause, which is defined as, but not limited to, failure to follow directions, unprofessional or dishonorable conduct, injuring a patient, or unlawful disclosure of patient information. The supervising chiropractic physician is required to notify the Board, in writing, of any dismissal of a chiropractic assistant for cause within ten days. The Board shall determine if there is cause for action and shall be governed by the rules of the Board adopted pursuant to ORS Chapter 183;

(b) Conviction of a misdemeanor involving moral turpitude or a felony;

(c) Non-disclosure of misdemeanor or felony convictions; or

(d) Failure to notify the Board of a change of location of employment as required by these rules.

(19) Unprofessional or dishonorable conduct is defined as: any unethical, deceptive, or deleterious conduct or practice harmful to the public; any departure from, or failure to conform to, the minimal standards of acceptable chiropractic assistant practice; or a willful or careless disregard for the health, welfare or safety of patients, in any of which cases proof of actual injury need not be established. Unprofessional conduct shall include, but not be limited to, the following acts of a chiropractic assistant:

(a) Engaging in any conduct or verbal behavior with or towards a current patient that may reasonably be interpreted as sexual, seductive, sexually demeaning or romantic (also see ORS 684.100).

(b) A certificate holder shall not engage in sexual relations or have a romantic relationship with a current patient unless a consensual sexual relationship or a romantic relationship existed between them before the commencement of the chiropractic assistant-patient relationship.

(A) "Sexual relations" means:

(i) Sexual intercourse; or

(ii) Any touching of sexual or other intimate parts of a person or causing such person to touch the sexual or other intimate parts of the chiropractic assistant for the purpose of arousing or gratifying the sexual desire of either chiropractic assistant or patient.

(B) A patient's consent to, initiation of or participation in sexual behavior or involvement with a chiropractic assistant does not change the nature of the conduct nor lift the prohibition.

(C) In determining whether a patient is a current patient, the Board may consider the length of time of the chiropractic assistant-patient contact, evidence of termination of the chiropractic assistant-patient relationship, the nature of the chiropractic assistant-patient relationship, and any other relevant information.

(c) Use of protected or privileged information obtained from the patient to the detriment of the patient.

(d) Practicing outside the scope of the practice of a chiropractic assistant in Oregon;

(e) Charging a patient for services not rendered;

(f) Intentionally causing physical or emotional injury to a patient;

(g) Directly or indirectly engaging in threatening, dishonest, or misleading fee collection techniques;

(h) Soliciting or borrowing money from patients;

(i) Possessing, obtaining, attempting to obtain, furnishing, or prescribing controlled drugs to any person, including self, except as directed by a person authorized by law to prescribe drugs; illegally using or dispensing controlled drugs;

(j) Aiding, abetting, or assisting an individual to violate any law, rule or regulation intended to guide the conduct of chiropractic assistants or other health care providers; or

(k) Violating the rights of privacy or confidentiality of the patient unless required by law to disclose such information;

(l) Perpetrating fraud upon patients or third party payors, relating to the practice of chiropractic;

(m) Using any controlled or illegal substance or intoxicating liquor to the extent that such use impacts the ability to safely conduct the practice of a chiropractic assistant;

(n) Practicing as a chiropractic assistant without a current Oregon certificate;

(o) Allowing another person to use one's chiropractic assistant certification for any purpose;

(p) Resorting to fraud, misrepresentation, or deceit in applying for or taking the certificate examination or obtaining a certificate or renewal thereof;

(q) Impersonating any applicant or acting as a proxy for the applicant in any chiropractic assistant certificate examination;

(r) Disclosing the contents of the certificate examination or soliciting, accepting, or compiling information regarding the contents of the examination before, during, or after its administration;

(s) Failing to provide the Board with any documents requested by the Board;

(t) Failing to fully cooperate with the Board during the course of an investigation, including but not limited to, waiver of confidentiality privileges, except attorney-client privilege;

(u) Claiming any academic degree not actually conferred or awarded;

(v) Disobeying a final order of the Board; and

(w) Splitting fees or giving or receiving a commission in the referral of patients for services.

(x) Receiving a suspension or revocation of a certificate for a chiropractic assistant, or other license or certificate by another state based upon acts by the chiropractic assistant or applicant that describes acts similar to

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this section. A certified copy of the record of suspension or revocation of the state making that is conclusive evidence thereof.

(20) The service of the chiropractic assistant is the direct responsibility of the licensed chiropractic physician. Violations may be grounds for disciplinary action against the chiropractic physician under ORS 684.100(9).

Stat. Auth.: ORS 684.155
Stats. Implemented: ORS 684.054 & 684.155(c)(A)
Hist.: CE 1-1990, f. & cert. ef. 2-15-90; CE 5-1992(Temp), f. 10-21-92, cert. ef. 10-23-92; CE 2-1993, f. 3-1-93, cert. ef. 4-23-93; 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 1-2002, f. & cert. ef. 2-6-02; BCE 2-2008, f. & cert. ef. 10-9-08; BCE 2-2010, f. & cert. ef. 6-15-10; BCE 1-2012, f. & cert. ef. 5-31-12; BCE 3-2013, f. 10-8-13, cert. ef. 11-1-13; BCE 4-2013, f. 10-21-13, cert. ef. 11-1-13; BCE 4-2014, f. & cert. ef. 8-11-14; BCE 5-2014, f. & cert. ef. 9-5-14; BCE 2-2016, f. & cert. ef. 6-6-16; BCE 3-2017, f. 4-26-17, cert. ef. 1-1-18

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Rule Caption: Allows for background checks at renewal for all licensees/certificate holders; other minor clean up

Adm. Order No.: BCE 4-2017

Filed with Sec. of State: 4-27-2017

Certified to be Effective: 1-1-18

Notice Publication Date: 3-1-2017

Rules Amended: 811-010-0084, 811-010-0086

Subject: Adopted language requires fingerprint background checks at renewal for all licensees/certificate holders

Rules Coordinator: Kelly J. Beringer—(503) 373-1573

811-010-0084

Fitness Determinations for Licensure; State and Nationwide Criminal Background Checks

(1) The purpose of this rule is to provide for the reasonable screening of subject individuals in order to determine if they have a history of criminal behavior such that they are not fit to be granted a license or certificate, registration, permit in occupations, or professions covered by Oregon Laws 2005, chapter 730.

(2) These rules are to be applied when evaluating the criminal history of a subject individual and conducting fitness determinations based upon such history. The fact that a subject individual is approved does not guarantee the granting of a license, certification, registration, or permit.

(3) "Subject individual" means a person from whom the Board may require fingerprints for the purpose of enabling the Board of Chiropractic Examiners to request a state or nationwide criminal records check. Under this chapter, subject individual means applicants for doctor of chiropractic license, applicants for chiropractic assistant certification, renewing licensees or certificate holders; and licensees under investigation as ordered by the Board.

(4) The Board may request that the Department of State Police conduct a Criminal History Check and a National Criminal History Check, using fingerprint identification, of subject individuals. The Board may conduct criminal records checks on subject individuals through the Law Enforcement Data System maintained by the Department of State Police in accordance with rules adopted, and procedures established, by the Department of State Police. Criminal history information obtained from the Law Enforcement Data System must be handled in accordance with applicable Oregon State Police requirements in ORS Chapter 181 and OAR Chapter 257, Division 15.

(5) In order to conduct an Oregon and National Criminal History Check and fitness determination, the Board may require additional information from the subject individual as necessary, such as, but not limited to: proof of identity, residential history, names used while living at each residence, or additional criminal, judicial, or other background information.

(6) The Board shall determine whether a subject individual is fit to be granted or renewed a license or certification, based on the criminal records background check, on any false statements made by the individual regarding the criminal history of the individual, on any refusal to submit or consent to a criminal records check including fingerprint identification, and any other pertinent information obtained as part of an investigation. If a subject individual is determined to be unfit, then the individual may not be granted a license or certification. The Board may make a fitness determination conditional upon subject individual's acceptance of probation, conditions, limitations, or other restrictions upon licensure or renewal.

(7) Except as otherwise provided in section 6 in making the fitness determination the Board shall consider:

(a) The nature of the crime;

(b) The facts that support the conviction or pending indictment or that indicate the making of the false statement;

(c) The relevancy, if any, of the crime or the false statement to the specific requirements of the subject individual's present or proposed position, services, employment, license, certification or registration; and

(d) Intervening circumstances relevant to the responsibilities and circumstances of the position, services, employment, license, certification, registration or permit. Intervening circumstances include but are not limited to:

(A) The passage of time since the commission of the crime;

(B) The age of the subject individual at the time of the crime;

(C) The likelihood of a repetition of offenses or of the commission of another crime;

(D) The subsequent commission of another relevant crime;

(E) Whether the conviction was set aside and the legal effect of setting aside the conviction; and

(F) A recommendation of an employer.

(G) Self-disclosure during application or renewal.

(8) All background checks shall be requested to include available state and national data, unless obtaining one or the other is an acceptable alternative.

(9) Criminal offender information is confidential. Dissemination of information received under ORS 181A.195 is only to people with a demonstrated and legitimate need to know the information. The information is part of the investigation of an applicant, licensee and certificate holder and as such is confidential pursuant to ORS 676.175(1). All original fingerprint cards will be destroyed per ORS 181A.195.

(10) The Board will permit the subject individual for whom a fingerprint-based criminal records check was conducted to inspect the individual's own state and national criminal offender records and, if requested by the subject individual, provide the individual with a copy of the individual's own state and national criminal offender records.

(11) The Board may consider any felony or misdemeanor conviction involving moral turpitude.

(12) If an applicant, licensee, or certificate holder is determined not to be fit for a license and/or certificate, they are entitled to a contested case process pursuant to ORS 183.413-470. Challenges to the accuracy or completeness of information provided by the Department of State Police, Federal Bureau of Investigation and agencies reporting information must be made through the Department of State Police, Federal Bureau of Investigation or reporting agency and not through the contested case process pursuant to ORS 183.

(13) If the subject individual successfully contests the accuracy or completeness of information provided by the Oregon State Police, the Federal Bureau of Investigation or other agency reporting information to the Board, the Board will conduct a new criminal history check and re-evaluate the criminal history upon submission of a new criminal history request form.

(14) If the subject individual discontinues the application or renewal, or fails to cooperate with the criminal history check process, then the application or renewal is considered incomplete.

Stat. Auth.: ORS 684

Stats. Implemented: ORS 684.100, 183

Hist.: BCE 1-2006(Temp), f. & cert. ef. 2-9-06 thru 8-1-06; BCE 4-2006, f. & cert. ef. 8-2-06; BCE 2-2016, f. & cert. ef. 6-6-16; BCE 1-2017, f. & cert. ef. 1-6-17; BCE 4-2017, f. 4-27-17, cert. ef. 1-1-18

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. Licensees must comply with ORS 684.090, 684.092, and 684.094 as it applies to their license status.

(1) At least 30 days prior to the renewal due date the Board shall provide by mail or electronic mail to the address on record a notice of the requirements of ORS 684.090, and 684.092.

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

(3) Licensees may apply for a \$315 senior active license if the licensee meets and provides proof 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 684.092 except that continuing chiropractic education shall not be less than 6 hours per year.

(5) Active licensees may apply for a \$225 inactive license if the licensee meets and provides proof of one of the following:

(a) Military service;

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- (b) Peace Corps or VISTA service;
- (c) Retirement; or
- (d) Licensee is not engaged in the practice of chiropractic in Oregon.
- (6) Inactive licensees do not have to fulfill the requirements of ORS 684.092.

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

(8) 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.

(9) 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.

(10) All licensees shall submit to a criminal background check during renewal at an interval to be determined by the Board.

(a) Licensees will not be required to submit to a new criminal background check, if one has been submitted to the Board in the last six years, unless under Board investigation, or for some other Board-determined purpose. Licensee shall provide a complete set of fingerprints or LiveScan Transmittal Verification form, and the criminal background check results obtained from any state or local law enforcement agency, or from any other agency approved by the Board. Licensees shall use forms or methods prescribed by the Board.

(b) Licensees must pay to the Board the current actual cost of conducting the state and federal background check.

(c) The criminal background check fee will be in addition to the renewal fee and payable by the licensee.

Stat. Auth.: ORS 684

Stats. Implemented: ORS 684.090 & 684.092

Hist.: 2CE 9, f. 10-16-70; 2CE 13(Temp), f. & cf. 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; BCE 4-2017, f. 4-27-17, cert. ef. 1-1-18

Board of Examiners for Engineering and Land Surveying Chapter 820

Rule Caption: Amend registration rules and the agency's purchasing and contracting rules.

Adm. Order No.: BEELS 1-2017

Filed with Sec. of State: 5-12-2017

Certified to be Effective: 5-12-17

Notice Publication Date: 3-1-2017

Rules Amended: 820-001-0025, 820-010-1000, 820-010-1010, 820-010-2000, 820-010-3000, 820-020-0035, 820-040-0030

Subject: OAR 820-001-0025 - To revise the rule for personal services consultant contracts with registered professional engineers, registered professional land surveyors, and registered professional photogrammetrists.

OAR 820-010-1000 - To clarify that required examinations must have been passed by the applicant within five years prior to application and to clarify the process to add another branch of engineering to a current registration.

OAR 820-010-1010 - To include examinations previously recognized by the Board and to clarify which examinations are recognized as qualifying for the Forest branch of engineering.

OAR 820-010-2000 - To clarify that required examinations must have been passed by the applicant within five years prior to application.

OAR 820-010-3000 - To clarify that required examinations must have been passed by the applicant within five years prior to application.

OAR 820-020-0035 - Housekeeping; revise the term "falsify" to "misrepresent"

OAR 820-040-0030 - Housekeeping; removes invalid language referencing an outdated examination.

Rules Coordinator: Jenn Gilbert—(503) 934-2107

820-001-0025

Purchasing and Contracting

For personal services consultant contracts with registered professional engineers, registered professional land surveyors, and registered professional photogrammetrists:

(1) The Agency may award a procurement of services that does not exceed \$15,000 in any manner the Agency deems practical or convenient, including by direct selection or award, so long as subsections (2) and (3) of this rule are followed.

(2) Select consultants to provide engineering, land surveying or photogrammetric mapping services on the basis of the consultants' qualifications for the type of professional service required;

(3) Solicit or use pricing policies and proposals or other pricing information, including the number of hours proposed for the service required, expenses, hourly rates and overhead, to determine consultant compensation only after the Agency has selected a candidate pursuant to subsection (2) of this rule.

Stat. Auth.: ORS 670.310 & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: BEELS 1-2013, f. & cert. ef. 3-13-13; BEELS 10-2013(Temp), f. & cert. ef. 12-5-13 thru 3-14-14; BEELS 2-2014, f. & cert. ef. 2-26-14; BEELS 7-2016(Temp), f. & cert. ef. 10-4-16 thru 4-1-17; BEELS 1-2017, f. & cert. ef. 5-12-17

820-010-1000

Qualifications for Registration as a Professional Engineer

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

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

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

(a) Administered by NCEES, in one or more branches of engineering recognized by the Board; or,

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

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

(d) For reinstatement applicants, an examination identified in (a), (b), or (c) of this rule must have been passed by the applicant within five years prior to application for reinstatement.

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

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

(a) A completed Registration Application form.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

NOTE: See <http://ncees.org/records/>

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

(i) The required application and wall certificate(s) fees.

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

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

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

(b) The required fees.

Stat. Auth.: ORS 670.310 & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: BEELS 5-2015(Temp), f. & cert. ef. 8-19-15 thru 2-12-16; BEELS 8-2015, f. & cert. ef. 11-13-15; BEELS 1-2017, f. & cert. ef. 5-12-17

820-010-1010

Principles and Practice of Engineering Examinations

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

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

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

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

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

(c) Chemical.

(d) Civil.

(e) Control Systems.

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

(g) Environmental.

(h) Fire Protection.

(i) Industrial and Systems.

(j) Manufacturing (for applicants that passed the NCEES manufacturing examination between 1993 – 2005).

(k) Mechanical.

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

(m) Mining and Mineral Processing (for applicants that passed the NCEES Mining/Mineral examination between 1960 – 1992).

(n) Naval Architecture and Marine.

(o) Nuclear.

(p) Petroleum (for applicants that passed the NCEES Petroleum examination between 1981 – 1986).

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

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

(3) Oregon Specific Examinations. The Oregon Specific examinations are written, scored, and administered by the Board. NOTE: See <http://www.oregon.gov/OSBEELS/Pages/index.aspx> for examination dates, times, costs, and details.

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

(A) Acoustical.

(B) Forest. (including for applicants that passed the Oregon Specific Logging examination, the Washington Logging examination or the Washington Forest examination, and for applicants that passed the joint Oregon/Washington forestry examination).

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

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

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

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

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

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

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

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

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

(b) The Acoustical Engineering and Forest Engineering Examination applicant may review the examination on only one occasion. The Board will prescribe a time and place for the review. Applicants must notify the Board at least five days before the scheduled date that they review their examinations. Applicants who fail to review their examination at the prescribed time and place will not be allowed to reschedule a review of the examination.

(c) All examination reviews will be conducted in the presence of a person designated by the Board.

(d) Except as allowed by the Board for persons requiring disability assistance, no person may accompany the Applicant during the examination review.

(e) The Applicant will not take any materials into nor remove any materials from the location where the examination review is conducted.

(f) The Applicant may prepare and submit a written request for rescore the Applicant's examination, provided that the Applicant's score other-

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wise satisfies the requirements of this section, while at the location where the examination review is conducted.

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

(6) Oregon Specific Examination Subversion.

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

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

Stat. Auth.: ORS 670.310 & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: BEELS 5-2015(Temp), f. & cert. ef. 8-19-15 thru 2-12-16; BEELS 8-2015, f. & cert. ef. 11-13-15; BEELS 1-2017, f. & cert. ef. 5-12-17

820-010-2000

Qualifications for Registration as a Professional Land Surveyor

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

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

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

(3) Evidence satisfactory to the Board of passing or having previously passed an Oregon specific four-hour land surveying examination, approved by the Board and covering the United States Public Land Survey system, Oregon laws relating to land surveying, and other matters as determined by the Board. For reinstatement applicants, this examination must have been passed by the applicant within five years prior to application for reinstatement.

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

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

(a) A completed Registration Application form.

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

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

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

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

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

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

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

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

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

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

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

NOTE: See <http://ncees.org/records/>

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

(i) The required application and wall certificate fees.

Stat. Auth.: ORS 670.310 & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: BEELS 5-2015(Temp), f. & cert. ef. 8-19-15 thru 2-12-16; BEELS 8-2015, f. & cert. ef. 11-13-15; BEELS 1-2017, f. & cert. ef. 5-12-17

820-010-3000

Qualifications for Registration as a Professional Photogrammetrist

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

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

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

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

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

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

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

(c) For reinstatement applicants, this examination must have been passed by the applicant within five years prior to application for reinstatement.

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

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

(a) A completed Registration Application form.

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

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

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

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

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

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

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

(A) All five references must attest to the Applicant's ability, professional experience, or both. All five references must complete the Reference

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Details form provided by the Board and submit the completed Reference Details form directly to the Applicant, in a closed and sealed envelope, signed across the sealed flap by the reference.

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

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

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

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

NOTE: See <http://ncees.org/records/>

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

(i) The required application and wall certificate fees.

Stat. Auth.: ORS 670.310 & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: BEELS 5-2015(Temp), f. & cert. ef. 8-19-15 thru 2-12-16; BEELS 8-2015, f. & cert. ef. 11-13-15; BEELS 1-2017, f. & cert. ef. 5-12-17

820-020-0035

Obligation of Applicants or Registrants to Avoid Improper Solicitation of Professional Employment

(1) An applicant or registrant may not misrepresent or permit misrepresentation of the academic or professional qualifications of the applicant or registrant, another registrant, or a registrant's associate. For purposes of this rule, a "registrant's associate" refers to a registrant's employer or an owner or officer of a business or firm that employs the registrant or in which the registrant holds an ownership interest and through which the registrant offers or provides professional services.

(2) An applicant or registrant may not misrepresent or exaggerate the responsibility for performance of prior assignments by the applicant or registrant, by any other registrant, or by a registrant's associate.

(3) An applicant who is registered in another jurisdiction or a registrant may not offer, give, solicit or receive, either directly or indirectly, any commission or gift or other valuable consideration in order to secure work.

(4) An applicant who is registered in another jurisdiction or a registrant may not make any political contribution intended to influence the award of a contract by a governmental body.

Stat. Auth.: ORS 670.310 & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: EE 2-1981, f. 5-19-81, ef. 6-1-81; BEELS 2-2006, f. & cert. ef. 11-21-06; BEELS 3-2016, f. & cert. ef. 2-16-16; BEELS 1-2017, f. & cert. ef. 5-12-17

820-040-0030

Traffic Engineering

(1) "Traffic Engineering" is that branch of engineering which applies technology, science, and human factors to the planning, design, operations, and management of roads, streets, bikeways, highways, their networks, terminals, and abutting lands. Its objective is to provide for the safe, rapid comfortable, economical, convenient, and environmentally compatible movement of people, goods and services. Traffic engineering embraces studies and activities in connection with roads, streets, and highway traffic controls, which include signs, signals, lighting, pavement markings, and the following:

(a) The planning, use, and design of traffic control devices and systems;

(b) The use of algorithms for the operation of traffic control system;

(c) The operational adjustment of traffic control devices and systems;

(d) The preparation of traffic engineering reports;

(e) The planning of traffic systems and networks, including environmental impacts, predictions of future needs, and interface with other modes of transportation;

(f) Traffic related engineering economic feasibility studies;

(g) The conduct of investigations and the preparation of recommendations relating to safety measures and improvements to be applied to highways including intersections, ramps, and railroad crossings;

(h) Interrelationships of highways to other travel modes and abutting lands;

(i) The operational and geometric design of roads, streets, bikeways, and highways.

(2) Functional Areas: Four areas have been identified as functional classifications within traffic engineering. Each of the functional areas is further described as follows:

(a) "Traffic operations" is the science of analysis, review, and application of traffic data systems, including accident and surveillance records, and volume and other data gathering techniques necessary for traffic planning. It includes the knowledge of operational characteristics of persons and vehicles to determine the need for installation of traffic control devices, and the treatment of the functional characteristics of the controls such as traffic signal timing. It includes the assessment of vehicular and human factors, their relationship with other traffic characteristics, the determination of safe transportation systems, and the need for inherently safe features and controls;

(b) "Traffic design" consists of the design of traffic control devices and operational design. Traffic control device design includes those activities necessary to determine the appropriate and proper application of signs, pavement markings, signals, and signal systems, as well as to determine their location, and, if necessary, construction methods. It includes the preparation of plans, specifications, and estimates for the installation or modification of the various devices. Operational design concerns the visible features of a roadway. It may be thought of as the tailoring of the highway to the terrain, to the urban landscape, and to the requirements of the roadway user. It deals with such roadway elements as cross section, curvature, sight distance, channelization, and clearances, and thus depends directly on traffic flow characteristics;

(c) "Traffic planning" includes the determination of travel pattern of persons and goods based upon engineering judgments derived from the study and analysis of traffic characteristics involving present, future, and potential land-use plans; and recommendations for transportation systems and networks of roadways. Traffic planning may include origin and destination studies; functional classification plans; travel forecasts; system, land or mode capacity studies; trip generation and distribution; modal split; traffic assignment; terminal and route location; and economic analysis. The prime responsibility of the traffic planner is to determine travel patterns and networks in concert with the several modes of transportation and their terminals;

(d) "Traffic engineering research" includes the investigation of theoretical and applied aspects of all areas of traffic engineering for the purpose of developing new knowledge, new interpretations, and new applications. Traffic research may include hypothetical testing; impact studies; development of traffic hardware; theory formulation; methods of analysis, synthesis, and evaluation of existing phenomena and knowledge; and development of objectivity and thoroughness so that the validity of research findings can be demonstrated.

Stat. Auth.: ORS 670.310, 672.005 & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: EE 2-1986, f. 3-26-86, ef. 3-31-86; BEELS 2-2001, f. & cert. ef. 9-14-01, Renumbered from 820-010-0475; BEELS 4-2005, f. & cert. ef. 9-23-05; BEELS 1-2017, f. & cert. ef. 5-12-17

Board of Optometry Chapter 852

Rule Caption: Healthcare Workforce Database survey fees for optometry licensees

Adm. Order No.: OPT 7-2017(Temp)

Filed with Sec. of State: 4-26-2017

Certified to be Effective: 4-26-17 thru 10-22-17

Notice Publication Date:

Rules Amended: 852-010-0080

Subject: Increases license fees to add the \$2 mandatory fee for the OHA workforce survey being implemented with the 7/1/17 license renewals.

Rules Coordinator: Shelley Sneed—(503) 399-0662, ext. 3

852-010-0080

Schedule of Fees

The following fee schedule is established by the Oregon Board of Optometry to set forth in one place all of the fees and specified civil penalties charged by the Board:

(1) Active license:

(a) Annual renewal — \$325, of which \$298 is for the active optometry license, and \$25 is the Prescription Drug Monitoring Fund fee collected by the licensing body on behalf of the Oregon Health Authority and \$2 for the OHA Survey fee.

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(b) Additional copy of Portable Multiple Practice Location license — \$25 each.

(c) Failure to meet renewal date: Late renewal fee — \$50 first failure, \$100 second failure, \$200 any subsequent failure in a seven-year period.

(d) Lapse in CPR certification during licensing period — \$50, \$100 second failure, \$200 any subsequent failure in a seven-year period.

(e) Failure to notify the Board of practice locations or address or phone number of record — \$50 first failure, \$100 second failure, \$200 any subsequent failure(s) in a seven-year period.

(2) The agency assesses civil penalties for violations of ORS 683.010 to 683.310 and 676.110 to 676.220 and OAR chapter 852, some of which may be settled per the terms of a settlement agreement, consent order or stipulated order. Penalties not listed here will be assessed by the Board on a per case basis.

(a) Failure to respond to a Continuing Education audit within 21 days — \$250.

(b) Failure to complete or document meeting Continuing Education requirements by the due date — \$500 plus license suspension if overdue 60 days or more.

(3) Inactive License:

(a) Annual renewal — \$100 which includes \$2 for the OHA Survey fee.

(b) Late renewal fee — \$15.

(c) Failure to notify the Board of address or phone number of record — \$50 first failure, \$100 second failure, \$200 subsequent failure(s) in any seven-year period.

(4) Application for Licensure:

(a) Application for Examination and Licensure — \$200.

(b) Application for Endorsement Examination and Licensure — \$300.

(c) Application for TPA Certification — \$75.

(d) Law and Administrative Rule Examination administered by the Board — \$75.

(5) Other fees:

(a) Written official license verification — \$20.

(b) List of licensees (electronic or printed) — \$25 each Active/Inactive.

(c) Reactivation of license — \$100.

(d) Reinstatement of license — \$100.

(e) Law and Administrative Rules booklet — \$25 (available online at no charge).

(f) Decorative Wall Certificate of Registration (optional, personalized and signed by Board) — \$30.

(g) Applicant or licensee must pay to the Board the cost of conducting the state and federal background check. The cost is \$45 and due with the application fee or when requested by the Board.

(h) Return check fees or other costs associated with a returned payment to the agency will be reimbursed by the licensee, as well as a \$25 agency processing fee.

(6) Public Records Fees

(a) Photocopies of records \$.25 per page

(b) Email/electronic document fee \$5.00

(c) Staff time for records research and production after the first 15 minutes of agency staff time: Clerical time \$20.00 per hour, Executive \$50.00 per hour and AAG time is based on actual cost billed.

(d) Actual postage and other mailing costs.

(e) Actual cost of CD, disk, thumb drive or other storage device provided by agency.

(7) The Board will not refund any fee unless there has been an error by the Board in the charging of the fee. Information not known by the Board because the licensee, applicant, or other person or entity has not supplied the correct information is not considered an error.

Stat. Auth.: ORS 683, 182 & 431

Stats. Implemented: ORS 683.270, 182.466 & 431.972

Hist.: OPT 1-2001, f. 6-26-01, cert. ef. 7-1-01; OPT 1-2003, f. 6-12-03, cert. ef. 7-1-03; OPT 3-2005, f. 6-29-05, cert. ef. 7-1-05; OPT 3-2006, f. 3-20-06, cert. ef. 7-1-06; OPT 1-2007, f. 5-21-07, cert. ef. 7-1-07; OPT 2-2009, f. & cert. ef. 12-11-09; OPT 2-2011, f. 6-24-11, cert. ef. 7-1-11; OPT 1-2013, f. & cert. ef. 1-3-13; OPT 1-2014, f. & cert. ef. 1-3-14; OPT 2-2014, f. 11-28-14, cert. ef. 1-1-15; OPT 3-2014, f. 12-29-14, cert. ef. 1-1-15; OPT 2-2015, f. & cert. ef. 11-12-15; OPT 1-2016, f. 2-23-16, cert. ef. 4-1-16; OPT 2-2016, f. & cert. ef. 4-8-16; OPT 3-2017, f. & cert. ef. 2-14-17; OPT 5-2017, f. & cert. ef. 3-14-17; OPT 7-2017(Temp), f. & cert. ef. 4-26-17 thru 10-22-17

Department of Administrative Services Chapter 125

Rule Caption: Amends Confidentiality and Inadmissibility of Mediation Communications and Workplace Interpersonal Dispute Mediation Communications

Adm. Order No.: DAS 1-2017(Temp)

Filed with Sec. of State: 5-8-2017

Certified to be Effective: 5-10-17 thru 11-5-17

Notice Publication Date:

Rules Amended: 125-140-0010, 125-140-0020

Subject: Pursuant to ORS 36.224(4), amending the Department of Administrative Services mediation confidentiality rules OAR 125-140-0010 and 125-140-0020 to adopt by reference the Confidentiality and Inadmissibility of Mediation Communications rule OAR 137-005-0052 and the Confidentiality and Inadmissibility of Workplace Interpersonal Mediation Communications rule OAR 137-005-0054 adopted by the Attorney General effective as of 10-27-15.

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

125-140-0010

Confidentiality and Inadmissibility of Mediation Communications

Pursuant to ORS 36.224, the Department of Administrative Services adopts by reference OAR 137-005-0052 as promulgated by the Attorney General.

Stat. Auth.: ORS 36.224 & 184.340

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

Hist.: DAS 1-1999, f. 4-30-99, cert. ef. 5-1-99; DAS 1-2017(Temp), f. 5-8-17, cert. ef. 5-10-17 thru 11-5-17

125-140-0020

Confidentiality and Inadmissibility of Workplace Interpersonal Dispute Mediation Communications

Pursuant to ORS 36.224, the Department of Administrative Services adopts by reference OAR 137-005-0054 as promulgated by the Attorney General.

Stat. Auth.: ORS 36.224

Stats. Implemented: ORS 36.230(4)

Hist.: DAS 2-1999, f. 5-25-99, cert. ef. 5-26-99; DAS 1-2017(Temp), f. 5-8-17, cert. ef. 5-10-17 thru 11-5-17

Department of Agriculture, Oregon Processed Vegetable Commission Chapter 647

Rule Caption: Amend rules related to assessment rates

Adm. Order No.: OPVC 1-2017

Filed with Sec. of State: 4-25-2017

Certified to be Effective: 4-25-17

Notice Publication Date: 4-1-2017

Rules Amended: 647-010-0010

Subject: The proposed rule amendments to OAR 647-010-0010 set the assessment rates for the six processed vegetable crops governed by the commission.

Rules Coordinator: Misty Slagle—(503) 924-1181

647-010-0010

Assessments

(1) Any first purchaser shall deduct and withhold an assessment of the following amounts from each of the above named vegetable crops:

(a) Beans — \$.909 per ton based on the net weight of the beans delivered.

(b) Sweet Corn — \$.265 per ton based on the gross weight of the sweet corn delivered.

(c) Table Beets — \$.000 per ton based on the net weight of the table beets delivered.

(d) Carrots — \$.113 per ton based on the net weight of the carrots delivered.

(e) Broccoli — \$2.500 per ton based on the net weight of the broccoli delivered.

(f) Cauliflower — \$2.011 per ton based on the net weight of the cauliflower delivered.

(2) From the price paid to the producer thereof, after July 1, 2017 for all of the above named vegetables for processing and grown in Oregon.

Stat. Auth.: ORS 576.051 - 576.595

ADMINISTRATIVE RULES

Stats. Implemented: ORS 576.051 - 576.595
Hist.: PVC 2-1985, f. 7-17-85, ef. 7-22-85; PVC 1-1986, f. 5-30-86, ef. 6-1-86; PVC 2-1987, f. & ef. 6-16-87; PVC 1-1988, f. 4-22-88, cert. ef. 6-1-88; PVC 1-1989, f. 5-4-89, cert. ef. 6-1-89; PVC 1-1990, f. 4-24-90, cert. ef. 6-1-90; PVC 1-1991, f. 5-7-91, cert. ef. 6-1-91; PVC 1-1992, f. 4-15-92, cert. ef. 6-1-92; PVC 1-1993, f. 4-28-93, cert. ef. 6-21-93; PVC 1-1994, f. 4-22-94, cert. ef. 6-21-94; PVC 2-1995, f. 5-24-95, cert. ef. 6-1-95; PVC 1-1996, f. 5-14-96, cert. ef. 6-1-96; PVC 1-1997, f. 5-6-97, cert. ef. 6-1-97; OPVC 1-1998, f. 5-28-98, cert. ef. 6-1-98; OPVC 2-1999, f. 4-26-99, cert. ef. 6-1-99; OPVC 1-2000, f. 5-2-00, cert. ef. 6-1-00; OPVC 2-2001, f. 5-15-01, cert. ef. 6-1-01; OPVC 1-2002, f. 4-26-02, cert. ef. 6-1-02; OPVC 1-2003, f. 5-8-03, cert. ef. 6-1-03; OPVC 2-2004, f. 5-11-04, cert. ef. 6-1-04; OPVC 1-2005, f. 5-13-05, cert. ef. 6-1-05; OPVC 1-2006, f. 5-9-06, cert. ef. 6-1-06; OPVC 1-2007, f. 5-14-07, cert. ef. 6-1-07; OPVC 2-2008, f. 5-2-08, cert. ef. 6-1-08; OPVC 1-2009, f. 5-14-09, cert. ef. 7-1-09; OPVC 1-2010, f. 4-26-10, cert. ef. 7-1-10; OPVC 1-2011, f. 5-3-11, cert. ef. 7-1-11; OPVC 1-2012, f. 5-14-12, cert. ef. 7-1-12; OPVC 1-2013, f. & cert. ef. 5-10-13; OPVC 1-2014, f. & cert. ef. 5-5-14; OPVC 1-2015, f. 5-15-15, cert. ef. 7-1-15; OPVC 1-2016, f. 5-10-16, cert. ef. 7-1-16; OPVC 1-2017, f. & cert. ef. 4-25-17

Rule Caption: Amend rules related to term limits of Commissioners

Adm. Order No.: OPVC 2-2017

Filed with Sec. of State: 4-25-2017

Certified to be Effective: 4-25-17

Notice Publication Date: 4-1-2017

Rules Amended: 647-015-0010

Subject: The proposed rule amendment to OAR 647-015-0010 eliminates the limit on Commissioner terms.

Rules Coordinator: Misty Slagle—(503) 924-1181

647-015-0010

Number of Commissioners, Terms

The Oregon Processed Vegetable Commission will consist of 11 commissioners appointed by the Director of the Oregon Department of Agriculture for a term of three years or, if for a term following a prior term for that person, ending three years from the date of expiration of any prior term.

Stat. Auth.: 2003 OL Ch. 604 & ORS 576

Stats. Implemented: 2003 OL Ch. 604 & ORS 576

Hist.: OPVC 1-2004, f. 1-15-04 cert. ef. 1-16-04; OPVC 2-2017, f. & cert. ef. 4-25-17

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

Rule Caption: Amends the Oregon Structural Specialty Code for Construction for Emergency Responder Radio Coverage

Adm. Order No.: BCD 5-2017(Temp)

Filed with Sec. of State: 5-1-2017

Certified to be Effective: 5-2-17 thru 10-28-17

Notice Publication Date:

Rules Amended: 918-460-0015

Subject: This rule implements changes to further clarify the construction requirements for emergency responder radio coverage in the Oregon Structural Specialty Code adopted in a previous temporary administrative rule.

Rules Coordinator: Holly A. Tucker—(503) 378-5331

918-460-0015

Amendments to the Oregon Structural Specialty Code

(1) The **Oregon Structural Specialty Code** is amended pursuant to OAR chapter 918, division 8. Amendments adopted for inclusion into the **Oregon Structural Specialty Code** are placed in this rule, showing the section reference, a descriptive caption, and a short description of the amendment.

(2) Effective April 1, 2015 the **Oregon Structural Specialty Code** is amended according to the following:

(a) Amend Chapter 2 Definitions to include definitions related to solar photovoltaic installations;

(b) Amend Section 1008.1.10 Panic and Fire Exit Hardware by changing the ampere threshold to 800 to align with the **Oregon Electrical Specialty Code**. Clarifies that the **Oregon Electrical Specialty Code** determines what constitutes a “work space”;

(c) Amend Table 1016.2 Exit Access Travel Distance by adding “Note” (d) specifying exit travel distance;

(d) Amend Section 1018.1 Corridors by adding “Exception” (6) relating to fire-resistance rating;

(e) Amend Sections 1107.5.1 Group I-1 and 1107.6.4 Group R-4 by adding an “Exception” allowing folding seats to be omitted and shower controls to be located on the side wall;

(f) Amend Section 2902.2 Separate Facilities by amending “Exception” (2), and adding “Exception” (3); and

(g) Adopt Section 3111 Solar Photovoltaic Panels/Modules.

(3) Effective February 1, 2016, the **Oregon Structural Specialty Code**, Sections 907.2.11 and 908.7, for low frequency single- and multiple-station smoke alarms and carbon monoxide alarms is amended. NFPA 72 Section 29.3.8 and NFPA 720 Section 9.4.2.2 are not adopted.

(4) Effective May 2, 2017, for new construction standards related to emergency responder radio coverage, **Oregon Structural Specialty Code** Sections 403.4.5, 907.2.13.2, 915.1, 915.1.1, 915.2, and 915.3 are adopted and amended. Form OSSC 915, which contains the minimum necessary required information for building departments to consider new construction standards related to emergency responder radio coverage, is adopted.

[Publications referenced are available from the agency.]

Stat. Auth.: ORS 447.231, 455.030, 455.110 & 455.496

Stats. Implemented: ORS 455.110

Hist.: BCA 18-1993, f. 8-24-93, cert. ef. 8-29-93; BCA 28-1993, f. 10-22-93, cert. ef. 1-1-94; BCD 6-1994, f. 2-25-94, cert. ef. 5-1-94; BCD 22-1994, f. 9-28-94, cert. ef. 1-1-95; BCD 31-1994(Temp), f. & cert. ef. 12-23-94; BCD 32-1994, f. & cert. ef. 12-30-94; BCD 2-1995, f. & cert. ef. 2-9-95; BCD 5-1995, f. & cert. ef. 3-15-95; BCD 2-1996, f. 2-2-96, cert. ef. 4-1-96; BCD 6-1996, f. 3-29-96, cert. ef. 4-1-96; BCD 12-1997, f. 9-10-97, cert. ef. 10-1-97; BCD 19-1998, f. 9-30-98, cert. ef. 10-1-98; BCD 24-1998(Temp), f. & cert. ef. 12-1-98 thru 5-29-99; Temporary Rule repealed by BCD 3-1999, f. 3-12-99, cert. ef. 4-1-99; BCD 5-1999, f. 6-17-99, cert. ef. 10-1-99; BCD 12-1999(Temp), f. 9-23-99, cert. ef. 11-1-99 thru 4-28-00; BCD 2-2000 f. 1-14-00, cert. ef. 4-1-00; BCD 20-2000, f. 9-15-00, cert. ef. 10-1-00; BCD 8-2001, f. 7-17-01, cert. ef. 10-1-01; BCD 18-2001, f. 12-21-01, cert. ef. 1-1-02; BCD 14-2003, f. 8-13-03, cert. ef. 10-1-03; BCD 18-2003(Temp) f. & cert. ef. 11-14-03 thru 5-11-04; BCD 5-2004, f. & cert. ef. 4-1-04; BCD 16-2004, f. 9-24-04, cert. ef. 10-1-04; BCD 21-2004, f. & cert. ef. 10-1-04; BCD 9-2005(Temp), f. & cert. ef. 4-7-05 thru 9-30-05; BCD 14-2005, f. & cert. ef. 7-5-05; BCD 18-2005(Temp), f. & cert. ef. 7-12-05 thru 9-30-05; BCD 22-2005, f. 9-29-05, cert. ef. 10-1-05; BCD 23-2005, f. 9-29-05, cert. ef. 10-1-05; BCD 1-2006, f. & cert. ef. 2-1-06; BCD 9-2006, f. 6-30-2006, cert. ef. 7-1-06; BCD 1-2007, f. 2-15-07, cert. ef. 4-1-07; BCD 9-2008(Temp), f. & cert. ef. 6-25-08 thru 12-22-08; BCD 20-2008, f. 9-30-08, cert. ef. 10-1-08; BCD 4-2010, f. 5-14-10, cert. ef. 7-1-10; BCD 19-2010, f. 12-30-10, cert. ef. 1-1-11; BCD 1-2011, f. & cert. ef. 2-15-11; BCD 14-2011(Temp), f. & cert. ef. 5-13-11 thru 11-9-11; BCD 28-2011, f. 9-30-11, cert. ef. 10-1-11; BCD 30-2011, f. & cert. ef. 11-1-11; BCD 32-2011, f. 12-30-11, cert. ef. 1-1-12; BCD 1-2012, f. 1-31-12, cert. ef. 2-1-12; BCD 8-2012, f. 8-31-12, cert. ef. 9-1-12; BCD 7-2014, f. 6-20-14, cert. ef. 7-1-14; BCD 3-2015, f. 3-24-15, cert. ef. 4-1-15; BCD 2-2016, f. 1-28-16, cert. ef. 2-1-16; BCD 15-2016(Temp), f. & cert. ef. 11-3-16 thru 5-1-17; BCD 5-2017(Temp), f. 5-1-17, cert. ef. 5-2-17 thru 10-28-17

Department of Consumer and Business Services, Insurance Regulation Chapter 836

Rule Caption: Adoption of Annual and Supplemental Statement Blank and Instructions for Reporting Year 2016

Adm. Order No.: ID 5-2017

Filed with Sec. of State: 4-20-2017

Certified to be Effective: 4-20-17

Notice Publication Date: 3-1-2017

Rules Amended: 836-011-0000

Rules Repealed: 836-011-0000(T)

Subject: This rulemaking prescribes, for reporting year 2016, the required forms for the annual and supplemental financial statements required of insurers and health care service contractors under ORS 731.574, as well as the necessary instructions for completing the forms.

This rulemaking repeals and replaces the current unexpired temporary rule of the same number.

Rules Coordinator: Karen Winkel—(503) 947-7694

836-011-0000

Annual Statement Blank and Instructions

(1) For the purpose of complying with ORS 731 .574, every authorized insurer, including every health care service contractor and multiple employer welfare arrangement, shall file its financial statement required by ORS 731.574 for the 2016 reporting year on the annual statement blank approved for the 2016 reporting year by the National Association of Insurance Commissioners, for the type or types of insurance transacted by the insurer.

(2) Every authorized insurer, including every health care service contractor, shall complete its annual statement blank under section (1) of this rule for the 2016 reporting year, according to the applicable instructions published for that year by the National Association of Insurance Commissioners, for completing the blank, as required by ORS 731.574.

ADMINISTRATIVE RULES

(3) Every authorized insurer, including every health care service contractor, shall file each annual statement supplement for the 2016 reporting year, as required by the applicable instructions published for that year by the National Association of Insurance Commissioners, and shall complete the supplement according to those instructions.

(4) The applicable instructions published by the National Association of Insurance Commissioners referred to in this rule are available for inspection at the Department of Consumer and Business Services. Any person interested in inspecting those instructions should contact the Department at web.inscomp@oregon.gov.

(5) This rule is adopted under the authority of ORS 731.244, 731.574 and 733.210 for the purpose of implementing ORS 731.574 and 733.210.

Stat. Auth.: ORS 731.244, 731.574 & 733.210
Stats. Implemented: ORS 731.574 & 733.210
Hist.: ID 8-1993, f. & cert. ef. 9-23-93; ID 10-1994, f. & cert. ef. 12-14-94; ID 7-1995, f. & cert. ef. 11-15-95; Renumbered from 836-013-0000; ID 4-1996, f. 2-28-96, cert. ef. 3-1-96; ID 16-1996, f. & cert. ef. 12-16-96; ID 11-1997, f. & cert. ef. 10-9-97; ID 16-1998, f. & cert. ef. 11-10-98; ID 5-1999, f. & cert. ef. 11-18-99; ID 1-2001, f. & cert. ef. 2-7-01; ID 4-2002, f. & cert. ef. 1-30-02; ID 6-2003, f. & cert. ef. 12-3-03; ID 1-2006, f. & cert. ef. 1-23-06; ID 9-2007, f. & cert. ef. 11-8-07; ID 1-2009, f. & cert. ef. 1-29-09; ID 11-2009, f. & cert. ef. 12-9-09; ID 22-2010, f. 12-30-10, cert. ef. 1-1-11; ID 2-2012, f. & cert. ef. 2-7-12; ID 2-2013, f. & cert. ef. 2-6-13; ID 3-2014, f. & cert. ef. 2-14-14; ID 1-2015, f. & cert. ef. 3-10-15; ID 2-2016, f. & cert. ef. 2-3-16; ID 2-2017(Temp), f. & cert. ef. 1-31-17 thru 7-1-17; ID 5-2017, f. & cert. ef. 4-20-17

Rule Caption: Adoption of Annual and Supplemental Statement Blanks and Instructions for Reporting Year 2016

Adm. Order No.: ID 6-2017

Filed with Sec. of State: 4-27-2017

Certified to be Effective: 4-27-17

Notice Publication Date: 3-1-2017

Rules Amended: 836-011-0000

Rules Repealed: 836-011-0000(T)

Subject: This rulemaking prescribes, for reporting year 2016, the required forms for the annual and supplemental financial statements required of insurers and health care service contractors under ORS 731.574, as well as the necessary instructions for completing the forms.

This rulemaking repeals and replaces the current unexpired temporary rule of the same number.

Rules Coordinator: Karen Winkel—(503) 947-7694

836-011-0000

Annual Statement Blank and Instructions

(1) For the purpose of complying with ORS 731.574, every authorized insurer, including every health care service contractor and multiple employer welfare arrangement, shall file its financial statement required by ORS 731.574 for the 2016 reporting year on the annual statement blank approved for the 2016 reporting year by the National Association of Insurance Commissioners, for the type or types of insurance transacted by the insurer.

(2) Every authorized insurer, including every health care service contractor, shall complete its annual statement blank under section (1) of this rule for the 2016 reporting year, according to the applicable instructions published for that year by the National Association of Insurance Commissioners, for completing the blank, as required by ORS 731.574.

(3) Every authorized insurer, including every health care service contractor, shall file each annual statement supplement for the 2016 reporting year, as required by the applicable instructions published for that year by the National Association of Insurance Commissioners, and shall complete the supplement according to those instructions.

(4) The applicable instructions published by the National Association of Insurance Commissioners referred to in this rule are available for inspection at the Department of Consumer and Business Services. Any person interested in inspecting those instructions should contact the Department at web.inscomp@oregon.gov.

(5) This rule is adopted under the authority of ORS 731.244, 731.574 and 733.210 for the

purpose of implementing ORS 731.574 and 733.210.
Stat. Auth.: ORS 731.244, 731.574 & 733.210
Stats. Implemented: ORS 731.574 & 733.210
Hist.: ID 8-1993, f. & cert. ef. 9-23-93; ID 10-1994, f. & cert. ef. 12-14-94; ID 7-1995, f. & cert. ef. 11-15-95; Renumbered from 836-013-0000; ID 4-1996, f. 2-28-96, cert. ef. 3-1-96; ID 16-1996, f. & cert. ef. 12-16-96; ID 11-1997, f. & cert. ef. 10-9-97; ID 16-1998, f. & cert. ef. 11-10-98; ID 5-1999, f. & cert. ef. 11-18-99; ID 1-2001, f. & cert. ef. 2-7-01; ID 4-2002, f. & cert. ef. 1-30-02; ID 6-2003, f. & cert. ef. 12-3-03; ID 1-2006, f. & cert. ef. 1-23-06; ID 9-2007, f. & cert. ef. 11-8-07; ID 1-2009, f. & cert. ef. 1-29-09; ID 11-2009, f. & cert. ef. 12-9-09; ID 22-2010, f. 12-30-10, cert. ef. 1-1-11; ID 2-2012, f. & cert. ef. 2-7-12; ID 2-2013, f. & cert. ef. 2-6-13; ID 3-2014, f. & cert. ef. 2-14-14; ID 1-2015, f. & cert. ef. 3-10-15; ID

2-2016, f. & cert. ef. 2-3-16; ID 2-2017(Temp), f. & cert. ef. 1-31-17 thru 7-1-17; ID 5-2017, f. & cert. ef. 4-20-17; ID 6-2017, f. & cert. ef. 4-27-17

Department of Energy Chapter 330

Rule Caption: Amending criminal records check and fitness determination rules

Adm. Order No.: DOE 3-2017

Filed with Sec. of State: 5-8-2017

Certified to be Effective: 5-8-17

Notice Publication Date: 4-1-2017

Rules Amended: 330-007-0200, 330-007-0210, 330-007-0240, 330-007-0320, 330-007-0330

Rules Repealed: 330-007-0220, 330-007-0230, 330-007-0250, 330-007-0260, 330-007-0270, 330-007-0280, 330-007-0290, 330-007-0300, 330-007-0310

Subject: These permanent rules amend and repeal the Oregon Department of Energy's Criminal Records Check and Fitness Determination rules to comply with and remove duplicative language found in uniform rules adopted by the Department of Administrative Services (OAR 125-007) and to document Oregon Department of Energy procedure.

Rules Coordinator: Elizabeth Ross—(503) 378-8534

330-007-0200

Statement of Purpose and Statutory Authority

(1) Purpose. These rules control the Oregon Department of Energy's acquisition of information about a subject individual's criminal history through criminal records checks or other means and its use of that information to determine whether the subject individual (SI) is fit to provide services to the Department as an employee, contractor or volunteer.

(2) Criminal records check are conducted in accordance with OAR 125-007-0200 through 125-007-0330.

Stat. Auth.: ORS 181A.195, 469.055
Stats. Implemented: ORS 181A.195, 469.055
Hist.: DOE 5-2007, f. & cert. ef. 12-13-07; DOE 3-2017, f. & cert. ef. 5-8-17

330-007-0210

Definitions

For the purposes of this division, the following definitions apply:

(1) "Authorized Designee" means a Department employee authorized to obtain and review criminal offender information and other criminal records information about a subject individual through criminal records checks and other means, and to conduct a fitness determination in accordance with these rules.

(2) "Contact Person" means a person who is authorized by the Department to receive and process criminal records check request forms signed by an SI and is authorized to receive other criminal records information. The contact person makes preliminary fitness determinations under the authority of the Department only if there is no indication of potentially disqualifying crimes.

(3) "Department" means the Oregon Department of Energy or any subdivision thereof.

(4) "Family Member" means a spouse, domestic partner, natural parent, foster parent, adoptive parent, stepparent, child, foster child, adopted child, stepchild, sibling, stepbrother, stepsister, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandparent, grandchild, aunt, uncle, niece, nephew or first cousin.

(5) "Subject Individual" (SI) means a person identified in ORS 469.055.

(6) See OAR 125-007-0210 for additional definitions.
Stat. Auth.: ORS 181A.195, 469.055
Stats. Implemented: ORS 181A.195, 469.055
Hist.: DOE 5-2007, f. & cert. ef. 12-13-07; DOE 3-2017, f. & cert. ef. 5-8-17

330-007-0240

Preliminary Fitness Determination

(1) An authorized designee or contact person may conduct a preliminary fitness determination if the Department is interested in hiring or appointing an SI on a preliminary basis, pending a final fitness determination.

(2) If an authorized designee elects to make a preliminary fitness determination about an SI, pending a final fitness determination, the authorized designee or contact person must make that preliminary fitness determination in accordance with OAR 125-007-0250.

ADMINISTRATIVE RULES

(3) The authorized designee or contact person must approve an SI as fit, on a preliminary basis, if the authorized designee or contact person has no reason to believe the SI has made a false statement and the information available to the authorized designee or contact person does not identify the SI has any potentially disqualifying crimes in accordance with OAR 125-007-0270.

(4) If the information available to the authorized designee discloses one or more of the circumstances identified in section (3), the authorized designee may approve an SI on a preliminary basis, if the authorized designee concludes, after evaluating all available information, hiring or appointing the SI on a preliminary basis does not pose a risk of harm to the Department, its client entities, the State, or members of the public.

(5) If an SI is either approved or denied on the basis of a preliminary fitness determination, an authorized designee must conduct a fitness determination under OAR 125-007-0260.

(6) An SI may not appeal a preliminary fitness determination.

Stat. Auth.: ORS 181A.195, 469.055

Stats. Implemented: ORS 181A.195, 469.055

Hist.: DOE 5-2007, f. & cert. ef. 12-13-07; DOE 3-2017, f. & cert. ef. 5-8-17

330-007-0320

Contact Person and Authorized Designees

(1) Appointment.

(a) The Department Director must designate the positions that include the responsibilities of an authorized designee or contact person.

(b) Appointment to one of the designated positions must be contingent upon an individual being approved under the Department's criminal records check and fitness determination process.

(c) Appointments must be made by the Department Director at his or her sole discretion.

(2) The Department Director may also serve as an authorized designee or contact person, contingent on being approved under the Department's criminal records check and fitness determination process.

(3) Conflict of Interests. An authorized designee and the contact person must not participate in a fitness determination or review any information associated with a fitness determination for an SI if either of the following is true:

(a) The authorized designee or contact person is a family member of the SI; or

(b) The authorized designee or the contact person has a financial or close personal relationship with the SI. If an authorized designee is uncertain of whether a relationship with an SI qualifies as a financial or close personal relationship under this subsection (b), the authorized designee or contact person must consult with his or her supervisor before taking any action that would violate this rule if such a relationship were determined to exist.

(4) Termination of Authorized Designee or Contact Person Status.

(a) When an authorized designee's or contact person's employment in a designated position ends, his or her status as an authorized designee or contact person is automatically terminated.

(b) The Department must suspend or terminate a Department employee's appointment to a designated position, and thereby suspend or terminate his or her status as an authorized designee or contact person, if the employee fails to comply with OAR 330-007-0200 through 330-007-0310 in conducting criminal records checks and fitness determinations.

(c) An authorized designee or contact person must immediately report to his or her supervisor if he or she is arrested for or charged with, is being investigated for, or has an outstanding warrant or pending indictment for a crime listed in OAR 125-007-0270. Failure to make the required report is grounds for termination of the individual's appointment to a designated position, and thereby termination of his or her status as an authorized designee or contact person.

(d) The Department will review and update an authorized designee's or contact person's eligibility for service in a designated position, during which a new criminal records check and fitness determination may be required at any time the Department has reason to believe that the authorized designee or contact person has violated these rules or no longer is eligible to serve in his or her current position.

(5) A denial under OAR 125-007-260 related to a designated position is subject to the appeal rights provided under OAR 125-007-0300.

Stat. Auth.: ORS 181A.195, 469.055

Stats. Implemented: ORS 181A.195, 469.055

Hist.: DOE 5-2007, f. & cert. ef. 12-13-07; DOE 3-2017, f. & cert. ef. 5-8-17

330-007-0330

Fees

(1) The Department may charge a fee for acquiring criminal offender information for use in making a fitness determination. In any particular

instance, the fee must not exceed the fee(s) charged the Department by the Oregon Department of State Police and the Federal Bureau of Investigation to obtain criminal offender information on the subject individual.

(2) The Department may charge the fee to the subject individual on whom criminal offender information is sought, or, if the subject individual is an employee of a Department contractor and is undergoing a fitness determination in that capacity, the Department may charge the fee to the subject individual's employer.

(3) The Department must not charge a fee if the subject individual is a Department employee, a Department volunteer, or an applicant for employment or a volunteer position with the Department.

Stat. Auth.: ORS 181A.195, 469.055

Stats. Implemented: ORS 181A.195, 469.055

Hist.: DOE 5-2007, f. & cert. ef. 12-13-07; DOE 3-2017, f. & cert. ef. 5-8-17

Department of Fish and Wildlife Chapter 635

Rule Caption: Suspension of Wickiup Reservoir Emergency Rule Filed on April 5th 2017.

Adm. Order No.: DFW 42-2017(Temp)

Filed with Sec. of State: 4-17-2017

Certified to be Effective: 4-17-17 thru 6-30-17

Notice Publication Date:

Rules Suspended: 635-018-0090(T)

Subject: The temporary rule that was filed on April 5th 2017 removed the 25 kokanee bonus bag limit in Wickiup Reservoir and modified the open fishing season to April 22 through August 31, 2017 in the Deschutes Arm of Wickiup Reservoir. It also closed The Deschutes River Arm of Wickiup Reservoir to all angling from September 1st 2017, between the ODFW marker at Gull Point and ODFW marker upstream of Sheep's Bridge to provide protection to fish in this section of the reservoir. This temporary rule also clarified the angling regulations in this section above the Sheep's Bridge marker. This temporary rule will be suspended as of April 17, 2017. The regulations listed in the 2017 Sportfishing Regulations will remain in effect.

Rules Coordinator: Michelle Tate—(503) 947-6044

635-018-0090

Inclusions and Modifications

(1) The **2017 Oregon Sport Fishing Regulations** provide requirements for the Central 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 **2017 Oregon Sport Fishing Regulations**.

(2) Hood River from the mouth to the mainstem confluence with the East Fork, and the West Fork from the confluence with the mainstem upstream to the angling deadline 200 feet downstream of Punchbowl Falls is open to angling for hatchery Chinook salmon from April 15 through June 30, 2017.

(a) The catch limit is one (1) adult hatchery Chinook salmon per day, and five (5) hatchery jack salmon per day. All wild Chinook salmon must be released unharmed.

(b) It is *unlawful* to continue angle in the Hood River after retaining an adult Chinook.

(c) All other catch limits and restrictions remain unchanged from those listed for Hood River in the **2017 Oregon Sport Fishing Regulations**.

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 20-1994(Temp), f. & cert. ef. 4-11-94; FWC 24-1994(Temp), f. 4-29-94, cert. ef. 4-30-94; FWC 34-1994(Temp), f. 6-14-94, cert. ef. 6-16-94; FWC 54-1994, f. 8-25-94, cert. ef. 9-1-94; FWC 65-1994(Temp), f. 9-15-94, cert. ef. 9-17-94; FWC 67-1994(Temp), f. & cert. ef. 9-26-94; FWC 70-1994, f. 10-4-95, cert. ef. 11-1-94; FWC 18-1995, f. 3-2-95, cert. ef. 4-1-95; FWC 60-1995(Temp), f. 7-24-95, cert. ef. 8-1-95; FWC 77-1995, f. 9-13-95, cert. ef. 1-1-96; FWC 11-1996(Temp), f. 3-8-96, cert. ef. 4-1-96; FWC 32-1996(Temp), f. 6-7-96, cert. ef. 6-16-96; FWC 38-1996(Temp), f. 6-14-96, cert. ef. 7-1-96; FWC 72-1996, f. 12-31-96, cert. ef. 1-1-97; FWC 20-1997, f. & cert. ef. 3-24-97; FWC 21-1997, f. & cert. ef. 4-1-97; FWC 27-1997(Temp) f. 5-2-97, cert. ef. 5-9-97; FWC 75-1997, f. 12-31-97, cert. ef. 1-1-98; DFW 25-1998(Temp), f. & cert. ef. 3-25-98 thru 8-31-98; DFW 56-1998(Temp), f. 7-24-98, cert. ef. 8-1-98 thru 10-31-98; DFW 70-1998, f. & cert. ef. 8-28-98; DFW 100-1998, f. 12-23-98, cert. ef. 1-1-99; DFW 31-1999, f. & cert. ef. 5-3-99; DFW 78-1999, f. & cert. ef. 10-4-99; DFW 96-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 12-2000(Temp), f. 3-20-00, cert. ef. 4-15-00 thru 7-31-00; DFW 27-2000(Temp), f. 5-15-00, cert. ef. 8-1-00 thru 10-31-00; DFW 28-2000, f. 5-23-00, cert. ef. 5-24-00 thru 7-31-00; 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 13-2001(Temp), f. 3-12-01, cert. ef. 4-7-01 thru 7-31-01; DFW 40-2001(Temp) f. & cert. ef. 5-24-01 thru 11-20-01; DFW 44-2001(Temp), f. 5-25-01, cert. ef. 6-1-01 thru 7-31-01; DFW 123-2001, f. 12-31-01, cert. ef. 1-1-02; DFW 5-

ADMINISTRATIVE RULES

2002(Temp), f. 1-11-02 cert. ef. 1-12-02 thru 7-11-02; DFW 23-2002(Temp), f. 3-21-02, cert. ef. 4-6-02 thru 7-31-02; DFW 25-2002(Temp), f. 3-22-02, cert. ef. 4-6-02 thru 7-31-02; DFW 26-2002, f. & cert. ef. 3-21-02; DFW 62-2002, f. 6-14-02, cert. ef. 7-11-02; DFW 74-2002(Temp), f. 7-18-02, cert. ef. 8-1-02 thru 10-31-02; 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 97-2002(Temp), f. & cert. ef. 10-31-02; DFW 130-2002, f. 11-21-02, cert. ef. 1-1-03; DFW 26-2003(Temp), f. 3-28-03, cert. ef. 4-15-03 thru 7-31-03; DFW 66-2003(Temp), f. 7-17-03, cert. ef. 8-1-03 thru 10-31-03; DFW 125-2003, f. 12-11-03, cert. ef. 1-1-04; DFW 23-2004(Temp), f. 3-22-04, cert. ef. 4-1-04 thru 7-31-04; DFW 77-2004(Temp), f. 7-28-04, cert. ef. 8-1-04 thru 10-31-04, Administrative correction 11-22-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 19-2005(Temp), f. 3-16-05, cert. ef. 4-15-05 thru 7-31-05; DFW 41-2005(Temp), f. 5-13-05, cert. ef. 5-15-05 thru 7-31-05; DFW 83-2005(Temp), f. 7-29-05, cert. ef. 8-1-05 thru 10-31-05; DFW 84-2005(Temp), f. & cert. ef. 8-1-05 thru 12-31-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 59-2006(Temp), f. 7-10-06, cert. ef. 8-1-06 thru 10-31-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 18-2007(Temp), f. 3-22-07, cert. ef. 4-15-07 thru 7-31-07; DFW 55-2007(Temp), f. 7-6-07, cert. ef. 8-1-07 thru 10-31-07; Administrative correction 11-17-07; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 26-2008(Temp), f. 3-17-08, cert. ef. 4-15-08 thru 7-31-08; DFW 27-2008(Temp), f. 3-24-08, cert. ef. 5-1-08 thru 10-27-08; Administrative correction 11-18-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 16-2009(Temp), f. 2-25-09, cert. ef. 4-15-09 thru 6-30-09; DFW 61-2009(Temp), f. 6-1-09, cert. ef. 8-1-09 thru 10-31-09; DFW 104-2009(Temp), f. 8-28-09, cert. ef. 9-1-09 thru 12-31-09; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 7-2010(Temp), f. 1-25-10, cert. ef. 4-1-10 thru 7-31-10; DFW 27-2010(Temp), f. 3-8-10, cert. ef. 4-15-10 thru 7-31-10; DFW 66-2010(Temp), f. 5-18-10, cert. ef. 5-22-10 thru 10-31-10; DFW 86-2010(Temp), f. 6-23-10, cert. ef. 7-1-10 thru 10-31-10; DFW 106-2010(Temp), f. 7-26-10, cert. ef. 8-1-10 thru 12-31-10; DFW 164-2010(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 16-2011(Temp), f. 2-16-11, cert. ef. 4-15-11 thru 7-31-11; DFW 17-2011(Temp), f. 2-17-11, cert. ef. 4-15-11 thru 7-31-11; DFW 42-2011(Temp), f. & cert. ef. 5-10-11 thru 10-31-11; DFW 93-2011(Temp), f. 7-13-11, cert. ef. 8-1-11 thru 10-31-11; DFW 123-2011(Temp), f. 9-2-11, cert. ef. 9-3-11 thru 12-31-11; DFW 160-2011(Temp), f. 12-20-11, 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 34-2012(Temp), f. 4-13-12, cert. ef. 4-15-12 thru 7-31-12; DFW 55-2012(Temp), f. & cert. ef. 6-4-12 thru 6-30-12; Administrative correction, 8-1-12; DFW 88-2012(Temp), f. 7-16-12, cert. ef. 8-1-12 thru 10-31-12; Administrative correction 11-23-12; DFW 149-2012, f. 12-27-12, cert. ef. 1-1-13; DFW 16-2013(Temp), f. 2-25-13, cert. ef. 4-15-13 thru 6-30-13; DFW 75-2013(Temp), f. 7-15-13, cert. ef. 8-1-13 thru 10-31-13; Administrative correction, 11-22-13; DFW 137-2013, f. 12-19-13, cert. ef. 1-1-14; DFW 13-2014(Temp), f. 2-18-14, cert. ef. 4-15-14 thru 7-31-14; DFW 83-2014(Temp), f. 7-1-14, cert. ef. 8-1-14 thru 10-31-14; Administrative correction 11-24-14; DFW 165-2014, f. 12-18-14, cert. ef. 1-1-15; DFW 27-2015(Temp), f. 4-9-15, cert. ef. 4-15-15 thru 6-30-15; Administrative correction, 7-24-15; DFW 88-2015(Temp), f. 7-16-15, cert. ef. 7-18-15 thru 12-31-15; DFW 99-2015(Temp), f. & cert. ef. 8-3-15 thru 12-31-15; Temporary suspended by DFW 120-2015(Temp), f. 8-31-15, cert. ef. 9-1-15 thru 12-31-15; DFW 128-2015(Temp), f. 9-14-15, cert. ef. 9-18-15 thru 12-31-15; DFW 141-2015(Temp), f. 10-15-15, cert. ef. 10-16-15 thru 12-31-15; DFW 167-2015, f. 12-29-15, cert. ef. 1-1-16; DFW 17-2016(Temp), f. 3-21-16, cert. ef. 4-15-16 thru 7-31-16; Administrative correction, 8-29-16; DFW 153-2016, f. 12-28-16, cert. ef. 1-1-17; DFW 14-2017(Temp), f. 2-14-17, cert. ef. 4-15-17 thru 6-30-17; DFW 38-2017(Temp), f. & cert. ef. 4-5-17 thru 10-1-17; Temporary suspended by DFW 42-2017(Temp), f. & cert. ef. 4-17-17 thru 6-30-17

Rule Caption: Open Spring Chinook Sport Fishery on the Snake River below Hells Canyon Dam

Adm. Order No.: DFW 43-2017(Temp)

Filed with Sec. of State: 4-17-2017

Certified to be Effective: 4-22-17 thru 9-30-17

Notice Publication Date:

Rules Amended: 635-023-0134

Subject: Amended rule opens a spring Chinook fishery from Dug Bar Boat Ramp upstream to the deadline below Hells Canyon Dam on the Snake River beginning on April 22, 2017 to coincide with the State of Idaho's regulations for this fishery.

Rules Coordinator: Michelle Tate—(503) 947-6044

635-023-0134

Snake River Fishery

(1) The 2017 Oregon Sport Fishing Regulations provide requirements for 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 2017 Oregon Sport Fishing Regulations.

(2) Notwithstanding all other specifications and restrictions as outlined in the 2017 Oregon Sport Fishing Regulations, the following conditions apply:

(a) The Snake River from Dug Bar boat ramp upstream to the deadline below Hell's Canyon Dam is open seven (7) days per week, beginning Saturday, April 22, 2017 until further notice.

(b) Daily bag limit is four (4) adipose fin-clipped spring Chinook salmon per day, of which no more than two (2) can be an adult in excess of 24 inches in length. Anglers must cease fishing for salmon for the day when either four (4) salmon or two (2) adult salmon have been retained, whichever comes first.

(c) Barbless hooks are required.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162 & 506.129

Hist.: DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 47-2005(Temp), f. 5-19-05, cert. ef. 5-21-05 thru 6-20-05; Administrative correction 7-20-05; DFW 31-2006(Temp), f. 5-18-

06, cert. ef. 5-20-06 thru 6-19-06; Administrative correction 7-21-06; DFW 31-2007(Temp), f. 5-9-07, cert. ef. 5-11-07 thru 6-18-07; DFW 43-2007(Temp), f. 6-14-07, cert. ef. 6-19-07 thru 7-2-07; Administrative correction 2-8-08; DFW 43-2008(Temp), f. 4-25-08, cert. ef. 4-26-08 thru 7-20-08; DFW 64-2008(Temp), f. 6-18-08, cert. ef. 6-21-08 thru 7-31-08; Administrative correction 8-21-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 58-2009(Temp), f. 5-27-09, cert. ef. 5-30-09 thru 7-12-09; DFW 80-2009(Temp), f. 6-30-09, cert. ef. 7-1-09 thru 7-17-09; Administrative correction 7-21-09; DFW 128-2009(Temp), f. 10-12-09, cert. ef. 10-18-09 thru 4-15-10; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 42-2010(Temp), f. 4-13-10, cert. ef. 4-24-10 thru 7-31-10; DFW 107-2010(Temp), f. 7-26-10, cert. ef. 7-31-10 thru 8-4-10; Administrative correction, 8-18-10; DFW 119-2010(Temp), f. 8-18-10, cert. ef. 9-1-10 thru 12-31-10; DFW 171-2010, f. 12-30-10, cert. ef. 1-1-11; DFW 29-2011(Temp), f. 4-12-11, cert. ef. 4-23-11 thru 10-19-11; DFW 118-2011(Temp), f. 8-23-11, cert. ef. 9-1-11 thru 12-31-11; DFW 163-2011, f. 12-27-11, cert. ef. 1-1-12; DFW 35-2012(Temp), f. 4-16-12, cert. ef. 4-22-12 thru 9-30-12; DFW 93-2012(Temp), f. 7-24-12, cert. ef. 8-5-12 thru 9-30-12; DFW 109-2012(Temp), f. 8-21-12, cert. ef. 9-1-12 thru 12-31-12; DFW 149-2012, f. 12-27-12, cert. ef. 1-1-13; DFW 29-2013(Temp), f. 4-25-13, cert. ef. 5-4-13 thru 9-30-13; DFW 76-2013(Temp), f. 7-16-13, cert. ef. 7-21-13 thru 9-30-13; DFW 94-2013(Temp), f. 8-23-13, cert. ef. 9-1-13 thru 11-30-13; Administrative correction, 12-19-13; DFW 137-2013, f. 12-19-13, cert. ef. 1-1-14; DFW 33-2014(Temp), f. 4-21-14, cert. ef. 4-26-14 thru 9-30-14; DFW 98-2014(Temp), f. 7-18-14, cert. ef. 7-21-14 thru 9-30-14; DFW 122-2014(Temp), f. 8-4-14, cert. ef. 9-1-14 thru 12-31-14; DFW 165-2014, f. 12-18-14, cert. ef. 1-1-15; DFW 32-2015(Temp), f. 4-27-15, cert. ef. 5-2-15 thru 9-30-15; DFW 96-2015(Temp), f. 7-29-15, cert. ef. 8-2-15 thru 9-30-15; DFW 103-2015(Temp), f. 8-12-15, cert. ef. 9-1-15 thru 11-30-15; Administrative correction, 12-22-15; DFW 167-2015, f. 12-29-15, cert. ef. 1-1-16; DFW 27-2016(Temp), f. 4-6-16, cert. ef. 4-23-16 thru 9-30-16; DFW 61-2016(Temp), f. 5-31-16, cert. ef. 6-2-16 thru 6-15-16; DFW 107-2016(Temp), f. 8-10-16, cert. ef. 9-1-16 thru 11-30-16; DFW 153-2016, f. 12-28-16, cert. ef. 1-1-17; DFW 43-2017(Temp), f. 4-17-17, cert. ef. 4-22-17 thru 9-30-17

Rule Caption: 2017 Sturgeon Closure and Angling Limitations on the Gilbert River

Adm. Order No.: DFW 44-2017(Temp)

Filed with Sec. of State: 4-19-2017

Certified to be Effective: 4-24-17 thru 9-30-17

Notice Publication Date:

Rules Amended: 635-017-0090

Subject: The amended rule closes all sturgeon angling for the remainder of 2017, including catch and release as well as closing all angling from April 24 through June 15 and October 1 through December 31, 2017 in the Gilbert River. The area includes the Gilbert River from the upstream end of the Gilbert River Fishing Pier located near the confluence with Multnomah Channel, upstream to Sturgeon Lake.

Rules Coordinator: Michelle Tate—(503) 947-6044

635-017-0090

Inclusions and Modifications

(1) The 2017 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 2017 Oregon Sport Fishing Regulations.

(2) Beginning February 1, 2017, the use of barbed hooks is allowed when angling for salmon, steelhead, or trout in Willamette River downstream of Willamette Falls (including Multnomah Channel and Gilbert River) and in lower Clackamas River upstream to Highway 99E Bridge.

(3) 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.

(4) In the Gilbert River, from the upstream end of the Gilbert River Fishing Pier located near the confluence with Multnomah Channel, upstream to Sturgeon Lake, the following rules apply:

(a) Closed for sturgeon angling all year, including catch and release.

ADMINISTRATIVE RULES

(b) Closed to all angling from April 24 through June 15 and October 1 through December 31, 2017.

Stat. Auth.: ORS 496.138, 496.146, 497.121 & 506.119
Stats. Implemented: ORS 496.004, 496.009, 496.162 & 506.129
Hist.: FWC 82-1993, f. 12-22-93, cert. ef. 1-1-94; FWC 3-1994, f. 1-25-94, cert. ef. 1-26-94; FWC 65-1994(Temp), f. 9-15-94, cert. ef. 9-17-94; FWC 86-1994(Temp), f. 10-31-94, cert. ef. 11-1-94; FWC 22-1995, f. 3-7-95, cert. ef. 3-10-95; FWC 32-1995, f. & cert. ef. 4-24-95; FWC 77-1995, f. 9-13-95, cert. ef. 1-1-96; FWC 14-1996, f. 3-29-96, cert. ef. 4-1-96; FWC 20-1996, f. & cert. ef. 4-29-96; FWC 22-1996(Temp), f. 5-9-96 & cert. ef. 5-10-96; FWC 72-1996, f. 12-31-96, cert. ef. 1-1-97; FWC 5-1997, f. & cert. ef. 2-4-97; FWC 13-1997, f. 3-5-97, cert. ef. 3-11-97; FWC 17-1997(Temp), f. 3-19-97, cert. ef. 4-1-97; FWC 24-1997(Temp), f. & cert. ef. 4-10-97; FWC 31-1997(Temp), f. 5-14-97, cert. ef. 5-15-97; FWC 39-1997(Temp), f. 6-17-97, cert. ef. 6-18-97; FWC 69-1997, f. & cert. ef. 11-6-97; FWC 75-1997, f. 12-31-97, cert. ef. 1-1-98; DFW 19-1998, f. & cert. ef. 3-12-98; DFW 28-1998(Temp), f. & cert. ef. 4-9-98 thru 4-24-98; DFW 31-1998(Temp), f. & cert. ef. 4-24-98 thru 7-31-98; DFW 33-1998(Temp), f. & cert. ef. 4-30-98 thru 5-15-98; DFW 34-1998, f. & cert. ef. 5-4-98; DFW 35-1998(Temp), f. & cert. ef. 5-10-98 thru 5-15-98; DFW 37-1998(Temp), f. & cert. ef. 5-15-98 thru 7-31-98; DFW 100-1998, f. 12-23-98, cert. ef. 1-1-99; DFW 15-1999, f. & cert. ef. 3-9-99; DFW 16-1999(Temp), f. & cert. ef. 3-10-99 thru 3-19-99; DFW 19-1999(Temp), f. & cert. ef. 3-19-99 thru 4-15-99; DFW 27-1999(Temp), f. & cert. ef. 4-23-99 thru 10-20-99; DFW 30-1999(Temp), f. & cert. ef. 4-27-99 thru 5-12-99; DFW 35-1999(Temp), f. & cert. ef. 5-13-99 thru 7-31-99; DFW 39-1999(Temp), f. 5-26-99, cert. ef. 5-27-99 thru 7-31-99; DFW 78-1999, f. & cert. ef. 10-4-99; DFW 88-1999(Temp), f. 11-5-99, cert. ef. 11-6-99 thru 11-30-99; administrative correction 11-17-99; DFW 96-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 13-2000, f. & cert. ef. 3-20-00; DFW 22-2000, f. 4-14-00, cert. ef. 4-16-00 thru 7-31-00; DFW 23-2000(Temp), f. 4-19-00, cert. ef. 4-22-00 thru 7-31-00; DFW 58-2000(Temp), f. & cert. ef. 9-1-00 thru 12-31-00; DFW 83-2000(Temp), f. 12-28-00, cert. ef. 1-1-01 thru 1-31-01; DFW 1-2001, f. 1-25-01, cert. ef. 2-1-01; DFW 6-2001, f. & cert. ef. 3-1-01; DFW 23-2001(Temp), f. & cert. ef. 4-23-01 thru 10-19-01; DFW 28-2001, f. & cert. ef. 5-1-01; DFW 40-2001(Temp), f. & cert. ef. 5-24-01 thru 11-20-01; DFW 46-2001(Temp), f. 6-8-01, cert. ef. 6-16-01 thru 12-13-01; DFW 70-2001, f. & cert. ef. 8-10-01; DFW 72-2001(Temp), f. 8-10-01, cert. ef. 8-16-01 thru 12-31-01; DFW 90-2001(Temp), f. 9-14-01, cert. ef. 9-15-01 thru 12-31-01; DFW 95-2001(Temp), f. 9-27-01, cert. ef. 10-20-01 thru 12-31-01; DFW 123-2001, f. 12-31-01, cert. ef. 1-1-02; DFW 5-2002(Temp), f. 1-11-02, cert. ef. 1-12-02 thru 7-11-02; DFW 26-2002, f. & cert. ef. 3-21-02; DFW 37-2002, f. & cert. ef. 4-23-02; DFW 42-2002, f. & cert. ef. 5-3-02; DFW 44-2002(Temp), f. 5-7-02, cert. ef. 5-8-02 thru 11-3-02; DFW 70-2002(Temp), f. 7-10-02, cert. ef. 7-12-02 thru 12-31-02; DFW 91-2002(Temp), f. 8-19-02, cert. ef. 8-20-02 thru 11-1-02 (Suspended by DFW 101-2002(Temp), f. & cert. ef. 10-3-02 thru 11-1-02); DFW 130-2002, f. 11-21-02, cert. ef. 1-1-03; DFW 16-2003(Temp), f. 2-27-03, cert. ef. 3-1-03 thru 7-1-03; DFW 42-2003, f. & cert. ef. 5-16-03; DFW 53-2003(Temp), f. 6-17-03, cert. ef. 6-18-03 thru 12-14-03; DFW 57-2003(Temp), f. & cert. ef. 7-8-03 thru 12-31-03; DFW 59-2003(Temp), f. & cert. ef. 7-11-03 thru 12-31-03; DFW 70-2003(Temp), f. & cert. ef. 7-23-03 thru 12-31-03; DFW 71-2003(Temp), f. 7-24-03, cert. ef. 7-25-03 thru 12-31-03; DFW 90-2003(Temp), f. 9-12-03, cert. ef. 9-13-03 thru 12-31-03; DFW 125-2003, f. 12-11-03, cert. ef. 1-1-04; DFW 33-2004, f. 4-22-04, cert. ef. 5-1-04; DFW 48-2004(Temp), f. 5-26-04, cert. ef. 5-28-04 thru 11-23-04; DFW 69-2004(Temp), f. & cert. ef. 7-12-04 thru 11-23-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 24-2005, f. 4-15-05, cert. ef. 5-1-05; DFW 78-2005(Temp), f. 7-19-05, cert. ef. 7-21-05 thru 7-22-05; Administrative correction 8-17-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 36-2006(Temp), f. & cert. ef. 6-1-06 thru 9-30-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 121-2006(Temp), f. & cert. ef. 10-20-06 thru 12-31-06; DFW 32-2007, f. 5-14-07, cert. ef. 6-1-07; DFW 65-2007(Temp), f. & cert. ef. 8-6-07 thru 10-31-07; DFW 105-2007(Temp), f. 10-4-07, cert. ef. 10-6-07 thru 11-30-07; Administrative correction 12-20-07; DFW 134-2007, f. 12-26-07, cert. ef. 1-1-08; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 1-2008(Temp), f. & cert. ef. 1-9-08 thru 7-6-08; DFW 5-2008(Temp), f. 1-25-08, cert. ef. 2-1-08 thru 7-6-08; DFW 15-2008(Temp), f. 2-26-08, cert. ef. 3-1-08 thru 7-29-08; DFW 46-2008(Temp), f. 5-9-08, cert. ef. 5-12-08 thru 7-29-08; DFW 55-2008(Temp), f. 5-30-08, cert. ef. 6-2-08 thru 10-31-08; DFW 82-2008(Temp), f. 7-21-08, cert. ef. 7-29-08 thru 12-31-08; DFW 110-2008(Temp), f. 9-15-08, cert. ef. 9-17-08 thru 12-31-08; DFW 124-2008(Temp), f. 10-1-08, cert. ef. 10-2-08 thru 12-31-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 9-2009(Temp), f. 2-13-09, cert. ef. 3-1-09 thru 8-15-09; DFW 15-2009, f. & cert. ef. 2-25-09; DFW 74-2009(Temp), f. 6-25-09, cert. ef. 6-30-09 thru 7-2-09; Administrative correction 7-21-09; DFW 103-2009(Temp), f. 8-27-09, cert. ef. 9-1-09 thru 12-31-09; DFW 118-2009(Temp), f. & cert. ef. 9-28-09 thru 12-31-09; DFW 123-2009(Temp), f. & cert. ef. 10-5-09 thru 12-31-09; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 61-2010, f. & cert. ef. 5-14-10; DFW 62-2010(Temp), f. 5-14-10, cert. ef. 5-22-10 thru 11-17-10; DFW 84-2010(Temp), f. 6-17-10, cert. ef. 6-18-10 thru 10-31-10; DFW 94-2010(Temp), f. & cert. ef. 7-1-10 thru 10-31-10; DFW 96-2010(Temp), f. 7-7-10, cert. ef. 7-8-10 thru 10-31-10; DFW 123-2010(Temp), f. 8-26-10, cert. ef. 9-1-10 thru 12-31-10; DFW 134-2010(Temp), f. 9-22-10, cert. ef. 9-23-10 thru 12-31-10; DFW 171-2010, f. 12-30-10, cert. ef. 1-1-11; DFW 158-2011(Temp), f. 12-14-11, cert. ef. 1-1-12 thru 4-30-12; DFW 163-2011, f. 12-27-11, cert. ef. 1-1-12; DFW 21-2012, f. & cert. ef. 3-12-12; DFW 89-2012(Temp), f. 7-17-12, cert. ef. 7-26-12 thru 8-31-12; DFW 99-2012(Temp), f. 7-31-12, cert. ef. 8-1-12 thru 12-31-12; DFW 152-2012, f. 12-27-12, cert. ef. 1-1-13; DFW 67-2013(Temp), f. 7-3-13, cert. ef. 7-11-13 thru 7-31-13; Administrative correction, 8-21-13; DFW 137-2013, f. 12-19-13, cert. ef. 1-1-14; DFW 62-2014(Temp), f. & cert. ef. 6-10-14 thru 10-31-14; DFW 70-2014(Temp), f. & cert. ef. 6-13-14 thru 6-30-14; DFW 73-2014(Temp), f. 6-20-14, cert. ef. 6-23-14 thru 10-31-14; DFW 141-2014(Temp), f. 9-25-14, cert. ef. 9-26-14 thru 12-31-14; DFW 150-2014(Temp), f. 10-14-14, cert. ef. 10-15-14 thru 12-31-14; DFW 165-2014, f. 12-18-14, cert. ef. 1-1-15; DFW 49-2015(Temp), f. & cert. ef. 5-27-15 thru 11-22-15; DFW 66-2015(Temp), f. 6-10-15, cert. ef. 6-12-15 thru 11-22-15; DFW 88-2015(Temp), f. 7-16-15, cert. ef. 7-18-15 thru 12-31-15; DFW 120-2015(Temp), f. 8-31-15, cert. ef. 9-1-15 thru 12-31-15; DFW 152-2015(Temp), f. 11-6-15, cert. ef. 11-17-15 thru 12-31-15; DFW 154-2015(Temp), f. 11-12-15, cert. ef. 11-23-15 thru 12-31-15; DFW 167-2015, f. 12-29-15, cert. ef. 1-1-16; DFW 24-2016(Temp), f. 3-30-16, cert. ef. 4-1-16 thru 9-27-16; DFW 30-2016(Temp), f. & cert. ef. 4-8-16 thru 9-30-16; DFW 67-2016(Temp), f. & cert. ef. 6-9-16 thru 9-30-16; DFW 76-2016(Temp), f. 6-15-16, cert. ef. 6-16-16 thru 9-30-16; DFW 105-2016, f. & cert. ef. 8-10-16; DFW 153-2016, f. 12-28-16, cert. ef. 1-1-17; DFW 4-2017, f. & cert. ef. 1-25-17; DFW 44-2017(Temp), f. 4-19-17, cert. ef. 4-24-17 thru 9-30-17

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Rule Caption: Salmon Seasons for Commercial and Sport Fisheries in the Pacific Ocean

Adm. Order No.: DFW 45-2017
Filed with Sec. of State: 4-24-2017
Certified to be Effective: 4-24-17
Notice Publication Date: 3-1-2017
Rules Amended: 635-003-0003, 635-003-0085, 635-013-0003, 635-013-0007

Subject: Amend rules related to commercial and sport salmon fishing in the Pacific Ocean within Oregon State jurisdiction. House-keeping and technical corrections to the regulations may occur to ensure rule consistency.

Rules Coordinator: Michelle Tate—(503) 947-6044

635-003-0003

Purpose and Scope

(1) The purpose of Division 003 is to provide for management of commercial salmon fisheries off the Oregon Coast over which the state has jurisdiction.

(2) Division 003 incorporates into Oregon Administrative Rules, by reference, the annual ocean troll salmon specifications and management measures as adopted by the Pacific Fishery Management Council in its annual Ocean Salmon Management Measures and Impacts, as finalized in April 2017, and in addition to the extent they are consistent with these rules, Code of Federal Regulations (CFR), Title 50, Part 660, Subpart H (61FR34572, July 2, 1996, as amended to incorporate the standards in the Pacific Fishery Management Council referenced document). Therefore, persons must consult the Pacific Fishery Management Council referenced document and Federal Regulations in addition to Division 003 to determine all applicable troll salmon fishing requirements. A copy of the Pacific Fishery Management Council referenced document and the Federal Regulations may be obtained by contacting the Pacific Fishery Management Council at www.pcouncil.org or at 7700 NE Ambassador Place, Suite 101, Portland, OR 97220-1384.

(3) To the extent not preempted by Federal law, these regulations apply within the State of Oregon's Fisheries Conservation Zone (out to fifty miles from shore).

Stat. Auth.: ORS 496.138, 496.146 & 506.119
Stats. Implemented: ORS 506.129

Hist.: FWC 29-1989, f. 4-28-89, cert. ef. 5-1-89; FWC 25-1994, f. & cert. ef. 5-2-94; FWC 20-1996, f. & cert. ef. 4-29-96; DFW 34-1998, f. & cert. ef. 5-4-98; DFW 31-1999, f. & cert. ef. 5-3-99; DFW 38-2000, f. & cert. ef. 7-3-00; DFW 28-2001, f. & cert. ef. 5-1-01; DFW 37-2002, f. & cert. ef. 4-23-02; DFW 35-2003, f. 4-30-03, cert. ef. 5-1-03; DFW 32-2004, f. 4-22-04, cert. ef. 5-1-04; DFW 25-2005, f. & cert. ef. 4-15-05; DFW 26-2006(Temp), f. 4-20-06, cert. ef. 5-1-06 thru 10-27-06; Administrative correction, 11-16-06; DFW 24-2007, f. 4-16-07, cert. ef. 5-1-07; DFW 36-2008, f. 4-21-08, cert. ef. 5-1-08; DFW 52-2009, f. & cert. ef. 5-18-09; DFW 72-2010, f. & cert. ef. 5-25-10; DFW 34-2011, f. 4-27-11, cert. ef. 5-1-11; DFW 38-2012, f. 4-24-12, cert. ef. 5-1-12; DFW 28-2013(Temp), f. 4-25-13, cert. ef. 5-1-13 thru 5-15-13; DFW 33-2013, f. & cert. ef. 5-14-13; DFW 41-2014(Temp), f. & cert. ef. 5-8-14 thru 6-30-14; DFW 61-2014, f. & cert. ef. 6-10-14; DFW 78-2014, f. & cert. ef. 6-24-14; DFW 31-2015, f. & cert. ef. 4-27-15; DFW 33-2016, f. & cert. ef. 4-25-16; DFW 45-2017, f. & cert. ef. 4-24-17

635-003-0085

Extended Commercial Seasons

In addition to the open seasons prescribed in OAR 635-003-0003 there are open seasons for Chinook salmon as follows:

(1) Elk River Ocean Terminal Area - from November 1-30 in the area described in section (1)(a) of this rule.

(a) The open area is all Pacific Ocean waters shoreward of a line drawn from Cape Blanco (42°50'20" N. Lat.) thence SW to Black Rock (42°49'24" N. Lat. 124°35'00" W. Long.), thence SSW to Best Rock (42°47'24" N. Lat. 124°35'42" W. Long.), thence SE to 42°40'30" N. Lat. 124°29'00" W. Long., thence to shore (Humbog Mountain).

(b) During the season described in this section (1), it is unlawful to take Chinook salmon less than 26 inches in total length; it is unlawful to use multipoint or barbed hooks or to fish more than four spreads per line; and it is unlawful to have in possession or to land more than 20 Chinook per day taken in this fishery. Landings are restricted to Port Orford.

(2) Chetco River Ocean Terminal Area - from October 10 through the earlier of October 31 or quota of 300 Chinook in the area described in section (2)(a) of this rule:

(a) The open area is all Pacific Ocean waters inside an area south of the north shore of Twin Rocks (42°05'36" N. Lat.) to the Oregon/California border (42°00'00" N. Lat.) and seaward three nautical miles offshore;

(b) During the season described in this section (2) it is unlawful to take Chinook salmon less than 28 inches in total length; it is unlawful to use multipoint or barbed hooks, or to fish more than four spreads per line; and it is unlawful to have in possession or to land more than 5 Chinook per day taken in this fishery. Landings are restricted to Brookings.

ADMINISTRATIVE RULES

(c) All vessels landing salmon caught in this season must report to ODFW within one hour of delivery or prior to transport away from the port of landing by either calling (541) 867-0300, ext. 252 or by e-mail to kmzorb.trollreport@state.or.us. Notification shall include vessel name and number, number of salmon by species, port of landing, location of delivery, and estimated time of delivery.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
Stat. Implemented: ORS 506.129
Hist.: FWC 48-1984(Temp), f. & cert. ef. 8-31-84; 57-1984(Temp), f. & cert. ef. 9-15-84; FWC 59-1986(Temp), f. & cert. ef. 9-19-86; FWC 106-1992(Temp), f. 10-8-92, cert. ef. 10-24-92; FWC 111-1992(Temp), f. 10-26-92, cert. ef. 10-27-92; FWC 62-1993, f. & cert. ef. 10-1-93; FWC 56-1994, f. 8-30-94, cert. ef. 9-1-94; FWC 80-1994(Temp), f. 10-25-94, cert. ef. 10-26-94; FWC 82-1994(Temp), f. 10-28-94, cert. ef. 10-30-94; FWC 81-1995, f. 9-29-95, cert. ef. 10-1-95; FWC 85-1995(Temp), f. & cert. ef. 10-20-95; FWC 56-1996, f. 9-27-96, cert. ef. 10-1-96; FWC 30-1997, f. & cert. ef. 5-5-97; FWC 66-1997(Temp), f. 10-24-97, cert. ef. 10-26-97; FWC 67-1997(Temp), f. 10-28-97, cert. ef. 10-29-97; DFW 34-1998, f. & cert. ef. 5-4-98; DFW 31-1999, f. & cert. ef. 5-3-99; DFW 24-2000, f. 4-28-00, cert. ef. 5-1-00; DFW 28-2001, f. & cert. ef. 5-1-01; DFW 35-2003, f. 4-30-03, cert. ef. 5-1-03; DFW 26-2006(Temp), f. 4-20-06, cert. ef. 5-1-06 thru 10-27-06; DFW 78-2006(Temp), f. 8-7-06, cert. ef. 9-1-06 thru 12-15-06; Administrative correction 12-16-06; DFW 24-2007, f. 4-16-07, cert. ef. 5-1-07; DFW 65-2008(Temp), f. 6-20-08, cert. ef. 9-1-08 thru 12-31-08; DFW 128-2008(Temp), f. 10-9-08, cert. ef. 10-12-08 thru 12-31-08; Administrative correction 1-23-09; DFW 52-2009, f. & cert. ef. 5-18-09; DFW 102-2009(Temp), f. 8-27-09, cert. ef. 9-1-09 thru 12-31-09; DFW 132-2009(Temp), f. & cert. ef. 10-19-09 thru 10-31-09; Administrative correction 11-19-09; DFW 76-2010, f. 6-8-10, cert. ef. 8-1-10; DFW 147-2010(Temp), f. & cert. ef. 10-15-10 thru 10-31-10; DFW 151-2010(Temp), f. 10-19-10, cert. ef. 10-20-10 thru 10-31-10; DFW 153-2010(Temp), f. & cert. ef. 10-29-10 thru 10-31-10; Administrative correction 11-23-10; DFW 83-2011, f. 6-30-11, cert. ef. 7-1-11; DFW 62-2012, f. 6-12-12, cert. ef. 7-1-12; DFW 61-2014, f. & cert. ef. 6-10-14; DFW 78-2014, f. & cert. ef. 6-24-14; DFW 31-2015, f. & cert. ef. 4-27-15; DFW 143-2015(Temp), f. & cert. ef. 10-16-15 thru 12-31-15; DFW 146-2015(Temp), f. 10-19-15, cert. ef. 10-21-15 thru 12-31-15; DFW 148-2015(Temp), f. 10-22-15, cert. ef. 10-23-15 thru 12-31-15; DFW 149-2015(Temp), f. 10-26-15, cert. ef. 10-27-15 thru 12-31-15; Administrative correction, 1-22-16; DFW 33-2016, f. & cert. ef. 4-25-16; DFW 138-2016(Temp), f. 10-24-16, cert. ef. 10-26-16 thru 11-30-16; DFW 45-2017, f. & cert. ef. 4-24-17

635-013-0003

Purpose and Scope

(1) The purpose of Division 013 is to provide for management of sport salmon fisheries off the Oregon Coast over which the State has jurisdiction.

(2) This rule incorporates by reference, the annual ocean sport salmon specifications and management measures as adopted by the Pacific Fishery Management Council in its annual Ocean Salmon Management Measures and Impacts, as finalized in April 2017, and in addition to the extent they are consistent with these rules, Code of Federal Regulations (CFR), Title 50, Part 660, Subparts A and H.

(3) This rule also incorporates by reference the Oregon Sport Fishing Regulations.

(4) A copy of the Pacific Fishery Management Council referenced document and the Federal Regulations may be obtained by contacting the Pacific Fishery Management Council at www.pfcouncil.org or at 7700 NE Ambassador Place, Suite 101, Portland, OR 97220-1384.

(5) To the extent not preempted by Federal law, these regulations apply within the State of Oregon's Fisheries Conservation Zone (out to fifty miles from shore).

Stat. Auth.: ORS 496.138, 496.146 & 506.119
Stats. Implemented: ORS 496.162 & 506.129
Hist.: FWC 44-1984(Temp), f. & cert. ef. 8-23-84; FWC 29-1989, f. 4-28-89, cert. ef. 5-1-89; FWC 52-1989(Temp), f. & cert. ef. 7-28-89; FWC 37-1990, f. & cert. ef. 5-1-90; FWC 31-1992, f. 4-29-92, cert. ef. 5-1-92; FWC 25-1994, f. & cert. ef. 5-2-94; FWC 34-1995, f. & cert. ef. 5-1-95; FWC 77-1995, f. 9-13-95, cert. ef. 1-1-95; FWC 20-1996, f. & cert. ef. 4-29-96; FWC 72-1996, f. 12-21-96, cert. ef. 1-1-97; FWC 75-1997, f. 12-31-97, cert. ef. 1-1-98; DFW 34-1998, f. & cert. ef. 5-4-98; DFW 100-1998, f. 12-23-98, cert. ef. 1-1-99; DFW 31-1999, f. & cert. ef. 5-3-99; DFW 38-2000, f. & cert. ef. 7-3-00; DFW 1-2001, f. 1-25-01, cert. ef. 2-1-01; DFW 28-2001, f. & cert. ef. 5-1-01; DFW 130-2002, f. 11-21-02, cert. ef. 1-1-03; DFW 35-2003, f. 4-30-03, cert. ef. 5-1-03; DFW 125-2003, f. 12-11-03, cert. ef. 1-1-04; DFW 32-2004, f. 4-22-04, cert. ef. 5-1-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 25-2005, f. & cert. ef. 4-15-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 26-2006(Temp), f. 4-20-06, cert. ef. 5-1-06 thru 10-27-06; Administrative correction, 11-16-06; DFW 24-2007, f. 4-16-07, cert. ef. 5-1-07; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 36-2008, f. 4-21-08, cert. ef. 5-1-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 52-2009, f. & cert. ef. 5-18-09; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 72-2010, f. & cert. ef. 5-25-10; DFW 171-2010, f. 12-30-10, cert. ef. 1-1-11; DFW 34-2011, f. 4-27-11, cert. ef. 5-1-11; DFW 163-2011, f. 12-27-11, cert. ef. 1-1-12; DFW 38-2012, f. 4-24-12, cert. ef. 5-1-12; DFW 149-2012, f. 12-27-12, cert. ef. 1-1-13; DFW 28-2013(Temp), f. 4-25-13, cert. ef. 5-1-13 thru 5-15-13; DFW 33-2013, f. & cert. ef. 5-14-13; DFW 41-2014(Temp), f. & cert. ef. 5-8-14 thru 6-30-14; DFW 61-2014, f. & cert. ef. 6-10-14; DFW 78-2014, f. & cert. ef. 6-24-14; DFW 31-2015, f. & cert. ef. 4-27-15; DFW 33-2016, f. & cert. ef. 4-25-16; DFW 45-2017, f. & cert. ef. 4-24-17

635-013-0007

Special South Coast Seasons

In addition to the open seasons prescribed in OAR 635-013-0005 there are open seasons for Chinook salmon as follows:

(1) Elk River Area.

(a) From November 1 through November 30 in all Pacific Ocean waters shoreward of a line drawn from Cape Blanco (42°50'20" N. Lat.) thence SW to Black Rock (42°49'24" N. Lat. 124°35'00" W. Long.), thence SSW to Best Rock (42°47'24" N. Lat. 124°35'42" W. Long.), thence SE to 42°40'30" N. Lat. 124°29'00" W. Long., thence to shore (Humbug Mountain);

(b) During the season described for the Elk River Area in section (1)(a) of this rule it is unlawful to take Chinook salmon less than 24 inches in length. Two Chinook salmon per day of which no more than one wild Chinook salmon per day and 10 wild Chinook salmon in the seasonal aggregate when combined with waters of Floras Creek/New River, Sixes River and Elk River. It is unlawful to use multipoint or barbed hooks.

(2) Chetco River Area.

(a) From October 4-8 in an area south of the north shore of Twin Rocks (42°05'36" N. Lat.) to the Oregon/California border (42°00'00" N. Lat.) and seaward three nautical miles offshore.

(b) During the seasons described in section (2)(a) of this rule it is unlawful to take Chinook salmon less than 24 inches in length. Two Chinook salmon per day of which no more than one wild Chinook salmon per day and no more than 5 wild Chinook salmon may be retained during the October 1-3 and October 8-9 season. It is unlawful to use multipoint or barbed hooks.

Stat. Auth.: ORS 496.138, 496.146, & 506.119
Stats. Implemented: ORS 496.162 & 506.129
Hist.: FWC 25-1982, f. & cert. ef. 4-30-82; FWC 62-1983(Temp), f. & cert. ef. 11-1-83; FWC 69-1984(Temp), f. & cert. ef. 10-2-84; FWC 59-1985(Temp), f. & cert. ef. 9-13-85; FWC 59-1986(Temp), f. & cert. ef. 9-19-86; FWC 77-1986(Temp), f. & cert. ef. 11-26-86; FWC 76-1987, f. & cert. ef. 9-15-87; FWC 84-1988, f. & cert. ef. 9-9-88; FWC 83-1989, f. 8-31-89, cert. ef. 9-16-89; FWC 86-1990, f. 8-24-90, cert. ef. 9-1-90; FWC 42-1991, f. 4-29-91, cert. ef. 5-1-91; FWC 101-1992, f. 9-29-92, cert. ef. 10-1-92; FWC 114-1992(Temp), f. 10-26-92, cert. ef. 10-27-92; FWC 62-1993, f. & cert. ef. 10-1-93; FWC 56-1994, f. 8-30-94, cert. ef. 9-1-94; FWC 78-1994(Temp), f. 10-20-94, cert. ef. 10-21-94; FWC 81-1995, f. 9-29-95, cert. ef. 10-1-95; FWC 84-1995(Temp), f. 10-13-95, cert. ef. 10-16-95; FWC 86-1995(Temp), f. 10-20-95, cert. ef. 10-21-95; FWC 56-1996, f. 9-27-96, cert. ef. 10-1-96; FWC 30-1997, f. & cert. ef. 5-5-97; DFW 34-1998, f. & cert. ef. 5-4-98; DFW 31-1999, f. & cert. ef. 5-3-99; DFW 24-2000, f. 4-28-00, cert. ef. 5-1-00; DFW 28-2001, f. & cert. ef. 5-1-01; DFW 67-2008(Temp), f. 6-20-08, cert. ef. 8-1-08 thru 12-31-08; DFW 121-2008(Temp), f. & cert. ef. 10-2-08 thru 12-31-08; Administrative correction 1-23-09; DFW 52-2009, f. & cert. ef. 5-18-09; DFW 87-2009(Temp), f. 7-31-09, cert. ef. 8-1-09 thru 12-31-09; Administrative correction 1-25-10; DFW 76-2010, f. 6-8-10, cert. ef. 8-1-10; DFW 83-2011, f. 6-30-11, cert. ef. 7-1-11; DFW 151-2011(Temp), f. 10-27-11, cert. ef. 11-1-11 thru 11-30-11; Administrative correction, 12-27-11; DFW 62-2012, f. 6-12-12, cert. ef. 7-1-12; DFW 50-2013, f. 6-10-13, cert. ef. 7-1-13; DFW 61-2014, f. & cert. ef. 6-10-14; DFW 78-2014, f. & cert. ef. 6-24-14; DFW 31-2015, f. & cert. ef. 4-27-15; DFW 33-2016, f. & cert. ef. 4-25-16; DFW 45-2017, f. & cert. ef. 4-24-17

Rule Caption: Amend Rules for Sport and Commercial Halibut Fisheries

Adm. Order No.: DFW 46-2017

Filed with Sec. of State: 4-24-2017

Certified to be Effective: 4-24-17

Notice Publication Date: 3-1-2017

Rules Amended: 635-004-0585, 635-039-0085, 635-039-0090

Subject: Amendments to Oregon's regulations for sport and commercial halibut fisheries will bring the State concurrent with federally adopted regulations. Modifications establish 2017 seasons and/or quotas for these halibut fisheries. Housekeeping and technical corrections to the regulations may occur to ensure rule consistency.

Rules Coordinator: Michelle Tate—(503) 947-6044

635-004-0585

Scope, Inclusion, and Modification of Rules

(1) The commercial Pacific halibut fishery in the Pacific Ocean off Oregon is jointly managed by the state of Oregon, the federal government, and the International Pacific Halibut Commission (IPHC). The **Code of Federal Regulations** provides federal requirements for this fishery, including but not limited to the time, place, and manner of taking Pacific halibut. However, additional federal 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 E, (October 1, 2016 ed.);

(b) Federal Register Vol. 82, No. 43, dated March 7, 2017 (82 FR 12730); and

(c) Federal Register Vol. 82, No. 75, dated April 20, 2017 (82 FR 18581).

ADMINISTRATIVE RULES

(2) Persons must consult the federal regulations in addition to Division 004 to determine all applicable Pacific halibut fishing requirements. The area that federal regulations apply to is hereby extended to the area from shore to three nautical miles from shore, coterminous with the Exclusive Economic Zone.

(3) The Commission may adopt additional or modified regulations that are more conservative than federal regulations, in which case Oregon Administrative Rule takes precedence.

(4) It is unlawful to take Pacific halibut for commercial purposes except as set by federal regulations and the IPHC and in accordance with a valid permit issued by the IPHC.

[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 469.162, 506.109, 506.129 & 508.306
Hist.: DFW 75-2012, f. 6-28-12, cert. ef. 7-1-12; DFW 32-2013, f. & cert. ef. 5-14-13; DFW 36-2014, f. 4-29-14, cert. ef. 5-1-14; DFW 34-2015, f. & cert. ef. 4-28-15; DFW 35-2016, f. & cert. ef. 4-26-16; DFW 46-2017, f. & cert. ef. 4-24-17

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, 2016 ed.), as amended;

(b) Federal Register Vol. 82, No. 43, dated March 7, 2017 (82 FR 12730); and

(c) Federal Register Vol. 82, No. 75, dated April 20, 2017 (82 FR 18581).

(2) Therefore, persons must consult all publications referenced in this rule in addition to Division 039 to determine applicable halibut fishing seasons.

[Publications: Publications referenced are available from the agency.]
Stat. Auth.: ORS 496.138, 496.162, 506.036, 506.109, 506.119 & 506.129
Stats. Implemented: ORS 496.162 & 506.129
Hist.: DFW 56-2005, f. 6-21-05, cert. ef. 7-1-05; DFW 89-2005(Temp), f. & cert. ef. 8-12-05 thru 12-12-05; DFW 107-2005(Temp), f. 9-14-05, cert. ef. 9-15-05 thru 10-31-05; DFW 121-2005(Temp), f. 10-12-05, cert. ef. 10-18-05 thru 12-31-05; Administrative correction 1-19-06; DFW 34-2006(Temp), f. 5-25-06, cert. ef. 5-27-06 thru 8-3-06; Administrative correction 8-22-06; DFW 3-2007, f. & cert. ef. 1-12-07; DFW 35-2007(Temp), f. 5-25-07, cert. ef. 5-26-07 thru 8-2-07; DFW 67-2007(Temp), f. 8-9-07, cert. ef. 8-12-07 thru 9-30-07; DFW 76-2007(Temp), f. 8-17-07, cert. ef. 8-24-07 thru 9-30-07; DFW 84-2007(Temp), f. 9-5-07, cert. ef. 9-15-07 thru 9-30-07; DFW 87-2007(Temp), f. 9-10-07, cert. ef. 9-14-07 thru 10-28-07; DFW 90-2007(Temp), f. 9-19-07, cert. ef. 9-20-07 thru 10-31-07; Administrative correction 11-17-07; DFW 57-2008(Temp), f. 5-30-08, cert. ef. 6-1-08 thru 7-31-08; DFW 81-2008(Temp), f. 7-11-08, cert. ef. 8-2-08 thru 9-30-08; DFW 92-2008(Temp), f. & cert. ef. 8-11-08 thru 9-30-08; 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; Administrative correction, 10-22-15; DFW 35-2016, f. & cert. ef. 4-26-16; DFW 63-2016(Temp), f. 6-1-16, cert. ef. 6-2-16 thru 9-30-16; DFW 66-2016(Temp), f. 6-6-16, cert. ef. 6-8-16 thru 9-30-16; DFW 46-2017, f. & cert. ef. 4-24-17

635-039-0090

Inclusions and Modifications

(1) The 2017 Oregon Sport Fishing Regulations provide requirements for sport fisheries for marine fish, shellfish, and marine invertebrates in the Pacific Ocean, coastal bays, and beaches, commonly referred to as the Marine 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 2017 Oregon Sport Fishing Regulations.

(2) For the purposes of this rule, a "sport harvest guideline" is defined as a specified numerical harvest objective that is not a quota. Attainment of a harvest guideline does not automatically close a fishery. Upon attainment of a sport harvest guideline, the Department shall initiate consultation to

determine if additional regulatory actions are necessary to achieve management objectives. The following sport harvest guidelines include the combined landings and other fishery related mortality by the Oregon sport fishery in a single calendar year:

(a) Black rockfish, 400.1 metric tons.

(b) Cabezon, 16.8 metric tons.

(c) Blue rockfish, deacon rockfish, and other nearshore rockfish combined, 33.1 metric tons.

(d) Greenling, 56.3 metric tons.

(3) For the purposes of this rule, "Other nearshore rockfish" means the following rockfish species: black and yellow (*Sebastes chrysomelas*); brown (*S. auriculatus*); calico (*S. dalli*); China (*S. nebulosus*); copper (*S. caurinus*); gopher (*S. carnatus*); grass (*S. rastrelliger*); kelp (*S. atrovirens*); olive (*S. serranoides*); quillback (*S. maliger*); and treefish (*S. serripes*).

(4) In addition to the regulations for Marine Fish in the 2017 Oregon Sport Fishing Regulations, the following apply for the sport fishery in the Marine Zone:

(a) Lingcod (including green colored lingcod): 2 fish daily bag limit.

(b) All rockfish ("sea bass" "snapper"), greenling ("sea trout"), cabezon, skates, and other marine fish species not listed in the 2017 Oregon Sport Fishing Regulations in the Marine Zone, located under the category of Species Name, Marine Fish: 7 fish daily bag limit in aggregate (total sum or number), of which no more than six may be black rockfish, no more than four may be blue rockfish, deacon rockfish, China rockfish, copper rockfish, or quillback rockfish in aggregate, and no more than one may be a cabezon. Retention of the following species is prohibited:

(A) Yelloweye rockfish; and

(B) Cabezon from January 1 through June 30.

(c) Flatfish (flounder, sole, sanddabs, turbot, and all halibut species except Pacific halibut): 25 fish daily bag limit in aggregate (total sum or number).

(d) Retention of all marine fish listed under the category of Species Name, Marine Fish, except Pacific cod, sablefish, flatfish, herring, anchovy, smelt, sardine, striped bass, hybrid bass, and offshore pelagic species (excluding leopard shark and soupfin shark), is prohibited when Pacific halibut is retained on the vessel during open days for the all-depth sport fishery for Pacific halibut. Persons must also consult all publications referenced in OAR 635-039-0080 to determine all rules applicable to the taking of Pacific halibut.

(e) Harvest methods and other specifications for marine fish in subsections (4)(a), (4)(b) and (4)(c) including the following:

(A) Minimum length for lingcod, 22 inches.

(B) Minimum length for cabezon, 16 inches.

(C) May be taken by angling, hand, bow and arrow, spear, gaff hook, snag hook and herring jigs.

(D) Mutilating the fish so the size or species cannot be determined prior to landing or transporting mutilated fish across state waters is prohibited.

(E) When angling for groundfish or Pacific halibut in the Pacific Ocean or when in possession of groundfish or Pacific halibut, all vessels shall have a functional descending device on board and shall use a descending device when releasing any rockfish outside of the 30-fathom curve (defined by latitude and longitude) as shown in Title 50 Code of Federal Regulations Part 660 Section 71. Upon request, a descending device shall be presented for inspection by any person authorized to enforce the wildlife laws or a representative of the Department. In this subsection, "descending device" means a device capable of returning a rockfish back to a depth of at least 100 feet to assist the fish in recompression and to improve the fish's chance of survival.

(f) Sport fisheries for species in subsections (4)(a), (4)(b) and (4)(c) and including leopard shark and soupfin shark are open January 1 through December 31, twenty-four hours per day, except as provided in subsections (4)(b) and (4)(d). Ocean waters are closed for these species during April 1 through September 30, outside of the 30-fathom curve (defined by latitude and longitude) as shown in Title 50 Code of Federal Regulations Part 660 Section 71, except as provided in subsection 4(d). A 20-fathom, 25-fathom, or 30-fathom curve, as shown on Title 50 Code of Federal Regulations Part 660 Section 71 may be implemented as the management line as in-season modifications necessitate. In addition, the following management lines may be used to set area specific regulations for inseason action only:

(A) Cape Lookout (45°20'30" N latitude); and

(B) Cape Blanco (42°50'20" N latitude).

(g) The Stonewall Bank Yelloweye Rockfish Conservation Area (YRCA) is defined by coordinates specified in Title 50 Code of Federal Regulations Part 660 Section 70 (October 1, 2015 ed.). Within the YRCA,

ADMINISTRATIVE RULES

it is unlawful to fish for, take, or retain species listed in subsections (4)(a), (4)(b) and (4)(c) of this rule, leopard shark, soupfin shark, and Pacific halibut using recreational fishing gear. A vessel engaged in recreational fishing within the YRCA is prohibited from possessing any species listed in subsections (4)(a), (4)(b) and (4)(c) of this rule, leopard shark, soupfin shark, and Pacific halibut. Recreational fishing vessels in possession of species listed in subsections (4)(a), (4)(b) and (4)(c) and including leopard shark, soupfin shark, and Pacific halibut may transit the YRCA without fishing gear in the water.

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 22-1994, f. 4-29-94, cert. ef. 5-2-94; FWC 29-1994(Temp), f. 5-20-94, cert. ef. 5-21-94; FWC 31-1994, f. 5-26-94, cert. ef. 6-20-94; FWC 43-1994(Temp), f. & cert. ef. 7-19-94; FWC 83-1994(Temp), f. 10-28-94, cert. ef. 11-1-94; FWC 95-1994, f. 12-28-94, cert. ef. 1-1-95; FWC 22-1995, f. 3-7-95, cert. ef. 3-10-95; FWC 25-1995, f. 3-29-95, cert. ef. 4-1-95; FWC 26-1995, 3-29-95, cert. ef. 4-2-95; FWC 36-1995, f. 5-3-95, cert. ef. 5-5-95; FWC 43-1995(Temp), f. 5-26-95, cert. ef. 5-28-95; FWC 46-1995(Temp), f. & cert. ef. 6-2-95; FWC 58-1995(Temp), f. 7-3-95, cert. ef. 7-5-95; FWC 77-1995, f. 9-13-95, cert. ef. 1-1-96; FWC 28-1996(Temp), f. 5-24-96, cert. ef. 5-24-96; FWC 30-1996(Temp), f. 5-31-96, cert. ef. 6-2-96; FWC 72-1996, f. 12-31-96, cert. ef. 1-1-97; FWC 75-1997, f. 12-31-97, cert. ef. 1-1-98; DFW 100-1998, f. 12-23-98, cert. ef. 1-1-99; DFW 68-1999(Temp), f. & cert. ef. 9-17-99 thru 9-30-99; administrative correction 11-17-99; DFW 96-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 83-2000(Temp), f. 12-28-00, cert. ef. 1-1-01 thru 1-31-01; DFW 1-2001, f. 1-25-01, cert. ef. 2-1-01; DFW 118-2001, f. 12-24-01, cert. ef. 1-1-02; DFW 26-2002, f. & cert. ef. 3-21-02; DFW 130-2002, f. 11-21-02, cert. ef. 1-1-03; DFW 35-2003, f. 4-30-03, cert. ef. 5-1-03; DFW 114-2003(Temp), f. 11-18-03, cert. ef. 11-21-03 thru 12-31-03; DFW 125-2003, f. 12-11-03, cert. ef. 1-1-04; DFW 128-2003, f. 12-15-03, cert. ef. 1-1-04; DFW 83-2004(Temp), f. 8-17-04, cert. ef. 8-18-04 thru 12-31-04; DFW 91-2004(Temp), f. 8-31-04, cert. ef. 9-2-04 thru 12-31-04; DFW 97-2004(Temp), f. 9-22-04, cert. ef. 9-30-04 thru 12-31-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 34-2005(Temp), f. 4-29-05, cert. ef. 5-1-05 thru 10-27-05; DFW 75-2005(Temp), f. 7-13-05, cert. ef. 7-16-05 thru 12-31-05; DFW 87-2005(Temp), f. 8-8-05, cert. ef. 8-11-05 thru 12-31-05; DFW 121-2005(Temp), f. 10-12-05, cert. ef. 10-18-05 thru 12-31-05; DFW 129-2005(Temp), f. & cert. ef. 11-29-05 thru 12-31-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 138-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 141-2005(Temp), f. 12-12-05, cert. ef. 12-30-05 thru 12-31-05; Administrative correction 1-19-06; DFW 61-2006, f. 7-13-06, cert. ef. 10-1-06; DFW 65-2006(Temp), f. 7-21-06, cert. ef. 7-24-06 thru 12-31-06; DFW 105-2006(Temp), f. 9-21-06, cert. ef. 9-22-06 thru 12-31-06; DFW 134-2006(Temp), f. 12-21-06, cert. ef. 1-1-07 thru 6-29-07; DFW 3-2007, f. & cert. ef. 1-12-07; DFW 10-2007, f. & cert. ef. 2-14-07; DFW 66-2007(Temp), f. 8-6-07, cert. ef. 8-11-07 thru 12-31-07; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 73-2008(Temp), f. 6-30-08, cert. ef. 7-7-08 thru 12-31-08; DFW 97-2008(Temp), f. 8-18-08, cert. ef. 8-21-08 thru 12-31-08; DFW 105-2008(Temp), f. 9-4-08, cert. ef. 9-7-08 thru 12-31-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 7-2009(Temp), f. & cert. ef. 2-2-09 thru 7-31-09; DFW 39-2009, f. & cert. ef. 4-27-09; DFW 110-2009(Temp), f. 9-10-09, cert. ef. 9-13-09 thru 12-31-09; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 103-2010(Temp), f. 7-21-10, cert. ef. 7-23-10 thru 12-31-10; DFW 157-2010, f. 12-6-10, cert. ef. 1-1-11; DFW 24-2011, f. & cert. ef. 3-22-11; DFW 97-2011(Temp), f. & cert. ef. 7-20-11 thru 12-31-11; DFW 135-2011(Temp), f. 9-21-11, cert. ef. 10-1-11 thru 12-31-11; DFW 155-2011(Temp), f. 11-18-11, cert. ef. 12-1-11 thru 12-31-11; DFW 156-2011(Temp), f. 12-9-11, cert. ef. 12-15-11 thru 1-31-12; DFW 164-2011, f. 12-27-11, cert. ef. 1-1-12; DFW 90-2012(Temp), f. 7-17-12, cert. ef. 9-20-12 thru 12-31-12; DFW 151-2012, f. 12-27-12, cert. ef. 1-1-13; DFW 155-2012(Temp), f. 12-28-12, cert. ef. 1-1-13 thru 6-29-13; DFW 23-2013(Temp), f. 3-20-13, cert. ef. 4-1-13 thru 9-27-13; DFW 32-2013, f. & cert. ef. 5-14-13; DFW 112-2013(Temp), f. & cert. ef. 9-27-13 thru 12-31-13; DFW 136-2013, f. 12-19-13, cert. ef. 1-1-14; DFW 165-2014, f. 12-18-14, cert. ef. 1-1-15; DFW 4-2015, f. 1-13-15, cert. ef. 1-15-15; DFW 5-2015(Temp), f. 1-13-15, cert. ef. 1-15-15 thru 7-13-15; Temporary suspended by DFW 18-2015, f. & cert. ef. 3-10-15; DFW 34-2015, f. & cert. ef. 4-28-15; DFW 167-2015, f. 12-29-15, cert. ef. 1-1-16; DFW 3-2016, f. & cert. ef. 1-19-16; DFW 24-2016(Temp), f. 3-30-16, cert. ef. 4-1-16 thru 9-27-16; DFW 35-2016, f. & cert. ef. 4-26-16; DFW 38-2016(Temp), f. & cert. ef. 4-26-16 thru 10-22-16; DFW 91-2016(Temp), f. 7-12-16, cert. ef. 7-14-16 thru 12-31-16; DFW 105-2016, f. & cert. ef. 8-10-16; DFW 117-2016(Temp), f. 9-14-16, cert. ef. 10-1-16 thru 12-31-16; DFW 148-2016, f. 12-7-16, cert. ef. 1-1-17; DFW 153-2016, f. 12-28-16, cert. ef. 1-1-17; DFW 46-2017, f. & cert. ef. 4-24-17

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Rule Caption: Amend Rule to Authorize Transfer of Tags to Terminally Ill Individuals

Adm. Order No.: DFW 47-2017

Filed with Sec. of State: 4-24-2017

Certified to be Effective: 4-24-17

Notice Publication Date: 3-1-2017

Rules Amended: 635-060-0046

Subject: The adoption of these rules would provide a mechanism for qualifying terminally ill individuals to obtain controlled or limited hunt tags transferred from an immediate family member. To qualify for these tags individuals must have been diagnosed with a terminal illness by a licensed physician.

Rules Coordinator: Michelle Tate—(503) 947-6044

635-060-0046

Lost Tags and Tag Exchanges

(1) A fee of \$23.50 (plus a \$2.00 license agent fee) is charged to replace a tag or permit. All licenses, tags and permits, issued to the same person, that are identified as being lost, destroyed or stolen may be listed on the same affidavit for a single fee (\$23.50 plus a \$2.00 license agent fee). A fee of \$5.00 (plus a \$2.00 license agent fee) is charged to exchange

a tag or permit. However, a \$10.00 license agent fee will be charged for nonresident deer and elk tags. Duplicates and exchanges may be obtained only through the Salem headquarters, regional offices of the Department, and designated district offices. Exception: Replacement controlled hunt tags or permits will be issued at no charge only through the Salem headquarters or regional office of the Department if the Department determines that the person never received the original controlled tag or permit mailed from the Salem headquarters office.

(2) A Controlled Buck Deer Tag or Controlled Elk Tag may be exchanged for a general season tag before the opening date of the season for which either tag is valid.

(3) No controlled hunt tag shall be exchanged for another controlled hunt tag, except as described in 635-060-0008(5) and 635-075-0015(3).

(4) A Controlled Antlerless Deer Tag shall not be exchanged.

(5) In the event of the death of a successful controlled hunt applicant before the start of the season for which the tag or permit was issued, the tags of the deceased may be issued to a family member as defined by OAR 635-045-0002. Tag or permit transfer shall require a copy of the death certificate and the original controlled hunt tag or permit, and must be requested by the legal heir to the deceased which shall be presumed by possession of the tag or permit and death certificate.

(6) In the event that an immediate family member, as defined by OAR 635-045-0002, of a successful controlled hunt applicant is diagnosed as terminally ill before the start of the season for which the tag or permit was issued, the Director may authorize that the tags of the successful applicant be issued to the "qualified family member." Tag or permit transfers shall require documentation of the terminal condition diagnosed by a licensed physician and submission of the original controlled hunt tag or permit if already issued. For the purposes of this rule, "terminally ill" means that the family member has a medical prognosis that his or her life expectancy is 12 months or less if the illness runs its normal course.

(a) A qualified family member may be either resident or non-resident and must comply with all requirements for lawful hunting including but not limited to those concerning:

(A) Minimum hunting age (ORS 497.350);

(B) Hunter education (ORS 497.360);

(C) Hunting hours (OAR 635-065-0730);

(D) Holding a valid Oregon hunting license, and

(E) Using a legal weapon for hunting the species for which the tag is issued.

(b) There is no additional fee for tag exchanges under this subsection.

(7) A "leftover" controlled hunt tag may only be exchanged for a general season tag, but only if the person does not already possess a tag authorized by OAR 635-065-0015(4)(a), (b) or (c) or 635-0065-0015(5)(a), (b), (c), (d), (e), (f), or (g).

(8) The Commission shall accommodate Oregon residents who have lost preference points because of being called to active military service after June 1, 2002.

(a) The Commission shall accommodate the following individuals called to service at any location: Oregon National Guard.

(b) The Commission shall accommodate the following Oregon residents with military operational commitments: regular members of the United States Armed Forces (Army, Navy, Air Force, Marines, and Coast Guard), members of the United States military reserves, and members of the National Guard.

(c) The Commission authorizes the Director to make such accommodations by:

(A) Reinstating preference points existing for a series, plus an additional point for participating in the draw.

(B) Reinstating preference points lost after two consecutive years of not applying for a controlled hunt in that series.

(d) Individuals seeking accommodation pursuant to this rule (or immediate family members acting on their behalf) must make a request in writing or in person to the Salem headquarters office. Each request must include a letter from a supervising officer on official unit letterhead verifying operational commitments.

(9) (a) The Director may reinstate the preference points of a person who the Director determines did not or will not participate in a controlled hunt because of:

(A) Circumstances beyond the person's control; or

(B) Tragic personal circumstances.

(b) "Tragic personal circumstances" means:

(A) Death or life-threatening injury or illness in the person's immediate family; or

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(B) The person's own serious injury or illness, which results in the person's hospitalization. The person need not be hospitalized during the hunt; this rule also applies if preparation for surgery or recovery after hospitalization renders the person incapable of participating in the hunt.

(c) To apply for reinstatement, the person must provide a sworn affidavit providing adequate details and must return the unused tag if it was purchased or a signed affidavit stating the tag was not used. When relying upon tragic personal circumstances, the person must also provide a sworn affidavit by a physician. When relying upon circumstances beyond the person's control, the person must also provide documentation of the circumstances (such as an accident report or affidavit from an employer).

(d) "Circumstances beyond the person's control" excludes complaints about the quality of a hunt (including, but not limited to, road closures, inclement weather and work being conducted in the hunt area).

(e) If the Director decides that the person does not qualify for reinstatement, the person may appeal that decision to the Oregon Fish and Wildlife Commission (Commission). The Commission must review the Director's decision within 60 days after receipt of appeal. The Commission will not take verbal testimony from the person, and the Commission's decision is final.

(f) If the Director or Commission reinstates a person's preference point under this subsection, the person will be awarded a new point as when classified as "unsuccessful" in the draw and is not entitled to a refund of license or tag fees.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Other Auth.: SB 247 (2015)

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: FWC 118, f. & cert. ef. 6-3-77; FWC 32-1978, f. & cert. ef. 6-30-78; FWC 29-1979, f. & cert. ef. 8-2-79; FWC 33-1980, f. & cert. ef. 6-30-80; FWC 7-1981, f. 2-18-81, f. 6-1-81; FWC 10-1981, f. & cert. ef. 3-31-81; FWC 22-1981, f. & cert. ef. 6-29-81; FWC 21-1982, f. & cert. ef. 3-31-82; FWC 38-1982, f. & cert. ef. 6-25-82; FWC 43-1985, f. & cert. ef. 8-22-85; FWC 35-1986, f. & cert. ef. 8-7-86; FWC 11-1987, f. & cert. ef. 3-6-87; FWC 40-1987, f. & cert. ef. 7-6-87; FWC 12-1988, f. & cert. ef. 3-10-88; FWC 37-1988, f. & cert. ef. 6-13-88; FWC 48-1989, f. & cert. ef. 7-25-89; FWC 18-1991, f. & cert. ef. 3-12-91; FWC 55-1992(Temp), f. 7-22-92, cert. ef. 7-24-92; FWC 36-1993, f. & cert. ef. 6-14-93; FWC 46-1993, f. & cert. ef. 8-4-93; FWC 6-1994, f. & cert. ef. 1-26-94; FWC 94-1994, f. & cert. ef. 12-22-94; FWC 63-1995, f. & cert. ef. 8-3-95; FWC 9-1997, f. & cert. ef. 2-27-97; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 47-1999, f. & cert. ef. 6-16-99; DFW 92-1999, f. 12-8-99, cert. ef. 1-1-00; DFW 52-2001(Temp), f. & cert. ef. 6-27-01 thru 12-24-01; DFW 13-2002, f. & cert. ef. 2-12-02; DFW 34-2002, f. & cert. ef. 4-18-02; DFW 36-2002(Temp), f. & cert. ef. 4-22-02 thru 10-19-02; DFW 50-2002(Temp), f. & cert. ef. 5-16-02 thru 11-12-02; DFW 29-2003(Temp), f. & cert. ef. 4-9-03 thru 10-1-03; DFW 118-2003, f. 12-4-03, cert. ef. 1-1-04; DFW 105-2004(Temp), f. & cert. ef. 10-13-04 thru 11-15-04; DFW 107-2004(Temp), f. & cert. ef. 10-18-04 thru 11-27-04; DFW 122-2004, f. 12-21-04, cert. ef. 1-1-05; DFW 26-2005, f. & cert. ef. 4-20-05; DFW 127-2006, f. 12-7-06, cert. ef. 1-1-07; DFW 93-2007(Temp), f. & cert. ef. 9-26-07 thru 3-23-08; Administrative correction 4-23-08; DFW 126-2008(Temp), f. & cert. ef. 10-6-08 thru 4-4-09; DFW 66-2009, f. & cert. ef. 6-10-09; DFW 142-2009, f. 11-12-09, cert. ef. 1-1-10; DFW 14-2012(Temp), f. & cert. ef. 2-10-12 thru 8-7-12; DFW 58-2012, f. & cert. ef. 6-11-12; DFW 117-2013, f. & cert. ef. 10-10-13; DFW 139-2015, f. 10-14-15, cert. ef. 1-1-16; DFW 139-2016(Temp), f. & cert. ef. 10-26-16 thru 3-31-17; DFW 47-2017, f. & cert. ef. 4-24-17

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Rule Caption: Amend Rules for Issuing Leftover Limited Landowner Preference Tags

Adm. Order No.: DFW 48-2017

Filed with Sec. of State: 4-24-2017

Certified to be Effective: 4-24-17

Notice Publication Date: 3-1-2017

Rules Adopted: 635-075-0024

Rules Amended: 635-075-0020, 635-075-0022

Subject: The current process for issuing leftover Limited Landowner Preference (LOP) elk tags limits each landowner to one tag. These rules will make the process consistent for issuing leftover tags for Limited LOP deer and elk hunts. This change is necessary to make leftover

Limited LOP elk tags available to landowners who have not received all of the tags their property qualifies for based on acreage as set forth in 635-075-0005 (8).

Rules Coordinator: Michelle Tate—(503) 947-6044

635-075-0020

Landowner Hunting Preference Tags in Special Seasons

(1)(a) Landowner hunting preference tags are not available for Premium Hunts (series L, M, and N) or 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 as described in 635-075-0024.

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; DFW 18-2016, f. & cert. ef. 3-21-16; DFW 131-2016(Temp), f. 9-29-16, cert. ef. 9-30-16 thru 3-15-17; DFW 48-2017, f. & cert. ef. 4-24-17

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 August 2016 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 60% 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 60% of the established population management objective, but less than 80% 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 15 percent of the total controlled buck tags authorized for the public for each hunt in that unit by the commission, whichever is greater.

(c) In the Biggs, Columbia Basin, and Mount Emily wildlife management units, and in the NE Owyhee 167A hunt area, and in those wildlife management units where the estimated mule deer population is equal to or more than 80% 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).

(d) If conditions such as but not limited to disease or harsh winter weather occur, resulting in adoption of a Temporary OAR to reduce 100 Series mule deer tags by equal to or more than 25% from the number authorized by the Commission in areas listed or described in 635-075-0022 (3)(c), Limited Landowner Preference mule deer tags in those areas may be limited as described in 635-075-0022 (3)(b).

(4) If landowner preference tags remain from the controlled hunts described in 635-075-0022(3)(a) or (b) after the game mammal controlled hunt drawing, the Department will issue remaining tags to qualified landowners as described in 635-075-0024.

(5) Landowner Hunting Preference Tag numbers for mule deer in 2016 and 2017 are listed in Table 1 and are adopted and incorporated in OAR chapter 635, division 075 by reference.

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

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.: DFW 1-2015, f. & cert. ef. 1-6-15; DFW 69-2015, f. & cert. ef. 6-11-15; DFW 81-2016, f. & cert. ef. 6-27-16; DFW 131-2016(Temp), f. 9-29-16, cert. ef. 9-30-16 thru 3-15-17; DFW 27-2017, f. & cert. ef. 3-21-17; DFW 48-2017, f. & cert. ef. 4-24-17

635-075-0024

Issuing Leftover Limited Landowner Hunting Preference Tags

(1) If landowner preference tags remain from the controlled hunts described in 635-075-0020(1)(b) and 635-075-0022(3)(a) 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, date, and any constraints (i.e., via fax) for the sale of the tags.

(c) Only landowners who still have tags available for allocation on their property as set forth in 635-075-0005 (8) may apply for and receive

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tags remaining in the quota. Such a tag may be for the landowner or for someone other than the landowner listed on their tag distribution form.

(d) Limited landowner tags from the quota are not an additional hunting opportunity for the landowner or hunter.

(A) If the hunter has a general elk season or 200 Series controlled hunt tag, they are not eligible to receive a tag for a hunt described in 635-075-0020(1)(b) with limited landowner elk tags.

(B) If the hunter has a general deer season or 100 Series controlled hunt tag, they are not eligible to receive a tag for a hunt described in 635-075-0022(3)(a) with limited landowner deer tags.

(2) For the purposes of OAR 635-075-0020(2) and 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.

(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. Tag exchange fees as provided in OAR 635-060-0046(1) apply. 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.: DFW 48-2017, f. & cert. ef. 4-24-17

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

Adm. Order No.: DFW 49-2017

Filed with Sec. of State: 4-24-2017

Certified to be Effective: 4-24-17

Notice Publication Date: 3-1-2017

Rules Amended: 635-008-0120, 635-045-0000, 635-051-0000, 635-052-0000, 635-053-0000, 635-054-0000, 635-060-0000

Subject: Amend rules regarding the harvest of game birds including 2017-2018 season dates, open areas, regulations, and bag limits.

Rules Coordinator: Michelle Tate—(503) 947-6044

635-008-0120

Ladd Marsh Wildlife Area (Union County)

The Ladd Marsh Wildlife Area is open to wildlife-oriented public use compatible with the goals and objectives contained in the 2008 Ladd Marsh Wildlife Area Management Plan unless otherwise excluded or restricted by the following rules:

(1) All wildlife area lands, except those west of Foothill Road, are closed to public entry except Wed., Sat., Sun. and Federal holidays August 1 through January 31 with the following exceptions:

- (a) The Nature Trail, adjacent to I-84, is open year-round;
- (b) The Foothill Road Viewpoint is open year-round;
- (c) The Peach Road Fishing Pond is open year-round;

(d) The Tule Lake Public Access Area is open seven days a week March 1–July 31 and Wed., Sat., Sun. and Federal holidays August 1 through January 31.

(2) All lands west of Foothill Road are closed to all entry Feb. 1 through March 31, except by access permit issued by ODFW.

(3) A daily public access permit, is required, must be possessed at all times by users and must be completed and returned at the end of the day.

(4) The wildlife area is closed to the public between 10 pm and 4 am.

(5) Open to the discharge of firearms only while hunting during authorized game bird and big game hunting seasons, or by permit. Discharge of all handgun and centerfire or rimfire rifles is prohibited east of Foothill Road. Discharge of air guns, BB guns, and paintball guns is prohibited at all times.

(6) Camping is prohibited.

(7) Dogs are prohibited except during authorized bird hunting seasons.

(8) No person shall possess or use any shot other than federally-approved nontoxic shot at any time, except for big game hunters using buckshot or slugs.

(9) Horses are prohibited east of Foothill Road.

(10) ATV and snowmobile use is prohibited on all area lands except for administrative use.

(11) Trapping is prohibited except by access permit issued by ODFW.

(12) ODFW Wildlife Area Parking Permit required.

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

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: GC 64, f. 4-3-57; GC 232, f. 8-13-70, ef. 9-11-70; GC 252, f. 5-11-72, ef. 6-1-72, Renumbered from 630-010-0500, Renumbered from 635-015-0005; FWC 63-1980, f. & ef. 11-4-80; FWC 2-1981(Temp), f. & ef. 1-20-81; FWC 30-1982, f. & ef. 5-18-82, Renumbered from 635-008-0005(11); FWC 53-1994, f. & cert. ef. 8-25-94; DFW 38-2008, f. & cert. ef. 4-24-08; DFW 108-2011, f. & cert. ef. 8-5-11; DFW 103-2012, f. & cert. ef. 8-6-12; DFW 80-2013(Temp), f. 7-25-13, cert. ef. 7-26-13 thru 1-21-14; DFW 85-2013, f. & cert. ef. 8-5-13; DFW 117-2014, f. & cert. ef. 8-7-14; DFW 151-2014, f. & cert. ef. 10-17-14; DFW 41-2016, f. & cert. ef. 4-27-16; DFW 20-2017, f. & cert. ef. 3-2-17; DFW 49-2017, f. & cert. ef. 4-24-17

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 “2017–2018 Oregon Game Bird Regulations,” and “2017 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 73-2000, f. & cert. ef. 8-15-01; DFW 121-2001, f. 12-24-01, cert. ef. 1-1-02; DFW 88-2002, f. & cert. ef. 8-14-02; DFW 2-2003, f. & cert. ef. 1-17-03; DFW 76-2003, f. & cert. ef. 8-13-03; DFW 118-2003, f. 12-4-03, cert. ef. 1-1-04; DFW 84-2004, f. & cert. ef. 8-18-04; DFW 91-2005, f. & cert. ef. 8-19-05; DFW 128-2005, f. 12-1-05, cert. ef. 1-1-06; DFW 81-2006, f. & cert. ef. 8-11-06; DFW 127-2006, f. 12-7-06, cert. ef. 1-1-07; DFW 68-2007, f. & cert. ef. 8-14-07; DFW 118-2007, f. 10-31-07, c. cert. ef. 1-1-08; DFW 90-2008, f. & cert. ef. 8-13-08; DFW 150-2008, f. 12-18-08, cert. ef. 1-1-09; DFW 93-2009, f. & cert. ef. 8-12-09; DFW 140-2009, f. 11-3-09, cert. ef. 1-1-10; 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; DFW 105-2015, f. & cert. ef. 8-12-15; DFW 158-2015, f. & cert. ef. 11-25-15; DFW 41-2016, f. & cert. ef. 4-27-16; DFW 49-2017, f. & cert. ef. 4-24-17

635-051-0000

Purpose

(1) The purpose of these rules is to establish dates, areas and other restrictions for hunting game birds pursuant to ORS Chapter 496.

(2) The document entitled “2017–2018 Oregon Game Bird Regulations,” is incorporated by reference into these rules.

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

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

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

Hist.: FWC 8-1988, f. & cert. ef. 9-2-88; FWC 45-1997, f. & cert. ef. 8-13-97; FWC 53-1997, f. & cert. ef. 9-3-97; DFW 61-1998, f. & cert. ef. 8-10-98; DFW 75-1998, f. & cert. ef. 9-4-98; DFW 56-1999, f. & cert. ef. 8-13-99; DFW 51-2000, f. & cert. ef. 8-22-00; DFW 73-2001, f. & cert. ef. 8-15-01; DFW 3-2002(Temp), f. & cert. ef. 1-3-02 thru 1-23-02; DFW 88-2002, f. & cert. ef. 8-14-02; DFW 76-2003, f. & cert. ef. 8-13-03; DFW 84-2003(Temp), f. & cert. ef. 8-26-03 thru 2-20-04; DFW 84-2004, f. & cert. ef. 8-18-04; DFW 91-2005, f. & cert. ef. 8-19-05; DFW 81-2006, f. & cert. ef. 8-11-06; DFW 68-2007, f. & cert. ef. 8-14-07; DFW 90-2008, f. & cert. ef. 8-13-08; DFW 93-2009, f. & cert. ef. 8-12-09; DFW 117 2010, f. & cert. ef. 8-13-10; DFW 108-2011, f. & cert. ef. 8-5-11; DFW 103-2012, f. & cert. ef. 8-6-12; DFW 85-2013, f. & cert. ef. 8-5-13; DFW 112-2014, f. & cert. ef. 8-4-14; DFW 105-2015, f. & cert. ef. 8-12-15; DFW 41-2016, f. & cert. ef. 4-27-16; DFW 49-2017, f. & cert. ef. 4-24-17

635-052-0000

Purpose

(1) The purpose of these rules is to establish season dates, areas and bag limits for migratory upland game birds pursuant to ORS Chapter 496.

(2) The document entitled “2017–2018 Oregon Game Bird Regulations,” is incorporated by reference into these rules

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

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

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

Hist.: FWC 61-1988, f. & cert. ef. 7-28-88; FWC 45-1997, f. & cert. ef. 8-13-97; DFW 61-1998, f. & cert. ef. 8-10-98; DFW 56-1999, f. & cert. ef. 8-13-99; DFW 82-1999(Temp), f. & cert. ef. 10-25-99 thru 2-1-00; DFW 51-2000, f. & cert. ef. 8-22-00; DFW 73-2001, f. & cert. ef. 8-15-01; DFW 88-2002, f. & cert. ef. 8-14-02; DFW 76-2003, f. & cert. ef. 8-13-03; DFW 84-2004, f. & cert. ef. 8-18-04; DFW 91-2005, f. & cert. ef. 8-19-05; DFW 81-2006, f. & cert. ef. 8-11-06; DFW 68-2007, f. & cert. ef. 8-14-07; DFW 90-2008, f. & cert. ef. 8-13-08; DFW 93-2009, f. & cert. ef. 8-12-09; DFW 117 2010, f. & cert. ef. 8-13-10; DFW 108-2011, f. & cert. ef. 8-5-11; DFW 103-2012, f. & cert. ef. 8-6-12; DFW 85-2013, f. & cert. ef. 8-5-13; DFW 112-2014, f. & cert. ef. 8-4-14; DFW 105-2015, f. & cert. ef. 8-12-15; DFW 41-2016, f. & cert. ef. 4-27-16; DFW 49-2017, f. & cert. ef. 4-24-17

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635-053-0000

Purpose

(1) The purpose of these rules is to establish season dates, bag limits, areas and other restrictions for hunting upland game birds pursuant to ORS Chapter 496.

(2) The document entitled “2017–2018 Oregon Game Bird Regulations,” is incorporated by reference into these rules.

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

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

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

Hist.: FWC 81-1988, f. & cert. ef. 9-2-88; FWC 33-1996, f. & cert. ef. 6-7-96; FWC 45-1997, f. & cert. ef. 8-13-97; DFW 61-1998, f. & cert. ef. 8-10-98; DFW 75-1998, f. & cert. ef. 9-4-98; DFW 56-1999, f. & cert. ef. 8-13-99; DFW 82-1999(Temp), f. & cert. ef. 10-25-99 thru 2-1-00; DFW 51-2000, f. & cert. ef. 8-22-00; DFW 73-2001, f. & cert. ef. 8-15-01; DFW 3-2002(Temp), f. & cert. ef. 1-3-02 thru 1-23-02; DFW 88-2002, f. & cert. ef. 8-14-02; DFW 76-2003, f. & cert. ef. 8-13-03; DFW 2-2004(Temp), f. 1-13-04, cert. ef. 1-16-04 thru 1-31-04; DFW 84-2004, f. & cert. ef. 8-18-04; DFW 91-2005, f. & cert. ef. 8-19-05; DFW 81-2006, f. & cert. ef. 8-11-06; DFW 68-2007, f. & cert. ef. 8-14-07; DFW 90-2008, f. & cert. ef. 8-13-08; DFW 93-2009, f. & cert. ef. 8-12-09; DFW 117 2010, f. & cert. ef. 8-13-10; DFW 108-2011, f. & cert. ef. 8-5-11; DFW 103-2012, f. & cert. ef. 8-6-12; DFW 85-2013, f. & cert. ef. 8-5-13; DFW 112-2014, f. & cert. ef. 8-4-14; DFW 105-2015, f. & cert. ef. 8-12-15; DFW 41-2016, f. & cert. ef. 4-27-16; DFW 49-2017, f. & cert. ef. 4-24-17

635-054-0000

Purpose

(1) The purpose of these rules is to establish season dates, bag limits, areas and other restrictions for hunting ducks, geese, coots, Wilson’s snipe and crow pursuant to ORS Chapter 496.

(2) The document entitled “2017–2018 Oregon Game Bird Regulations,” is incorporated by reference into these rules.

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

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

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

Hist.: FWC 82-1988, f. & cert. ef. 9-2-88; FWC 45-1997, f. & cert. ef. 8-13-97; FWC 53-1997, f. & cert. ef. 9-3-97; DFW 61-1998, f. & cert. ef. 8-10-98; DFW 75-1998, f. & cert. ef. 9-4-98; DFW 95-1998(Temp), f. & cert. ef. 12-1-98 thru 12-18-98; DFW 98-1998(Temp), f. & cert. ef. 12-18-98 thru 2-28-99; DFW 56-1999, f. & cert. ef. 8-13-99; DFW 82-1999(Temp), f. & cert. ef. 10-25-99 thru 2-1-00; DFW 51-2000, f. & cert. ef. 8-22-00; DFW 73-2001, f. & cert. ef. 8-15-01; DFW 99-2001(Temp), f. & cert. ef. 10-12-01 thru 4-10-02; DFW 3-2002(Temp), f. & cert. ef. 1-3-02 thru 1-23-02; DFW 88-2002, f. & cert. ef. 8-14-02; DFW 76-2003, f. & cert. ef. 8-13-03; DFW 84-2004, f. & cert. ef. 8-18-04; DFW 87-2004(Temp), f. & cert. ef. 8-18-04 thru 9-16-04; Administrative correction 10-25-04; DFW 91-2005, f. & cert. ef. 8-19-05; DFW 81-2006, f. & cert. ef. 8-11-06; DFW 68-2007, f. & cert. ef. 8-14-07; DFW 90-2008, f. & cert. ef. 8-13-08; DFW 93-2009, f. & cert. ef. 8-12-09; DFW 117 2010, f. & cert. ef. 8-13-10; DFW 108-2011, f. & cert. ef. 8-5-11; DFW 103-2012, f. & cert. ef. 8-6-12; DFW 85-2013, f. & cert. ef. 8-5-13; DFW 112-2014, f. & cert. ef. 8-4-14; DFW 105-2015, f. & cert. ef. 8-12-15; DFW 41-2016, f. & cert. ef. 4-27-16; DFW 49-2017, f. & cert. ef. 4-24-17

635-060-0000

Purpose and General Information

(1) The purpose of these rules is to describe the requirements and procedures for controlled hunts pursuant to ORS Chapter 496.162.

(2) The documents entitled “2017–2018 Oregon Game Bird Regulations,” and “2017 Oregon Big Game Regulations,” are incorporated by reference into these rules. These documents are available at hunting license agents and regional, district, and headquarters offices of the Oregon Department of Fish and Wildlife.

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

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

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

Hist.: FWC 118, f. & ef. 6-3-77; FWC 25-1978, f. & ef. 5-26-78; FWC 32-1978, f. & ef. 6-30-78; FWC 29-1979, f. & ef. 8-2-79; FWC 33-1980, f. & ef. 6-30-80; FWC 7-1981, f. 2-18-81, ef. 6-1-81; FWC 10-1981, f. & ef. 3-31-81; FWC 22-1981, f. & ef. 6-29-81; FWC 21-1982, f. & ef. 3-31-82; FWC 38-1982, f. & ef. 6-25-82; FWC 34-1984, f. & ef. 7-24-84; FWC 16-1985, f. & ef. 4-11-85; FWC 43-1985, f. & ef. 8-22-85; FWC 35-1986, f. & ef. 8-7-86; FWC 11-1987, f. & ef. 3-6-87; FWC 40-1987, f. & ef. 7-6-87; FWC 12-1988, f. & cert. ef. 3-10-88; FWC 37-1988, f. & cert. ef. 6-13-88; FWC 14-1989, f. & cert. ef. 3-28-89; FWC 48-1989, f. & cert. ef. 7-25-89; FWC 23-1990, f. & cert. ef. 3-21-90; FWC 71-1997, f. & cert. ef. 12-29-97; DFW 61-1998, f. & cert. ef. 8-10-98; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 56-1999, f. & cert. ef. 8-13-99; DFW 92-1999, f. 12-8-99, cert. ef. 1-1-00; DFW 51-2000, f. & cert. ef. 8-22-00; DFW 82-2000, f. 12-21-00, cert. ef. 1-1-01; DFW 73-2001, f. & cert. ef. 8-15-01; DFW 121-2001, f. 12-24-01, cert. ef. 1-1-02; DFW 3-2002(Temp), f. & cert. ef. 1-3-02 thru 1-23-02; DFW 28-2002(Temp), f. 4-1-02, cert. ef. 4-2-02 thru 9-28-02; DFW 59-2002, f. & cert. ef. 6-11-02; DFW 88-2002, f. & cert. ef. 8-14-02; DFW 2-2003, f. & cert. ef. 1-17-03; DFW 76-2003, f. & cert. ef. 8-13-03; DFW 118-2003, f. 12-4-03, cert. ef. 1-1-04; DFW 84-2004, f. & cert. ef. 8-18-04; DFW 122-2004, f. 12-21-04, cert. ef. 1-1-05; DFW 91-2005, f. & cert. ef. 8-19-05; DFW 128-2005, f. 12-1-05, cert. ef. 1-1-06; DFW 81-2006, f. & cert. ef. 8-11-06; DFW 127-2006, f. 12-7-06, cert. ef. 1-1-07; DFW 68-2007, f. & cert. ef. 8-14-07; DFW 118-2007, f. 10-31-07, cert. ef. 1-1-08; DFW 60-2008, f. & cert. ef. 6-12-08; DFW 90-2008, f. & cert. ef. 8-13-08; DFW 150-2008, f. 12-18-08, cert. ef. 1-1-09; DFW 93-2009, f. & cert. ef. 8-12-09; DFW 140-2009, f. 11-3-09, cert. ef. 1-1-10; 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 85-2013, f. & cert. ef. 8-5-13; DFW 112-2014, f. & cert. ef. 8-4-14; DFW 151-2014, f. & cert. ef. 10-17-14; DFW 105-2015, f. & cert. ef. 8-12-15; DFW 158-2015, f. & cert. ef. 11-25-15; DFW 41-2016, f. & cert. ef. 4-27-16; DFW 20-2017, f. & cert. ef. 3-2-17; DFW 49-2017, f. & cert. ef. 4-24-17

Rule Caption: Oregon State List of Threatened and Endangered Species Amended.

Adm. Order No.: DFW 50-2017

Filed with Sec. of State: 4-25-2017

Certified to be Effective: 4-25-17

Notice Publication Date: 3-1-2017

Rules Amended: 635-100-0125

Subject: Rule amendments reclassify the Borax Lake Chub (*Gila boraxobius*) from Endangered to Threatened and remove the Foskett Spring Speckled Dace (*Rhinichthys osculus* ssp.) from the Oregon State List of Threatened and Endangered Species.

Rules Coordinator: Michelle Tate—(503) 947-6044

635-100-0125

State List of Threatened and Endangered Species

The state list of threatened and endangered species is as follows:
[Table not included. See ED. NOTE.]

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

Stat. Auth.: ORS 496.004, 496.171, 496.172, 496.182, 496.192 & 498.026

Stats. Implemented: ORS 496.004, 496.171, 496.172, 496.182, 496.192 & 498.026

Hist.: FWC 50-1988, f. & cert. ef. 6-24-88; FWC 108-1988, f. & cert. ef. 12-29-88; FWC 40-1989, f. 6-20-89, cert. ef. 7-1-89; FWC 46-1991, f. 5-1-91, cert. ef. 5-6-91; FWC 130-1991, f. & cert. ef. 11-4-91; FWC 132-1991, f. 11-19-91, cert. ef. 11-20-91; FWC 69-1993, f. & cert. ef. 11-1-93; FWC 44-1995, f. & cert. ef. 5-30-95; FWC 93-1995, f. & cert. ef. 12-8-95; Administrative Correction 3-10-98; DFW 18-1999(Temp), f. 3-12-99, cert. ef. 4-1-99 thru 9-27-99; DFW 24-1999(Temp), f. 4-14-99, cert. ef. 5-1-99 thru 10-27-99; DFW 33-1999(Temp), f. 5-7-99, cert. ef. 6-1-99 thru 11-27-99; DFW 44-1999(Temp), f. & cert. ef. 7-1-99 thru 12-27-99; DFW 49-1999(Temp), f. 7-13-99, cert. ef. 8-1-99 thru 1-27-00; DFW 51-1999, f. & cert. ef. 7-22-99; DFW 54-1999(Temp), f. 8-10-99, cert. ef. 9-1-99 thru 2-27-00; DFW 63-1999(Temp), f. 9-10-99, cert. ef. 10-1-99 thru 3-28-00; DFW 80-1999(Temp), f. 10-11-99, cert. ef. 11-1-99 thru 4-27-00; DFW 91-1999(Temp), f. 12-2-99, cert. ef. 1-1-00 thru 6-28-00; DFW 2-2000(Temp), f. & cert. ef. 2-1-00 thru 7-28-00; DFW 5-2000, f. 2-3-00, cert. ef. 2-4-00; DFW 66-2005(Temp), f. & cert. ef. 7-1-05 thru 12-12-05; DFW 93-2005, f. & cert. ef. 8-19-05; DFW 26-2007, f. & cert. ef. 4-19-07; DFW 23-2012, f. & cert. ef. 3-14-12; DFW 153-2015, f. & cert. ef. 11-10-15; DFW 50-2017, f. & cert. ef. 4-25-17

Rule Caption: 2017 Sturgeon Closure and Angling Limitations on the Gilbert River

Adm. Order No.: DFW 51-2017(Temp)

Filed with Sec. of State: 4-25-2017

Certified to be Effective: 4-25-17 thru 9-30-17

Notice Publication Date:

Rules Amended: 635-017-0090

Subject: The amended rule closes all sturgeon angling for the remainder of 2017, including catch and release as well as closing all angling from April 24 through June 15 and October 1 through December 31, 2017 in the Gilbert River. The area includes the Gilbert River from the upstream end of the Gilbert River Fishing Pier located near the confluence with Multnomah Channel, upstream to Sturgeon Lake.

Rules Coordinator: Michelle Tate—(503) 947-6044

635-017-0090

Inclusions and Modifications

(1) The **2017 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 2017 Oregon Sport Fishing Regulations.

(2) Beginning February 1, 2017, the use of barbed hooks is allowed when angling for salmon, steelhead, or trout in Willamette River downstream of Willamette Falls (including Multnomah Channel and Gilbert River) and in lower Clackamas River upstream to Highway 99E Bridge.

(3) 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

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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.

(4) In the Gilbert River, from the upstream end of the Gilbert River Fishing Pier located near the confluence with Multnomah Channel, upstream to Sturgeon Lake, the following rules apply:

(a) Closed for sturgeon angling all year, including catch and release.

(b) Closed to all angling from April 24 through June 15 and October 1 through December 31, 2017.

Stat. Auth.: ORS 496.138, 496.146, 497.121 & 506.119

Stats. Implemented: ORS 496.004, 496.009, 496.162 & 506.129

Hist.: FWC 82-1993, f. 12-22-93, cert. ef. 1-1-94; FWC 3-1994, f. 1-25-94, cert. ef. 1-26-94; FWC 65-1994(Temp), f. 9-15-94, cert. ef. 9-17-94; FWC 86-1994(Temp), f. 10-31-94, cert. ef. 11-1-94; FWC 22-1995, f. 3-7-95, cert. ef. 3-10-95; FWC 32-1995, f. & cert. ef. 4-24-95; FWC 77-1995, f. 9-13-95, cert. ef. 1-1-96; FWC 14-1996, f. 3-29-96, cert. ef. 4-1-96; FWC 20-1996, f. & cert. ef. 4-29-96; FWC 22-1996(Temp), f. 5-9-96 & cert. ef. 5-10-96; FWC 72-1996, f. 12-31-96, cert. ef. 1-1-97; FWC 5-1997, f. & cert. ef. 2-4-97; FWC 13-1997, f. 3-5-97, cert. ef. 3-11-97; FWC 17-1997(Temp), f. 3-19-97, cert. ef. 4-1-97; FWC 24-1997(Temp), f. & cert. ef. 4-10-97; FWC 31-1997(Temp), f. 5-14-97, cert. ef. 5-15-97; FWC 39-1997(Temp), f. 6-17-97, cert. ef. 6-18-97; FWC 69-1997, f. & cert. ef. 11-6-97; FWC 75-1997, f. 12-31-97, cert. ef. 1-1-98; DFW 19-1998, f. & cert. ef. 3-12-98; DFW 28-1998(Temp), f. & cert. ef. 4-9-98 thru 4-24-98; DFW 31-1998(Temp), f. & cert. ef. 4-24-98 thru 7-31-98; DFW 33-1998(Temp), f. & cert. ef. 4-30-98 thru 5-15-98; DFW 34-1998, f. & cert. ef. 5-4-98; DFW 35-1998(Temp), f. & cert. ef. 5-10-98 thru 5-15-98; DFW 37-1998(Temp), f. & cert. ef. 5-15-98 thru 7-31-98; DFW 100-1998, f. 12-23-98, cert. ef. 1-1-99; DFW 15-1999, f. & cert. ef. 3-9-99; DFW 16-1999(Temp), f. & cert. ef. 3-10-99 thru 3-19-99; DFW 19-1999(Temp), f. & cert. ef. 3-19-99 thru 4-15-99; DFW 27-1999(Temp), f. & cert. ef. 4-23-99 thru 10-20-99; DFW 30-1999(Temp), f. & cert. ef. 4-27-99 thru 5-12-99; DFW 35-1999(Temp), f. & cert. ef. 5-13-99 thru 7-31-99; DFW 39-1999(Temp), f. 5-26-99, cert. ef. 5-27-99 thru 7-31-99; DFW 78-1999, f. & cert. ef. 10-4-99; DFW 88-1999(Temp), f. 11-5-99, cert. ef. 11-6-99 thru 11-30-99; administrative correction 11-17-99; DFW 96-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 13-2000, f. & cert. ef. 3-20-00; DFW 22-2000, f. 4-14-00, cert. ef. 4-16-00 thru 7-31-00; DFW 23-2000(Temp), f. 4-19-00, cert. ef. 4-22-00 thru 7-31-00; DFW 58-2000(Temp), f. & cert. ef. 9-1-00 thru 12-31-00; DFW 83-2000(Temp), f. 12-28-00, cert. ef. 1-1-01 thru 1-31-01; DFW 1-2001, f. 1-25-01, cert. ef. 2-1-01; DFW 6-2001, f. & cert. ef. 3-1-01; DFW 23-2001(Temp), f. & cert. ef. 4-23-01 thru 10-19-01; DFW 28-2001, f. & cert. ef. 5-1-01; DFW 40-2001(Temp), f. & cert. ef. 5-24-01 thru 11-20-01; DFW 46-2001(Temp), f. 6-8-01, cert. ef. 6-16-01 thru 12-13-01; DFW 70-2001, f. & cert. ef. 8-10-01; DFW 72-2001(Temp), f. 8-10-01, cert. ef. 8-16-01 thru 12-31-01; DFW 90-2001(Temp), f. 9-14-01, cert. ef. 9-15-01 thru 12-31-01; DFW 95-2001(Temp), f. 9-27-01, cert. ef. 10-20-01 thru 12-31-01; DFW 123-2001, f. 12-31-01, cert. ef. 1-1-02; DFW 5-2002(Temp), f. 1-11-02, cert. ef. 1-12-02 thru 7-11-02; DFW 26-2002, f. & cert. ef. 3-21-02; DFW 37-2002, f. & cert. ef. 4-23-02; DFW 42-2002, f. & cert. ef. 5-3-02; DFW 44-2002(Temp), f. 5-7-02, cert. ef. 5-8-02 thru 11-3-02; DFW 70-2002(Temp), f. 7-10-02 cert. ef. 7-12-02 thru 12-31-02; DFW 91-2002(Temp), f. 8-19-02, cert. ef. 8-20-02 thru 11-1-02 (Suspended by DFW 101-2002(Temp), f. & cert. ef. 10-3-02 thru 11-1-02); DFW 130-2002, f. 11-21-02, cert. ef. 1-1-03; DFW 16-2003(Temp), f. 2-27-03, cert. ef. 3-1-03 thru 7-1-03; DFW 42-2003, f. & cert. ef. 5-16-03; DFW 53-2003(Temp), f. 6-17-03, cert. ef. 6-18-03 thru 12-14-03; DFW 57-2003(Temp), f. & cert. ef. 7-8-03 thru 12-31-03; DFW 59-2003(Temp), f. & cert. ef. 7-11-03 thru 12-31-03; DFW 70-2003(Temp), f. & cert. ef. 7-23-03 thru 12-31-03; DFW 71-2003(Temp), f. 7-24-03, cert. ef. 7-25-03 thru 12-31-03; DFW 90-2003(Temp), f. 9-12-03 cert. ef. 9-13-03 thru 12-31-03; DFW 125-2003, f. 12-11-03, cert. ef. 1-1-04; DFW 33-2004, f. 4-22-04, cert. ef. 5-1-04; DFW 48-2004(Temp), f. 5-26-04, cert. ef. 5-28-04 thru 11-23-04; DFW 69-2004(Temp), f. & cert. ef. 7-12-04 thru 11-23-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 24-2005, f. 4-15-05, cert. ef. 5-1-05; DFW 78-2005(Temp), f. 7-19-05, cert. ef. 7-21-05 thru 7-22-05; Administrative correction 8-17-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 36-2006(Temp), f. & cert. ef. 6-1-06 thru 9-30-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 121-2006(Temp), f. & cert. ef. 10-20-06 thru 12-31-06; DFW 32-2007, f. 5-14-07, cert. ef. 6-1-07; DFW 65-2007(Temp), f. & cert. ef. 8-6-07 thru 10-31-07; DFW 105-2007(Temp), f. 10-4-07, cert. ef. 10-6-07 thru 11-30-07; Administrative correction 12-20-07; DFW 134-2007, f. 12-26-07, cert. ef. 1-1-08; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 1-2008(Temp), f. & cert. ef. 1-9-08 thru 7-6-08; DFW 5-2008(Temp), f. 1-25-08, cert. ef. 2-1-08 thru 7-6-08; DFW 15-2008(Temp), f. 2-26-08, cert. ef. 3-1-08 thru 7-29-08; DFW 46-2008(Temp), f. 5-9-08, cert. ef. 5-12-08 thru 7-29-08; DFW 55-2008(Temp), f. 5-30-08, cert. ef. 6-2-08 thru 10-31-08; DFW 82-2008(Temp), f. 7-21-08, cert. ef. 7-29-08 thru 12-31-08; DFW 110-2008(Temp), f. 9-15-08, cert. ef. 9-17-08 thru 12-31-08; DFW 124-2008(Temp), f. 10-1-08, cert. ef. 10-2-08 thru 12-31-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 9-2009(Temp), f. 2-13-09, cert. ef. 3-1-09 thru 8-15-09; DFW 15-2009, f. & cert. ef. 2-25-09; DFW 74-2009(Temp), f. 6-25-09, cert. ef. 6-30-09 thru 7-2-09; Administrative correction 7-21-09; DFW 103-2009(Temp), f. 8-27-09, cert. ef. 9-1-09 thru 12-31-09; DFW 118-2009(Temp), f. & cert. ef. 9-28-09 thru 12-31-09; DFW 123-2009(Temp), f. & cert. ef. 10-5-09 thru 12-31-09; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 61-2010, f. & cert. ef. 5-14-10; DFW 62-2010(Temp), f. 5-14-10, cert. ef. 5-22-10 thru 11-17-10; DFW 84-2010(Temp), f. 6-17-10, cert. ef. 6-18-10 thru 10-31-10; DFW 94-2010(Temp), f. & cert. ef. 7-1-10 thru 10-31-10; DFW 96-2010(Temp), f. 7-7-10, cert. ef. 7-8-10 thru 10-31-10; DFW 123-2010(Temp), f. 8-26-10, cert. ef. 9-1-10 thru 12-31-10; DFW 134-2010(Temp), f. 9-22-10, cert. ef. 9-23-10 thru 12-31-10; DFW 171-2010, f. 12-30-10, cert. ef. 1-1-11; DFW 158-2011(Temp), f. 12-14-11, cert. ef. 1-1-12 thru 4-30-12; DFW 163-2011, f. 12-27-11, cert. ef. 1-1-12; DFW 21-2012, f. & cert. ef. 3-12-12; DFW 89-2012(Temp), f. 7-17-12, cert. ef. 7-26-12 thru 8-31-12; DFW 99-2012(Temp), f. 7-31-12, cert. ef. 8-1-12 thru 12-31-12; DFW 152-2012, f. 12-27-12, cert. ef. 1-1-13; DFW 67-2013(Temp), f. 7-3-13, cert. ef. 7-11-13 thru 7-31-13; Administrative correction, 8-21-13; DFW 137-2013, f. 12-19-13, cert. ef. 1-1-14; DFW 62-2014(Temp), f. & cert. ef. 6-10-14 thru 10-31-14; DFW 70-2014(Temp), f. & cert. ef. 6-13-14 thru 6-30-14; DFW 73-2014(Temp), f. 6-20-14, cert. ef. 6-23-14 thru 10-31-14; DFW 141-2014(Temp), f. 9-25-14, cert. ef. 9-26-14 thru 12-31-14; DFW 150-2014(Temp), f. 10-14-14, cert. ef. 10-15-14 thru 12-31-14; DFW 165-2014, f. 12-18-14, cert. ef. 1-1-15; DFW 49-2015(Temp), f. & cert. ef. 5-27-15 thru 11-22-15; DFW 66-2015(Temp), f. 6-10-15, cert. ef. 6-12-15 thru 11-22-15; DFW 88-2015(Temp), f. 7-16-15, cert. ef. 7-18-15 thru 12-31-15; DFW 120-2015(Temp), f. 8-31-15, cert. ef. 9-1-15 thru 12-31-15; DFW 152-2015(Temp), f. 11-6-15, cert. ef. 11-17-15 thru 12-31-15; DFW 154-2015(Temp), f. 11-12-15, cert. ef. 11-23-15 thru 12-31-15; DFW 167-2015, f. 12-29-15, cert. ef. 1-1-16; DFW 24-2016(Temp), f. 3-30-16, cert. ef. 4-1-16 thru

9-27-16; DFW 30-2016(Temp), f. & cert. ef. 4-8-16 thru 9-30-16; DFW 67-2016(Temp), f. & cert. ef. 6-9-16 thru 9-30-16; DFW 76-2016(Temp), f. 6-15-16, cert. ef. 6-16-16 thru 9-30-16; DFW 105-2016, f. & cert. ef. 8-10-16; DFW 153-2016, f. 12-28-16, cert. ef. 1-1-17; DFW 4-2017, f. & cert. ef. 1-25-17; DFW 44-2017(Temp), f. 4-19-17, cert. ef. 4-24-17 thru 9-30-17; DFW 51-2017(Temp), f. & cert. ef. 4-25-17 thru 9-30-17

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Rule Caption: Spring Chinook in Big Lake are considered trout and part of the daily trout limit.

Adm. Order No.: DFW 52-2017(Temp)

Filed with Sec. of State: 4-27-2017

Certified to be Effective: 5-1-17 thru 10-27-17

Notice Publication Date:

Rules Amended: 635-017-0090

Subject: The amended rule allows retention of spring Chinook in Big Lake beginning May 1, 2017.

Rules Coordinator: Michelle Tate—(503) 947-6044

635-017-0090

Inclusions and Modifications

(1) The 2017 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 2017 Oregon Sport Fishing Regulations.

(2) Beginning February 1, 2017, the use of barbed hooks is allowed when angling for salmon, steelhead, or trout in Willamette River downstream of Willamette Falls (including Multnomah Channel and Gilbert River) and in lower Clackamas River upstream to Highway 99E Bridge.

(3) 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.

(4) In the Gilbert River, from the upstream end of the Gilbert River Fishing Pier located near the confluence with Multnomah Channel, upstream to Sturgeon Lake, the following rules apply:

(a) Closed for sturgeon angling all year, including catch and release.

(b) Closed to all angling from April 24 through June 15 and October 1 through December 31, 2017.

(5) Beginning May 1, 2017 spring Chinook salmon in Big Lake are considered trout and are part of the trout daily limit.

Stat. Auth.: ORS 496.138, 496.146, 497.121 & 506.119

Stats. Implemented: ORS 496.004, 496.009, 496.162 & 506.129

Hist.: FWC 82-1993, f. 12-22-93, cert. ef. 1-1-94; FWC 3-1994, f. 1-25-94, cert. ef. 1-26-94; FWC 65-1994(Temp), f. 9-15-94, cert. ef. 9-17-94; FWC 86-1994(Temp), f. 10-31-94, cert. ef. 11-1-94; FWC 22-1995, f. 3-7-95, cert. ef. 3-10-95; FWC 32-1995, f. & cert. ef. 4-24-95; FWC 77-1995, f. 9-13-95, cert. ef. 1-1-96; FWC 14-1996, f. 3-29-96, cert. ef. 4-1-96; FWC 20-1996, f. & cert. ef. 4-29-96; FWC 22-1996(Temp), f. 5-9-96 & cert. ef. 5-10-96; FWC 72-1996, f. 12-31-96, cert. ef. 1-1-97; FWC 5-1997, f. & cert. ef. 2-4-97; FWC 13-1997, f. 3-5-97, cert. ef. 3-11-97; FWC 17-1997(Temp), f. 3-19-97, cert. ef. 4-1-97; FWC 24-1997(Temp), f. & cert. ef. 4-10-97; FWC 31-1997(Temp), f. 5-14-97, cert. ef. 5-15-97; FWC 39-1997(Temp), f. 6-17-97, cert. ef. 6-18-97; FWC 69-1997, f. & cert. ef. 11-6-97; FWC 75-1997, f. 12-31-97, cert. ef. 1-1-98; DFW 19-1998, f. & cert. ef. 3-12-98; DFW 28-1998(Temp), f. & cert. ef. 4-9-98 thru 4-24-98; DFW 31-1998(Temp), f. & cert. ef. 4-24-98 thru 7-31-98; DFW 33-1998(Temp), f. & cert. ef. 4-30-98 thru 5-15-98; DFW 34-1998, f. & cert. ef. 5-4-98; DFW 35-1998(Temp), f. & cert. ef. 5-10-98 thru 5-15-98; DFW 37-1998(Temp), f. & cert. ef. 5-15-98 thru 7-31-98; DFW 100-1998, f. 12-23-98, cert. ef. 1-1-99; DFW 15-1999, f. & cert. ef. 3-9-99; DFW 16-1999(Temp), f. & cert. ef. 3-10-99 thru 3-19-99; DFW 19-1999(Temp), f. & cert. ef. 3-19-99 thru 4-15-99; DFW 27-1999(Temp), f. & cert. ef. 4-23-99 thru 10-20-99; DFW 30-1999(Temp), f. & cert. ef. 4-27-99 thru 5-12-99; DFW 35-1999(Temp), f. & cert. ef. 5-13-99 thru 7-31-99; DFW 39-1999(Temp), f. 5-26-99, cert. ef. 5-27-99 thru 7-31-99; DFW 78-1999, f. & cert. ef. 10-4-99; DFW 88-1999(Temp), f. 11-5-99, cert. ef. 11-6-99 thru 11-30-99; administrative correction 11-17-99; DFW 96-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 13-2000, f. & cert. ef. 3-20-00; DFW 22-2000, f. 4-14-00, cert. ef. 4-16-00 thru 7-31-00; DFW 23-2000(Temp), f. 4-19-00, cert. ef. 4-22-00 thru 7-31-00; DFW 58-2000(Temp), f. & cert. ef. 9-1-00 thru 12-31-00; DFW 83-2000(Temp), f. 12-28-00, cert. ef. 1-1-01 thru 1-31-01; DFW 1-2001, f. 1-25-01, cert. ef. 2-1-01; DFW 6-2001,

ADMINISTRATIVE RULES

f. & cert. ef. 3-1-01; DFW 23-2001(Temp), f. & cert. ef. 4-23-01 thru 10-19-01; DFW 28-2001, f. & cert. ef. 5-1-01; DFW 40-2001(Temp), f. & cert. ef. 5-24-01 thru 11-20-01; DFW 46-2001(Temp), f. 6-8-01, cert. ef. 6-16-01 thru 12-13-01; DFW 70-2001, f. & cert. ef. 8-10-01; DFW 72-2001(Temp), f. 8-10-01, cert. ef. 8-16-01 thru 12-31-01; DFW 90-2001(Temp), f. 9-14-01, cert. ef. 9-15-01 thru 12-31-01; DFW 95-2001(Temp), f. 9-27-01, cert. ef. 10-20-01 thru 12-31-01; DFW 123-2001, f. 12-31-01, cert. ef. 1-1-02; DFW 5-2002(Temp), f. 1-11-02 cert. ef. 1-12-02 thru 7-11-02; DFW 26-2002, f. & cert. ef. 3-21-02; DFW 37-2002, f. & cert. ef. 4-23-02; DFW 42-2002, f. & cert. ef. 5-3-02; DFW 44-2002(Temp), f. 5-7-02, cert. ef. 5-8-02 thru 11-3-02; DFW 70-2002(Temp), f. 7-10-02 cert. ef. 7-12-02 thru 12-31-02; DFW 91-2002(Temp), f. 8-19-02, cert. ef. 8-20-02 thru 11-1-02 (Suspended by DFW 101-2002(Temp), f. & cert. ef. 10-3-02 thru 11-1-02); DFW 130-2002, f. 11-21-02, cert. ef. 1-1-03; DFW 16-2003(Temp), f. 2-27-03, cert. ef. 3-1-03 thru 7-1-03; DFW 42-2003, f. & cert. ef. 5-16-03; DFW 53-2003(Temp), f. 6-17-03, cert. ef. 6-18-03 thru 12-14-03; DFW 57-2003(Temp), f. & cert. ef. 7-8-03 thru 12-31-03; DFW 59-2003(Temp), f. & cert. ef. 7-11-03 thru 12-31-03; DFW 70-2003(Temp), f. & cert. ef. 7-23-03 thru 12-31-03; DFW 71-2003(Temp), f. 7-24-03, cert. ef. 7-25-03 thru 12-31-03; DFW 90-2003(Temp), f. 9-12-03 cert. ef. 9-13-03 thru 12-31-03; DFW 125-2003, f. 12-11-03, cert. ef. 1-1-04; DFW 33-2004, f. 4-22-04, cert. ef. 5-1-04; DFW 48-2004(Temp), f. 5-26-04, cert. ef. 5-28-04 thru 11-23-04; DFW 69-2004(Temp), f. & cert. ef. 7-12-04 thru 11-23-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 24-2005, f. 4-15-05, cert. ef. 5-1-05; DFW 78-2005(Temp), f. 7-19-05, cert. ef. 7-21-05 thru 7-22-05; Administrative correction 8-17-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 36-2006(Temp), f. & cert. ef. 6-1-06 thru 9-30-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 121-2006(Temp), f. & cert. ef. 10-20-06 thru 12-31-06; DFW 32-2007, f. 5-14-07, cert. ef. 6-1-07; DFW 65-2007(Temp), f. & cert. ef. 8-6-07 thru 10-31-07; DFW 105-2007(Temp), f. 10-4-07, cert. ef. 10-6-07 thru 11-30-07; Administrative correction 12-20-07; DFW 134-2007, f. 12-26-07, cert. ef. 1-1-08; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 1-2008(Temp), f. & cert. ef. 1-9-08 thru 7-6-08; DFW 5-2008(Temp), f. 1-25-08, cert. ef. 2-1-08 thru 7-6-08; DFW 15-2008(Temp), f. 2-26-08, cert. ef. 3-1-08 thru 7-29-08; DFW 46-2008(Temp), f. 5-9-08, cert. ef. 5-12-08 thru 7-29-08; DFW 55-2008(Temp), f. 5-30-08, cert. ef. 6-2-08 thru 10-31-08; DFW 82-2008(Temp), f. 7-21-08, cert. ef. 7-29-08 thru 12-31-08; DFW 110-2008(Temp), f. 9-15-08, cert. ef. 9-17-08 thru 12-31-08; DFW 124-2008(Temp), f. 10-1-08, cert. ef. 10-2-08 thru 12-31-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 9-2009(Temp), f. 2-13-09, cert. ef. 3-1-09 thru 8-15-09; DFW 15-2009, f. & cert. ef. 2-25-09; DFW 74-2009(Temp), f. 6-25-09, cert. ef. 6-30-09 thru 7-2-09; Administrative correction 7-21-09; DFW 103-2009(Temp), f. 8-27-09, cert. ef. 9-1-09 thru 12-31-09; DFW 118-2009(Temp), f. & cert. ef. 9-28-09 thru 12-31-09; DFW 123-2009(Temp), f. & cert. ef. 10-5-09 thru 12-31-09; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 61-2010, f. & cert. ef. 5-14-10; DFW 62-2010(Temp), f. 5-14-10, cert. ef. 5-22-10 thru 11-17-10; DFW 84-2010(Temp), f. 6-17-10, cert. ef. 6-18-10 thru 10-31-10; DFW 94-2010(Temp), f. & cert. ef. 7-1-10 thru 10-31-10; DFW 96-2010(Temp), f. 7-7-10, cert. ef. 7-8-10 thru 10-31-10; DFW 123-2010(Temp), f. 8-26-10, cert. ef. 9-1-10 thru 12-31-10; DFW 134-2010(Temp), f. 9-22-10, cert. ef. 9-23-10 thru 12-31-10; DFW 171-2010, f. 12-30-10, cert. ef. 1-1-11; DFW 158-2011(Temp), f. 12-14-11, cert. ef. 1-1-12 thru 4-30-12; DFW 163-2011, f. 12-27-11, cert. ef. 1-1-12; DFW 21-2012, f. & cert. ef. 3-12-12; DFW 89-2012(Temp), f. 7-17-12, cert. ef. 7-26-12 thru 8-31-12; DFW 99-2012(Temp), f. 7-31-12, cert. ef. 8-1-12 thru 12-31-12; DFW 152-2012, f. 12-27-12, cert. ef. 1-1-13; DFW 67-2013(Temp), f. 7-3-13, cert. ef. 7-11-13 thru 7-31-13; Administrative correction, 8-21-13; DFW 137-2013, f. 12-19-13, cert. ef. 1-1-14; DFW 62-2014(Temp), f. & cert. ef. 6-10-14 thru 10-31-14; DFW 70-2014(Temp), f. & cert. ef. 6-13-14 thru 6-30-14; DFW 73-2014(Temp), f. 6-20-14, cert. ef. 6-23-14 thru 10-31-14; DFW 141-2014(Temp), f. 9-25-14, cert. ef. 9-26-14 thru 12-31-14; DFW 150-2014(Temp), f. 10-14-14, cert. ef. 10-15-14 thru 12-31-14; DFW 165-2014, f. 12-18-14, cert. ef. 1-1-15; DFW 49-2015(Temp), f. & cert. ef. 5-27-15 thru 11-22-15; DFW 66-2015(Temp), f. 6-10-15, cert. ef. 6-12-15 thru 11-22-15; DFW 88-2015(Temp), f. 7-16-15, cert. ef. 7-18-15 thru 12-31-15; DFW 120-2015(Temp), f. 8-31-15, cert. ef. 9-1-15 thru 12-31-15; DFW 152-2015(Temp), f. 11-6-15, cert. ef. 11-17-15 thru 12-31-15; DFW 154-2015(Temp), f. 11-12-15, cert. ef. 11-23-15 thru 12-31-15; DFW 167-2015, f. 12-29-15, cert. ef. 1-1-16; DFW 24-2016(Temp), f. 3-30-16, cert. ef. 4-1-16 thru 9-27-16; DFW 30-2016(Temp), f. & cert. ef. 4-8-16 thru 9-30-16; DFW 67-2016(Temp), f. & cert. ef. 6-9-16 thru 9-30-16; DFW 76-2016(Temp), f. 6-15-16, cert. ef. 6-16-16 thru 9-30-16; DFW 105-2016, f. & cert. ef. 8-10-16; DFW 153-2016, f. 12-28-16, cert. ef. 1-1-17; DFW 4-2017, f. & cert. ef. 1-25-17; DFW 44-2017(Temp), f. 4-19-17, cert. ef. 4-24-17 thru 9-30-17; DFW 51-2017(Temp), f. & cert. ef. 4-25-17 thru 9-30-17; DFW 52-2017(Temp), f. 4-27-17, cert. ef. 5-1-17 thru 10-27-17

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Rule Caption: Modifications to the 2017 Spring Commercial Seasons in the Youngs Bay Area.

Adm. Order No.: DFW 53-2017(Temp)

Filed with Sec. of State: 4-27-2017

Certified to be Effective: 4-27-17 thru 9-15-17

Notice Publication Date:

Rules Amended: 635-042-0145

Subject: This amended rule modifies the 2017 spring commercial salmon season for the Youngs Bay Select Area beginning April 27 to minimize interception of non-local Chinook stocks. Modifications are consistent with Oregon State action taken April 27 2017 by the Department of Fish & Wildlife for the State of Oregon.

Rules Coordinator: Michelle Tate—(503) 947-6044

635-042-0145

Youngs Bay Salmon Season

(1) Salmon and shad may be taken for commercial purposes in those waters of Youngs Bay.

(a) The open fishing periods are established in three segments categorized as the winter fishery, subsection (1)(a)(A), the spring fishery, subsection (1)(a)(B), and summer fishery, subsection (1)(a)(C), as follows:

(A) Winter Season:

(B) Spring Season:

(i) Thursday April 27 from 7 p.m. to 11 p.m. (4 hours),

(ii) Monday May 1 from 10 a.m. to 4 p.m. (6 hours),

(iii) Wednesday May 3 from 9 a.m. to 9 p.m. (12 hours),

(iv) Thursday May 4 from 10 a.m. to Friday May 5 4 a.m. (18 hours),

(v) Noon Monday through noon Friday (4 days/week) from May 8 through June 9 and noon Monday through noon Thursday (3 days) from June 12 through June 15.

(C) Summer Season:

(i) Noon Monday through Noon Friday (4 days/week) from June 19 through June 30,

(ii) Noon Monday July 3 through Noon Thursday July 6 (3 days),

(iii) Noon Tuesday through Noon Thursday (2 days/week) from July 11 through July 27.

(b) The fishing areas for the spring and summer fisheries 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 the 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 headline 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. A red cork must be placed on the corkline every 25 fathoms as measured from the first mesh of the net. Red corks at 25-fathom intervals must be in color contrast to the corks used in the remainder of the net.

(a) It is unlawful to use a gill net having a mesh size that is more than 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) Retention and sale of sturgeon is prohibited.

(4) 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

Hists. Implemented: ORS 506.129

Stat.: FWC 32-1979, f. & cert. ef. 8-22-79; FWC 28-1980, f. & cert. ef. 6-23-80; FWC 42-1980(Temp), f. & cert. ef. 8-22-80; FWC 30-1981, f. & cert. ef. 8-14-81; FWC 42-1981(Temp), f. & cert. ef. 11-5-81; FWC 54-1982, f. & cert. ef. 8-17-82; FWC 37-1983, f. & cert. ef. 8-18-83; FWC 61-1983(Temp), f. & cert. ef. 10-19-83; FWC 42-1984, f. & cert. ef. 8-20-84; FWC 39-1985, f. & cert. ef. 8-15-85; FWC 37-1986, f. & cert. ef. 8-11-86; FWC 72-1986(Temp), f. & cert. ef. 10-31-86; FWC 64-1987, f. & cert. ef. 8-7-87; FWC 73-1988, f. & cert. ef. 8-19-88; FWC 55-1989(Temp), f. 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 8-15-05

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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; 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; DFW 98-2015(Temp), f. 7-30-15, cert. ef. 8-4-15 thru 10-31-15; DFW 110-2015(Temp), f. 8-18-15, cert. ef. 8-24-15 thru 10-31-15; DFW 117-2015(Temp), f. 8-28-15, cert. ef. 8-31-15 thru 10-31-15; Administrative correction, 11-20-15; DFW 8-2016(Temp), f. 2-1-16, cert. ef. 2-8-16 thru 7-31-16; DFW 20-2016(Temp), f. 3-25-16, cert. ef. 3-28-16 thru 7-31-16; DFW 26-2016(Temp), f. 4-5-16, cert. ef. 4-6-16 thru 7-31-16; DFW 31-2016(Temp), f. 4-11-16, cert. ef. 4-13-16 thru 7-31-16; DFW 32-2016(Temp), f. 4-20-16, cert. ef. 4-21-16 thru 7-31-16; DFW 47-2016(Temp), f. & cert. ef. 5-11-16 thru 7-31-16; DFW 53-2016(Temp), f. 5-19-16, cert. ef. 5-23-16 thru 7-31-16; DFW 60-2016(Temp), f. 5-26-16, cert. ef. 5-31-16 thru 7-31-16; DFW 64-2016(Temp), f. 6-2-16, cert. ef. 6-7-16 thru 7-31-16; DFW 99-2016(Temp), f. 7-29-16, cert. ef. 8-1-16 thru 10-31-16; DFW 9-2017(Temp), f. & cert. ef. 2-6-17 thru 3-28-17; DFW 32-2017(Temp), f. 3-29-17, cert. ef. 3-30-17 thru 9-15-17; DFW 39-2017(Temp), f. 4-5-17, cert. ef. 4-6-17 thru 9-15-17; DFW 40-2017(Temp), f. 4-12-17, cert. ef. 4-13-17 thru 9-15-17; DFW 53-2017(Temp), f. & cert. ef. 4-27-17 thru 9-15-17

Rule Caption: Modifications to the 2017 Spring Commercial Seasons in the Youngs Bay Area.

Adm. Order No.: DFW 54-2017(Temp)

Filed with Sec. of State: 5-2-2017

Certified to be Effective: 5-3-17 thru 9-15-17

Notice Publication Date:

Rules Amended: 635-042-0145

Subject: This amended rule modifies the 2017 spring commercial salmon season for the Youngs Bay Select Area beginning May 3 to minimize interception of non-local Chinook stocks. Modifications

are consistent with Oregon State action taken May 2 2017 by the Department of Fish & Wildlife for the State of Oregon.

Rules Coordinator: Michelle Tate—(503) 947-6044

635-042-0145

Youngs Bay Salmon Season

(1) Salmon and shad may be taken for commercial purposes in those waters of Youngs Bay.

(a) The open fishing periods are established in three segments categorized as the winter fishery, subsection (1)(a)(A); the spring fishery, subsection (1)(a)(B); and summer fishery, subsection (1)(a)(C), as follows:

(A) Winter Season:

(B) Spring Season:

(i) Wednesday May 3 from 1 p.m. to 5 p.m. (4 hours),

(ii) Thursday May 4 from 2 p.m. to 6 p.m. (4 hours),

(iii) Monday May 8 from 5:30 p.m. to 9:30 p.m. (4 hours),

(iv) Tuesday May 9 from 6 p.m. to 10 p.m. (4 hours),

(v) Wednesday May 10 from 6:30 p.m. to 10:30 p.m. (4 hours),

(vi) Thursday May 11 from 7 p.m. to 11 p.m. (4 hours).

(C) Summer Season:

(i) Noon Monday through Noon Friday (4 days/week) from June 19 through June 30,

(ii) Noon Monday July 3 through Noon Thursday July 6 (3 days),

(iii) Noon Tuesday through Noon Thursday (2 days/week) from July 11 through July 27.

(b) The fishing areas for the spring and summer fisheries 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 the 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 headline 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. A red cork must be placed on the corkline every 25 fathoms as measured from the first mesh of the net. Red corks at 25-fathom intervals must be in color contrast to the corks used in the remainder of the net.

(a) It is unlawful to use a gill net having a mesh size that is more than 9.75-inches during the spring and summer seasons. 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) Retention and sale of sturgeon is prohibited.

(4) 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

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; FWC 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-

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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; 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; DFW 98-2015(Temp), f. 7-30-15, cert. ef. 8-4-15 thru 10-31-15; DFW 110-2015(Temp), f. 8-18-15, cert. ef. 8-24-15 thru 10-31-15; DFW 117-2015(Temp), f. 8-28-15, cert. ef. 8-31-15 thru 10-31-15; Administrative correction, 11-20-15; DFW 8-2016(Temp), f. 2-1-16, cert. ef. 2-8-16 thru 7-31-16; DFW 20-2016(Temp), f. 3-25-16, cert. ef. 3-28-16 thru 7-31-16; DFW 26-2016(Temp), f. 4-5-16, cert. ef. 4-6-16 thru 7-31-16; DFW 31-2016(Temp), f. 4-11-16, cert. ef. 4-13-16 thru 7-31-16; DFW 32-2016(Temp), f. 4-20-16, cert. ef. 4-21-16 thru 7-31-16; DFW 47-2016(Temp), f. & cert. ef. 5-11-16 thru 7-31-16; DFW 53-2016(Temp), f. 5-19-16, cert. ef. 5-23-16 thru 7-31-16; DFW 60-2016(Temp), f. 5-26-16, cert. ef. 5-31-16 thru 7-31-16; DFW 64-2016(Temp), f. 6-2-16, cert. ef. 6-7-16 thru 7-31-16; DFW 99-2016(Temp), f. 7-29-16, cert. ef. 8-1-16 thru 10-31-16; DFW 9-2017(Temp), f. & cert. ef. 2-6-17 thru 3-28-17; DFW 32-2017(Temp), f. 3-29-17, cert. ef. 3-30-17 thru 9-15-17; DFW 39-2017(Temp), f. 4-5-17, cert. ef. 4-6-17 thru 9-15-17; DFW 40-2017(Temp), f. 4-12-17, cert. ef. 4-13-17

thru 9-15-17; DFW 53-2017(Temp), f. & cert. ef. 4-27-17 thru 9-15-17; DFW 54-2017(Temp), f. 5-2-17, cert. ef. 5-3-17 thru 9-15-17

Rule Caption: Limited Fishing Periods in the Lower Willamette River for Spring Chinook and Steelhead Recreational Fisheries
Adm. Order No.: DFW 55-2017(Temp)

Filed with Sec. of State: 5-4-2017

Certified to be Effective: 5-8-17 thru 11-3-17

Notice Publication Date:

Rules Amended: 635-017-0090

Subject: Beginning May 8, 2017, from the Lower Willamette River downstream of Willamette Falls, including Multnomah Channel and the Gilbert River and the lower Clackamas River up to the Highway 99E Bridge, angling and retention of spring Chinook and steelhead is allowed only on Thursdays, Fridays, and Saturdays. The daily adult bag limit is two hatchery salmonids, which only one may be a Chinook.

Rules Coordinator: Michelle Tate—(503) 947-6044

635-017-0090

Inclusions and Modifications

(1) The 2017 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 2017 Oregon Sport Fishing Regulations.

(2) Beginning February 1, 2017, the use of barbed hooks is allowed when angling for salmon, steelhead, or trout in Willamette River downstream of Willamette Falls (including Multnomah Channel and Gilbert River) and in lower Clackamas River upstream to Highway 99E Bridge.

(3) 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.

(4) In the Gilbert River, from the upstream end of the Gilbert River Fishing Pier located near the confluence with Multnomah Channel, upstream to Sturgeon Lake, the following rules apply:

(a) Closed for sturgeon angling all year, including catch and release.

(b) Closed to all angling from April 24 through June 15 and October 1 through December 31, 2017.

(5) Beginning May 1, 2017 spring Chinook salmon in Big Lake are considered trout and are part of the trout daily limit.

(6) Beginning May 8, 2017 retention of spring Chinook and steelhead in the lower Willamette River downstream of Willamette Falls; including Multnomah Channel, the Gilbert River, and the lower Clackamas River up to the Hwy 99E Bridge is allowed only on Thursdays, Fridays and Saturdays. The daily adult bag limit is two hatchery salmonids of which only one may be a Chinook.

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. &

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cert. ef. 5-4-98; DFW 35-1998(Temp), f. & cert. ef. 5-10-98 thru 5-15-98; DFW 37-1998(Temp), f. & cert. ef. 5-15-98 thru 7-31-98; DFW 100-1998, f. 12-23-98, cert. ef. 1-1-99; DFW 15-1999, f. & cert. ef. 3-9-99; DFW 16-1999(Temp), f. & cert. ef. 3-10-99 thru 3-19-99; DFW 19-1999(Temp), f. & cert. ef. 3-19-99 thru 4-15-99; DFW 27-1999(Temp), f. & cert. ef. 4-23-99 thru 10-20-99; DFW 30-1999(Temp), f. & cert. ef. 4-27-99 thru 5-12-99; DFW 35-1999(Temp), f. & cert. ef. 5-13-99 thru 7-31-99; DFW 39-1999(Temp), f. 5-26-99, cert. ef. 5-27-99 thru 7-31-99; DFW 78-1999, f. & cert. ef. 10-4-99; DFW 88-1999(Temp), f. 11-5-99, cert. ef. 11-6-99 thru 11-30-99; administrative correction 11-17-99; DFW 96-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 13-2000, f. & cert. ef. 3-20-00; DFW 22-2000, f. 4-14-00, cert. ef. 4-16-00 thru 7-31-00; DFW 23-2000(Temp), f. 4-19-00, cert. ef. 4-22-00 thru 7-31-00; DFW 58-2000(Temp), f. & cert. ef. 9-1-00 thru 12-31-00; DFW 83-2000(Temp), f. 12-28-00, cert. ef. 1-1-01 thru 1-31-01; DFW 1-2001, f. 1-25-01, cert. ef. 2-1-01; DFW 6-2001, f. & cert. ef. 3-1-01; DFW 23-2001(Temp), f. & cert. ef. 4-23-01 thru 10-19-01; DFW 28-2001, f. & cert. ef. 5-1-01; DFW 40-2001(Temp) f. & cert. ef. 5-24-01 thru 11-20-01; DFW 46-2001(Temp) f. 6-8-01, cert. ef. 6-16-01 thru 12-13-01; DFW 70-2001, f. & cert. ef. 8-10-01; DFW 72-2001(Temp), f. 8-10-01, cert. ef. 8-16-01 thru 12-31-01; DFW 90-2001(Temp), f. 9-14-01, cert. ef. 9-15-01 thru 12-31-01; DFW 95-2001(Temp), f. 9-27-01, cert. ef. 10-20-01 thru 12-31-01; DFW 123-2001, f. 12-31-01, cert. ef. 1-1-02; DFW 5-2002(Temp) f. 1-11-02 cert. ef. 1-12-02 thru 7-11-02; DFW 26-2002, f. & cert. ef. 3-21-02; DFW 37-2002, f. & cert. ef. 4-23-02; DFW 42-2002, f. & cert. ef. 5-3-02; DFW 44-2002(Temp), f. 5-7-02, cert. ef. 5-8-02 thru 11-3-02; DFW 70-2002(Temp), f. 7-10-02 cert. ef. 7-12-02 thru 12-31-02; DFW 91-2002(Temp) f. 8-19-02, cert. ef. 8-20-02 thru 11-1-02 (Suspended by DFW 101-2002(Temp), f. & cert. ef. 10-3-02 thru 11-1-02); DFW 130-2002, f. 11-21-02, cert. ef. 1-1-03; DFW 16-2003(Temp), f. 2-27-03, cert. ef. 3-1-03 thru 7-1-03; DFW 42-2003, f. & cert. ef. 5-16-03; DFW 53-2003(Temp), f. 6-17-03, cert. ef. 6-18-03 thru 12-14-03; DFW 57-2003(Temp), f. & cert. ef. 7-8-03 thru 12-31-03; DFW 59-2003(Temp), f. & cert. ef. 7-11-03 thru 12-31-03; DFW 70-2003(Temp), f. & cert. ef. 7-23-03 thru 12-31-03; DFW 71-2003(Temp), f. 7-24-03, cert. ef. 7-25-03 thru 12-31-03; DFW 90-2003(Temp), f. 9-12-03 cert. ef. 9-13-03 thru 12-31-03; DFW 125-2003, f. 12-11-03, cert. ef. 1-1-04; DFW 33-2004, f. 4-22-04, cert. ef. 5-1-04; DFW 48-2004(Temp), f. 5-26-04, cert. ef. 5-28-04 thru 11-23-04; DFW 69-2004(Temp), f. & cert. ef. 7-12-04 thru 11-23-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 24-2005, f. 4-15-05, cert. ef. 5-1-05; DFW 78-2005(Temp), f. 7-19-05, cert. ef. 7-21-05 thru 7-22-05; Administrative correction 8-17-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 36-2006(Temp), f. & cert. ef. 6-1-06 thru 9-30-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 121-2006(Temp), f. & cert. ef. 10-20-06 thru 12-31-06; DFW 32-2007, f. 5-14-07, cert. ef. 6-1-07; DFW 65-2007(Temp), f. & cert. ef. 8-6-07 thru 10-31-07; DFW 105-2007(Temp), f. 10-4-07, cert. ef. 10-6-07 thru 11-30-07; Administrative correction 12-20-07; DFW 134-2007, f. 12-26-07, cert. ef. 1-1-08; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 1-2008(Temp), f. & cert. ef. 1-9-08 thru 7-6-08; DFW 5-2008(Temp), f. 1-25-08, cert. ef. 2-1-08 thru 7-6-08; DFW 15-2008(Temp), f. 2-26-08, cert. ef. 3-1-08 thru 7-29-08; DFW 46-2008(Temp), f. 5-9-08, cert. ef. 5-12-08 thru 7-29-08; DFW 55-2008(Temp), f. 5-30-08, cert. ef. 6-2-08 thru 10-31-08; DFW 82-2008(Temp), f. 7-21-08, cert. ef. 7-29-08 thru 12-31-08; DFW 110-2008(Temp), f. 9-15-08, cert. ef. 9-17-08 thru 12-31-08; DFW 124-2008(Temp), f. 10-1-08, cert. ef. 10-2-08 thru 12-31-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 9-2009(Temp), f. 2-13-09, cert. ef. 3-1-09 thru 8-15-09; DFW 15-2009, f. & cert. ef. 2-25-09; DFW 74-2009(Temp), f. 6-25-09, cert. ef. 6-30-09 thru 7-2-09; Administrative correction 7-21-09; DFW 103-2009(Temp), f. 8-27-09, cert. ef. 9-1-09 thru 12-31-09; DFW 118-2009(Temp), f. & cert. ef. 9-28-09 thru 12-31-09; DFW 123-2009(Temp), f. & cert. ef. 10-5-09 thru 12-31-09; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 61-2010, f. & cert. ef. 5-14-10; DFW 62-2010(Temp), f. 5-14-10, cert. ef. 5-22-10 thru 11-17-10; DFW 84-2010(Temp), f. 6-17-10, cert. ef. 6-18-10 thru 10-31-10; DFW 94-2010(Temp), f. & cert. ef. 7-1-10 thru 10-31-10; DFW 96-2010(Temp), f. 7-7-10, cert. ef. 7-8-10 thru 10-31-10; DFW 123-2010(Temp), f. 8-26-10, cert. ef. 9-1-10 thru 12-31-10; DFW 134-2010(Temp), f. 9-22-10, cert. ef. 9-23-10 thru 12-31-10; DFW 171-2010, f. 12-30-10, cert. ef. 1-1-11; DFW 158-2011(Temp), f. 12-14-11, cert. ef. 1-1-12 thru 4-30-12; DFW 163-2011, f. 12-27-11, cert. ef. 1-1-12; DFW 21-2012, f. & cert. ef. 3-12-12; DFW 89-2012(Temp), f. 7-17-12, cert. ef. 7-26-12 thru 8-31-12; DFW 99-2012(Temp), f. 7-31-12, cert. ef. 8-1-12 thru 12-31-12; DFW 152-2012, f. 12-27-12, cert. ef. 1-1-13; DFW 67-2013(Temp), f. 7-3-13, cert. ef. 7-11-13 thru 7-31-13; Administrative correction, 8-21-13; DFW 137-2013, f. 12-19-13, cert. ef. 1-1-14; DFW 62-2014(Temp), f. & cert. ef. 6-10-14 thru 10-31-14; DFW 70-2014(Temp), f. & cert. ef. 6-13-14 thru 6-30-14; DFW 73-2014(Temp), f. 6-20-14, cert. ef. 6-23-14 thru 10-31-14; DFW 141-2014(Temp), f. 9-25-14, cert. ef. 9-26-14 thru 12-31-14; DFW 150-2014(Temp), f. 10-14-14, cert. ef. 10-15-14 thru 12-31-14; DFW 165-2014, f. 12-18-14, cert. ef. 1-1-15; DFW 49-2015(Temp), f. & cert. ef. 5-27-15 thru 11-22-15; DFW 66-2015(Temp), f. 6-10-15, cert. ef. 6-12-15 thru 11-22-15; DFW 88-2015(Temp), f. 7-16-15, cert. ef. 7-18-15 thru 12-31-15; DFW 120-2015(Temp), f. 8-31-15, cert. ef. 9-1-15 thru 12-31-15; DFW 152-2015(Temp), f. 11-6-15, cert. ef. 11-17-15 thru 12-31-15; DFW 154-2015(Temp), f. 11-12-15, cert. ef. 11-23-15 thru 12-31-15; DFW 167-2015, f. 12-29-15, cert. ef. 1-1-16; DFW 24-2016(Temp), f. 3-30-16, cert. ef. 4-1-16 thru 9-27-16; DFW 30-2016(Temp), f. & cert. ef. 4-8-16 thru 9-30-16; DFW 67-2016(Temp), f. & cert. ef. 6-9-16 thru 9-30-16; DFW 76-2016(Temp), f. 6-15-16, cert. ef. 6-16-16 thru 9-30-16; DFW 105-2016, f. & cert. ef. 8-10-16; DFW 153-2016, f. 12-28-16, cert. ef. 1-1-17; DFW 4-2017, f. & cert. ef. 1-25-17; DFW 44-2017(Temp), f. 4-19-17, cert. ef. 4-24-17 thru 9-30-17; DFW 51-2017(Temp), f. & cert. ef. 4-25-17 thru 9-30-17; DFW 52-2017(Temp), f. 4-27-17, cert. ef. 5-1-17 thru 10-27-17; DFW 55-2017(Temp), f. 5-4-17, cert. ef. 5-8-17 thru 11-3-17

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Rule Caption: 2017 Angling Modifications for the Gilbert River
Adm. Order No.: DFW 56-2017(Temp)
Filed with Sec. of State: 5-10-2017
Certified to be Effective: 5-13-17 thru 6-15-17
Notice Publication Date:
Rules Amended: 635-017-0090

Subject: The amended rule maintains the sturgeon angling closure for the Gilbert River through June 15, 2017 as previously adopted by temporary rule but liberalizes regulations to allow the use of artificial flies and lures rather than a complete angling closure. The area includes the Gilbert River from the upstream end of the Gilbert River

Fishing Pier located near the confluence with Multnomah Channel, upstream to Sturgeon Lake.

Rules Coordinator: Michelle Tate—(503) 947-6044

635-017-0090

Inclusions and Modifications

(1) The **2017 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 2017 Oregon Sport Fishing Regulations.

(2) Beginning February 1, 2017, the use of barbed hooks is allowed when angling for salmon, steelhead, or trout in Willamette River downstream of Willamette Falls (including Multnomah Channel and Gilbert River) and in lower Clackamas River upstream to Highway 99E Bridge.

(3) 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.

(4) In the Gilbert River, from the upstream end of the Gilbert River Fishing Pier located near the confluence with Multnomah Channel, upstream to Sturgeon Lake, the following rules apply:

(a) Closed for sturgeon angling, including catch and release.

(b) Effective May 13 through June 15, 2017, angling restricted to artificial flies and lures only, no angling with bait allowed.

(5) Beginning May 1, 2017 spring Chinook salmon in Big Lake are considered trout and are part of the trout daily limit.

(6) Beginning May 8, 2017 retention of spring Chinook and steelhead in the lower Willamette River downstream of Willamette Falls; including Multnomah Channel, the Gilbert River, and the lower Clackamas River up to the Hwy 99E Bridge is allowed only on Thursdays, Fridays and Saturdays. The daily adult bag limit is two hatchery salmonids of which only one may be a Chinook.

Stat. Auth.: ORS 496.138, 496.146, 497.121 & 506.119

Stats. Implemented: ORS 496.004, 496.009, 496.162 & 506.129

Hist.: FWC 82-1993, f. 12-22-93, cert. ef. 1-1-94; FWC 3-1994, f. 1-25-94, cert. ef. 1-26-94; FWC 65-1994(Temp), f. 9-15-94, cert. ef. 9-17-94; FWC 86-1994(Temp), f. 10-31-94, cert. ef. 11-1-94; FWC 22-1995, f. 3-7-95, cert. ef. 3-10-95; FWC 32-1995, f. & cert. ef. 4-24-95; FWC 77-1995, f. 9-13-95, cert. ef. 1-1-96; FWC 14-1996, f. 3-29-96, cert. ef. 4-1-96; FWC 20-1996, f. & cert. ef. 4-29-96; FWC 22-1996(Temp), f. 5-9-96 & cert. ef. 5-10-96; FWC 72-1996, f. 12-31-96, cert. ef. 1-1-97; FWC 5-1997, f. & cert. ef. 2-4-97; FWC 13-1997, f. 3-5-97, cert. ef. 3-11-97; FWC 17-1997(Temp), f. 3-19-97, cert. ef. 4-1-97; FWC 24-1997(Temp), f. & cert. ef. 4-10-97; FWC 31-1997(Temp), f. 5-14-97, cert. ef. 5-15-97; FWC 39-1997(Temp), f. 6-17-97, cert. ef. 6-18-97; FWC 69-1997, f. & cert. ef. 11-6-97; FWC 75-1997, f. 12-31-97, cert. ef. 1-1-98; DFW 19-1998, f. & cert. ef. 3-12-98; DFW 28-1998(Temp), f. & cert. ef. 4-9-98 thru 4-24-98; DFW 31-1998(Temp), f. & cert. ef. 4-24-98 thru 7-31-98; DFW 33-1998(Temp), f. & cert. ef. 4-30-98 thru 5-15-98; DFW 34-1998, f. & cert. ef. 5-4-98; DFW 35-1998(Temp), f. & cert. ef. 5-10-98 thru 5-15-98; DFW 37-1998(Temp), f. & cert. ef. 5-15-98 thru 7-31-98; DFW 100-1998, f. 12-23-98, cert. ef. 1-1-99; DFW 15-1999, f. & cert. ef. 3-9-99; DFW 16-1999(Temp), f. & cert. ef. 3-10-99 thru 3-19-99; DFW 19-1999(Temp), f. & cert. ef. 3-19-99 thru 4-15-99; DFW 27-1999(Temp), f. & cert. ef. 4-23-99 thru 10-20-99; DFW 30-1999(Temp), f. & cert. ef. 4-27-99 thru 5-12-99; DFW 35-1999(Temp), f. & cert. ef. 5-13-99 thru 7-31-99; DFW 39-1999(Temp), f. 5-26-99, cert. ef. 5-27-99 thru 7-31-99; DFW 78-1999, f. & cert. ef. 10-4-99; DFW 88-1999(Temp), f. 11-5-99, cert. ef. 11-6-99 thru 11-30-99; administrative correction 11-17-99; DFW 96-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 13-2000, f. & cert. ef. 3-20-00; DFW 22-2000, f. 4-14-00, cert. ef. 4-16-00 thru 7-31-00; DFW 23-2000(Temp), f. 4-19-00, cert. ef. 4-22-00 thru 7-31-00; DFW 58-2000(Temp), f. & cert. ef. 9-1-00 thru 12-31-00; DFW 83-2000(Temp), f. 12-28-00, cert. ef. 1-1-01 thru 1-31-01; DFW 1-2001, f. 1-25-01, cert. ef. 2-1-01; DFW 6-2001, f. & cert. ef. 3-1-01; DFW 23-2001(Temp), f. & cert. ef. 4-23-01 thru 10-19-01; DFW 28-2001, f. & cert. ef. 5-1-01; DFW 40-2001(Temp) f. & cert. ef. 5-24-01 thru 11-20-01; DFW 46-2001(Temp) f. 6-8-01, cert. ef. 6-16-01 thru 12-13-01; DFW 70-2001, f. & cert. ef. 8-10-01; DFW 72-2001(Temp), f. 8-10-01, cert. ef. 8-16-01 thru 12-31-01; DFW 90-2001(Temp), f. 9-14-01, cert. ef. 9-15-01 thru 12-31-01; DFW 95-2001(Temp), f. 9-27-01, cert. ef. 10-20-01 thru 12-31-01; DFW 123-2001, f. 12-31-01, cert. ef. 1-1-02; DFW 5-2002(Temp) f. 1-11-02 cert. ef. 1-12-02 thru 7-11-02; DFW 26-2002, f. & cert. ef. 3-21-02; DFW 37-2002, f. & cert. ef. 4-23-02; DFW 42-2002, f. & cert. ef. 5-3-02; DFW 44-2002(Temp), f. 5-7-02, cert. ef. 5-8-02 thru 11-3-02; DFW 70-2002(Temp), f. 7-10-02 cert. ef. 7-12-02 thru 12-31-02;

ADMINISTRATIVE RULES

DFW 91-2002(Temp) f. 8-19-02, cert. ef. 8-20-02 thru 11-1-02 (Suspended by DFW 101-2002(Temp), f. & cert. ef. 10-3-02 thru 11-1-02); DFW 130-2002, f. 11-21-02, cert. ef. 1-1-03; DFW 16-2003(Temp), f. 2-27-03, cert. ef. 3-1-03 thru 7-1-03; DFW 42-2003, f. & cert. ef. 5-16-03; DFW 53-2003(Temp), f. 6-17-03, cert. ef. 6-18-03 thru 12-14-03; DFW 57-2003(Temp), f. & cert. ef. 7-8-03 thru 12-31-03; DFW 59-2003(Temp), f. & cert. ef. 7-11-03 thru 12-31-03; DFW 70-2003(Temp), f. & cert. ef. 7-23-03 thru 12-31-03; DFW 71-2003(Temp), f. 7-24-03, cert. ef. 7-25-03 thru 12-31-03; DFW 90-2003(Temp), f. 9-12-03 cert. ef. 9-13-03 thru 12-31-03; DFW 125-2003, f. 12-11-03, cert. ef. 1-1-04; DFW 33-2004, f. 4-22-04, cert. ef. 5-1-04; DFW 48-2004(Temp), f. 5-26-04, cert. ef. 5-28-04 thru 11-23-04; DFW 69-2004(Temp), f. & cert. ef. 7-12-04 thru 11-23-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 24-2005, f. 4-15-05, cert. ef. 5-1-05; DFW 78-2005(Temp), f. 7-19-05, cert. ef. 7-21-05 thru 7-22-05; Administrative correction 8-17-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 36-2006(Temp), f. & cert. ef. 6-1-06 thru 9-30-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 121-2006(Temp), f. & cert. ef. 10-20-06 thru 12-31-06; DFW 32-2007, f. 5-14-07, cert. ef. 6-1-07; DFW 65-2007(Temp), f. & cert. ef. 8-6-07 thru 10-31-07; DFW 105-2007(Temp), f. 10-4-07, cert. ef. 10-6-07 thru 11-30-07; Administrative correction 12-20-07; DFW 134-2007, f. 12-26-07, cert. ef. 1-1-08; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 1-2008(Temp), f. & cert. ef. 1-9-08 thru 7-6-08; DFW 5-2008(Temp), f. 1-25-08, cert. ef. 2-1-08 thru 7-6-08; DFW 15-2008(Temp), f. 2-26-08, cert. ef. 3-1-08 thru 7-29-08; DFW 46-2008(Temp), f. 5-9-08, cert. ef. 5-12-08 thru 7-29-08; DFW 55-2008(Temp), f. 5-30-08, cert. ef. 6-2-08 thru 10-31-08; DFW 82-2008(Temp), f. 7-21-08, cert. ef. 7-29-08 thru 12-31-08; DFW 110-2008(Temp), f. 9-15-08, cert. ef. 9-17-08 thru 12-31-08; DFW 124-2008(Temp), f. 10-1-08, cert. ef. 10-2-08 thru 12-31-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 9-2009(Temp), f. 2-13-09, cert. ef. 3-1-09 thru 8-15-09; DFW 15-2009, f. & cert. ef. 2-25-09; DFW 74-2009(Temp), f. 6-25-09, cert. ef. 6-30-09 thru 7-2-09; Administrative correction 7-21-09; DFW 103-2009(Temp), f. 8-27-09, cert. ef. 9-1-09 thru 12-31-09; DFW 118-2009(Temp), f. & cert. ef. 9-28-09 thru 12-31-09; DFW 123-2009(Temp), f. & cert. ef. 10-5-09 thru 12-31-09; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 61-2010, f. & cert. ef. 5-14-10; DFW 62-2010(Temp), f. 5-14-10, cert. ef. 5-22-10 thru 11-17-10; DFW 84-2010(Temp), f. 6-17-10, cert. ef. 6-18-10 thru 10-31-10; DFW 94-2010(Temp), f. & cert. ef. 7-1-10 thru 10-31-10; DFW 96-2010(Temp), f. 7-7-10, cert. ef. 7-8-10 thru 10-31-10; DFW 123-2010(Temp), f. 8-26-10, cert. ef. 9-1-10 thru 12-31-10; DFW 134-2010(Temp), f. 9-22-10, cert. ef. 9-23-10 thru 12-31-10; DFW 171-2010, f. 12-30-10, cert. ef. 1-1-11; DFW 158-2011(Temp), f. 12-14-11, cert. ef. 1-1-12 thru 4-30-12; DFW 163-2011, f. 12-27-11, cert. ef. 1-1-12; DFW 21-2012, f. & cert. ef. 3-12-12; DFW 89-2012(Temp), f. 7-17-12, cert. ef. 7-26-12 thru 8-31-12; DFW 99-2012(Temp), f. 7-31-12, cert. ef. 8-1-12 thru 12-31-12; DFW 152-2012, f. 12-27-12, cert. ef. 1-1-13; DFW 67-2013(Temp), f. 7-3-13, cert. ef. 7-11-13 thru 7-31-13; Administrative correction, 8-21-13; DFW 137-2013, f. 12-19-13, cert. ef. 1-1-14; DFW 62-2014(Temp), f. & cert. ef. 6-10-14 thru 10-31-14; DFW 70-2014(Temp), f. & cert. ef. 6-13-14 thru 6-30-14; DFW 73-2014(Temp), f. 6-20-14, cert. ef. 6-23-14 thru 10-31-14; DFW 141-2014(Temp), f. 9-25-14, cert. ef. 9-26-14 thru 12-31-14; DFW 150-2014(Temp), f. 10-14-14, cert. ef. 10-15-14 thru 12-31-14; DFW 165-2014, f. 12-18-14, cert. ef. 1-1-15; DFW 49-2015(Temp), f. & cert. ef. 5-27-15 thru 11-22-15; DFW 66-2015(Temp), f. 6-10-15, cert. ef. 6-12-15 thru 11-22-15; DFW 88-2015(Temp), f. 7-16-15, cert. ef. 7-18-15 thru 12-31-15; DFW 120-2015(Temp), f. 8-31-15, cert. ef. 9-1-15 thru 12-31-15; DFW 152-2015(Temp), f. 11-6-15, cert. ef. 11-17-15 thru 12-31-15; DFW 154-2015(Temp), f. 11-12-15, cert. ef. 11-23-15 thru 12-31-15; DFW 167-2015, f. 12-29-15, cert. ef. 1-1-16; DFW 24-2016(Temp), f. 3-30-16, cert. ef. 4-1-16 thru 9-27-16; DFW 30-2016(Temp), f. & cert. ef. 4-8-16 thru 9-30-16; DFW 67-2016(Temp), f. & cert. ef. 6-9-16 thru 9-30-16; DFW 76-2016(Temp), f. 6-15-16, cert. ef. 6-16-16 thru 9-30-16; DFW 105-2016, f. & cert. ef. 8-10-16; DFW 153-2016, f. 12-28-16, cert. ef. 1-1-17; DFW 4-2017, f. & cert. ef. 1-25-17; DFW 44-2017(Temp), f. 4-19-17, cert. ef. 4-24-17 thru 9-30-17; DFW 51-2017(Temp), f. & cert. ef. 4-25-17 thru 9-30-17; DFW 52-2017(Temp), f. 4-27-17, cert. ef. 5-1-17 thru 10-27-17; DFW 55-2017(Temp), f. 5-4-17, cert. ef. 5-8-17 thru 11-3-17; DFW 56-2017(Temp), f. 5-10-17, cert. ef. 5-13-17 thru 6-15-17

Rule Caption: Modifications to the 2017 Spring Commercial Seasons in the Youngs Bay Area.

Adm. Order No.: DFW 57-2017(Temp)

Filed with Sec. of State: 5-11-2017

Certified to be Effective: 5-15-17 thru 9-15-17

Notice Publication Date:

Rules Amended: 635-042-0145

Subject: This amended rule modifies the 2017 spring commercial salmon season for the Youngs Bay Select Area beginning May 15 to minimize interception of non-local Chinook stocks. Modifications are consistent with Oregon State action taken May 11 2017 by the Department of Fish & Wildlife for the State of Oregon.

Rules Coordinator: Michelle Tate—(503) 947-6044

635-042-0145

Youngs Bay Salmon Season

(1) Salmon and shad may be taken for commercial purposes in those waters of Youngs Bay.

(a) The 2017 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:

(B) Spring Season:

(i) Monday May 15 from 9:30 a.m. to 1:30 p.m. (4 hours),

(ii) Tuesday May 16 from 10:30 a.m. to 2:30 p.m. (4 hours),

(iii) Wednesday May 17 from 11 a.m. to 3 p.m. (4 hours),

(iv) Thursday May 18 from noon to 4 p.m. (4 hours),

(v) Noon Monday May 22 through noon Friday May 26,

(vi) Noon Monday May 29 through noon Friday June 2,

(vii) Noon Monday June 5 through noon Friday June 9, and

(viii) Noon Monday June 12 through noon Thursday June 17.

(C) Summer Season:

(i) Noon Monday through Noon Friday (4 days/week) from June 19 through June 30,

(ii) Noon Monday July 3 through Noon Thursday July 6 (3 days),

(iii) Noon Tuesday through Noon Thursday (2 days/week) from July 11 through July 27.

(b) The fishing areas for the spring and summer fisheries 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 the 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 headline 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. A red cork must be placed on the corkline every 25 fathoms as measured from the first mesh of the net. Red corks at 25-fathom intervals must be in color contrast to the corks used in the remainder of the net.

(a) It is unlawful to use a gill net having a mesh size that is more than 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) Retention and sale of sturgeon is prohibited.

(4) 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

Hist.: FWC 32-1979, f. & cert. ef. 8-22-79; FWC 28-1980, f. & cert. ef. 6-23-80; FWC 42-1980(Temp), f. & cert. ef. 8-22-80; FWC 30-1981, f. & cert. ef. 8-14-81; FWC 42-1981(Temp), f. & cert. ef. 11-5-81; FWC 54-1982, f. & cert. ef. 8-17-82; FWC 37-1983, f. & cert. ef. 8-18-83; FWC 61-1983(Temp), f. & cert. ef. 10-19-83; FWC 42-1984, f. & cert. ef. 8-20-84; FWC 39-1985, f. & cert. ef. 8-15-85; FWC 37-1986, f. & cert. ef. 8-11-86; FWC 72-1986(Temp), f. & cert. ef. 10-31-86; FWC 64-1987, f. & cert. ef. 8-7-87; FWC 73-1988, f. & cert. ef. 8-19-88; FWC 55-1989(Temp), f. 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

ADMINISTRATIVE RULES

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; 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; DFW 98-2015(Temp), f. 7-30-15, cert. ef. 8-4-15 thru 10-31-15; DFW 110-2015(Temp), f. 8-18-15, cert. ef. 8-24-15 thru 10-31-15; DFW 117-2015(Temp), f. 8-28-15, cert. ef. 8-31-15 thru 10-31-15; Administrative correction 11-20-15; DFW 8-2016(Temp), f. 2-1-16, cert. ef. 2-8-16 thru 7-31-16; DFW 20-2016(Temp), f. 3-25-16, cert. ef. 3-28-16 thru 7-31-16; DFW 26-2016(Temp), f. 4-5-16, cert. ef. 4-6-16 thru 7-31-16; DFW 31-2016(Temp), f. 4-11-16, cert. ef. 4-13-16 thru 7-31-16; DFW 32-2016(Temp), f. 4-20-16, cert. ef. 4-21-16 thru 7-31-16; DFW 47-2016(Temp), f. & cert. ef. 5-11-16 thru 7-31-16; DFW 53-2016(Temp), f. 5-19-16, cert. ef. 5-23-16 thru 7-31-16; DFW 60-2016(Temp), f. 5-26-16, cert. ef. 5-31-16 thru 7-31-16; DFW 64-2016(Temp), f. 6-2-16, cert. ef. 6-7-16 thru 7-31-16; DFW 99-2016(Temp), f. 7-29-16, cert. ef. 8-1-16 thru 10-31-16; DFW 9-2017(Temp), f. & cert. ef. 2-6-17 thru 3-28-17; DFW 32-2017(Temp), f. 3-29-17, cert. ef. 3-30-17 thru 9-15-17; DFW 39-2017(Temp), f. 4-5-17, cert. ef. 4-6-17 thru 9-15-17; DFW 40-2017(Temp), f. 4-12-17, cert. ef. 4-13-17 thru 9-15-17; DFW 53-2017(Temp), f. & cert. ef. 4-27-17 thru 9-15-17; DFW 54-2017(Temp), f. 5-2-17, cert. ef. 5-3-17 thru 9-15-17; DFW 57-2017(Temp), f. 5-11-17, cert. ef. 5-15-17 thru 9-15-17

Rule Caption: Postpone the May 16, 2017 Hatchery Steelhead and Jack Chinook Salmon Fishery

Adm. Order No.: DFW 58-2017(Temp)

Filed with Sec. of State: 5-11-2017

Certified to be Effective: 5-16-17 thru 6-15-17

Notice Publication Date:

Rules Amended: 635-023-0125

Subject: This amended rule delays the 2017 opening season for hatchery steelhead and jack chinook fisheries on the mainstem Columbia River from the Tongue Point/Rocky Point line upstream to the I-5 Bridge until further notice. Revisions are consistent with

Columbia River Joint State action taken May 11, 2017 by the Oregon and Washington Departments of Fish and Wildlife.

Rules Coordinator: Michelle Tate—(503) 947-6044

635-023-0125

Spring Sport Fishery

(1) The **2017 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 2017 Oregon Sport Fishing Regulations.

(2) Effective May 16, angling for and retention of hatchery steelhead and jack chinook is prohibited in the mainstem Columbia River from the Tongue/Rocky Point line upstream to the I-5 Bridge.

[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; DFW 167-2015, f. 12-29-15, cert. ef. 1-1-16; DFW 9-2016(Temp), f. 2-1-16, cert. ef. 3-1-16 thru 6-15-16; DFW 29-2016(Temp), f. 4-7-16, cert. ef. 4-8-16 thru 6-15-16; DFW 44-2016(Temp), f. 5-5-16, cert. ef. 5-6-16 thru 6-15-16; DFW 49-2016(Temp), f. 5-11-16, cert. ef. 5-13-16 thru 6-15-16; DFW 52-2016(Temp), f. 5-19-16, cert. ef. 5-20-16 thru 6-15-16; DFW 57-2016(Temp), f. 5-25-16, cert. ef. 5-28-16 thru 6-15-16; DFW 68-2016(Temp), f. 6-9-16, cert. ef. 6-10-16 thru 6-16-16; DFW 153-2016, f. 12-28-16, cert. ef. 1-1-17; DFW 18-2017, f. 2-28-17, cert. ef. 3-1-17 thru 6-15-17; DFW 37-2017(Temp), f. 4-3-17, cert. ef. 4-7-17 thru 6-15-17; DFW 41-2017(Temp), f. 4-12-17, cert. ef. 4-13-17 thru 6-15-17; DFW 58-2017(Temp), f. 5-11-17, cert. ef. 5-16-17 thru 6-15-17

Rule Caption: Modifications to Southwest Zone Sport Chinook Salmon Regulations for the Rogue River

Adm. Order No.: DFW 59-2017(Temp)

Filed with Sec. of State: 5-12-2017

Certified to be Effective: 5-15-17 thru 7-31-17

Notice Publication Date:

ADMINISTRATIVE RULES

Rules Amended: 635-016-0090

Subject: Effective May 15, 2017 the current deadline marker located immediately below the Cole River hatchery will be relocated to a point 1200 feet below the hatchery diversion dam to establish new deadline markers. Moving the angling deadline markers will restrict harvest of hatchery spring Chinook in the Rogue River. Currently we are not expecting surplus hatchery Chinook and may not be able to meet broodstock requirements. This restriction will allow for adequate broodstock collection in order to meet our angler opportunity obligations throughout the Rogue River.

Rules Coordinator: Michelle Tate—(503) 947-6044

635-016-0090

Inclusions and Modifications

(1) The **2017 Oregon Sport Fishing Regulations** provide requirements for the Southwest Zone. However, additional regulations may be adopted in this rule division from time to time and to the extent of any inconsistency, they supersede the 2017 Oregon Sport Fishing Regulations pamphlet.

(2) Effective May 15, 2017, the current angling deadline markers located immediately below the Cole Rivers fish hatchery will be relocated to a point 1200 feet further below the hatchery as designated new deadline makers.

Stat. Auth.: ORS 496.138, 496.146

Stats. Implemented: ORS 496.162

Hist.: FWC 80-1993(Temp), f. 12-21-93, cert. ef. 1-1-94; FWC 82-1993, f. 12-22-93, cert. ef. 1-1-94; FWC 31-1994, f. 5-26-94, cert. ef. 6-20-94; FWC 79-1994(Temp), f. 10-21-94, cert. ef. 7-22-94; FWC 22-1995, f. 3-7-95, cert. ef. 3-10-95; FWC 34-1995, f. & cert. ef. 5-1-95; FWC 57-1995(Temp), f. 7-3-95, cert. ef. 7-4-95; FWC 59-1995(Temp), f. 7-24-95, cert. ef. 8-1-95; FWC 77-1995, f. 9-13-95, cert. ef. 1-1-96; FWC 82-1995(Temp), f. 9-29-95, cert. ef. 10-1-95; FWC 90-1995(Temp), f. 11-29-95, cert. ef. 1-1-96; FWC 20-1996, f. & cert. ef. 4-29-96; FWC 52-1996, f. & cert. ef. 9-11-96; FWC 61-1996, f. & cert. ef. 10-9-96; FWC 72-1996, f. 12-31-96, cert. ef. 1-1-97; FWC 73-1996(Temp), f. 12-31-96, cert. ef. 1-1-97; FWC 5-1997, f. & cert. ef. 2-4-97; FWC 17-1997(Temp), f. 3-19-97, cert. ef. 4-1-97; FWC 32-1997(Temp), f. & cert. ef. 5-23-97; FWC 75-1997, f. 12-31-97, cert. ef. 1-1-98; DFW 24-1998(Temp), f. & cert. ef. 3-25-98 thru 9-15-98; DFW 34-1998, f. & cert. ef. 5-4-98; DFW 52-1998(Temp), f. 7-10-98, cert. ef. 7-11-98 thru 7-24-98; DFW 55-1998(Temp), f. & cert. ef. 7-24-98 thru 12-31-98; DFW 70-1998, f. & cert. ef. 8-28-98; DFW 100-1998, f. 12-23-98, cert. ef. 1-1-99; DFW 36-1999, f. & cert. ef. 5-20-99; DFW 96-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 48-2000(Temp), f. 8-14-00, cert. ef. 8-15-00 thru 12-31-00; DFW 83-2000(Temp), f. 12-28-00, cert. ef. 1-1-01 thru 1-31-01; DFW 1-2001, f. 1-25-01, cert. ef. 2-1-01; DFW 8-2001, f. & cert. ef. 3-5-01; DFW 40-2001(Temp), f. & cert. ef. 5-24-01 thru 11-20-01; DFW 42-2001(Temp), f. 5-25-01, cert. ef. 5-29-01 thru 7-31-01; DFW 70-2001, f. & cert. ef. 8-10-01; DFW 72-2001(Temp), f. 8-10-01, cert. ef. 8-16-01 thru 12-31-01; DFW 90-2001(Temp), f. 9-14-01, cert. ef. 9-15-01 thru 12-31-01; DFW 97-2001(Temp), f. 10-4-01, cert. ef. 11-1-01 thru 12-31-01; DFW 105-2001(Temp), f. 10-26-01, cert. ef. 11-1-01 thru 12-31-01; DFW 122-2001(Temp), f. & cert. ef. 12-31-01 thru 5-31-02; DFW 123-2001, f. 12-31-01, cert. ef. 1-1-02; DFW 5-2002(Temp), f. 1-11-02, cert. ef. 1-12-02 thru 7-11-02; DFW 26-2002, f. & cert. ef. 3-21-02; DFW 37-2002, f. & cert. ef. 4-23-02; DFW 55-2002(Temp), f. 5-28-02, cert. ef. 7-1-02 thru 11-31-02; DFW 91-2002(Temp), f. 8-19-02, cert. ef. 8-20-02 thru 11-1-02 (Suspended by DFW 101-2002(Temp), f. & cert. ef. 10-3-02 thru 11-1-02); DFW 124-2002(Temp), f. & cert. ef. 10-30-02 thru 12-31-02 (Suspended by DFW 125-2002(Temp), f. 11-8-02, cert. ef. 11-9-2002); DFW 130-2002, f. 11-21-02, cert. ef. 1-1-03; DFW 90-2003(Temp), f. 9-12-03, cert. ef. 9-13-03 thru 12-31-03; DFW 125-2003, f. 12-11-03, cert. ef. 1-1-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 127-2004, f. 12-22-04, cert. ef. 1-1-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 24-2006(Temp), f. 4-25-06, cert. ef. 5-13-06 thru 10-31-06; DFW 37-2006(Temp), f. 6-2-06, cert. ef. 6-5-06 thru 12-1-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 47-2007(Temp), f. 6-18-07, cert. ef. 6-21-07 thru 10-31-07; DFW 56-2007(Temp), 7-6-07, cert. ef. 8-1-07 thru 12-31-07; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 137-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 54-2008(Temp), f. 5-28-08, cert. ef. 6-1-08 thru 7-31-08; DFW 67-2008(Temp), f. 6-20-08, cert. ef. 8-1-08 thru 12-31-08; DFW 138-2008(Temp), f. 10-28-08, cert. ef. 11-1-08 thru 11-30-08; DFW 140-2008(Temp), f. 11-4-08, cert. ef. 11-5-08 thru 12-31-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 57-2009(Temp), f. 5-27-09, cert. ef. 6-1-09 thru 7-31-09; DFW 77-2009(Temp), f. 6-29-09, cert. ef. 7-1-09 thru 7-31-09; DFW 87-2009(Temp), f. 7-31-09, cert. ef. 8-1-09 thru 12-31-09; DFW 113-2009(Temp), f. & cert. ef. 9-18-09 thru 12-31-09; DFW 141-2009(Temp), f. 11-4-09, cert. ef. 11-7-09 thru 12-21-09; DFW 143-2009(Temp), f. 11-17-09, cert. ef. 11-19-09 thru 12-31-09; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 65-2010(Temp), f. 5-18-10, cert. ef. 5-22-10 thru 5-31-10; DFW 76-2010, f. 6-8-10, cert. ef. 8-1-10; DFW 143-2010(Temp), f. 10-8-10, cert. ef. 10-10-10 thru 12-31-10; DFW 152-2010(Temp), f. 10-27-10, cert. ef. 10-30-10 thru 12-31-10; DFW 171-2010, f. 12-30-10, cert. ef. 1-1-11; DFW 31-2011(Temp), f. 4-18-11, cert. ef. 5-1-11 thru 10-27-11; DFW 83-2011, f. 6-30-11, cert. ef. 7-1-11; DFW 137-2011(Temp), 9-30-11, cert. ef. 10-1-11 thru 12-31-11; DFW 145-2011(Temp), f. 10-11-11, cert. ef. 10-12-11 thru 12-31-11; DFW 149-2011(Temp), f. 10-20-11, cert. ef. 10-22-11 thru 12-31-11; DFW 163-2011, f. 12-27-11, cert. ef. 1-1-12; DFW 62-2012, f. 6-12-12, cert. ef. 7-1-12; DFW 138-2012(Temp), f. 10-29-12, cert. ef. 10-31-12 thru 12-31-12; DFW 149-2012, f. 12-27-12, cert. ef. 1-1-13; DFW 155-2012(Temp), f. 12-28-12, cert. ef. 1-1-13 thru 6-29-13; DFW 23-2013(Temp), f. 3-20-13, cert. ef. 4-1-13 thru 9-27-13; DFW 50-2013, f. 6-10-13, cert. ef. 7-1-13; DFW 124-2013(Temp), f. 10-29-13, cert. ef. 11-1-13 thru 12-31-13; DFW 137-2013, f. 12-19-13, cert. ef. 1-1-14; DFW 110-2014, f. & cert. ef. 8-4-14; DFW 165-2014, f. 12-18-14, cert. ef. 1-1-15; DFW 73-2015, f. 6-22-15, cert. ef. 6-23-15; DFW 74-2015(Temp), f. & cert. ef. 6-23-15 thru 12-19-15; DFW 88-2015(Temp), f. 7-16-15, cert. ef. 7-18-15 thru 12-31-15; DFW 106-2015(Temp), f. & cert. ef. 8-13-15 thru 12-31-15; DFW 120-2015(Temp), f. 8-31-15, cert. ef. 9-1-15 thru 12-31-15; DFW 167-2015, f. 12-29-15, cert. ef. 1-1-16; DFW 24-2016(Temp), f. 3-30-16, cert. ef. 4-1-16 thru 9-27-16; DFW 48-2016(Temp), f. & cert. ef. 5-11-16 thru 11-6-16; DFW 102-2016(Temp), f. 8-3-16, cert. ef. 8-4-16 thru 12-31-16; DFW 105-2016, f. & cert. ef. 8-10-16; DFW 153-2016, f. 12-28-16, cert. ef. 1-1-17; DFW 59-2017(Temp), f. 5-12-17, cert. ef. 5-15-17 thru 7-31-17

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

Rule Caption: Amend Confidentiality and Inadmissibility of Mediation Communications and Workplace Interpersonal Dispute Mediation Communications Rules

Adm. Order No.: DHSD 4-2017(Temp)

Filed with Sec. of State: 5-11-2017

Certified to be Effective: 5-15-17 thru 11-10-17

Notice Publication Date:

Rules Amended: 407-014-0200, 407-014-0205

Subject: Pursuant to ORS 36.224(4), the Department of Human Services is amending these rules to adopt by reference the Confidentiality and Inadmissibility of Mediation Communications rule, OAR 137-005-0052, and the Confidentiality and Inadmissibility of Workplace Interpersonal Mediation Communications rule, OAR 137-005-0054, adopted by the Attorney General, effective October 27, 2015.

Proposed rules are available on the Department of Human Services website: <http://www.oregon.gov/DHS/POLICIES/Pages/ss-admin-rules.aspx>. For hardcopy requests, call: (503) 947-5250.

Rules Coordinator: Jennifer Bittel—(503) 947-5250

407-014-0200

Confidentiality and Inadmissibility of Mediation Communications

Pursuant to ORS 36.224, the Department of Human Services adopts by reference OAR 137-005-0052 as promulgated by the Attorney General.

Stat. Auth.: ORS 36.224, 184.340 & 409.050

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

Hist.: OMAP 8-1999, f. & cert. ef. 3-1-99; Renumbered from 410-006-0011, DHSD 6-2007, f. 6-29-07, cert. ef. 7-1-07; DHSD 4-2017(Temp), f. 5-11-17, cert. ef. 5-15-17 thru 11-10-17

407-014-0205

Confidentiality and Inadmissibility of Workplace Interpersonal Dispute Mediation Communications

Pursuant to ORS 36.224, the Department of Human Services adopts by reference OAR 137-005-0054 as promulgated by the Attorney General.

Stat. Authority: ORS 36.224 & 409.050

Stats. Implemented: ORS 36.230

Hist.: OMAP 8-1999, f. & cert. ef. 3-1-99; Renumbered from 410-006-0021, DHSD 6-2007, f. 6-29-07, cert. ef. 7-1-07; DHSD 4-2017(Temp), f. 5-11-17, cert. ef. 5-15-17 thru 11-10-17

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

Rule Caption: ODDS: Agency Background Checks to Provide Developmental Disabilities Services in Community-Based Settings

Adm. Order No.: APD 9-2017

Filed with Sec. of State: 4-17-2017

Certified to be Effective: 4-22-17

Notice Publication Date: 3-1-2017

Rules Amended: 411-323-0050

Subject: The Department of Human Services, Office of Developmental Disabilities Services (ODDS) is permanently updating OAR 411-323-0050 to make permanent the temporary changes that became effective on October 24, 2016 and December 16, 2016, in order to comply with the following:

- ORS 181A.190.
- OAR chapter 125, division 007.
- OAR 407-007-0200 to 407-007-0370.

ODDS also made additional edits to the rule to ensure consistent terminology, update statutory and rule references, correct formatting and punctuation, and improve ease of reading.

Rules Coordinator: Kimberly Colkitt-Hallman—(503) 945-6398

411-323-0050

Agency Management and Personnel Practices

(1) NON-DISCRIMINATION. An agency must comply with all applicable state and federal statutes, rules, and regulations in regard to non-discrimination in employment policies and practices.

ADMINISTRATIVE RULES

(2) **BASIC PERSONNEL POLICIES AND PROCEDURES.** An agency must have in place and implement personnel policies and procedures that addressing suspension, increased supervision, or other appropriate disciplinary employment procedures when a staff member, provider, subcontractor, relief provider, or volunteer, has been identified as an accused person in an abuse investigation or any founded report of child abuse or substantiated adult abuse.

(3) **PROHIBITION AGAINST RETALIATION.** An agency or provider may not retaliate against any staff member, subcontractor, relief provider, or volunteer, reporting in good faith suspected abuse, or retaliate against the individual with respect to any report. An accused person may not self-report solely for the purpose of claiming retaliation.

(a) An agency, provider, or person that retaliates against any person because of a report of suspected abuse is liable according to ORS 430.755 in a private action to the reporting person for actual damages and, in addition, is subject to a penalty up to \$1000, notwithstanding any other remedy provided by law.

(b) Any adverse action is evidence of retaliation if taken within 90 days of a report of abuse. For the purpose of this section, "adverse action" means any action taken by an agency, provider, or person involved in a report against the person making the report or against the individual because of the report and includes, but is not limited to the following:

- (A) Discharge or transfer from the agency, except for clinical reasons.
- (B) Discharge from, or termination of, employment.
- (C) Demotion or reduction in remuneration for program services.
- (D) Restriction or prohibition of access to the agency or the individuals receiving services delivered by the agency.

(4) **MANDATORY ABUSE REPORTING PERSONNEL POLICIES AND PROCEDURES.**

(a) Staff, providers, substitute caregivers, volunteers, and contractors of an agency, are mandatory reporters.

(b) An agency must notify all staff, providers, substitute caregivers, volunteers, and contractors of the agency, of mandatory abuse reporting status at least annually on forms provided by the Department.

(c) An agency must provide all staff, providers, substitute caregivers, volunteers, and contractors of the agency, with a Department produced card regarding mandatory abuse reporting status and abuse reporting requirements.

(d) An agency providing services to adults must report suspected abuse to the CDDP in the county where the adult resides. A report must also be made to law enforcement if there is reason to believe a crime has been committed.

(e) An agency providing services to children must report suspected abuse to the Department or law enforcement in the county where the child resides.

(5) **APPLICATION FOR EMPLOYMENT.** An application for employment at the agency must inquire whether an applicant has had any founded reports of child abuse or substantiated adult abuse.

(6) **BACKGROUND CHECKS.** Any staff, volunteer, provider, relief care provider, crisis provider, advisor, or any subject individual defined by OAR 407-007-0210, including any person who is not identified in this rule, but uses public funds intended for the operation of an agency, who has or shall have contact with an individual receiving services, must have an approved background check in accordance with OAR 407-007-0200 to 407-007-0370 and ORS 181A.190.

(a) An agency may not use public funds to support, in whole or in part, any person described above in section (6) of this rule in any capacity who has been convicted of any of the disqualifying crimes listed in ORS 443.004.

(b) Subsection (a) of this section does not apply to agency staff hired prior to July 28, 2009 remaining in the position they held on July 28, 2009.

(c) Any person described above in section (6) of this rule must self-report any potentially disqualifying crimes under OAR 125-007-0270 and potentially disqualifying conditions under OAR 407-007-0290. The person must notify the Department or the designee of the Department within 24 hours.

(7) **EXECUTIVE DIRECTOR QUALIFICATIONS.** An agency must be operated under the supervision of an Executive Director who has a minimum of a bachelor's degree and two years of experience, including supervision, in intellectual or developmental disabilities, mental health, rehabilitation, social services, or a related field. Six years of experience in the identified fields may be substituted for a degree.

(8) **GENERAL STAFF QUALIFICATIONS.** Any staff delivering services to individuals must meet the following criteria:

- (a) Be at least 18 years of age.

(b) Consent to a background check by the Department as described in OAR 407-007-0200 to 407-007-0370 and section (6) of this rule, resulting in a final fitness determination of approval or restricted approval.

(A) Background rechecks must be performed biennially and in accordance with OAR 407-007-0220.

(B) **PORTABILITY OF BACKGROUND CHECK APPROVAL.** A subject individual as defined in OAR 407-007-0210 may be approved for one position to work in multiple locations within a qualified entity as defined in OAR 407-007-0210. The Background Check Request form must be completed by the subject individual to show intent to work at various locations.

(c) If hired on or after July 28, 2009, not have been convicted of any of the disqualifying crimes listed in ORS 443.004.

(d) Be legally eligible to work in the United States.

(e) Hold a current, valid, and unrestricted professional license or certification where services and supervision requires specific professional education, training, and skill.

(f) Understand requirements of maintaining confidentiality and safeguarding individual information.

(g) Not be on the list of excluded or debarred providers maintained by the Office of the Inspector General.

(h) Be literate and capable of understanding written and oral orders.

(i) Be able to communicate with individuals, health care providers, case managers, and appropriate others.

(j) Be able to respond to emergency situations at all times services are being delivered.

(k) Be certified in CPR and First Aid by a recognized training agency within 90 days of employment.

(l) Receive 12 hours of job-related in-service training annually.

(m) Have clear job responsibilities as described in a current signed and dated job description.

(n) If transporting individuals, have a valid driver's license and vehicle insurance in compliance with the laws of the Department of Motor Vehicles.

(o) Additional qualifications in the applicable program rules for the staff of an agency endorsed to those rules.

(9) **PERSONNEL FILES AND QUALIFICATION RECORDS.** An agency must maintain up-to-date written job descriptions for each staff member, as well as a file available to the Department or the designee of the Department for inspection including documentation of the following:

(a) Written documentation that references and qualifications were checked.

(b) Written documentation by the Department of an approved background check in accordance with OAR 407-007-0200 to 407-007-0370.

(c) Written documentation of staff notification of mandatory abuse training and reporter status prior to delivering services and annually thereafter.

(d) Written documentation of any complaints filed against the staff member and the results of the complaint process, including, if any, disciplinary action.

(e) Written documentation of any founded report of child abuse or substantiated adult abuse.

(f) Written documentation of 12 hours of job-related in-service training annually.

(g) Documentation the staff member has been certified in CPR and First Aid by a recognized training agency within 90 days of employment and certification is kept current.

(h) For staff operating vehicles that transport individuals, documentation of a valid driver's license and proof of vehicle insurance in compliance with the laws of the Department of Motor Vehicles.

(10) **DISSOLUTION OF AN AGENCY.** A representative of the governing body or owner of an agency must notify the Department in writing 30 days prior to the dissolution of the agency and make appropriate arrangements for the transfer of individual records.

Stat. Auth. ORS 409.050

Stats. Implemented: ORS 409.050

Hist.: SPD 12-2011, f. & cert. ef. 7-1-11; SPD 19-2011(Temp), f. & cert. ef. 7-1-11 thru 12-28-11; SPD 1-2012, f. & cert. ef. 1-6-12; APD 24-2014(Temp), f. & cert. ef. 7-1-14 thru 12-28-14; APD 42-2014, f. 12-26-14, cert. ef. 12-28-14; APD 25-2016, f. & cert. ef. 6-29-16; APD 40-2016(Temp), f. & cert. ef. 10-24-16 thru 4-21-17; APD 42-2016(Temp), f. & cert. ef. 12-16-16 thru 4-27-17; APD 9-2017, f. 4-17-17, cert. ef. 4-22-17

Rule Caption: Removal of 10-day draft Adult Protective Service Report for APD Adult Foster Homes

Adm. Order No.: APD 10-2017(Temp)

Filed with Sec. of State: 4-21-2017

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Certified to be Effective: 5-1-17 thru 10-27-17

Notice Publication Date:

Rules Amended: 411-050-0615, 411-050-0650, 411-050-0665

Subject: The Department needs to amend the rules effective May 1, 2017 to eliminate the 10-day review period that allows the licensee and the complainant an opportunity to review a preliminary Adult Protective Service (APS) complaint report and provide additional information. The amendment will enable the Department to comply with statutory time limits for completion of reports and corrective action. The Department will also make minor housekeeping changes to correct references to other rules and codes that are currently incorrect, improve grammar and punctuation, and to clarify text.

Rules Coordinator: Kimberly Colkitt-Hallman—(503) 945-6398

411-050-0615

Provider Enrollment Agreements, Residency Agreements, and Refunds

(1) MEDICAID PROVIDER ENROLLMENT AGREEMENT.

(a) An applicant or licensee who intends to care for residents who are or become eligible for Medicaid services must enter into a Medicaid Provider Enrollment Agreement with the Department, follow Department rules, and abide by the terms of the Medicaid Provider Enrollment Agreement. The local licensing authority shall determine that the applicant, licensee, and any owner or officer of the corporation, as applicable, is not listed on either of the Exclusion Lists before approval of a Medicaid Provider Enrollment Agreement.

(b) An approved Medicaid Provider Enrollment Agreement does not guarantee the placement of individuals eligible for Medicaid services in the adult foster home.

(c) An approved Medicaid Provider Enrollment Agreement is valid for the length of the license unless earlier terminated by the licensee or the Department. A Medicaid Provider Enrollment Agreement must be completed, submitted, approved, and renewed with each licensing cycle.

(d) The rate of compensation established by the Department is considered payment in full. The licensee may not request or accept additional funds or in-kind payment from any source.

(e) An individual eligible for Medicaid services may not be admitted into an adult foster home unless and until:

(A) The Department has approved a Medicaid Provider Enrollment Agreement. The Department shall not issue a Medicaid payment to a licensee without a current license and an approved Medicaid Provider Enrollment Agreement in place;

(B) The individual eligible for Medicaid services has been screened according to OAR 411-050-0655; and

(C) The Department has authorized the placement. The authorization must be clearly documented in the resident's record with other required admission materials. (See OAR 411-050-0655).

(f) The Department shall not make payment for the date a resident moves from the home, or for any time period thereafter.

(g) The licensee must enter into a written agreement with a resident who receives Medicaid services if the licensee charges for storage of belongings that remain in the adult foster home for more than 15 calendar days after the resident has left the home.

(A) The written agreement must be consistent with the licensee's policy with private-pay residents and entered into at the time of the resident's admission or at the time the resident becomes eligible for Medicaid services.

(B) The licensee must give written notice to the resident and the resident's family or other representatives 30 calendar days before any increases, additions, or other modifications to the charges for storage.

(h) A licensee who elects to provide care for individuals eligible for Medicaid services is not required to admit more than one resident eligible for Medicaid services. However, if the licensee has an approved Medicaid Provider Enrollment Agreement, private-pay residents who become eligible for Medicaid services may not be asked to leave solely on the basis of Medicaid eligibility.

(i) The licensee or the Department may terminate a Medicaid Provider Enrollment Agreement according to the terms of the Medicaid Provider Enrollment Agreement.

(j) The Department may terminate a Medicaid Provider Enrollment Agreement under the following circumstances:

(A) The licensee fails to maintain substantial compliance with all related federal, state, and local laws, ordinances, and regulations; or

(B) The license to operate the adult foster home has been voluntarily surrendered, revoked, or non-renewed.

(k) The Department must terminate a Medicaid Provider Enrollment Agreement under the following circumstances:

(A) The licensee fails to permit access by the Department, the local licensing authority, or the Centers for Medicare and Medicaid Services to any adult foster home licensed to and operated by the licensee;

(B) The licensee submits false or inaccurate information;

(C) Any person with five percent or greater direct or indirect ownership interest in the adult foster home did not submit timely and accurate information on the Medicaid Provider Enrollment Agreement form or fails to submit fingerprints if required under the criminal records and abuse check rules in OAR 407-007-0200 to 407-007-0370;

(D) Any person with five percent or greater direct or indirect ownership interest in the adult foster home has been convicted of a criminal offense related to the person's involvement with Medicare, Medicaid, or Title XXI programs in the last 10 years; or

(E) Any person with an ownership or control interest, or who is an agent or managing employee of the adult foster home, fails to submit timely and accurate information on the Medicaid Provider Enrollment Agreement form.

(l) If the licensee submits notice of termination of the Medicaid Provider Enrollment Agreement, the licensee must comply with the following requirements:

(A) Simultaneously issue the Department's Notice of Involuntary Move or Transfer of Resident form (SDS 901) to each resident eligible for Medicaid services in the licensee's adult foster home (See OAR 411-050-0645).

(B) Update Residency Agreement and submit to the local licensing authority for review.

(C) Obtain signatures of all current residents, or the resident's representative on the updated Residency Agreement following the local licensing authority's review.

(m) If either the licensee or the Department terminates a Medicaid Provider Enrollment Agreement, a new Medicaid Provider Enrollment Agreement shall not be approved by the local licensing authority for a period of not less than 180 days from the date the licensee or the Department terminated the Medicaid Provider Enrollment Agreement.

(n) DEATH OF RESIDENT ELIGIBLE FOR MEDICAID SERVICES WITH NO SURVIVING SPOUSE. The licensee must forward all personal incidental funds (PIF) to the Estate Administration Unit, P. O. Box 14021, Salem, Oregon 97309-5024, within 10 business days of the death of a resident eligible for Medicaid services with no surviving spouse. (See Limits on Estate Claims, OAR 461-135-0835).

(2) RESIDENCY AGREEMENT. A licensee must enter into a written Agreement with all residents or the residents' representatives, which details the care and services to be provided, and the rate to be charged. The written Agreement must be signed by all parties before the admission of the resident. A copy of the Agreement is subject to review for compliance with these rules by the local licensing authority before licensure and before the implementation of any changes to the Agreement.

(a) The Agreement must include, but not be limited to:

(A) Services to be provided and the rate to be charged. For individuals receiving Medicaid, the Residency Agreement may state the rate will be "as authorized by the Department". A payment range may not be used unless the Agreement plainly states when an increase in rate may be expected based on a resident's increased care or service needs.

(B) Conditions under which the rates may be changed.

(C) The home's refund policy in instances of a resident's hospitalization, death, transfer to a nursing facility or other care facility, and voluntary or involuntary move. The refund policy must be in compliance with section (3) of this rule.

(D) A statement indicating that the resident is not liable for damages considered normal wear and tear on the adult foster home and the adult foster home's contents.

(b) The Agreement must disclose the home's policies regarding:

(A) Moves, including:

(i) Voluntary moves and whether or not the licensee requires written notification of a non-Medicaid resident's intent to not return.

(ii) Involuntary moves and the resident's rights according to OAR 411-050-0645(11) and (12).

(B) Any charges for storage of belongings that remain in the adult foster home for more than 15 calendar days after the resident has left the home.

(C) Any policies the adult foster home may have on the use of alcohol, tobacco, intercoms, and monitors.

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(D) The home's smoking policies in compliance with OAR 411-050-0650.

(E) The home's policy regarding animals. Restrictions may not apply to animals that provide assistance or perform tasks for the benefit of a person with a disability. Such animals are often referred to as service animals, assistance animals, support animals, therapy animals, companion animals, or emotional support animals.

(F) The home's policy regarding the presence and use of legal medical and recreational marijuana on the premises.

(G) The home's schedule of meal times with no more than a 14-hour span between the evening meal and the following morning's meal (See OAR 411-050-0645).

(H) Whether the home serves individuals eligible for Medicaid services.

(I) The home's policy regarding refunds for residents eligible for Medicaid services, including pro-rating partial months and if the room and board is refundable.

(J) A clear and precise statement of any limitation to the implementation of Advance Directives on the basis of conscience. This rule does not apply to medical professional or hospice orders for administration of medications. The statement must include:

(i) A description of conscientious objections as they apply to all occupants of the adult foster home.

(ii) The legal authority permitting such objections under ORS 127.505 to 127.660.

(iii) Description of the range of medical conditions or procedures affected by the conscientious objection.

(c) The Agreement must:

(A) Not conflict with the Resident's Rights, the family atmosphere of the home, or any of these rules.

(B) Be reviewed and approved by the local licensing authority before the issuance of a license, and before implementing any changes.

(d) Providers initially licensed before January 1, 2016 have until September 1, 2018 to fully comply with this rule. The Agreement must include the freedoms authorized by 42 CFR 441.301(c)(4) & 42 CFR 441.530(a)(1), which must not be limited without the informed, written consent of the resident or the resident's representative, and approved by the person-centered service plan coordinator, which includes the right to:

(A) The freedom and support to access food at any time;

(B) To have visitors of the resident's choosing at any time;

(C) Have a lockable door in the resident's bedroom, which may be locked by the resident;

(D) Choose a roommate when sharing a bedroom;

(E) Furnish and decorate the resident's bedroom according to the Residency Agreement;

(F) The freedom and support to control the resident's schedule and activities; and

(G) Privacy in the resident's bedroom.

(e) The licensee may not charge or ask for application fees or non-refundable deposits. Fees to hold a bed are permissible.

(f) The licensee must give a copy of the signed Agreement to the resident or the resident's representative and must retain the original signed Agreement and any amendments on the premises available for review.

(g) The licensee may not include any illegal or unenforceable provision in an Agreement with a resident and may not ask or require a resident to waive any of the resident's rights or licensee's liability for negligence.

(h) The licensee must give written notice to a non-Medicaid resident and the resident's family or other representatives 30 calendar days before any general rate increases, additions, or other modifications of the rates. The licensee is not required to give 30 day written notice if the rate change is due to the resident's increased care or service needs and the agreed upon rate schedule in the resident's Agreement has specified charges for those changes.

(3) REFUNDS FOR NON-MEDICAID RESIDENTS.

(a) If a resident dies, the licensee may not retain or require payment for more than 15 calendar days after the date of the resident's death, or the time specified in the licensee's Agreement, whichever is less.

(b) If a resident leaves an adult foster home for medical reasons and the resident or the resident's representative indicates the resident's intent to not return, the licensee may not retain or require payment for more than 15 calendar days after the date the licensee receives notification from the resident, the resident's representative, or the time specified in the licensee's Agreement, whichever is less.

(c) If a resident who has paid with private funds becomes eligible for Medicaid services, the licensee must accept payment from the Department

from the date of eligibility forward as payment in full. The licensee must reimburse the resident or the resident's representative within 30 calendar days after the licensee receives payment from the Department for any private payment received after the resident became eligible for Medicaid services.

(d) The licensee must act in good faith to reduce the charge to a resident who has left the home by seeking a new resident to fill the vacancy.

(e) The licensee must refund any unused advance payment to the resident, or the resident's representative as appropriate, within 30 calendar days after the resident dies or leaves the home.

(f) If the adult foster home closes or the licensee gives written notice for the resident to leave, the licensee waives the right to collect any fees beyond the date of closure or the resident's departure, whichever is sooner.

(g) If a resident dies or leaves an adult foster home due to neglect or abuse at the adult foster home that is substantiated by a Department investigator, or due to conditions of imminent danger of life, health, or safety, the licensee may not charge the resident beyond the resident's last day in the home.

(h) The refund policies in these rules also apply to refunds for resident moves and transfers as described in OAR 411-050-0645.

Stat. Auth.: ORS 410.070, 443.001, 443.004, 443.725, 443.730, 443.735, 443.738, 443.742, 443.760, 443.767, 443.775, 443.880, 443.790

Stats. Implemented: ORS 443.001-004, 443.705-825, 443.875, 443.991

Hist.: SSD 14-1985, f. 12-31-85, ef. 1-1-86; SSD 11-1988, f. 10-18-88, cert. ef. 11-1-88; SSD 3-1992, f. 5-26-92, cert. ef. 6-1-92; SSD 3-1992, f. 5-26-92, cert. ef. 6-1-92; SSD 3-1996, f. 3-29-96, cert. ef. 4-1-96; SDDS 4-2001, f. & cert. ef. 3-1-01; SPD 31-2006, f. 12-27-06, cert. ef. 1-1-07; SPD 9-2010, f. 6-30-10, cert. ef. 7-1-10; Renumbered from 411-050-0435, SPD 33-2013, f. 8-30-13, cert. ef. 9-1-13; APD 15-2015, f. 6-24-15, cert. ef. 6-28-15; APD 27-2015(Temp), f. 12-29-15, cert. ef. 1-1-16 thru 6-28-16; APD 9-2016, f. 6-27-16, cert. ef. 6-28-16; APD 10-2017(Temp), f. 4-21-17, cert. ef. 5-1-17 thru 10-27-17

411-050-0650

Facility and Safety Standards

In order to qualify for or maintain a license, an adult foster home must comply with the following provisions:

(1) GENERAL CONDITIONS.

(a) INTERIOR AND EXTERIOR PREMISES. The building and furnishings, patios, decks, and walkways, as applicable, must be clean and in good repair. The interior and exterior premises must be well maintained and accessible according to the individual needs of the residents. There must be no accumulation of garbage, debris, rubbish, or offensive odors. Walls, ceilings, and floors must be of such character to permit washing, cleaning, or painting, as appropriate.

(b) ADDRESS. The address numbers of the adult foster home must be placed on the home in a position that is legible and clearly visible from the street or road fronting the property. If the home is so situated that the address number is not legible and clearly visible from the road fronting the property, such as when the home is accessed via a lengthy driveway or private access road, then the address numbers must also be posted where the driveway or private access road joins the fronting road. The address numbers must be at least four inches in height, made of reflective material, and contrast with the background.

(c) LIGHTING. Adequate lighting, based on the needs of the occupants, must be provided in each room, stairway, and exit way. Incandescent light bulbs and fluorescent tubes must be protected with appropriate covers.

(d) TEMPERATURE. The heating system must be in working order. Areas of the home used by the residents must be maintained at a comfortable temperature. Minimum temperatures during the day must be not less than 68 degrees, no greater than 85 degrees, and not less than 60 degrees during sleeping hours. Variations from the requirements of this rule must be based on resident care needs or preferences and must be addressed in each resident's care plan.

(A) During times of extreme summer heat, the licensee must make reasonable effort to keep the residents comfortable using ventilation, fans, or air conditioning. Precautions must be taken to prevent resident exposure to stale, non-circulating air.

(B) If the facility is air-conditioned, the system must be functional and the filters must be cleaned or changed as needed to ensure proper maintenance.

(C) If the licensee is unable to maintain a comfortable temperature for the residents during times of extreme summer heat, air conditioning or another cooling system may be required.

(e) COMMON USE AREAS. Common use areas for the residents must be accessible to all residents. There must be at least 150 square feet of common living space and sufficient furniture in the home to accommodate the recreational and socialization needs of all the occupants at one time. Common space may not be located in an unfinished basement or garage unless such space was constructed for that purpose or has otherwise been

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legalized under permit. There may be additional space required if wheelchairs are to be accommodated. An additional 40 square feet of common living space is required for each day care individual, room and board tenant, or relative receiving care for remuneration that exceeds the limit of five.

(2) SANITATION AND PRECAUTIONS.

(a) **NON-MUNICIPAL WATER SOURCE.** A public water supply must be utilized if available. If a non-municipal water source is used, the licensor, a sanitarian, or a technician from a certified water-testing laboratory must collect a sample annually or as required by the Department. The water sample must be tested for coliform bacteria. Water testing and any necessary corrective action to ensure water is suitable for drinking must be completed at the licensee's expense. Water testing records must be retained for three years.

(b) Septic tanks or other non-municipal sewage disposal systems must be in good working order.

(c) **COMMODOES AND INCONTINENCE GARMENTS.** Commodes used by residents must be emptied frequently and cleaned daily, or more frequently if necessary. Incontinence garments must be disposed of in closed containers.

(d) **WATER TEMPERATURE.** A resident who is unable to safely regulate the water temperature must be supervised.

(e) **LAUNDRY.** Before laundering, soiled linens and clothing must be stored in closed containers in an area that is separate from food storage, kitchen, and dining areas. Pre-wash attention must be given to soiled and wet bed linens. Sheets and pillowcases must be laundered at least weekly and more often if soiled.

(f) Garbage and refuse must be suitably stored in readily cleanable, rodent-proof, covered containers, pending weekly removal.

(g) **VENTILATION.** All doors and windows that are used for ventilation must have screens in good condition.

(h) **INFECTION CONTROL.** Standard precautions for infection control must be followed in resident care. Hands and other skin surfaces must be washed immediately and thoroughly if contaminated with blood or other body fluids.

(i) **DISPOSAL OF SHARPS.** Precautions must be taken to prevent injuries caused by needles, scalpels, and other sharp instruments or devices during procedures. The puncture-resistant container must be located as close as practical to the use area. Disposal must be made according to local regulations as stated in section (5) of this rule. (See 459.386 to 459.405).

(j) **FIRST AID.** Current, basic first-aid supplies and a first-aid manual must be readily available in the home.

(k) **PESTS.** Reasonable precautions must be taken to prevent pests (e.g., ants, cockroaches, other insects, and rodents).

(l) **PETS OR OTHER ANIMALS.** Sanitation for household pets and other domestic animals on the premises must be adequate to prevent health hazards. Proof of rabies vaccinations and any other vaccinations that are required for the pet by a licensed veterinarian must be maintained on the premises. Pets not confined in enclosures must be under control and not present a danger to the residents or guests.

(m) **SAFETY BARRIERS.** Patios, decks, walkways, swimming pools, hot tubs, spas, saunas, water features, and stairways, as appropriate, must be equipped with safety barriers designed to prevent injury. Resident access to or use of swimming or other pools, hot tubs, spas, or saunas on the premises must be supervised.

(3) BATHROOMS. Bathrooms must:

(a) Provide individual privacy and have a finished interior with a door that opens to a hall or common-use room. If a resident's bedroom includes a private bathroom, the door for the private bathroom must open to the bedroom. No person must have to walk through another person's bedroom to access a bathroom.

(b) Be large enough to accommodate the individual needs of the residents and any equipment that may be necessary.

(c) Have a mirror, a window that opens or other means of ventilation, and a window covering for privacy.

(d) Be clean and free of objectionable odors.

(e) Have bathtubs, showers, toilets, and sinks in good repair. A sink must be located near each toilet and a toilet and sink must be available for the resident's use on each floor with resident rooms. There must be at least one toilet, one sink, and one bathtub or shower for each six household occupants (including residents, day care individuals, room and board tenants, the licensee, and the licensee's family).

(f) Have hot and cold water at each bathtub, shower, and sink in sufficient supply to meet the needs of the residents.

(g) Have nonporous surfaces for shower enclosures. Glass shower doors, if applicable, must be tempered safety glass, otherwise, shower curtains must be clean and in good condition.

(h) Have non-slip floor surfaces in bathtubs and showers.

(i) Have grab bars for each toilet, bathtub, and shower to be used by the residents for safety.

(j) Have barrier-free access to toilet and bathing facilities.

(k) Have adequate supplies of toilet paper and soap supplied by the licensee. Residents must be provided with individual towels and washcloths that are laundered in hot water at least weekly or more often if necessary. Residents must have appropriate racks or hooks for drying bath linens. If individual hand towels are not provided, roller-dispensed hand towels or paper towels in a dispenser must be provided for the residents' use.

(4) BEDROOMS.

(a) Bedrooms for all household occupants must have:

(A) Been constructed as a bedroom when the home was built, or remodeled under permit.

(B) A finished interior with walls or partitions of standard construction that go from floor to ceiling.

(C) A door that opens directly to a hallway or common use room without passage through another bedroom or common bathroom. The bedroom door must be large enough to accommodate the occupant of the room and any mobility equipment that may be needed by the resident.

(D) Adequately ventilation, heating, and lighting with at least one window that opens and meets the requirements in section (5)(e) of this rule.

(E) At least 70 square feet of usable floor space for one resident or 120 square feet for two residents excluding any area where a sloped ceiling does not allow a person to stand upright.

(F) No more than two occupants per room. (See also OAR 411-050-0632 pertaining to a child's bedroom). This rule is not intended to prohibit a child five years of age or younger from occupying his or her parent's bedroom.

(b) The licensee, any other caregivers, and family members may not sleep in areas designated as living areas or share a bedroom with a resident. This rule is not intended to prohibit a caregiver or other person of the resident's choosing from temporarily staying in the resident's room when required by the resident's condition.

(c) There must be a bed at least 36 inches wide for each resident consisting of a mattress and springs, or equivalent, in good condition. Cots, rollaways, bunks, trundles, daybeds with restricted access, couches, and folding beds may not be used for residents. Each bed must have clean bedding in good condition consisting of a bedspread, mattress pad, two sheets, a pillow, a pillowcase, and blankets adequate for the weather. Waterproof mattress covers must be used for incontinent residents. Day care individuals may use a cot or rollaway bed if bedroom space is available that meets the requirements of section (4)(a) of this rule. A resident's bed may not be used by a day care individual.

(d) Each resident's bedroom must have a separate, private dresser and closet space sufficient for the resident's clothing and personal effects, including hygiene and grooming supplies. A resident must be provided a private, secure storage space to keep and use reasonable amounts of personal belongings. A licensee may not use a resident's bedroom for storage of items, supplies, devices, or appliances that do not belong to the resident.

(e) All resident bedroom doors must have a locking device on the inside of the door, released by a single action. (See OAR 411-050-0650(5)). Providers licensed before January 1, 2016 have until September 1, 2018 to fully implement this requirement.

(f) Drapes or shades for bedroom windows must be in good condition and allow privacy for the residents.

(g) A resident who is non-ambulatory, has impaired mobility, or is cognitively impaired must have a bedroom with a safe, second exit at ground level. A resident with a bedroom above or below the ground floor must demonstrate his or her capability for self-preservation.

(h) Resident bedrooms must be in close enough proximity to the licensee or caregiver in charge to alert the licensee or caregiver in charge to resident nighttime needs or emergencies, or the bedrooms must be equipped with a functional call bell or intercom within the residents' abilities to operate. Intercoms may not violate the resident's right to privacy and must have the capability of being turned off by the resident or at the resident's request.

(i) Bedrooms used by the licensee, resident manager, shift caregiver, and substitute caregiver, as applicable, must be located in the adult foster home and must have direct access to the residents through an interior hallway or common use room.

(5) SAFETY.

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(a) **FIRE AND LIFE SAFETY.** Buildings must meet all applicable state and local building, mechanical, and housing codes for fire and life safety. The home may be inspected for fire safety by the State Fire Marshal's Office, or the State Fire Marshal's designee, at the request of the local licensing authority or the Department using the standards in these rules, as appropriate.

(b) **HEAT SOURCES.** All heating equipment including, but not limited to, wood stoves, pellet stoves, and fireplaces must be installed in accordance with all applicable state and local building and mechanical codes. Heating equipment must be in good repair, used properly, and maintained according to the manufacturer's or a qualified inspector's recommendations.

(A) A licensee who does not have a permit verifying proper installation of an existing woodstove, pellet stove, or gas fireplace must have it inspected by a qualified inspector, Certified Oregon Chimney Sweep Association member, or Oregon Hearth, Patio, and Barbeque Association member and follow the inspector's recommended maintenance schedule.

(B) Fireplaces must have approved and listed protective glass screens or metal mesh screens anchored to the top and bottom of the fireplace opening.

(C) The local licensing authority may require the installation of a non-combustible, heat-resistant, safety barrier 36 inches around a woodstove to prevent residents with ambulation or confusion problems from coming in contact with the stove.

(D) Unvented, portable oil, gas, or kerosene heaters are prohibited. Sealed electric transfer heaters or electric space heaters with tip-over, shut-off capability may be used when approved by the State Fire Marshal or the State Fire Marshal's designee. A heater must be directly connected to an electrical outlet and may not be connected to an extension cord.

(c) **EXTENSION CORDS AND ADAPTORS.** Extension cord wiring and multi-plug adaptors may not be used in place of permanent wiring. UL-approved, re-locatable power taps (RPTs) with circuit breaker protection and no more than six electrical sockets are permitted for indoor use only and must be installed and used in accordance with the manufacturer's instructions. If RPTs are used, the RPT must be directly connected to an electrical outlet, never connected to another RPT (known as daisy-chaining or piggy-backing), and never connected to an extension cord.

(d) **LOCKS AND ALARMS.** Hardware for all exit doors and interior doors must be readily visible, have simple hardware that may not be locked against exit, and have an obvious method of operation. Hasps, sliding bolts, hooks and eyes, slide chain locks, and double key deadbolts are not permitted.

(A) All resident bedroom doors must have a locking device on the inside of the door, released by a single action.

(B) Each resident shall be provided a key that locks and unlocks only his or her bedroom door.

(C) A master key to all of the residents' bedroom door locks must be immediately available to the licensee and all other caregivers in the home.

(D) Providers licensed prior to January 1, 2016 must be in full compliance with (A) through (C) of this rule by September 1, 2018.

(E) If a home has a resident with impaired judgment who is known to wander away, the home must have an activated alarm system to alert a caregiver of the resident's unsupervised exit.

(e) **WINDOWS.** Bedrooms must have at least one window or exterior door that leads directly outside, readily opens from the inside without special tools, and provides a clear opening of not less than 821 square inches (5.7 sq. ft.), with the least dimensions not less than 24 inches in height or 20 inches in width. If the interior sill height of the window is more than 44 inches from the floor level, approved steps or other aids to the window exit that the occupants are capable of using must be provided. Windows with a clear opening of not less than 5.0 square feet or 720 square inches with interior sill heights of no more than 44 inches above the floor may be accepted when approved by the State Fire Marshal or the State Fire Marshal's designee.

(f) **CONSTRUCTION.** Interior and exterior doorways must be wide enough to accommodate the mobility equipment used by the residents such as wheelchairs and walkers. All interior and exterior stairways must be unobstructed, equipped with handrails on both sides, and appropriate to the condition of the residents. (See also section (5)(q) of this rule).

(A) Buildings must be of sound construction with wall and ceiling flame spread rates at least substantially comparable to wood lath and plaster or better. The maximum flame spread index of finished materials may not exceed 200 and the smoke developed index may not be greater than 450. If more than 10 percent of combined wall and ceiling areas in a sleeping room or exit way is composed of readily combustible material such as

acoustical tile or wood paneling, such material must be treated with an approved flame retardant coating. Exception: Buildings supplied with an approved automatic sprinkler system.

(i) **MANUFACTURED HOMES.** A manufactured home (formerly mobile homes) must have been built in 1976 or later and designed for use as a home rather than a travel trailer. The manufactured home must have a manufacturer's label permanently affixed on the unit itself that states the manufactured home meets the requirements of the Department of Housing and Urban Development (HUD). The required label must read as follows:

"As evidenced by this label No. ABC000001, the manufacturer certifies to the best of the manufacturer's knowledge and belief that this mobile home has been inspected in accordance with the requirements of the Department of Housing and Urban Development and is constructed in conformance with the Federal Mobile Home Construction and Safety Standards in effect on the date of manufacture. See date plate."

(ii) If such a label is not evident and the licensee believes the manufactured home meets the required specifications, the licensee must take the necessary steps to secure and provide verification of compliance from the home's manufacturer.

(iii) Manufactured homes built in 1976 or later meet the flame spread rate requirements and do not have to have paneling treated with a flame retardant coating.

(B) **STRUCTURAL CHANGES.** The licensee must notify the local licensing authority, in writing, at least 15 calendar days before any remodeling, renovations, or structural changes in the home that require a building permit. Such activity must comply with local building, sanitation, utility, and fire code requirements applicable to a single-family dwelling (see ORS 443.760(1)). The licensee must forward all required permits and inspections, an evacuation plan as described in section (5)(l) of this rule, and a revised floor plan as described in section (5)(o) of this rule, to the local licensing authority within 30 calendar days of completion.

(g) **FIRE EXTINGUISHERS.** At least one fire extinguisher with a minimum classification of 2-A:10-B:C must be mounted in a location visible and readily accessible to any occupant of the home on each floor, including basements. Fire extinguishers must be checked at least once a year by a qualified person who is well versed in fire extinguisher maintenance. All recharging and hydrostatic testing must be completed by a qualified agency properly trained and equipped for this purpose.

(h) **CARBON MONOXIDE AND SMOKE ALARMS.**

(A) **CARBON MONOXIDE ALARMS.** Carbon monoxide alarms must be listed as complying with ANSI/UL 2034 and must be installed and maintained in accordance with the manufacturer's instructions. Carbon monoxide alarms must be installed within 15 feet of each bedroom at the height recommended by the manufacturer.

(i) If bedrooms are located in multi-level homes, carbon monoxide alarms must be installed on each level, including the basement.

(ii) Carbon monoxide alarms may be hard-wired, plug-in, or battery operated. Hard wired and plug-in alarms must be equipped with a battery back-up. Battery operated carbon monoxide alarms must be equipped with a device that warns of a low battery.

(iii) A bedroom used by a hearing-impaired occupant who may not hear the sound of a regular carbon monoxide alarm must be equipped with an additional carbon monoxide alarm that has visual or vibrating capacity.

(B) **SMOKE ALARMS.** Smoke alarms must be installed in accordance with the manufacturer's instructions in each bedroom, in hallways or access areas that adjoin bedrooms, the family room or main living area where occupants congregate, any interior designated smoking area, and in basements. In addition, smoke alarms must be installed at the top of all stairways in multi-level homes.

(i) Ceiling placement of smoke alarms is recommended.

(ii) Battery operated smoke alarms or hard-wired smoke alarms with a battery backup must be equipped with a device that warns of a low battery.

(iii) A bedroom used by a hearing-impaired occupant who may not hear the sound of a regular smoke alarm must be equipped with an additional smoke alarm that has visual or vibrating capacity.

(C) All carbon monoxide alarms and smoke alarms must contain a sounding device or be interconnected to other alarms to provide, when activated an alarm that is audible in all sleeping rooms. The alarms must be loud enough to wake occupants when all bedroom doors are closed. Intercoms and room monitors may not be used to amplify alarms.

(D) The licensee must test all carbon monoxide alarms and smoke alarms in accordance with the manufacturer's instructions at least monthly (per NFPA 72). Testing must be documented in the facility records. The licensee must maintain carbon monoxide alarms, smoke alarms, and fire extinguishers in functional condition. If there are more than two violations in maintaining battery operated alarms in working condition, the

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Department may require the licensee to hard wire the alarms into the electrical system.

(i) **COMBUSTIBLES AND FIREARMS.** Flammables, combustible liquids, and other combustible materials must be safely and properly stored in the original, properly labeled containers or safety containers and secured in areas to prevent tampering by residents or vandals.

(A) Oxygen and other gas cylinders in service or in storage, must be adequately secured to prevent the cylinders from falling or being knocked over.

(B) No smoking signs must be visibly posted where oxygen cylinders are present.

(C) Firearms must be stored, unloaded, in a locked cabinet. The firearms cabinet must be located in an area of the home that is not accessible to the residents.

(D) Ammunition must be secured in a locked area separate from the firearms.

(j) **HAZARDOUS MATERIALS.** Cleaning supplies, poisons, insecticides, and other hazardous materials must be properly stored in the original container, or in a container manufactured for the type of product. The containers must be properly labeled and kept in a safe area that is not accessible to residents, or near food preparation areas, food storage areas, dining areas, or medications.

(k) **MEDICAL SHARPS.** All sharps, including, but not limited to needles and lancets, must be disposed of in approved sharps containers. Sharps containers must:

(A) Be puncture-resistant.

(B) Be leak-proof.

(C) Be labeled or color-coded red to warn that the contents are hazardous.

(D) Have a lid, flap, door, or other means of closing the container and inhibits the ability to remove sharps from the container.

(E) Not be overfilled.

(F) Be stored in an upright position in a secure location that is not accessible to residents and not close to any food preparation or food storage area.

(G) Must be closed immediately once full and properly disposed of within 10 days, according to the home's waste management company's or pharmacy's instructions.

(l) **EVACUATION PLAN.** An emergency evacuation plan must be developed and revised as necessary to reflect the current condition of the residents in the home. The evacuation plan must be rehearsed with all occupants.

(m) **ORIENTATION TO EMERGENCY PROCEDURES.** Within 24 hours of arrival, any new resident or caregiver must be shown how to respond to a smoke alarm, shown how to participate in an emergency evacuation drill, and receive an orientation to basic fire safety. New caregivers must also be oriented in how to conduct an evacuation.

(n) **EVACUATION DRILL.** An evacuation drill must be held at least once every 90 calendar days, with at least one evacuation drill per year conducted during sleeping hours. The evacuation drill must be clearly documented, signed by the caregiver conducting the drill, and maintained according to OAR 411-050-0645.

(A) The licensee and all other caregivers must:

(i) Be able to demonstrate the ability to evacuate all occupants from the facility to the initial point of safety within three minutes or less. The initial point of safety must:

(I) Be exterior to and a minimum of 25 feet away from the structure.

(II) Have direct access to a public sidewalk or street.

(III) Not be in the backyard of a home unless the backyard has direct access to a public street or sidewalk.

(ii) Be able to demonstrate the ability to further evacuate all occupants from the initial point of safety to the final point of safety within two minutes or less. The final point of safety must be a minimum of 50 feet away from the structure, and:

(I) Have direct access to a public sidewalk or street; or

(II) Not be in the backyard of a home unless the backyard has direct access to a public street or sidewalk.

(B) Conditions may be applied to a license if the licensee or caregivers demonstrate the inability to meet the evacuation times described in this section. Conditions may include, but are not limited to, reduced capacity of residents, additional staffing, or increased fire protection. Continued problems are grounds for revocation or non-renewal of the license.

(o) **FLOOR PLAN.** The licensee must develop a current and accurate floor plan that indicates:

(A) The size of rooms;

(B) Which bedrooms are to be used by residents, the licensee, caregivers, and for day care and room and board tenants, as applicable;

(C) The location of all the exits on each level of the home, including emergency exits such as windows;

(D) The location of wheelchair ramps;

(E) The location of all fire extinguishers, smoke alarms, and carbon monoxide alarms;

(F) The planned evacuation routes, initial point of safety, and final point of safety; and

(G) Any designated smoking areas in or on the adult foster home's premises.

(p) **RESIDENT PLACEMENT.** A resident, who is unable to walk without assistance or not capable of self-preservation, may not be placed in a bedroom on a floor without a second ground level exit. (See also section (4)(g) of this rule).

(q) **STAIRS.** Stairs must have a riser height of between 6 to 8 inches and tread width of between 8 to 10.5 inches. Lifts or elevators are not an acceptable substitute for a resident's capability to ambulate stairs. (See also section (5)(f) of this rule).

(r) **EXIT WAYS.** All exit ways must be barrier free and the corridors and hallways must be a minimum of 36 inches wide or as approved by the State Fire Marshal or the State Fire Marshal's designee. Interior doorways used by the residents must be wide enough to accommodate residents' wheelchairs and walkers, and beds that are used by residents for evacuation purposes. Any bedroom window or door identified as an exit must remain free of obstacles that would interfere with evacuation.

(s) **RAMPS.** There must be at least one wheelchair ramp from a minimum of one exterior door if an occupant of the home is non-ambulatory. Wheelchair ramps must comply with the U.S. Department of Justice's 2010 Americans with Disabilities Act (ADA) Standards for Accessible Design (http://www.ada.gov/2010ADASTandards_index.htm, Chapter 4, Accessible Routes, Section 405, Ramps).

(t) **EMERGENCY EXITS.** There must be a second safe means of exit from all sleeping rooms. A provider whose sleeping room is above the first floor may be required to demonstrate at the time of licensure, renewal, or inspection, how the premises will be evacuated from the provider's sleeping room using the secondary exit.

(u) **FLASHLIGHT.** There must be at least one plug-in, rechargeable flashlight in good functional condition available on each floor of the home for emergency lighting.

(v) **SMOKING.** The licensee must identify the home's smoking policies in the home's Residency Agreement. If smoking is allowed in or on the premises of the home:

(A) The Residency Agreement must restrict smoking to designated areas, and prohibit smoking in:

(i) Any bedroom, including that of the residents, licensee, resident manager, any other caregiver, occupant, or visitor.

(ii) Any room where oxygen is used.

(iii) Anywhere flammable materials are stored.

(B) Ashtrays of noncombustible material and safe design must be provided in areas where smoking is permitted.

(w) **EMERGENCY PREPAREDNESS PLAN.** A licensee must develop and maintain a written emergency preparedness plan for the protection of all occupants in the home in the event of an emergency or disaster. Emergency supplies, consistent with the community standards (as indicated at: www.redcross.org/prepare/location/home-family) must be kept current and readily available in the home.

(A) The written emergency plan must:

(i) Include an evaluation of potential emergency hazards including, but not limited to:

(I) Prolonged power failure or water or sewer loss.

(II) Fire, smoke, or explosion.

(III) Structural damage.

(IV) Hurricane, tornado, tsunami, volcanic eruption, flood, or earthquake.

(V) Chemical spill or leak.

(VI) Pandemic.

(ii) Include an outline of the caregiver's duties during an evacuation.

(iii) Consider the needs of all occupants of the home including, but not limited to:

(I) Access to medical records necessary to provide services and treatment.

(II) Access to pharmaceuticals, medical supplies, and equipment during and after an evacuation.

(III) Behavioral support needs.

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(iv) Include provisions and supplies sufficient to shelter in place for a minimum of three days without electricity, running water, or replacement staff.

(v) Planned relocation sites.

(B) The licensee must notify the Department or the local licensing authority of the home's status in the event of an emergency that requires evacuation and during any emergent situation when requested.

(C) The licensee must re-evaluate the emergency preparedness plan at least annually and whenever there is a significant change in the home.

Stat. Auth.: ORS 410.070, 443.001, 443.004, 443.725, 443.730, 443.735, 443.738, 443.742, 443.760, 443.767, 443.775, 443.790

Stats. Implemented: ORS 443.001-004, 443.705-825, 443.875, 443.991

Hist.: SSD 14-1985, f. 12-31-85 ef. 1-1-86; SSD 11-1988, f. 10-18-88, cert. ef. 11-1-88, Sections (8) thru (10) renumbered to 411-050-0447; SSD 3-1992, f. 5-26-92, cert. ef. 6-1-92; SSD 3-1992, f. 5-26-92, cert. ef. 6-1-92; SSD 3-1996, f. 3-29-96, cert. ef. 4-1-96; SDDS 2-1998(Temp), f. & cert. ef. 2-6-98 thru 8-1-98; SDDS 6-1998, f. 7-31-98, cert. ef. 8-1-98; SDDS 4-2001, f. & cert. ef. 3-1-01; SPD 31-2006, f. 12-27-06, cert. ef. 1-1-07; SPD 9-2007, f. 6-27-07, cert. ef. 7-1-07; SPD 9-2010, f. 6-30-10, cert. ef. 7-1-10; Renumbered from 411-050-0445, SPD 33-2013, f. 8-30-13, cert. ef. 9-1-13; APD 6-2014, f. 3-31-14, cert. ef. 4-1-14; APD 15-2015, f. 6-24-15, cert. ef. 6-28-15; APD 27-2015(Temp), f. 12-29-15, cert. ef. 1-1-16 thru 6-28-16; APD 9-2016, f. 6-27-16, cert. ef. 6-28-16; APD 10-2017(Temp), f. 4-21-17, cert. ef. 5-1-17 thru 10-27-17

411-050-0665

Abuse Reporting, Complaints, and Notification of Findings

(1) ABUSE REPORTING. Abuse is prohibited. The facility employees and licensee may not permit, aid, or engage in abuse of residents. Abuse and suspected abuse must be reported in accordance with OAR 411-020-0020.

(a) STAFF REPORTING. All facility employees must immediately report abuse and suspected abuse to the investigative authority.

(b) LICENSEE REPORTING. The licensee must immediately notify the investigative authority of any incident of abuse or suspected abuse, including events overheard or witnessed by observation.

(c) LAW ENFORCEMENT AGENCY. The local law enforcement agency must be called first when the suspected abuse is believed to be a crime (e.g., rape, murder, assault, burglary, kidnapping, theft of controlled substances).

(2) IMMUNITY AND PROHIBITION OF RETALIATION.

(a) The licensee may not retaliate against any resident after the resident or someone acting on the resident's behalf has filed a complaint in any manner, including, but not limited to:

(A) Increasing or threatening to increase charges;

(B) Decreasing or threatening to decrease services;

(C) Withholding rights or privileges;

(D) Taking or threatening to take any action to coerce or compel the resident to leave the facility; or

(E) Threatening to harass or abuse a resident in any manner.

(b) The licensee must ensure any complainant, witness, or employee of a facility is not subjected to retaliation by any caregiver, (including the caregiver's family and friends who may live in or frequent the adult foster home) for making a report, being interviewed about a complaint, or being a witness, including, but not limited to, restriction of access to the home or a resident or, if an employee, dismissal or harassment.

(c) Anyone who, in good faith, reports abuse or suspected abuse has immunity, as approved by law, from any civil liability that might otherwise be incurred or imposed with respect to the making or content of an abuse complaint.

(3) Immunity under this rule does not protect self-reporting licensees from liability for the underlying conduct that is alleged in the complaint.

(4) The local licensing authority must furnish each adult foster home with a Complaint Notice that states the telephone number of the Department, the investigative authority, and the Long-Term Care Ombudsman, and the procedure for making complaints.

(5) Any person who believes these rules have been violated may file a complaint with the Department, the local licensing authority, or the investigative authority.

(6) The Department or the investigative authority shall investigate complaints in accordance with the adult protective services rules in OAR chapter 411, division 20 or OAR chapter 407, division 45, as applicable.

(7) Immediate protection shall be provided for the residents by the Department, the local licensing authority, or the investigative authority, as necessary, regardless of whether the investigative report is completed. The licensee must immediately cease any practice that places a resident at risk of serious harm.

(8) A copy of the entire report shall be sent to the Department upon completion of the investigation report.

(9) NOTIFICATION OF FINDINGS. Upon a determination of substantiated abuse or a rule violation, the Department must provide written notification of its findings to the licensee.

(a) CONTENT. The written notice shall:

(A) Explain the nature of each allegation.

(B) Include the date and time of each occurrence.

(C) For each allegation, include a determination of whether the allegation is substantiated, unsubstantiated, or inconclusive.

(D) For each substantiated allegation, state whether the violation was abuse or another rule violation.

(E) Include a copy of the complaint investigation report.

(F) State that the complainant, any person reported to have committed wrongdoing, and the facility have 15 calendar days to provide additional or different information.

(G) For each allegation, explain the applicable appeal rights available.

(b) APPORTIONMENT. If the Department determines there is substantiated abuse, the Department may determine the licensee, an individual, or both the licensee and an individual were responsible for abuse. In determining responsibility, the Department shall consider intent, knowledge, and ability to control, and adherence to professional standards, as applicable.

(A) LICENSEE RESPONSIBLE. Examples of when the Department shall determine the licensee is responsible for the abuse include, but are not limited to, the following:

(i) Failure to provide sufficient, qualified staffing in accordance with these rules without reasonable effort to correct.

(ii) Failure to check for or act upon relevant information available from a licensing board.

(iii) Failure to act upon information from any source regarding a possible history of abuse by any staff or prospective staff.

(iv) Failure to adequately train, orient, or provide sufficient oversight to staff.

(v) Failure to provide adequate oversight to residents.

(vi) Failure to allow sufficient time to accomplish assigned tasks.

(vii) Failure to provide adequate services.

(viii) Failure to provide adequate equipment or supplies.

(ix) Failure to follow orders for treatment or medication.

(B) INDIVIDUAL RESPONSIBLE. Examples of when the Department determines an individual is responsible include, but is not limited to:

(i) Intentional acts against a resident, including assault, rape, kidnapping, murder, or sexual, verbal, or mental abuse.

(ii) Acts contradictory to clear instructions from the facility, such as those identified in section (10)(b)(A) of this rule, unless the act is determined by the Department to be the responsibility of the facility.

(iii) Callous disregard for resident rights or safety.

(iv) Intentional acts against a resident's property (e.g., theft or misuse of funds).

(C) An individual shall not be considered responsible for the abuse if the individual demonstrates the abuse was caused by factors beyond the individual's control. "Factors beyond the individual's control" are not intended to include such factors as misuse of alcohol or drugs or lapses in sanity.

(D) NURSING ASSISTANTS. In cases of substantiated abuse by a nursing assistant, the written notice shall explain:

(i) The Department's intent to enter the finding of abuse into the Nursing Assistant Registry following the procedure set out in OAR 411-089-0140; and

(ii) The nursing assistant's right to provide additional information and request a contested case hearing as provided in OAR 411-089-0140.

(c) DISTRIBUTION.

(A) The written notice shall be mailed to:

(i) The licensee;

(ii) Any person reported to have committed wrongdoing;

(iii) The complainant, if known;

(iv) The Long-term Care Ombudsman; and

(v) The local licensing authority.

(B) A copy of the written notice must be placed in the Department's facility complaint file.

(10) Upon receipt of a notice that substantiates abuse for victims covered by ORS 430.735, the facility must provide written notice of the findings to the individual found to have committed abuse, residents of the facility, and the residents' case manager and representatives.

(11) Licensees who acquire substantiated complaints pertaining to the health, safety, or welfare of residents may be assessed civil penalties, have

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conditions placed on their licenses, or have their licenses suspended, revoked, or not renewed.

(12) **COMPLAINT REPORTS.** Copies of all completed complaint reports must be maintained and available to the public at the local licensing authority. Individuals may purchase a photocopy upon requesting an appointment to do so.

(13) The Department and the local licensing authority shall not disclose information that may be used to identify a resident in accordance with OAR 411-020-0030 (Confidentiality) and federal HIPAA Privacy Rules. Completed reports placed in the public file must be in compliance with OAR 411-050-0670 and must:

(a) Protect the privacy of the complainant and the resident. The identity of the person reporting suspected abuse must be confidential and may be disclosed only with the consent of that person, by judicial process (including administrative hearing), or as required to perform the investigation by the Department or a law enforcement agency.

(b) Treat the names of the witnesses as confidential information.

(c) Clearly designate the final disposition of the complaint.

(A) **PENDING COMPLAINT REPORTS.** Any information regarding the investigation of the complaint may not be filed in the public file until the investigation has been completed.

(B) **COMPLAINT REPORTS AND RESPONSES.** The investigation reports, including copies of the responses with confidential information deleted, must be available to the public at the local licensing authority office along with other public information regarding the adult foster home.

Stat. Auth.: ORS 410.070, 443.001, 443.004, 443.725, 443.730, 443.735, 443.738, 443.742, 443.760, 443.767, 443.775, 443.790

Stats. Implemented: ORS 124.050, 124.060, 124.075, 443.001-004, 443.705-825, 443.875, 443.991

Hist.: SSD 14-1985, f. 12-31-85, ef. 1-1-86; SSD 11-1988, f. 10-18-88, cert. ef. 11-1-88; SSD 3-1992, f. 5-26-92, cert. ef. 6-1-92; SSD 3-1992, f. 5-26-92, cert. ef. 6-1-92; SSD 3-1996, f. 3-29-96, cert. ef. 4-1-96; SDSA 4-2001, f. & cert. ef. 3-1-01; SDSA 11-2001, f. 12-21-01, cert. ef. 1-1-02; SPD 31-2006, f. 12-27-06, cert. ef. 1-1-07; SPD 22-2009(Temp), f. 12-31-09, cert. ef. 1-1-10 thru 6-30-10; SPD 9-2010, f. 6-30-10, cert. ef. 7-1-10; Renumbered from 411-050-0455, SPD 33-2013, f. 8-30-13, cert. ef. 9-1-13; APD 50-2014(Temp), f. 12-31-14, cert. ef. 1-1-15 thru 6-29-15; APD 15-2015, f. 6-24-15, cert. ef. 6-28-15; APD 27-2015(Temp), f. 12-29-15, cert. ef. 1-1-16 thru 6-28-16; APD 9-2016, f. 6-27-16, cert. ef. 6-28-16; APD 10-2017(Temp), f. 4-21-17, cert. ef. 5-1-17 thru 10-27-17

Rule Caption: Removal of 10-day draft Adult Protective Service Report for Residential Care and Assisted Living Facilities

Adm. Order No.: APD 11-2017(Temp)

Filed with Sec. of State: 4-21-2017

Certified to be Effective: 5-1-17 thru 10-27-17

Notice Publication Date:

Rules Amended: 411-054-0105

Subject: The Department needs to immediately amend the rules to eliminate the 10-day draft review period that allows facilities to review the draft Adult Protective Service (APS) facility investigation report before the report is closed and sent to the Safety, Oversight and Quality (SOQ) Unit for abuse determination and apportionment. The amendment will enable the Department to comply with statutory time limits for completion of reports and corrective action. The Department will also make minor housekeeping, grammar, punctuation, and language changes to reflect current Department terminology.

Rules Coordinator: Kimberly Colkitt-Hallman—(503) 945-6398

411-054-0105

Inspections and Investigations

(1) The facility must cooperate with Department personnel in inspections, complaint investigations, planning for resident care, application procedures, and other necessary activities.

(a) Records must be made available to the Department upon request. Department personnel must have access to all resident and facility records and may conduct private interviews with residents. Failure to comply with this requirement shall result in regulatory action.

(b) The State Long Term Care Ombudsman must have access to all resident and facility records that relate to an investigation. Certified Ombudsman volunteers may have access to facility records that relate to an investigation and access to resident records with written permission from the resident or guardian.

(c) The State Fire Marshal or authorized representative must be permitted access to the facility and records pertinent to resident evacuation and fire safety.

(2) Staff of the Department shall visit and inspect every facility at least but not limited to once every two years to determine whether the facility is maintained and operated in accordance with these rules.

(a) Facilities not in compliance with these rules must submit, within ten days of receipt of the inspection report, a plan of correction that satisfies the Department.

(b) The Department may impose sanctions for failure to comply with these rules.

(3) Department staff may consult with and advise the facility administrator concerning methods of care, records, housing, equipment, and other areas of operation.

(4) A copy of the most current inspection report and any conditions placed upon the license must be posted with the facility's license in public view near the main entrance to the facility.

(5) **ABUSE OR RULE VIOLATION.** Upon completion of substantiation of abuse or rule violation, the Division shall immediately provide written notification to the facility.

(a) **WRITTEN NOTICE.** The written notice shall:

(A) Explain the nature of each allegation;

(B) Include the date and time of each occurrence;

(C) For each allegation, include a determination of whether the allegation is substantiated, unsubstantiated, or inconclusive;

(D) For each substantiated allegation, state whether the violation was abuse or another rule violation;

(E) Include a copy of the complaint investigation report;

(F) State that the complainant, any person reported to have committed wrongdoing, and the facility have 15 days to provide additional or different information; and

(G) For each allegation, explain the applicable appeal rights available.

(b) **APPORTIONMENT.** If the Department determines there is substantiated abuse, the Department may determine that the facility, an individual, or both the facility and an individual are responsible for the abuse. In determining responsibility, the Department shall consider intent, knowledge and ability to control, and adherence to professional standards as applicable.

(A) **FACILITY.** Examples of when the Department shall determine the facility is responsible for the abuse include but are not limited to:

(i) Failure to provide minimum staffing in accordance with these rules without reasonable effort to correct;

(ii) Failure to check for or act upon relevant information available from a licensing board;

(iii) Failure to act upon information from any source regarding a possible history of abuse by any staff or prospective staff;

(iv) Failure to adequately provide oversight, training, or orientation of staff;

(v) Failure to allow sufficient time to accomplish assigned tasks;

(vi) Failure to provide adequate services;

(vii) Failure to provide adequate equipment or supplies; or

(viii) Failure to follow orders for treatment or medication.

(B) **INDIVIDUAL.** Examples of when the Department shall determine the individual is responsible for the abuse include but are not limited to:

(i) Intentional acts against a resident including assault, rape, kidnapping, murder, sexual abuse, or verbal or mental abuse;

(ii) Acts contradictory to clear instructions from the facility, unless the act is determined by the Department to be caused by the facility as identified in paragraph (A) above;

(iii) Callous disregard for resident rights or safety; or

(iv) Intentional acts against a resident's property (e.g., theft, misuse of funds).

(C) An individual may not be considered responsible for the abuse if the individual demonstrates the abuse was caused by factors beyond the individual's control. "Factors beyond the individual's control" are not intended to include such factors as misuse of alcohol or drugs or lapses in sanity.

(c) **DUE PROCESS RIGHTS.**

(A) **NON-NURSING ASSISTANT.** The written notice in cases of substantiated abuse by a person other than a nursing assistant shall explain the person's right to:

(i) File a petition for reconsideration pursuant to OAR 137-004-0080; and

(ii) Petition for judicial review pursuant to ORS 183.484.

(B) **NURSING ASSISTANT.** The written notice in cases of substantiated abuse by a nursing assistant shall explain:

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(i) The Department's intent to enter the finding of abuse into the Nursing Assistant Registry following the procedure set out in OAR 411-089-0140; and

(ii) The nursing assistant's right to provide additional information and request a contested case hearing as provided in OAR 411-089-0140.

(C) FACILITY. The written notice shall advise the facility of the facility's due process rights as appropriate.

(d) DISTRIBUTION.

(A) The written notice shall be mailed to the facility, any person reported to have committed wrongdoing, the complainant (if known), and the Department or Type B AAA office; and

(B) A copy of the written notice shall be placed in the Department's facility complaint file.

(6) Upon receipt of a notice of abuse for victims covered by ORS 430.735, the facility shall provide written notice of the findings to the person found to have committed abuse, the residents of the facility, the residents' case managers, and the residents' guardians.

Stat. Auth.: ORS 410.070 & 443.450

Stats. Implemented: ORS 443.400 - 443.455, 443.991

Hist.: SPD 14-2007, f. 8-31-07, cert. ef. 11-1-07; SPD 16-2008, f. 12-31-08, cert. ef. 1-1-09; SPD 23-2009(Temp), f. 12-31-09, cert. ef. 1-1-10 thru 6-30-10; SPD 10-2010, f. 6-30-10, cert. ef. 7-1-10; APD 11-2017(Temp), f. 4-21-17, cert. ef. 5-1-17 thru 10-27-17

Department of Human Services, Child Welfare Programs Chapter 413

Rule Caption: Application of the Indian Child Welfare Act (ICWA)

Adm. Order No.: CWP 5-2017(Temp)

Filed with Sec. of State: 5-12-2017

Certified to be Effective: 5-12-17 thru 8-5-17

Notice Publication Date:

Rules Adopted: 413-115-0030, 413-115-0050, 413-115-0120

Rules Suspended: 413-115-0030(T), 413-115-0050(T), 413-115-0120(T)

Subject: On February 7, 2017, the Department of Human Services, Office of Child Welfare Programs, adopted temporary rules to comply with the recently published Bureau of Indian Affairs (BIA) regulations relating to the Indian Child Welfare Act (ICWA). Three of those temporary rules are being immediately revised to better reflect the requirements of the ICWA and the BIA regulations, and also to reduce confusion in the field regarding when an Indian child's tribe must be noticed or notified of actions or a child custody proceeding when the Department is involved with an Indian child's family.

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

Rules Coordinator: Amie Fender—(503) 945-8986

413-115-0030

Tribal Membership and Enrollment

(1) Tribal Determination of Membership or Eligibility for Membership.

(a) The determination of whether the child is a member of a tribe (or eligible for membership), is solely within the jurisdiction of the tribe, except as otherwise provided in tribal or federal law.

(b) The determination of whether a biological parent is a member of a tribe is solely within the jurisdiction of the tribe, except as otherwise provided by tribal or federal law.

(c) When the Indian child is a member or eligible for membership in only one tribe, that tribe must be designated as the Indian child's tribe.

(d) When the Indian child meets the definition of Indian child through more than one tribe, deference should be given to the tribe in which the Indian child is already a member, unless otherwise agreed to by the tribe.

(e) When the Indian child meets the definition of Indian child through more than one tribe because the child is a member in more than one tribe, or the child is not a member of but is eligible for membership in more than one tribe, the court must provide an opportunity for the tribes to determine which tribe should be designated as the Indian child's tribe in any involuntary proceeding.

(f) When the tribes are unable to reach an agreement, the court designates the Indian tribe with which the Indian child has the more significant contacts as the child's tribe, for purposes of the ICWA. That determination does not constitute a determination for any other purposes.

(2) Department Responsibilities.

(a) When a child may be a member or enrolled or eligible for membership or enrollment in a tribe, the caseworker must follow all notification requirements in OAR 413-115-0050 and notice requirements in OAR 413-115-0120.

(b) The caseworker must assist the parent or Indian custodian in completing and submitting information to the tribe(s) to determine membership or enrollment in the tribe(s).

(c) When a child may be a member of or enrolled in, or eligible for membership or enrollment in, more than one tribe, the Department must gather and document information to assist the court in making a determination for purposes of the Act. The information, if available, must include, but is not limited to:

(A) The parents' preference for the membership or enrollment of the child.

(B) The length of past domicile or residence on or near the reservation of each tribe.

(C) Tribal membership or enrollment of the child's custodial parent or Indian custodian.

(D) Interest asserted by each tribe in the child-custody proceeding.

(E) Whether there has been a previous adjudication with respect to the child by a court of one of the tribes.

(F) Self-identification of the child if the child is of sufficient age and capacity to meaningfully self-identify.

(d) When the Department receives tribal confirmation regarding the status of a child's membership or enrollment or eligibility for membership or enrollment, the caseworker must:

(A) Document in the Department's information system either:

(i) The written determination by the tribe of the child's membership or enrollment or eligibility for membership or enrollment; or

(ii) The written determination by the tribe declaring the child is ineligible for membership or enrollment.

(B) Submit any and all written confirmation from the tribe(s) regarding the child's membership or enrollment status at subsequent court hearings.

(e) The Department must:

(A) Identify and work with all of the tribes of which the Department knows or has reason to know the child may be a member (or eligible for membership); and

(B) Treat the child as an Indian child when there is reason to know the child may be an Indian child unless it is determined by the court that the child does not meet the definition of an Indian child.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

Hist.: CWP 2-2017(Temp), f. & cert. ef. 2-7-17 thru 8-5-17; CWP 5-2017(Temp), f. & cert. ef. 5-12-17 thru 8-5-17

413-115-0050

Notification to the Tribe of Placement or Change in Placement

(1) When the Department knows or has reason to know the child is an Indian child, the Department must ensure that notification is provided to the child's tribe or tribes as soon as possible and within 24 hours of knowing when any of the following actions may occur:

(a) An emergency removal;

(b) An involuntary placement. Notification of an involuntary placement under this rule is separate from notice required under OAR 413-115-0120;

(c) A change in placement; or

(d) A voluntary placement agreement has been requested by the parent or Indian custodian.

(2) Notification of any action in section (1) must include the following information, if known:

(a) The name, birthdate and birthplace of the child.

(b) The name of the child's parents.

(c) Which action under section (1) of this rule is occurring.

(3) Notification pursuant to this rule may be provided in person, telephonically or electronically, and must be documented in the Department's information system.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005, 419B.878

Hist.: CWP 2-2017(Temp), f. & cert. ef. 2-7-17 thru 8-5-17; CWP 5-2017(Temp), f. & cert. ef. 5-12-17 thru 8-5-17

ADMINISTRATIVE RULES

413-115-0120

Notice Required Prior to a Child Custody Proceeding or Court Hearing

(1) Notice must be provided for any child custody proceeding where the Department knows or has reason to know the child is an Indian child.

(2) The Department must send notice for a child custody proceeding to:

- (a) The parent or parents;
- (b) The grandparent or grandparents;
- (c) The Indian custodian (if applicable);
- (d) The Indian child's tribe or tribes (or the tribes in which the child is eligible for membership if a biological parent is a member);
- (e) Any other party to the case; and
- (f) The appropriate regional BIA director, only if the identity or location of a potentially interested Indian party to the proceeding cannot be determined, in which case the BIA has fifteen days to locate and notify that party.

(3) Except for an emergency removal made pursuant to OAR 413-115-0070, the Department may not request a child custody proceeding regarding an Indian child until the following time frames have been met:

(a) Not less than ten days after receipt of notice by any the recipients in (2)(a)–(e) of this rule;

(b) Not less than thirty days after receipt of notice by any of the recipients in (2)(a)–(e) of this rule, if an additional twenty days has been requested the parent, Indian custodian, Indian child's tribe or the BIA; or

(c) Not less than fifteen days after receipt of the notice by the appropriate regional BIA director.

(4) Notice for a child custody proceeding must be provided to a tribe even if the tribe has declined jurisdiction. If a tribe has declined jurisdiction, the tribe maintains the right to participate as an interested party or to intervene at any point in the case.

(5) Service of notice for a child custody proceeding.

(a) The Department must provide notice of a child-custody proceeding by registered or certified mail, with return receipt requested.

(b) In addition to providing notice of a child-custody proceeding by registered or certified mail, the Department may provide personal service, electronic service, or call the noticed party.

(6) Content of notice for a child custody proceeding. Notice must contain, at a minimum:

(a) The name, birthdate, and birthplace of the child;

(b) The name of each Indian tribe in which the child is a member (or may be eligible for membership or enrollment if a biological parent is a member);

(c) All known names (including maiden, married, former or aliases) of the parents, the parents' birthdates and birthplaces, and tribal enrollment numbers, if known;

(d) If known, the names, birthdates, birthplaces, and tribal enrollment information of other direct lineal ancestors of the child, such as a grandparent.

(e) A copy of the petition, complaint, or other document by which the proceeding was initiated;

(f) If a hearing has been scheduled, information on the date, time, and location of the hearing;

(g) The name of the petitioner and the name and address of the petitioner's attorney, if any;

(h) A statement setting forth the right of any parent, Indian custodian or the Indian child's tribe, if not already a party, to intervene and participate in the proceeding;

(i) A statement that if the parent or Indian custodian is unable to afford counsel, counsel may be appointed by the court to represent them;

(j) A statement of the right of the parent or Indian custodian and the Indian child's tribe to have, upon request, twenty additional days to prepare for the child-custody proceeding;

(k) The location, mailing address, and telephone number of the court;

(l) Information related to all parties to the hearing and individuals notified under this section;

(m) A statement of the right of the parent or Indian custodian or the Indian child's tribe to petition the court to transfer the child-custody proceeding to the Indian child's tribal court pursuant to 25 U.S.C 1911 and 25 C.F.R. §23.115.

(n) The potential legal consequences of the child-custody proceeding on future custodial rights of the parent or Indian custodian; and

(o) A statement that the notified party must keep the information contained in the notice confidential and may only reveal it to individuals who need the information in order to exercise their rights under the Act.

(7) Copies of notice for a child custody proceeding.

(a) To the BIA. The Department must provide a copy of the notices under this rule to the appropriate regional director of the BIA. The copy must include all the information in section (6) of this rule. A copy of these notices may be provided by personal service, registered or certified mail, with return receipt requested.

(b) To the court. The Department must file with the court a copy of each notice sent pursuant to this rule together with any return receipts or other proofs of service.

(8) Notice required prior to a court hearing.

(a) Notice of any court hearing subsequent to the initiation of a child custody proceeding must be provided to the child's tribe or tribes.

(b) Notice for a court hearing described in (a) of this section must include the date, time and location of the hearing.

(c) Notice for a court hearing described in (a) of this section may be provided in person, telephonically or electronically.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005, 419B.875, 419B.878, 419B.923

Hist.: CWP 2-2017(Temp), f. & cert. ef. 2-7-17 thru 8-5-17; CWP 5-2017(Temp), f. & cert. ef. 5-12-17 thru 8-5-17

Department of Justice Chapter 137

Rule Caption: Updates to Crime Victims' Compensation and new rules for Post Conviction Compensation.

Adm. Order No.: DOJ 3-2017

Filed with Sec. of State: 4-25-2017

Certified to be Effective: 4-27-17

Notice Publication Date: 4-1-2017

Rules Adopted: 137-076-0017, 137-076-0019

Rules Amended: 137-076-0000, 137-076-0005, 137-076-0010, 137-076-0016, 137-076-0020, 137-076-0025, 137-076-0030, 137-076-0032, 137-076-0034, 137-076-0037, 137-076-0040, 137-076-0043, 137-076-0045, 137-076-0055, 137-076-0056, 137-076-0065, 137-076-0070, 137-080-0005, 137-080-0010, 137-080-0015, 137-080-0025, 137-080-0030

Rules Repealed: 137-076-0018, 137-076-0050, 137-076-0060, 137-080-0020

Subject: Administrative Rule language for Crime Victims' Compensation is outdated and changes are necessary to reflect many current practices. Updates also include new rules for Post Conviction Compensation per ORS 147.035.

Rules Coordinator: Carol Riches—(503) 378-5987

137-076-0000

Authority for Rules

These rules are adopted under the Department of Justice's authority contained in ORS 147.205(1).

Stat. Auth.: ORS 147.205(1)

Stats. Implemented:

Hist.: JD 4-1983, f. & ef. 9-1-83; JD 2-1992, f. & cert. ef. 3-2-92; DOJ 3-2017, f. 4-25-17, cert. ef. 4-27-17

137-076-0005

Scope of Rules

These rules implement ORS 147.005 through 147.367 related to the compensation of crime victims.

Stat. Auth.: ORS 147.205(3)

Stats. Implemented:

Hist.: JD 4-1983, f. & ef. 9-1-83; JD 2-1992, f. & cert. ef. 3-2-92; DOJ 3-2017, f. 4-25-17, cert. ef. 4-27-17

137-076-0010

Definitions

As used in ORS 147.005 through 147.367 and OAR Chapter 137 Division 76, unless the context requires otherwise:

(1) "Counseling" as used in ORS 147.005(5) means the assessment, diagnosis or treatment of mental, emotional or behavioral disorders or trauma directly related to a compensable crime.

(2) "Department" means the Crime Victims' Services Division of the Department of Justice.

(3) "Direct or collateral review" as used in ORS 147.035 means proceedings in the Oregon Court of Appeals or Supreme Court to review a judgment of conviction, appeals by the State under ORS 138.060, judicial review of a petition for post-conviction relief filed by a petitioner under ORS 138.540, or federal habeas corpus proceedings under 28 U.S.C. 2254.

ADMINISTRATIVE RULES

(4) “Disability” means the temporary or permanent inability to perform one’s essential job duties. The disability must be established by medical evidence supported by the objective findings of a medical practitioner.

(5) “Failure to cooperate” as used in ORS 147.015 means any act or omission by a victim that prejudices a law enforcement agency in the timely investigation of a crime or which causes the agency to abandon its investigation, or prejudices a prosecuting official in a timely prosecution of the crime or causes or contributes to a decision by the official to abandon prosecution.

(6) “Family” as used in ORS 147.035(4)(a) means any of the following, determined at the time of the compensable crime:

(a) Any person related to the victim by blood, marriage or adoption;

(b) The partner, domestic partner, or fiancé of the victim or of a parent of the victim; or

(c) Any person who had the same primary residence as the victim at the time of the compensable crime.

(7) “Immediate family member” as used in ORS 147.005(14) means any of the following, determined at the time of the compensable crime:

(a) Any person related to the victim by blood, marriage, or adoption within the 3rd degree of consanguinity; or

(b) The partner, domestic partner, or fiancé of the victim or of a parent of the victim.

(8) “Interest of justice requires” as used in ORS 147.105(6) includes, but is not limited to a situation where an applicant who failed to satisfy a financial obligation has applied for crime victim compensation as a victim of domestic violence or sexual assault, unless the unpaid financial obligation arose from restitution owed as a result of a violent crime perpetrated by the applicant.

(9) “Household member” as used in ORS 147.005(14) means any person who had the same primary residence as the victim at the time of the compensable crime.

(10) “Financial obligation” as used in ORS 147.105(6) means a financial debt ordered or imposed by a court, within or outside of the State of Oregon, as a result of a previous criminal conviction.

(11) “Friend or acquaintance” as used in ORS 147.025(2)(b) means a person the victim knew well and with whom the victim had an amicable relationship, or someone who had been introduced to, or knew the victim, but who may not have been a close friend.

(12) “Good cause” for failure to report or cooperate with law enforcement as used in ORS 147.015(1)(b) and 147.015(1)(c) exists if:

(a) The victim fails to report or cooperate based on a reasonable fear that doing so would result in retaliation to the victim or another person;

(b) The crime committed against the victim is sexual assault, domestic violence or stalking;

(c) The crime is physical or sexual abuse and the victim is a child under 18 years of age;

(d) The victim fails to report or cooperate due to the traumatic nature of the crime;

(e) The victim is physically unable to report or cooperate because of the severity of the trauma resulting from the crime; or

(f) Any other circumstance for which the Department of Justice determines satisfactory.

(13) “Good cause” for failure to satisfy a financial obligation as used in ORS 147.105(6) means a physical or mental injury suffered by the applicant that can be documented by a medical practitioner that caused the applicant to be unable to satisfy a financial obligation.

(14) “Involved in the hearing” and “involved in the oral argument” as used in ORS 147.005(11), 147.025 and 147.035 means that the victim, survivor, dependent or personal representative attended the hearing or oral argument, or participated in the hearing by providing testimony or a written statement.

(15) “Medical practitioner” means one of the following medical providers who are able to prescribe controlled substances in the course of professional practice:

(a) Doctor of Medicine licensed under ORS Chapter 677;

(b) Doctor of Osteopathy licensed under ORS Chapter 677;

(c) Podiatric Physician or Surgeon licensed under ORS Chapter 677;

(d) Dentist or Oral Surgeon licensed under ORS Chapter 679;

(e) Nurse Practitioner licensed under ORS Chapter 678;

(f) Physician’s Assistant with drug dispensing authority from the Board of Medical Examiners for the State of Oregon licensed under ORS Chapter 677; or

(g) Naturopathic Physician licensed under ORS Chapter 685.

(16) “Personal representative” as used in ORS 147.025(3)(a) means a person selected by the victim, survivor or dependent to attend the hearing or oral argument on behalf of the victim, survivor, or dependent.

(17) “Prior resource” means a benefit, court award or settlement payable or available to the victim or survivor. Prior resource may include but is not limited to: private or public health insurance, automobile insurance, workers’ compensation, disability insurance, homeowner’s insurance, social security benefits, accidental death and dismemberment insurance, sick leave, paid time off, public assistance, restitution, civil settlements, and tribal per capita payments but does not include Indian Health Services insurance.

(18) “Reject with prejudice” means denial of the applicant’s claim with conclusive and final legal effect.

(19) “Substantially attributable to the wrongful act of the victim” as used in ORS 147.015(1)(e) means the victim’s injury was directly or indirectly attributable to a wrongful act from which there can be a reasonable inference that, had the act not been committed, the crime complained of likely would not have occurred.

(20) “Substantial provocation” as used in ORS 147.015(1)(e) means a voluntary act by the victim which was intended or likely to provoke a violent response, and from which there can be a reasonable inference that, had the act not occurred, the crime likely would not have occurred.

(21) “Wrongful act” means any act that is unlawful or meets the elements of a crime, violation or infraction. “Wrongful act” also includes but is not limited to a parole or probation violation or violation of a custody release agreement.

Stat. Auth.: ORS 147.205(1)

Stats. Implemented: ORS 147.005, 147.015(1), 147.025(3)(a), 147.125(1)(c)

Hist.: JD 4-1983, f. & ef. 9-1-83; JD 1-1987(Temp), f. & ef. 1-8-87; JD 2-1992, f. & cert. ef. 3-2-92; JD 18-1992, f. 10-30-92, cert. ef. 11-2-92; DOJ 4-2001, f. & cert. ef. 6-1-01; DOJ 14-2004, f. & cert. ef. 11-22-04; DOJ 3-2017, f. 4-25-17, cert. ef. 4-27-17

137-076-0016

Eligibility Criteria

Unless otherwise required by statute, for the purpose of determining an applicant’s eligibility for crime victim compensation under ORS 147.005 through 147.367 and computing the type and amount of any compensation awarded to the applicant, the Department must use the statutory eligibility criteria and award limits in effect on the date of the crime against the victim.

Stat. Auth.: ORS 147.205(3)

Stats. Implemented:

Hist.: DOJ 14-2004, f. & cert. ef. 11-22-04; DOJ 3-2017, f. 4-25-17, cert. ef. 4-27-17

137-076-0017

Contributory Conduct

(1) For the purposes of ORS 147.125(1)(c) the Department may deny or reduce an award of compensation up to one hundred percent (100%) when there is evidence that voluntary conduct by the victim directly or indirectly contributed to the victim’s injuries or death.

(2) When determining the degree or extent to which the victim’s conduct directly or indirectly contributed to the injury or death of the victim under ORS 147.125(1)(c) the Department may consider all relevant circumstances related to the victim’s conduct, including whether it would have been foreseeable to a reasonable person that injury or death may result from the conduct.

(3) Contributory conduct by a victim may include, but is not limited to:

(a) Evidence the victim engaged in specific and recent violence directed toward the suspect for which the suspect is retaliating;

(b) Actions on the part of the victim that places the suspect in imminent fear of physical injury, if the suspect was not engaged in similar posturing;

(c) Failing to retreat from a situation when the risk of injury is imminent and the option to retreat is readily available;

(d) Initiating or escalating a confrontation through actions.

Stat. Auth.: ORS 147.125(1)(c)

Stats. Implemented: ORS 147.125

Hist.: DOJ 3-2017, f. 4-25-17, cert. ef. 4-27-17

137-076-0019

Fee Schedules

The Department shall calculate payment of eligible crime-related medical expenses under ORS 147.005 to 147.367 as follows:

(1) When the victim of a compensable crime has been awarded compensation and does not have insurance benefits or any other prior resource to pay for crime-related medical or counseling expenses, the Department shall pay crime-related medical and counseling expenses at the rates in the

ADMINISTRATIVE RULES

Oregon Workers' Compensation medical fee schedules set forth in OAR 436-009-0040 except in the following circumstances:

(a) When crime-related medical expenses are incurred in another state, payment is made at 75% of the billed amount;

(b) Payment for medical expenses involving dental work shall be calculated based on Oregon regional dental charges using a Dental Customized Fee Analyzer, which is paid at the 75% percentile for the specific procedure. The Dental Customized Fee Analyzer is available for inspection at the offices of the Department, 1162 Court St NE, Salem, Oregon, 97301, between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday, excluding holidays;

(c) Ambulance and emergency transportation services are paid at 75% of the billed amount;

(d) Counseling services must be provided by one of the following counseling providers in order to be eligible for payment by the Department, and shall be paid at the following hourly rates:

(A) Qualified Mental Health Professionals as defined in OAR 309-039-0510(10) shall be paid at the hourly rate of \$55.00;

(B) Counselors, therapists, and social workers licensed by the Oregon Board of Licensed Professional Counselors and Therapists under ORS 675.705 through 675.835 shall be paid at the hourly rate of \$85.00;

(C) Psychologists licensed under ORS Chapter 675 shall be paid at the hourly rate of \$110.00;

(D) Psychiatric nurses licensed under ORS Chapter 678; shall be paid at the hourly rate of \$110.00;

(E) Doctor of Medicine or Doctor of Osteopathy licensed under ORS Chapter 677 shall be paid at the hourly rate of \$140.00.

(2) For the purposes of ORS 147.035(7) and (8), "other expenses" related to the review or hearing shall be paid as follows, up to the maximum amount of the award or \$3,000, whichever is less:

(a) Lodging expenses shall be reimbursed at actual expense, not to exceed the 2017 federal per diem lodging rates for Oregon found at <http://www.gsa.gov/portal/content/104877>, if the location of the hearing or oral argument is more than 70 miles one-way from the residence of the victim, survivor, dependent, or personal representative, and upon submission of a valid receipt. Reimbursement will only be provided for the number of nights necessary for the victim, survivor, or dependent to attend or be involved in the hearing or oral argument, as determined by the Department;

(b) Other reasonable and necessary incidental expenses generally associated with travel and necessary for the victim, survivor, dependent, or personal representative to travel to the hearing or oral argument shall be paid at actual expense, at the discretion of the Department, up to a total amount not to exceed the 2017 federal per diem incidental rates for Oregon found at <http://www.gsa.gov/portal/content/104877> and upon submission of a valid receipt;

(c) Mileage reimbursement shall be paid at \$0.30 per mile for actual round-trip travel from the residence of the victim, survivor, dependent, or personal representative to the location of the hearing or oral argument. In lieu of mileage reimbursement, the Department may, at its discretion, reimburse reasonable and necessary round-trip car rental or bus, train, or air fare, upon submission of a valid receipt.

Stat. Auth.: ORS 147.205(1)(c)

Stats. Implemented: ORS 147.035

Hist.: DOJ 3-2017, f. 4-25-17, cert. ef. 4-27-17

137-076-0020

Definition of Reasonable Expenses

(1) As used in this rule, "necessary services" are those required for the treatment of physical or psychological injury suffered by the victim as a direct result of a crime.

(2) For purposes of ORS 147.035, reasonable hospital expenses shall be limited to expenses for necessary services provided by licensed hospitals and by other health care facilities licensed to provide services that may otherwise be supplied by hospitals.

(3) For purposes of ORS 147.035, reasonable medical expenses shall be limited to ambulance expenses and expenses for necessary services provided by a Medical Practitioner. Medical treatment provided by any other medical provider may be reimbursable if at the time treatment began it was approved by and provided under the supervision of a Medical Practitioner. Medical treatment provided by any other medical provider without a referral from a Medical Practitioner may be compensated for up to 5 visits within 90 days from the date of the first crime-related visit by the victim, at the discretion of the Department, if the medical provider is licensed in Oregon under the provisions governing that provider's profession.

(4) For purposes of ORS 147.025 and 147.035, reasonable psychiatric, psychological or counseling expenses are limited to expenses for nec-

essary services provided by psychiatrists or physicians licensed under ORS Chapter 677, or psychiatric mental health nurse practitioners licensed under ORS Chapter 678, or licensed psychologists, licensed clinical social workers, licensed professional counselors, licensed psychologist associates or licensed marriage and family therapists licensed under ORS Chapter 675, or qualified mental health professionals as defined in OAR 309-039-0510(10). The Department shall have the authority to grant an exception to the above requirements when justification is provided that none of the above-referenced mental health treatment providers is a reasonable option for addressing the crime-related needs of a specific victim.

(5) For purposes of ORS 147.035, rehabilitation expenses are limited to necessary services associated with physical rehabilitation, vocational training, or adaptations to allow a victim to conduct daily living tasks.

Stat. Auth.: ORS 147.205(1)

Stats. Implemented: ORS 147.025 & 147.035

Hist.: JD 4-1983, f. & ef. 9-1-83; JD 2-1992, f. & cert. ef. 3-2-92; JD 18-1992, f. 10-30-92, cert. ef. 11-2-92; DOJ 3-2001(T), f. & cert. ef. 4-5-01 thru 5-31-01; DOJ 4-2001, f. & cert. ef. 6-1-01; DOJ 14-2004, f. & cert. ef. 11-22-04; DOJ 3-2017, f. 4-25-17, cert. ef. 4-27-17

137-076-0025

Lost Earnings and Loss of Support Compensation

(1) A victim is eligible for loss of earnings when:

(a) The victim is eligible to receive compensation under ORS 147.005 to 147.367;

(b) The victim was gainfully employed or receiving unemployment benefits at the time of the criminal injury; and

(c) The victim is prevented from working as a direct result of the criminal injury.

(2) Compensation for lost earnings under ORS 147.035(2)(b) shall be computed on the basis of the victim's documented net earnings on the date of the compensable injury. If the Department is unable to document net earnings but can document gross earnings, the Department may use 70% of the victim's documented gross earnings to compute net lost earnings compensation. Possible future earnings may not be considered as a basis for lost earnings compensation.

(a) Compensation for lost earnings may be paid for subsequent crime-related periods of disability. The lost earnings compensation amount for subsequent periods of disability shall be recalculated to reflect the victim's present net earnings at the time of the subsequent period of disability, and shall be paid accordingly;

(b) Lost earnings compensation for periods of disability in excess of 10 working days may be paid only if the period of disability is confirmed by a medical practitioner;

(c) If a victim was not working at the time of the criminal incident but has a history of annual earnings through periodic work such as seasonal work, contracting, or temporary assignments, the victim may still be eligible for lost earnings compensation if the Department receives proper documentation to support the net earnings. For this purpose, the applicant must provide the Department with either W-2 forms or a complete federal income tax return with all schedules that reflects the victim's earnings for the preceding twelve month period. This documentation shall be used by the Department to determine the victim's annual income and provide a basis for calculating the disability period, if applicable. If a victim is self-employed, the Department may require additional documentation to verify the loss of earnings;

(d) Where a replacement is hired to fulfill the duties of an injured victim and the cost of this replacement person is a direct financial cost to the victim, the Department may use the documented replacement cost as the basis for calculating lost earnings compensation;

(e) Under no circumstances may lost earnings compensation exceed the weekly or aggregate per-claim maximum amounts set forth in ORS 147.035(2)(b).

(3) A victim's dependents are eligible for loss of support when:

(a) The victim's dependents are eligible to receive compensation under ORS 147.005 to 147.367 and OAR 137-076-0025(4);

(b) The victim was gainfully employed or receiving unemployment benefits at the time of the criminal injury; and

(c) The victim is deceased as a result of the criminal injury.

(4) The amount of compensation for loss of support shall be based on the deceased victim's documented net earnings at the time of death. If the Department is unable to document net earnings but can document gross earnings, the Department may use 70% of the deceased victim's documented gross earnings to compute net loss of support compensation.

(a) Under no circumstances may loss of support compensation exceed the weekly or aggregate per-claim maximum amounts set forth in ORS 147.035(3)(c);

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(b) Compensation for loss of support may include documented loss of child support, if applicable. Loss of child support is calculated based on the amount of child support received by the child from the victim at the time of the victim's death;

(c) Loss of support compensation may be paid to documented dependent children until the age of 18, or until the age of 21 if the dependent child is a full time college student. If the documented dependent child is a minor, payment shall be made to the child's legal guardian. If the documented dependent child is adopted following the death of the victim, loss of support compensation shall end upon the date of adoption;

(d) Loss of support compensation may also be paid to a dependent spouse of a deceased victim until remarriage, and any relative of the deceased victim who is a financial dependent of the deceased victim at the time of the death of the victim;

(e) Where a deceased victim and a surviving spouse both have income at the time of the criminal incident that caused the victim's death, the independent income of the deceased victim shall be used to determine loss of support compensation for the deceased victim's surviving dependents, including a surviving dependent spouse, regardless of the surviving dependent spouse's income.

Stat. Auth.: ORS 147.205(1)

Stats. Implemented: ORS 147.035

Hist.: JD 4-1983, f. & ef. 9-1-83; JD 2-1992, f. & cert. ef. 3-2-92; JD 2-1997, f. & cert. ef. 7-9-97; DOJ 4-2001, f. & cert. ef. 6-1-01; DOJ 14-2004, f. & cert. ef. 11-22-04; DOJ 3-2017, f. 4-25-17, cert. ef. 4-27-17

137-076-0030

Good Cause for Extending Application Deadline

(1) An application for compensation shall be considered filed when received in the office of the Department.

(2) "Good cause" for failure to file an application for compensation within one year of the date of the crime under ORS 147.015(1)(f) includes the victim's lack of knowledge of the Crime Victims' Compensation Program, failure of an investigating officer to provide information to the victim as required by ORS 147.365(1), or mental or physical trauma sustained by the victim rendering the victim unable to timely file the application for compensation. When good cause no longer exists, the victim must file the application for compensation within 30 days.

Stat. Auth.: ORS 147.205(1)

Stats. Implemented: ORS 147.015

Hist.: JD 4-1983, f. & ef. 9-1-83; JD 2-1992, f. & cert. ef. 3-2-92; JD 2-1997, f. & cert. ef. 7-9-97; DOJ 3-2017, f. 4-25-17, cert. ef. 4-27-17

137-076-0032

Suspension of Application for Compensation

If, following the acceptance of a claim application and granting of an award, the Department requires additional information from the applicant in order to further process compensation payments, a request for this additional information will be mailed to the applicant. If the applicant fails to respond within 30 days of the date the request for information was mailed, the Department shall send a second notice by certified mail, return receipt requested, to the applicant's last known address informing the applicant that the application for compensation will be suspended unless the applicant provides the requested information or files a request for extension of time with the Department within 30 days. If the applicant does not respond within 30 days of the mailing of the certified letter, the application for compensation shall be closed.

Stat. Auth.: ORS 147.205(1)

Stats. Implemented: ORS 147.105

Hist.: JD 2-1992, f. & cert. ef. 3-2-92; JD 2-1997, f. & cert. ef. 7-9-97; DOJ 4-2001, f. & cert. ef. 6-1-01; DOJ 3-2017, f. 4-25-17, cert. ef. 4-27-17

137-076-0034

Request to Withdraw or Close an Application

An applicant may request that the applicant's application for compensation be withdrawn or closed. A request for withdrawal or closure of an application must be made in writing. Once withdrawn or closed pursuant to this rule, the application will not thereafter be reopened.

Stat. Auth.: ORS 147.205(1)

Stats. Implemented: ORS 147.015 & 147.135

Hist.: JD 2-1992, f. & cert. ef. 3-2-92; JD 2-1997, f. & cert. ef. 7-9-97; DOJ 3-2017, f. 4-25-17, cert. ef. 4-27-17

137-076-0037

Payment of Catastrophic Injury Claims

(1) For the purpose of ORS 147.035(11), a victim has suffered a catastrophic injury if the victim is eligible for an award of compensation under

147.005 to 147.367 and has sustained a severe and debilitating long term or lifelong personal injury as a direct result of the compensable crime.

(2) In order to be eligible for catastrophic injury compensation, the victim also must satisfy the following criteria:

(a) The victim has suffered significant and sustained reduction of the victim's previous functioning of mental or physical abilities or both, and that reduction significantly alters the victim's ability to interact with others or carry on the normal functions of life, or both;

(b) There has been a material reduction in the victim's ability to work; and

(c) There has been a physical or neuro-physical impairment such that no fundamental or marked improvement in the victim's crime-related condition reasonably can be expected.

(3) In determining whether the victim has suffered a catastrophic injury, the Department may also consider the following factors:

(a) The severity and debilitating nature of the personal injury. Severe and debilitating personal injury includes, but is not limited to, conditions such as quadriplegia, paraplegia, loss of sight in both eyes, loss of hearing in both ears or amputation of a major portion of any extremity;

(b) Whether the injury is permanent or long term; and

(c) Whether a victim is receiving benefits as a result of being determined permanently disabled pursuant to the provisions of 42 U.S.C. 1381, et. seq. A victim receiving benefits under 42 U.S.C. 1381, et seq. must provide all of the following to the Department:

(A) A copy of the Social Security Administration's determination of permanent disability;

(B) Documentation of the crime underlying the injury; and

(C) Medical documentation by a licensed physician addressing the criteria set forth in OAR 137-076-0037(1) and (2).

(4) If the Department determines the victim's injuries to be catastrophic in nature and that determination does not change upon reevaluation pursuant to OAR 137-076-0037(5) or 137-076-0037(6), then compensation payments under this rule will continue until payments reach the full amount of compensation awarded by the Department or the victim requests closure of the claim.

(5) The burden of proof is on the applicant to establish eligibility as a catastrophically injured crime victim for the award of compensation and the continuation of compensation payments under this rule. Speculation and conjecture as to the following are not sufficient to meet the burden of proof:

(a) A potential increase in disability;

(b) Loss of earnings;

(c) Cumulative injuries that are minor in nature; or

(d) Statements of the victim without substantiation of the catastrophic nature of the injury by an objective medical examination and report from a licensed medical practitioner.

(6) At the Department's discretion, the Department may periodically order a medical examination of the victim and a report concerning the victim's injury, performed by an impartial Medical Practitioner. The purpose of this discretionary medical examination is to reaffirm or verify the victim's continued eligibility for benefits and payments under this rule.

(a) The medical examination and report must address the victim's current medical state, and include information about the criteria set forth in OAR 137-076-0037(1) and (2);

(b) The Department must reimburse the costs of any medical examination and report ordered by the Department pursuant to this rule.

(7) Once compensation has been granted pursuant to this rule, the Department may at any time, at its discretion, request information from the victim relevant to the victim's continuing eligibility under this rule.

(8) If the victim ceases to meet the criteria for catastrophic, the victim shall immediately notify the Department.

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

Stat. Auth.: ORS 147.035(12) & 147.205

Stats. Implemented: ORS 147.035(11), (12)

Hist.: DOJ 4-2002, f. 5-30-02, cert. ef. 6-1-02; DOJ 3-2017, f. 4-25-17, cert. ef. 4-27-17

137-076-0040

Payment of Benefits

No compensation benefits will be paid until they are accrued and all required documentation is received by the Department.

Stat. Auth.: ORS 147.205(1)

Stats. Implemented: ORS 147.035

Hist.: JD 4-1983, f. & ef. 9-1-83; JD 2-1992, f. & cert. ef. 3-2-92; DOJ 4-2001, f. & cert. ef. 6-1-01; DOJ 3-2017, f. 4-25-17, cert. ef. 4-27-17

ADMINISTRATIVE RULES

137-076-0043

Submission of Bills

(1) Requests for payment of crime related services shall be submitted in the form of an itemized billing statement detailing the services provided, provider name, the date of service and, if necessary, any additional documentation the Department requests.

(2) All bills submitted to the Department for payment consideration must be submitted no later than one year from the date of service and within 60 days of claim expiration. Failure to submit bills to the Department within these time frames may result in denial of payment.

(3) No payment shall be authorized for services provided after the date of claim expiration as described in ORS 147.035(9) and (10), except if a specific medical or dental procedure was commenced by the provider or approved by the Department prior to the date of claim expiration, but completion of the procedure will extend beyond claim expiration. The cost of the procedure and the duration of the treatment must be submitted to and approved by the Department prior to the date of claim expiration. No payment will be authorized for additional expense beyond the approved amount unless such additional expenses occur prior to the date of claim expiration and are approved by the Department.

Stat. Auth.: ORS 147.205(1)

Stats. Implemented: ORS 147.035

Hist.: JD 2-1997, f. & cert. ef. 7-9-97; DOJ 4-2001, f. & cert. ef. 6-1-01; DOJ 3-2017, f. 4-25-17, cert. ef. 4-27-17

137-076-0045

Emergency Award; Overpayment

In the event an emergency award or overpayment is made and it is later determined that the application for compensation is not compensable or that there has been an overpayment, the recipient shall reimburse the Department for all emergency award payments or overpayment made, upon request by the Department. If the recipient does not repay the funds, the Department may commence a civil action for the recovery of such monies.

Stat. Auth.: ORS 147.205(1)

Stats. Implemented: ORS 147.055

Hist.: JD 4-1983, f. & ef. 9-1-83; JD 2-1992, f. & cert. ef. 3-2-92; JD 2-1997, f. & cert. ef. 7-9-97; DOJ 3-2017, f. 4-25-17, cert. ef. 4-27-17

137-076-0055

Fraudulent Information

Any applicant who misrepresents information in an application for crime victims' compensation or in any other materials requested by the Department, forfeits any eligibility for compensation and the applicant's application for compensation shall be denied with prejudice.

Stat. Auth.: ORS 147.205(1)

Stats. Implemented: ORS 147.255

Hist.: JD 4-1983, f. & ef. 9-1-83; JD 2-1992, f. & cert. ef. 3-2-92; JD 2-1997, f. & cert. ef. 7-9-97; DOJ 3-2017, f. 4-25-17, cert. ef. 4-27-17

137-076-0056

Reconsideration Requests

(1) For the purposes of ORS 147.145, adult applicants shall have 90 days from the date of the initial determination order to request reconsideration by the Department. The request must be made in writing to the Department. If the request for reconsideration is made more than 90 days after the determination order, the Department may consider whether there is good cause to grant an extension of the deadline. No good cause extensions will be considered after three years have passed from the date of the initial determination order. The following events may constitute good cause for failure to submit a request for reconsideration within 90 days:

(a) Law enforcement identified new relevant evidence regarding the criminal incident;

(b) Physical or mental trauma rendered the applicant unable to submit the request for reconsideration within the 90-day period;

(c) The applicant notified the Department of any changes in the applicant's mailing address, but did not receive the Department's initial determination order, and the applicant provides documentation that the Department did not properly mail the initial determination order.

(2) The 90-day deadline for submitting a request for reconsideration does not apply to applicants under age 18. In order to be considered, a request for reconsideration from an applicant under the age of 18 must be received by the Department within three years of the initial determination order or before the applicant's 21st birthday, whichever occurs later.

Stat. Auth.: ORS 147.205(1)

Stats. Implemented: ORS 147.145 & 147.035

Hist.: DOJ 4-2001, f. & cert. ef. 6-1-01; DOJ 3-2017, f. 4-25-17, cert. ef. 4-27-17

137-076-0065

Negotiated Settlements

If the victim is successful in a claim or legal action against the assailant or another party and is able to recover monetary damages, the Department shall be subrogated for the full amount of payments made by the Department. However, the Department may, at its sole discretion, waive all or part of its recovery, if it is determined to be in the best interests of the Department and the victim.

Stat. Auth.: ORS 147.205(3)

Stats. Implemented: ORS 147.345

Hist.: JD 4-1983, f. & ef. 9-1-83; JD 2-1992, f. & cert. ef. 3-2-92; DOJ 3-2017, f. 4-25-17, cert. ef. 4-27-17

137-076-0070

Payment of Grants Under ORS 147.231

(1) As used in ORS 147.231:

(a) "Eligible public or private non-profit agency" means any public, state or local governmental entity or program or private non-profit organization that provides services to victims of violent crimes, property crimes and crimes involving fraud and deception;

(b) "Services" includes but is not limited to, those services listed in ORS 147.231(3) and:

(A) Training that enhances an eligible public or private non-profit agency's ability to serve victims of violent crime;

(B) Development of statewide procedures or services to enhance an eligible public or private non-profit agency's program's ability to respond to victims of violent crimes;

(C) Community crisis response services;

(D) Crime scene clean-up of residences;

(E) Crime-related health and mental health services; and

(F) Costs necessary to providing direct services to victims.

(2) Department responsibilities:

(a) The Department shall use the funds described in ORS 147.231 to support programs serving victims of violent crimes and the necessary administrative costs directly associated with providing services to such victims, as set forth in ORS 147.231. In administering this grant program, the Department may use any state-approved and legally binding disbursement method that meets the purpose of ORS 147.231;

(b) The Department shall consult with the Attorney General's Victims of Crime Act (VOCA) Advisory Committee in the administration of these grant funds. All grant funds disbursed under ORS 147.231 must be recommended by the VOCA Advisory Committee and approved by the Attorney General.

Stat. Auth.: ORS 147.231

Stats. Implemented: ORS 147.231 & 147.227

Hist.: DOJ 3-2000, f. & cert. ef. 3-31-00; DOJ 3-2001(T), f. & cert. ef. 4-5-01 thru 5-31-01; DOJ 4-2001, f. & cert. ef. 6-1-01; DOJ 3-2017, f. 4-25-17, cert. ef. 4-27-17

137-080-0005

Definitions

As used in these rules:

(1) "Administrator" means the director of the Crime Victims' Services Division of the Oregon Department of Justice.

(2) "Contract" means an agreement entered into by any person or legal entity to pay or deliver the proceeds of a compensable crime to any individual charged with or convicted of committing a compensable crime in the State of Oregon or found guilty except for insanity with regard to such a crime, or to a representative or assignee of that individual.

(3) "Compensable Crime" has the meaning under ORS 147.005.

(4) "Department" means the Crime Victims' Services Division of the Oregon Department of Justice.

(5) "Dependent" has the meaning under ORS 147.005.

(6) "Escrow Account" means an account established by the Department with the State Treasurer dedicated for the purpose of ORS 147.275.

(7) "Judgment" means a money judgment received in a civil action for damages suffered as a result of a compensable crime.

(8) "Victim" has the meaning under ORS 147.005.

Stat. Auth.: ORS 147

Stats. Implemented: ORS 147.275

Hist.: JD 3-1985(Temp), f. & ef. 9-20-85; JD 1-1986, f. & ef. 1-15-86; DOJ 3-2017, f. 4-25-17, cert. ef. 4-27-17

137-080-0010

Determining Contracts

(1) Upon receipt of information concerning a contract, judgment, or restitution order which may be subject to the provisions of ORS 147.275,

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the administrator shall promptly investigate as necessary and determine whether the subject contract, judgment or restitution order falls within the provisions of ORS 147.275. Upon completion of such investigation, the administrator shall issue in writing a proposed determination order with regard to the contract, judgement, or restitution order in question.

(2) Written notice of the proposed determination order shall be served either personally or by registered or certified mail on the contracting party or parties, the person charged with, convicted, or found guilty except for insanity of the crime, and any known victims or dependents of deceased victims of the crime, and by certified mail, return receipt requested on such other persons or legal entities as the administrator may determine have an interest in the contract or subject matter of the proposed determination order. Such notice shall contain the following statement:

"This proposed determination order will become final 30 days after the date of service of this notice unless a hearing is requested in writing by an interested party within that time. If you disagree with the proposed determination order, you have the right to request a hearing before the Department of Justice prior to a final determination in this matter. A request for a hearing must be made in writing addressed to: Administrator, Crime Victims' Services Division, Oregon Department of Justice, 1162 Court St NE, Salem, Oregon 97301. The request must state the reason for your disagreement with the proposed determination order, and your interest in this matter."

(3) If a hearing is not requested within the time allowed, the proposed determination order shall become the final decision of the Department.

(4) Upon receipt of a request for a hearing, the administrator shall conduct or shall appoint a hearing officer to conduct a hearing on the matter.

(5) The party requesting the hearing and all persons or entities mentioned in section (2) of this rule shall be notified in writing of the time, place and purpose of the hearing and informed of the rights of a party under ORS 183.413. A copy of the request for hearing shall also be provided. The notice shall be mailed certified mail, return receipt requested, not less than ten days before the date of the hearing.

(6) The hearing shall be conducted as a contested case in accordance with ORS Chapter 183 and the Attorney General's Model Rules of Procedure.

(7) Whenever the administrator determines that a substantial danger exists that proceeds paid or owing to a person charged with or convicted of a crime pursuant to a contract which may be subject to the provisions of ORS 147.275, may be concealed, wasted, converted, assigned, encumbered, disposed of, or removed from the state, prior to a final decision of the Department on the applicability of the statute to the contract; or where a necessary party to the determination cannot be served with notice of the Department's proposed determination order despite diligent efforts to do so; the administrator may issue an emergency determination on behalf of the Department providing for the turning over of such proceeds to the Department, pending the outcome of a hearing, if requested, and a final decision by the Department.

Stat. Auth.: ORS 147
Stats. Implemented: ORS 147.275
Hist.: JD 3-1985(Temp), f. & ef. 9-20-85; JD 1-1986, f. & ef. 1-15-86; DOJ 3-2017, f. 4-25-17, cert. ef. 4-27-17

137-080-0015

Notice of Establishment of an Escrow Account

In the case where a victim of a compensable crime is deceased, the notice to be published by the Department for five years from the establishment of an escrow account under ORS 147.275, shall advise the dependents of such victims of the availability of proceeds held in escrow to satisfy judgments for damages suffered as a result of the crime.

Stat. Auth.: ORS 147
Stats. Implemented: ORS 147.275
Hist.: JD 3-1985(Temp), f. & ef. 9-20-85; JD 1-1986, f. & ef. 1-15-86; DOJ 3-2017, f. 4-25-17, cert. ef. 4-27-17

137-080-0025

Notice of Action for Damages by Beneficiary of an Escrow Account

If any person or the representative of any person who has received a crime victim compensation award from the Department under ORS Chapter 147 or any victim or dependent of a deceased victim or their representative who may because of a resulting judgment become the beneficiary of an escrow account established under ORS 147.275 brings an action for damages against the person or persons criminally liable for injury or death giving rise to an award or to the establishment of an escrow account, he or she shall give written notice to the Department of the commencement of such action at the time such action is commenced. Such notice shall be served personally or by certified mail, return receipt requested, upon the administrator. Such persons shall keep the administrator timely apprised in writing of any subsequent settlements, judgments, or other disposition of such action.

Stat. Auth.: ORS 147

Stats. Implemented: ORS 147.275
Hist.: JD 3-1985(Temp), f. & ef. 9-20-85; JD 1-1986, f. & ef. 1-15-86; DOJ 3-2017, f. 4-25-17, cert. ef. 4-27-17

137-080-0030

Contracts with Convicted Persons to Tell Story of Crime

(1) Contracts described in ORS 147.275(1) include any such contract under which payment is due, on or after September 20, 1985, to an individual charged with or convicted of committing a compensable crime (as defined in ORS 147.005) in this state, or who is found guilty, except for insanity, of such a crime, or who is the representative or assignee of any such individual. A copy of such contracts shall promptly be submitted to the Department by any person or entity contracting with an individual, representative or assignee described above.

(2) Monies payable to the Department pursuant to ORS 147.275, for deposit into escrow include any monies which would otherwise, under the terms of a contract described in section (1) of this rule, be paid to the accused or convicted individual, the individual found guilty except for insanity, or the representative or assignee of such individuals, on or after September 20, 1985.

(3) Earnings, payments to and profits of an author and publisher under such a contract are not subject to payment to the Department for deposit into escrow unless the author or publisher is also the accused or convicted individual, the individual found guilty but for insanity, or that individual's representative or assignee.

Stat. Auth.: ORS 147
Stats. Implemented: ORS 147.275
Hist.: JD 4-1985, f. & ef. 11-22-85; DOJ 3-2017, f. 4-25-17, cert. ef. 4-27-17

Department of Public Safety Standards and Training Chapter 259

Rule Caption: Requires department head or certified public safety professional to sign DPSST's F4/Personnel Action Report Forms.

Adm. Order No.: DPSST 8-2017

Filed with Sec. of State: 4-27-2017

Certified to be Effective: 5-1-17

Notice Publication Date: 12-1-2016

Rules Amended: 259-008-0020

Subject: The rule change for OAR 259-008-0020 adds a requirement that the DPSST Form F4 (Personnel Action Report Form) be signed by the department head or a currently certified public safety professional authorized by the department head.

OAR 259-008-0005 (10) defines "Department Head" as the chief of police, sheriff, or chief executive of a law enforcement unit or a public or private safety agency directly responsible for the administration of that unit or agency. There are some public or private safety agencies whose department head is not considered to be a certifiable position. The department head is not required to be DPSST-certified to sign the Form F-4.

If the department head designates the authority to sign the Form F4, the designee must be a currently certified public safety professional. Certified public safety professionals include corrections officers, emergency medical dispatchers, parole and probation officers, police officers, telecommunicators, regulatory specialists and DPSST certified instructors.

This requirement was recommended to increase the accuracy of the information reported during a separation from employment and reinforce the repercussions of falsifying the Form F4. The signature on the Form F4 attests to the accuracy of the information reported and serves as recognition that falsification of the document makes the signer's certifications subject to denial or revocation under ORS 181A.640 and OAR 259-008-0070.

Rules Coordinator: Jennifer Howald—(503) 378-2432

259-008-0020

Personnel Action Reports

(1) All public or private safety agencies and the Academy Training Division must submit the name and other pertinent information concerning any newly appointed public safety professional to Standards and Certification on a Personnel Action Report (DPSST Form F-4) within 10 business days after employment or utilization.

(a) A DPSST number will be established for each newly appointed employee identified on a Personnel Action Report if:

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- (A) The individual is employed in a certifiable position;
- (B) The individual is employed or utilized as a reserve police officer;

or

(C) An individual's employer has submitted a written request identifying a demonstrated law enforcement need for an employee to obtain a DPSST number and the Department has approved the request. These positions may include, but are not limited to:

- (i) A federal officer authorized by the Department to make arrests under ORS 133.245;
- (ii) An individual who operates an Intoxilyzer or other law enforcement device for which a DPSST number is necessary; or
- (iii) An individual who is required to file a police or other criminal justice report for which a DPSST number is necessary.

(b) No DPSST number will be assigned to an individual who has not been identified as a newly appointed public safety professional unless approved by the Department.

(2) Whenever a public safety officer resigns, retires, or terminates employment, is promoted, demoted, discharged, deceased, is on leave for 91 days or more, or transfers within a private or public safety agency, the agency must report this information to Standards and Certification on a Personnel Action Report within 10 business days of the action.

(3) Whenever a certified instructor resigns, retires, terminates employment, is discharged or deceased, the agency must report this information to Standards and Certification on a Personnel Action Report within 10 business days of the action.

(4) All applicable sections of the Personnel Action Report must be completed.

(5) The Personnel Action Report must be signed by the department head or a currently certified public safety professional authorized by the department head.

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

Stat. Auth.: ORS 181A.410

Stats. Implemented: ORS 181A.410

Hist.: PS 12, f. & ef. 12-19-77; Renumbered from 259-010-0050, PS 1-1983, f. & ef. 12-15-83; Renumbered from 259-010-0026, PS 1-1990, f. & cert. ef. 2-7-90; PS 2-1995, f. & cert. ef. 9-27-95; 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 2-2001, f. & cert. ef. 2-8-01; BPSST 22-2002, f. & cert. ef. 11-18-02; DPSST 5-2004, f. & cert. ef. 4-23-04; DPSST 6-2009, f. & cert. ef. 7-13-09; DPSST 7-2010, f. 7-15-10, cert. ef. 8-1-10; DPSST 1-2014, f. & cert. ef. 1-2-14; DPSST 5-2014, f. & cert. ef. 1-29-14; DPSST 4-2016, f. 3-22-16, cert. ef. 4-1-16; DPSST 10-2016, f. 7-25-16, cert. ef. 7-29-16; DPSST 8-2017, f. 4-27-17, cert. ef. 5-1-17

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Rule Caption: Changes requirements for public safety professional supervisory certification, deletes references to expired "old chart".

Adm. Order No.: DPSST 9-2017

Filed with Sec. of State: 4-27-2017

Certified to be Effective: 5-1-17

Notice Publication Date: 12-1-2016

Rules Amended: 259-008-0060

Subject: The rule changes to OAR 259-008-0060 include changes to the requirements for supervisory certification, deletion of rules pertaining to the "All Disciplines" chart (referred to as the old chart) for Intermediate and Advanced certifications, which expired on October 31, 2015, clarifying language regarding the application requirements using the current certification charts and minor housekeeping.

No changes were made to the requirements for Basic, Intermediate, Advanced, Management or Executive certifications.

The changes to the requirements for Supervisory certification represent minimum standards adopted by the Board on Public Safety Standards and Training. Nothing in this rule precludes an employing agency from establishing additional guidelines or requirements within their agency regarding promotions.

The requirements for Supervisory certification will be overlapped. The new requirements will be effective beginning July 1, 2017. The old requirements will remain available as standards for certification until December 31, 2018. This means that both sets of requirements will be in effect July 1, 2017 through December 31, 2018 and an applicant may apply using the set of requirements that fit their employment, certification and education experiences.

These current requirements for supervisory certification are effective until December 31, 2018. They will expire after December 31,

2018 and supervisory certifications will no longer be granted based upon these requirements.

- Applicants must possess or be eligible to possess the Advanced Certificate in the discipline the supervisory certification is requested;

- Applicants must have satisfactorily completed no less than 45 education credits;

- Applicants must have satisfactorily completed the prescribed supervision training within five years of the application for the Supervisory Certificate; and

- Applicants must be presently employed in and have satisfactorily performed the duties of a first-level supervisor as defined in OAR 259-008-0005 for a period of one year. The required experience must have been acquired within five years of the date of the application.

These new requirements for supervisory certification are effective beginning July 1, 2017:

- Applicants must possess or be eligible to possess the Basic Certificate in the discipline the supervisory certification is requested;

- Applicants must have satisfactorily completed the prescribed supervision training within five years of the application for the Supervisory Certificate; and

- Applicants must be presently employed in and have satisfactorily performed the duties of a first-level supervisor as defined in OAR 259-008-0005 for a period of two years. The required experience must have been acquired within five years of the date of the application.

The differences between the current requirements and the new requirements are that Intermediate and Advanced certification are no longer required to obtain Supervisory certification, college education credits are no longer required to obtain Supervisory certification, and the supervisory experience requirement was increased from one year in a supervisory position to two years of experience in a supervisory position.

Rules Coordinator: Jennifer Howald — (503) 378-2432

259-008-0060

Public Safety Officer Certification

(1) Basic, Intermediate, and Advanced Certificates are awarded by the Department to law enforcement officers and telecommunicators meeting prescribed standards of training, education, and experience. Emergency medical dispatchers may be awarded basic certification only.

(2) Supervisory, Management, and Executive Certificates are awarded to law enforcement officers and telecommunicators meeting the prescribed standards in this rule and the ranks established by the employing law enforcement units, or public or private safety agencies.

(3) Basic certification is mandatory and must be acquired by all police officers, parole and probation officers, telecommunicators, emergency medical dispatchers, and regulatory specialists within 18 months of employment, and by all corrections officers within 12 months of employment, unless an extension is granted by the Department.

(4) To be eligible for the award of a certificate, law enforcement officers must:

(a) Be full-time employees as defined in OAR 259-008-0005 or part-time parole and probation officers, as defined in OAR 259-008-0066.

(b) Meet the prescribed minimum employment standards in OAR 259-008-0010;

(c) Law enforcement officers must subscribe to and swear or affirm to abide by the Criminal Justice Code of Ethics (Form F-11); and

(d) Have valid first aid and cardiopulmonary resuscitation (CPR) certification.

(5) To be eligible for the award of a certificate, telecommunicators and emergency medical dispatchers must:

(a) Meet the prescribed minimum employment standards as established by OAR 259-008-0011;

(b) Subscribe to and swear or affirm to abide by the Telecommunicator Code of Ethics (Form F-11T); and

(c) Have valid first aid and cardiopulmonary resuscitation (CPR) certification.

(6) Applications for certification must:

(a) Be submitted on Form F-7 (Application for Certification), with all applicable sections completed and signed by the applicant.

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(b) Be signed by the employing agency's department head or authorized representative recommending that requested certification be issued. The department head's signature affirms that the applicant meets the minimum standards for employment, training, education, and experience and is competent to hold the level of certification being applied for.

(7) When a department head is the applicant, the above recommendation must be made by the department head's appointing authority, such as the city manager or mayor, or in the case of a specialized agency, the applicant's superior. Elected department heads are authorized to sign as both applicant and department head.

(8) In addition to the requirements in sections (1) through (7) of this rule, each applicant must have completed the designated education and training, combined with the prescribed corrections, parole and probation, police, regulatory specialist or telecommunications experience for the award of an Intermediate, Advanced, Supervisory, Management, or Executive Certificate.

(9) Training and Education:

(a) Basic courses certified by the Department will be approved by the Board.

(b) The Department may record training hours for departmental or other in-service training which is recorded and documented in the personnel files of the trainee's department. These records must include the subject, instructor, classroom hours, date, sponsor, and location.

(c) Training completed in other states, military training, and other specialized training, if properly documented, may be accepted, subject to staff evaluation and approval. These records must include the subject, date, and classroom hours, and must be certified true copies of the original.

(d) The Department must receive official transcripts, as prescribed in OAR 259-008-0045 (Education Credits), prior to entering education credits on an individual's official record.

(e) Education credits awarded based on training completed must be documented on an official transcript from a recognized source, as defined in OAR 259-008-0045, and may be applied toward an application for certification as either training hours or education credits, whichever is to the advantage of the applicant. These credits cannot be applied towards certification as both education credits and training hours.

(A) Prior to applying an applicant's education credits toward any level of certification, the Department must receive documentation of the number of education credits awarded based on training completed.

(B) The training hours identified under section (9) (e) (A) and submitted as education credit toward a certification will not be included in any calculation of whether the applicant has earned sufficient training hours to qualify for the requested certification level.

(10) Experience/Employment:

(a) Experience gained as a corrections officer, parole and probation officer, police officer, or regulatory specialist employed full time with municipal, county, state, or federal agencies, may be accepted if the experience is in the discipline the certification is requested and is approved by the Department.

(b) Experience acquired as a telecommunicator or emergency medical dispatcher employed with a public or private safety agency may be accepted if the experience is in the discipline the certification is requested and is approved by the Department.

(c) Experience acquired as a certified part-time telecommunicator or emergency medical dispatcher as defined in OAR 259-008-0005, or part time parole and probation officer as defined under 259-008-0005 and 259-008-0066, will count on a pro-rated basis.

(d) For the purpose of this rule, creditable service time for experience will not accrue under the following circumstances:

(A) When an individual is employed in a casual, seasonal, or temporary capacity;

(B) When an individual is on leave, other than full-time military leave;

(C) From the date a public safety officer's certification is suspended until it is reinstated by the Department;

(D) When a public safety officer fails to obtain basic certification within a mandated timeframe and is prohibited from being employed as a public safety officer; or

(E) When a public safety officer is employed in a limited duration, administrative position, as described in OAR 259-008-0078.

(11) The Basic Certificate. In addition to the requirements in sections (1) through (7) of this rule, the following are required for the award of the Basic Certificate:

(a) Applicants must have completed a period of service in a certifiable position of not less than nine months with one or more law enforcement

units or public or private safety agencies in the discipline the certification is requested;

(b) Applicants must have satisfactorily completed the required basic course as prescribed in OAR 259-008-0025, in the discipline the certification is requested or have completed equivalent training, as determined by the Department.

(12) The Intermediate and Advanced Certificates. In addition to the requirements in sections (4) through (7) of this rule, applicants for Intermediate and Advanced Certification must have acquired a combination of work experience in the discipline the certification is requested, training hours and the education credits or college degree, as identified in the discipline specific Intermediate/Advanced Certification Charts. [Tables not included. See ED. NOTE.]

(a) The work experience, training hours and education credits or college degree being used to apply for certification must appear on the applicant's training record or be properly documented and submitted as supporting documentation with the Form F-7 (Application for Certification).

(A) Applicants for Intermediate or Advanced Certification in the Police, Corrections, Parole and Probation and Regulatory Specialist disciplines must also submit a Form F-7WS (Intermediate/Advanced Certification Supplemental Worksheet), with a copy of their training record, to document the training hours that are being applied toward the certification.

(B) The Form F-7WS must include meaningful descriptions of the training events and must be reviewed and signed by the department head and the applicant attesting that the information is true and correct and meets the requirements for the award of an Intermediate or Advanced Certification.

(C) Applicants for Intermediate or Advanced Certification in the Telecommunications discipline must also submit a Portfolio that identifies the portfolio points submitted, includes supporting documentation of the portfolio points and includes a recommendation by the department head.

(b) To be awarded an Intermediate Certification, applicants must possess or be eligible to possess a Basic Certificate in the discipline for which the applicant is requesting intermediate certification.

(c) To be awarded an Advanced Certification, applicants must possess or be eligible to possess the Intermediate Certificate in the discipline for which the applicant is requesting advanced certification.

(d) The training hours used to obtain basic certification cannot be used toward intermediate certification.

(e) The training hours used to obtain basic and intermediate certifications cannot be used toward advanced certification.

(f) If making application for Advanced Telecommunications Certification, events, awards and experiences submitted as portfolio points for intermediate certification cannot be applied toward advanced certification.

(13) The Supervisory Certificate. In addition to requirements in sections (1) through (7) of this rule, applicants for the Supervisory Certificate must have acquired a combination of work experience, training hours and education credits, as prescribed in this rule:

(a) Applicants may determine eligibility for supervisory certification by referencing either:

(A) The eligibility requirements for supervisory certification effective until December 31, 2018; or

(B) The eligibility requirements for supervisory certification effective July 1, 2017.

(C) Applicants may apply for supervisory certification using the set of eligibility requirements that best fits their experience, education and training.

(b) Eligibility requirements for supervisory certification effective until December 31, 2018:

(A) Applicants must possess or be eligible to possess the Advanced Certificate in the discipline the supervisory certification is requested;

(B) Applicants must have satisfactorily completed no less than 45 education credits as defined in OAR 259-008-0045 and in accordance with section (9) of this rule;

(C) Applicants must have satisfactorily completed the prescribed supervision training within five years of the application for the Supervisory Certificate; and

(D) Applicants must be presently employed in and have satisfactorily performed the duties of a first-level supervisor as defined in OAR 259-008-0005 for a period of one year. The required experience must have been acquired within five years of the date of the application.

(E) Upon request of the employing agency, the Department may waive the requirements of paragraphs (C) or (D), provided the employing

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agency demonstrates that the applicant performs supervisory duties on a regular basis.

(c) Eligibility requirements for supervisory certification effective July 1, 2017:

(A) Applicants must possess or be eligible to possess the Basic Certificate in the discipline the supervisory certification is requested;

(B) Applicants must have satisfactorily completed the prescribed supervision training within five years of the application for the Supervisory Certificate; and

(C) Applicants must be presently employed in and have satisfactorily performed the duties of a first-level supervisor as defined in OAR 259-008-0005 for a period of two years. The required experience must have been acquired within five years of the date of the application.

(D) Upon request of the employing agency, the Department may waive the requirements of paragraphs (B) or (C), provided the employing agency demonstrates that the applicant performs supervisory duties on a regular basis.

(14) The Management Certificate. In addition to requirements in sections (1) through (7) of this rule, the following are required for the award of the Management Certificate:

(a) Applicants must possess or be eligible to possess the Supervisory Certificate in the discipline the management certification is requested;

(b) Applicants must have satisfactorily completed no less than 90 education credits as defined in OAR 259-008-0045 and in accordance with section (9) of this rule;

(c) Applicants must have satisfactorily completed the prescribed middle management training within five years of the application for the Management Certificate; and

(d) Applicants must be presently employed in and must have satisfactorily served in a middle management position as a department head or assistant department head as defined in OAR 259-008-0005 for a period of two years. The required experience must have been acquired within five years of the date of the application.

(e) Upon request of the employing agency, the Department may waive the requirements of section (14) (c) or (d), provided the employing agency demonstrates that the applicant performs management duties on a regular basis.

(15) The Executive Certificate. In addition to requirements in section (1) through (7) of this rule, the following are required for the award of the Executive Certificate:

(a) Applicants must possess or be eligible to possess the Management Certificate in the discipline the executive certification is requested;

(b) Applicants must have satisfactorily completed no less than 90 education credits as defined in OAR 259-008-0045 and in accordance with section (9) of this rule;

(c) Applicants must have satisfactorily completed 100 hours of Department-approved executive level training within five years of the application for the Executive Certificate; and

(d) Applicants must be presently employed in and must have satisfactorily served in a middle management position as department head or assistant department head, as defined in OAR 259-008-0005 for a period of two years. The required experience must have been acquired within five years of the date of the application.

(e) Upon request of the employing agency, the Department may waive the requirements of section (15) (c) or (d), provided the employing agency demonstrates that the applicant performs the duties of a department head or assistant department head on a regular basis.

(16) Multi-discipline Certification. Upon receiving written request from the department head stating a justified and demonstrated need exists for the efficient operation of the employing agency, the Department may approve multi-discipline certification for law enforcement officers who meet all minimum employment, training and education standards established in OAR 259-008-0010, 259-008-0011, 259-008-0025, and this rule, in the disciplines which they are requesting certification. The officer must meet the following requirements for the award of multi-discipline certification:

(a) Basic certification. A law enforcement officer who is certified in one discipline may apply for multi-discipline certification if employed in or transferred to another discipline within the same law enforcement unit. The applicant must demonstrate completion of all training requirements in the discipline in which certification is being requested.

(b) Higher levels of certification. Law enforcement officers who possess additional levels of certification in one discipline may, upon employment in or transfer to another discipline within the same law enforcement unit, apply for the same level of certification after completion of nine

months experience in the discipline in which they are requesting certification and meeting the requirements for the additional levels of certification as outlined in this rule. This section does not apply to the emergency medical dispatcher discipline since it only exists at the basic certification level.

(c) Retention of multi-discipline certification. In order to maintain multi-discipline certification, each discipline in which certification is held requires successful completion and documentation of training hours by the holders of the certificates every 12 months. The training must be reported to the Department, as follows:

(A) For a law enforcement officer who also holds emergency medical dispatcher certification, a minimum of four hours of training specific to the emergency medical dispatcher discipline must be reported annually as required under OAR 259-008-0064.

(B) For a law enforcement officer who also holds telecommunicator certification, a minimum of 12 hours of training specific to the telecommunicator discipline must be reported annually as required under OAR 259-008-0064.

(C) A minimum of 20 hours of training specific to each law enforcement discipline in which certification is held must be reported annually as required under subsections (d) through (l) of this section.

(d) The same training may be used for more than one discipline if the content is specific to each discipline. It is the responsibility of the department head to determine if the training is appropriate for more than one discipline.

(e) The maintenance training cycle for law enforcement officers who are certified in more than one discipline begins on July 1st of each year and ends on June 30th the following year.

(f) The employing agency must maintain documentation of all required maintenance training completed.

(g) If reported on a Form F-6 (Course Attendance Roster), required maintenance training must be submitted to the Department by June 30th of each year. Training reported on a Form F-6 will result in credit for training hours. No training hours will be added to a law enforcement officer's record, unless accompanied by a Form F-6 Course Attendance Roster.

(h) On or after July 1st of each year, the Department will identify all law enforcement officers who are deficient in multi-discipline maintenance training according to Department records. A Contested Case Notice of Intent to Suspend will be prepared and served on the law enforcement officer pursuant to ORS 181A.640(c) and these rules. A copy of the Notice will be sent to the officer's employing agency.

(A) All Contested Case Notices will be prepared in accordance with the applicable provisions of the Attorney General's Model Rules of Procedure adopted under OAR 259-005-0015.

(B) A law enforcement officer who has been served with a Contested Case Notice of Intent to Suspend has 30 days from the date of mailing or personal service of the notice to notify the Department of the training status identified as deficient by submitting a Form F-16 (Maintenance Training Log) to the Department identifying the maintenance training completed during the previous one year reporting period or to file a written request for hearing with the Department.

(C) Maintenance training hours reported to the Department on a Form F-16 will be used solely to verify completion of maintenance training requirements and will not be added to an officer's training record.

(i) Default Order: If the required training is not reported to the Department or a request for a hearing received within 30 days from the date of the mailing or personal service of the notice, the Contested Case Notice will become a final order suspending certification pursuant to OAR 137-003-0672.

(j) A law enforcement officer with a suspended certification is prohibited from being employed in any position for which the certification has been suspended.

(k) Recertification following a suspension may be obtained, subject to Department approval, by submitting the following:

(A) A written request from the employing department head requesting recertification, along with a justification of why the maintenance training was not completed; and

(B) Verification that the missing training was completed.

(l) Failure to complete the required maintenance training may not result in a suspension of certification if the law enforcement officer is on leave from a public or private safety agency.

(17) Certificates and awards are the property of the Department. The Department has the power to revoke or suspend any certificate or award as provided in the Act.

[ED. NOTE: Forms & Tables referenced are available from the agency.]
Stat. Auth.: ORS 181A.410

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Stats. Implemented: ORS 181A.410, 181A.490, 181A.520, 181A.530, 181A.560 & 181A.570
Hist.: PS 12, f. & ef. 12-19-77; PS 1-1979, f. 10-1-79, ef. 10-3-79; PS 1-1980(Temp), f. & ef. 6-26-80; PS 2-1980, f. & ef. 12-8-80; PS 1-1981, f. 9-26-81, ef. 11-2-81; PS 1-1983, f. & ef. 12-15-83; PS 1-1985, f. & ef. 4-24-85; Renumbered from 259-010-0055, PS 1-1990, f. & ef. 2-7-90; PS 1-1995, f. & ef. 3-30-95, PS 2-1995, f. & ef. 9-27-95; PS 7-1997, f. 3-20-97, cert. ef. 3-25-97; PS 10-1997(Temp), f. & ef. 11-5-97; BPSST 1-1998, f. & ef. 5-6-98; BPSST 2-1998(Temp), f. & ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & ef. 6-30-98; BPSST 1-1999, f. & ef. 3-9-99; BPSST 6-1999, f. & ef. 7-29-99; BPSST 11-2000, f. 11-13-00, cert. ef. 11-15-00; BPSST 13-2001(Temp), f. & ef. 10-26-01 thru 4-10-02; BPSST 8-2002, f. & ef. 4-3-02; BPSST 21-2002, f. & ef. 11-21-02; DPSST 1-2004, f. 1-16-04, cert. ef. 1-20-04; DPSST 5-2004, f. & ef. 4-23-04; DPSST 2-2008, f. & ef. 1-15-08; DPSST 9-2008, f. & ef. 7-15-08; DPSST 22-2008, f. & ef. 12-29-08; DPSST 4-2009, f. & ef. 4-8-09; DPSST 1-2010, f. & ef. 1-11-10; DPSST 2-2010, f. & ef. 3-15-10; DPSST 4-2010, f. & ef. 6-2-10; DPSST 7-2010, f. 7-15-10, cert. ef. 8-1-10; DPSST 8-2010, f. & ef. 8-13-10; DPSST 8-2011, f. & ef. 6-24-11; DPSST 17-2011, f. & ef. 12-23-11; DPSST 23-2012, f. 10-25-12, cert. ef. 11-1-12; DPSST 31-2012, f. & ef. 12-27-12; DPSST 15-2013, f. & ef. 6-25-13; DPSST 1-2014, f. & ef. 1-2-14; DPSST 12-2014, f. & ef. 6-24-14; DPSST 28-2014(Temp), f. & ef. 10-8-14 thru 4-6-15; DPSST 1-2015, f. & ef. 1-5-15; DPSST 7-2015, f. & ef. 3-24-15; DPSST 11-2015, f. 6-23-15, cert. ef. 7-1-15; DPSST 18-2015, f. 12-22-15, cert. ef. 1-1-16; DPSST 11-2016, f. 7-25-16, cert. ef. 7-29-16; DPSST 20-2016, f. 12-27-16, cert. ef. 1-1-17; DPSST 9-2017, f. 4-27-17, cert. ef. 5-1-17

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

Rule Caption: Age Requirement to Take Knowledge Test

Adm. Order No.: DMV 8-2017

Filed with Sec. of State: 4-26-2017

Certified to be Effective: 4-26-17

Notice Publication Date: 3-1-2017

Rules Amended: 735-062-0040

Subject: OAR 735-062-0040 establishes provisions regarding the Class C non-commercial knowledge test. DMV has added a provision regarding the age when a person is first eligible to take a knowledge test. Class C non-commercial knowledge test scores are good for two years. However, it made little sense for a person to take a knowledge test at 13 years of age in anticipation of getting an instruction permit at 15 years of age. Therefore, DMV amended OAR 735-062-0040 to include that to be eligible to take a knowledge test, a person must meet the minimum age requirement for the driving privileges for which the applicant is applying.

Rules Coordinator: Lauri Kunze—(503) 986-3171

735-062-0040

Knowledge Test

(1) Applicants for an original driver permit, driver license or endorsement must pass the knowledge test(s) required under ORS 807.070(2) and, if applicable, 807.065(1)(b).

(2) The knowledge test(s) will be specific to the class of license or endorsement sought. The test(s) will examine the applicant's knowledge and understanding of traffic laws, safe driving practices and factors that cause accidents.

(3) All knowledge tests are closed book. During a test an applicant is not allowed to use any study guides, manuals, notes, electronic devices or any other items to assist the applicant in obtaining answers to the test questions. During a test an applicant may not obtain an answer to any test question from another person.

(4) The first knowledge test for a driver license, permit or endorsement may be conducted the day the applicant is not ineligible for driving privileges, including meeting the minimum age requirement for the driving privileges for which the applicant is applying. If the applicant fails the first knowledge test, additional tests shall be conducted, as needed, with the following frequency:

(a) A second test may be conducted on any day after the day of the first test;

(b) A third test may be conducted on any day after the day of the second test;

(c) A fourth test may be conducted on any day after the third test;

(d) A fifth test may be conducted no sooner than 28 days after the fourth test; and

(e) Any subsequent test may be conducted no sooner than 28 calendar days after the previous test.

(5) If a compelling reason is shown the DMV may waive the waiting period for a knowledge test required by section (4) of this rule. Reasons for waiving the waiting period include, but are not limited to:

(a) The person can demonstrate he or she failed the test due to a cognitive or functional impairment. A statement from the person's doctor describing how the impairment affects the person's ability to pass a knowledge test is required;

(b) The person can demonstrate that failure to pass the test will result in loss of his or her job or a job opportunity;

(c) The person was not given an oral test when an oral test was requested; or

(d) The person requested but was not given the test in his/her native language and the test is available in the language requested.

(6) The waiting period between knowledge test failures is determined by the number of times an applicant fails a specific type of test. For example, the failure of a Class C driver license knowledge test and a Class A commercial driver license knowledge test the same day is considered as one test failure for each knowledge test, not two failures.

(7) An applicant is cheating on a knowledge test if a DMV employee, during the test or when reviewing video from a surveillance camera, observes behaviors such as, but not limited to, the following:

(a) The applicant clearly using notes, a study guide, a copy of the test, or any other kind of written material that may provide the answer to a test question.

(b) The applicant clearly using an electronic device with the capability for sound, email, text messages, web access including, but not limited to, a cellular phone, personal digital assistant or wireless handheld device.

(c) The applicant clearly obtaining answers to test questions from another person, either verbally or through the use of any type of physical gesture or signal.

(8) DMV will determine that the applicant is cheating if a DMV office manager, office team leader, or designee confirms the observation of the DMV employee as described in section (7) of this rule.

(9) If DMV determines an applicant is cheating, DMV will:

(a) Stop the test if the applicant is still completing the test; or

(b) Cancel any license, permit or endorsement that was issued based on a passing test score, if the applicant was issued a driving privilege based on test score achieved through cheating.

(10) Except as otherwise provided in this section, if DMV determines an applicant cheated, the applicant must wait 90 days before he or she may take a subsequent knowledge test. DMV will provide the applicant written notice of the 90 day waiting period either by handing the applicant notice on the day of the test or by mail if the applicant left the office without such notice. DMV may waive the 90-day waiting period required under this section if the person provides proof the waiting period creates an extreme hardship. The person must provide evidence of the hardship such as, but not limited to:

(a) A statement from an employer that the person's inability to obtain driving privileges or an endorsement will result in the loss of a job or of a job opportunity because the job requires driving a motor vehicle; or

(b) A statement from a physician that the person or a member of the person's immediate family is in need of regular medical treatment and that there is no alternative transportation.

(11) When DMV determines an applicant cheated on a knowledge test as described in section (8) of this rule, the applicant may request an administrative review. The following apply to an administrative review request:

(a) DMV will notify the applicant of the right to request an administrative review at the time the test is stopped.

(b) The applicant must request an administrative review within 60 days from the date of notice. The 90-day waiting period will remain in effect and will not be rescinded or stayed by DMV pending the outcome of the administrative review.

(c) A request for an administrative review must be in writing and must include:

(A) The person's full name;

(B) The person's complete mailing address;

(C) The person's Oregon driver license number, identification card number or customer number, if available; and

(D) A brief statement of the facts and any evidence the person wants to present showing he or she should not be subject to the 90-day waiting period or proof of extreme hardship if the person is requesting a waiver of the 90-day period as described in section (9) of this rule.

(d) A request for an administrative review should also include the person's date of birth.

(e) To be received by DMV, the request for an administrative review must be:

(A) Personally delivered to DMV Headquarters, 1905 Lana Avenue NE, Salem, OR;

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(B) Delivered by mail to DMV Headquarters, 1905 Lana Avenue NE, Salem OR 97314;

(C) Received by facsimile machine at FAX number (503) 945-5497;

or

(D) Submitted through an online request at www.OregonDMV.com.
Stat. Auth.: ORS 184.616, 184.619, 802.010, 802.200, 802.540, 807.070

Stat. Implemented: ORS 807.070, 807.530, 809.310
Hist.: MV 14-1987, f. 9-21-87, ef. 9-27-87; Administrative Renumbering 3-1988, Renumbered from 735-031-0023; MV 8-1988, f. & cert. ef. 3-2-88; MV 16-1989, f. 8-25-89, cert. ef. 4-2-90; MV 7-1991, f. & cert. ef. 7-16-91; DMV 3-2002, f. & cert. ef. 3-14-02; DMV 6-2007, f. 5-24-07, cert. ef. 9-1-07; DMV 6-2007, f. 5-24-07, cert. ef. 9-1-07; DMV 3-2009, f. & cert. ef. 2-20-09; DMV 14-2014, f. & cert. ef. 12-1-14; DMV 8-2017, f. & cert. ef. 4-26-17

Higher Education Coordinating Commission, Office of Community Colleges and Workforce Development Chapter 589

Rule Caption: Changes to when Growth Management Component of Community College Support Fund Distribution Methodology is applied.

Adm. Order No.: CCWD 1-2017

Filed with Sec. of State: 4-24-2017

Certified to be Effective: 7-1-17

Notice Publication Date: 3-1-2017

Rules Amended: 589-002-0120

Subject: The distribution methodology for the Community College Support Fund includes a Biennial Growth Management Component, defined as "(16)...the percent change, from one biennium to the next, of the total number of FTE for all community college districts that could be included in the funding formula without reducing resources available per FTE. The biennial growth management component is determined by the amount of total public resources available for the current biennium compared to the prior biennium and the estimated increased cost of FTE" (ORS 589-002-0110, Definitions).

The proposed amendment changes the application of the Biennial Growth Management Cap so that it only applies to a community college district when its funded full-time equivalent students (FTE) reaches 1101. This change will allow small community college districts to grow to meet the needs of their communities and is in alignment with the goal of "maintaining small districts as a means of educational access" as articulated in the Purpose Statement in 589-002-0100 Community College Support Fund Distribution.

Rules Coordinator: Kelly Dickinson—(503) 947-2379

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.

(i) 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.

(ii) Funds remaining in the CCSF shall be distributed through the formula as described in section 6.

(iii) 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:

ADMINISTRATIVE RULES

- (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. Beginning with the 2017-19 biennium, the Growth Management Component shall only apply to reimbursable FTE at or above 1101.

(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; DCCWD 5-2015, f. & cert. ef. 10-30-15; CCWD 1-2016, f. & cert. ef. 2-12-16; CCWD 1-2017, f. 4-24-17, cert. ef. 7-1-17

Oregon Department of Aviation Chapter 738

Rule Caption: Temporary Exemption from Registration of Manned Aircraft

Adm. Order No.: AVIA 2-2017

Filed with Sec. of State: 4-26-2017

Certified to be Effective: 4-28-17

Notice Publication Date: 4-1-2017

Rules Amended: 738-080-0030

Subject: Previously, a letter requesting Temporary Exemption from Registration of Manned Aircraft was due on March 1 for each calendar year an exemption is claimed. State aircraft registration is due one year from the original date of registration and is renewed each year on that anniversary date. This rule change aligns the due date for requesting a Temporary Exemption from Registration of Manned Aircraft with the original registration date of the aircraft and not with the calendar year to reduce duplication of efforts and staff costs associated with reconciling two separate systems.

Criteria for a Temporary Exemption from Registration of Manned Aircraft is based on the aircraft not being physically capable of operation and flight and that the aircraft is not capable of forward motion on the ground or in flight. Preventive maintenance does not qualify for Temporary Exemption and is described in Federal Aviation Regulations, PART 43, Appendix A (c) for guidance on "preventive maintenance."

Rules Coordinator: Lauri Kunze—(503) 986-3171

738-080-0030

Temporary Exemption from Registration of Manned Aircraft

(1) Aircraft not physically capable of operation or flight may be temporarily exempt from the requirement of annual registration by the Oregon Department of Aviation (Department). "Not physically capable of operation and flight" means any aircraft that is not capable of being operated in forward motion on the ground or in flight.

(a) Eligibility. The need for preventive maintenance or repairs to the aircraft such as flat tires, broken windows or other short term maintenance items that are normally required are not considered adequate justification for an exemption. See Federal Aviation Regulations, PART 43, Appendix A (c) for guidance on "preventive maintenance."

(b) An aircraft that is grounded merely because it has not had appropriate inspections required by the Federal Aviation Administration is not eligible for exemption.

(c) An aircraft that is under construction, or one that is disassembled waiting reassembly, may be exempt from registration until it is physically capable of operation or flight.

(d) The Director of the Department or the Director's designee shall make the final determination as to which aircraft may be temporarily exempt from registration.

(2) An aircraft owner who believes an aircraft is not physically capable of operation or flight must submit a signed "Request for Temporary Exemption" statement giving the reasons why it should be temporarily exempt from registration.

(a) The statement must be received by the Department 30 days before the aircraft registration expiration deadline to allow time for the Director of the Department or the Director's designee to determine the eligibility for exemption from registration.

(b) If the exemption is denied, the aircraft owner will be notified. The owner must then submit the appropriate aircraft registration fee to the Department within 30 days of notification that the exemption is denied.

(c) An aircraft owner may request a review of the Director of the Department or the Director's designee's decision after payment of the appropriate registration fee has been submitted. Such review may include an informal discussion with the Director of the Department or the Director's designee of the aircraft's status.

(3) A temporary exemption from registration under this rule will be effective for one year from the registration deadline. A new exemption statement must be submitted each year within the time frame specified in paragraph (2) of this rule.

Stat. Auth.: ORS 835.035, 835.112, 837.005
Stats. Implemented: ORS 835.035, 835.112
Hist.: IAD 1-1985, f. & ef. 12-20-85; AERO 1-1991, f. & cert. ef. 5-21-91; AVIA 4-2002, f. 11-27-02, cert. ef. 12-1-02; AVIA 5-2015, f. & cert. ef. 12-15-15; AVIA 2-2017, f. 4-26-17, cert. ef. 4-28-17

Oregon Department of Education Chapter 581

Rule Caption: District Curriculum

Adm. Order No.: ODE 5-2017

Filed with Sec. of State: 5-2-2017

Certified to be Effective: 5-2-17

Notice Publication Date: 4-1-2016

Rules Amended: 581-022-1210

ADMINISTRATIVE RULES

Subject: Oregon’s Comprehensive Guidance and Counseling Framework was originally adopted in 2003 and the school counseling student standards were embedded. This amendment adds the school counseling student standards for Comprehensive School Counseling to the Common Curriculum Goals and academic content standards for the planned K-12 instructional program and aligns with the work currently underway to adopt standards in all other content areas.

Rules Coordinator: Cindy Hunt—(503) 947-5651

581-022-1210

District Curriculum

(1) Each school district shall provide a planned K–12 instructional program.

(2) The planned K–12 instructional program shall include the following:

(a) Common Curriculum Goals and academic content standards adopted by the State Board of Education to include:

- (A) English;
 - (B) Mathematics;
 - (C) Science;
 - (D) Social Science (including history, geography, economics and civics);
 - (E) The Arts;
 - (F) World Languages;
 - (G) Health Education;
 - (H) Physical Education; and
 - (I) Comprehensive School Counseling.
- (b) Additional Common Curriculum Goals for technology.

(c) Essential Learning Skills, as contained in the Common Curriculum Goals and academic content standards;

(d) Career-related learning standards, as contained in the Common Curriculum Goals and academic content standards; and

(e) Career education which may include career and technical education.

(3) The school district shall also provide instruction in other areas identified in chapter 581, division 22 of the Oregon Administrative Rules, including:

- (a) Infectious diseases, including AIDS/HIV and Hepatitis B;
 - (b) Prevention education in drugs and alcohol; and
 - (c) Emergency plans and safety programs.
- (4) The school district is also accountable to provide instruction in compliance with requirements set forth in ORS Chapter 336, Conduct of Schools Generally.

Stat. Auth.: ORS 326.051
Stats. Implemented: ORS 329.045
Hist.: EB 6-1997, f. & cert. ef. 6-9-97; ODE 7-2005(Temp), f. & cert. ef. 3-15-05 thru 9-1-05; Administrative correction 9-21-05; ODE 5-2006, f. & cert. ef. 2-14-06; ODE 19-2007, f. & cert. ef. 9-10-07; ODE 25-2008, f. & cert. ef. 9-26-08; ODE 45-2014, f. & cert. ef. 12-17-14; ODE 5-2017, f. & cert. ef. 5-2-17

Rule Caption: Form & Protocol for Sports Physical Examinations

Adm. Order No.: ODE 6-2017

Filed with Sec. of State: 5-4-2017

Certified to be Effective: 5-4-17

Notice Publication Date: 4-1-2017

Rules Amended: 581-021-0041

Subject: Physical examination must be conducted by a physician, naturopathic physician, physician assistant, nurse practitioner or chiropractic physician who has clinical training and experience in detecting cardiopulmonary diseases and defects. recently, the OSAA SMAC conducted a process to review and revise the form and protocol to reflect current best practices.

Rules Coordinator: Cindy Hunt—(503) 947-5651

581-021-0041

Form and Protocol for Sports Physical Examinations

(1) The State Board of Education adopts by reference the form entitled “School Sports Pre-Participation Examination” dated May, 2017 that must be used to document the physical examination and sets out the protocol for conducting the physical examination. The form may be used in either a hard copy or electronic format. Medical providers may use their electronic health records systems to produce the electronic form. Medical

providers conducting physicals of students who participate in extracurricular activities in grades 7 through 12 must use the form.

(2) The form must contain the following statement above the medical provider’s signature line:

This form is an exact duplicate of the current form required by the State Board of Education containing the same history questions and physical examination findings. I have also reviewed the “Suggested Exam Protocol”.

(3) Medical providers conducting physicals on or after April 30, 2011 and prior to May 1, 2017 must use the form dated May 2010.

(4) Medical providers conducting physicals on or after May 1, 2017 and prior to May 1, 2018 may use either the form dated May 2010 or the form dated May, 2017.

(5) Medical providers conducting physicals on or after May 1, 2018 must use the form dated May, 2017.

NOTE: The form can be found on the Oregon School Activities Association (OSAA) website: www.osaa.org
Stat. Auth.: ORS 326.051
Stats. Implemented: ORS 336.479
Hist.: ODE 24-2002, f. & cert. ef. 11-15-02; ODE 29-2004(Temp), f. & cert. ef. 9-15-04 thru 2-25-05; ODE 4-2005, f. & cert. ef. 2-14-05; ODE 8-2010, f. & cert. ef. 5-27-10; ODE 9-2010(Temp), f. & cert. ef. 6-30-10 thru 11-26-10; ODE 14-2010, f. & cert. ef. 11-15-10; ODE 6-2017, f. & cert. ef. 5-4-17

Oregon Film and Video Office Chapter 951

Rule Caption: Rules for utilizing the Oregon Production Investment Fund (“OPIF”).

Adm. Order No.: FVO 1-2017

Filed with Sec. of State: 5-2-2017

Certified to be Effective: 5-2-17

Notice Publication Date: 4-1-2017

Rules Amended: 951-002-0000, 951-002-0001, 951-002-0005, 951-002-0010, 951-002-0020

Subject: Provides rules and guidance for the administration of the Oregon Production Investment Fund film and television production rebates as authorized by ORS 284.367 to 284.368.

Rules Coordinator: Nathan Cherrington—(971) 254-4020

951-002-0000

Purpose

The purpose of these rules is to provide guidance for the administration of the Oregon Production Investment Fund film and television production rebates as authorized by ORS 284.367 to 284.368. The Oregon Production Investment Fund was authorized by the 2003 legislature to encourage film and video production in Oregon, thereby increasing job opportunities for Oregonians in the film and video industry and bringing additional production spending into the state.

Stat. Auth.: ORS 284.335 & 284.368
Stats. Implemented: ORS 284.367 & 284.368
Hist: FVO 4-2004, f. & cert. ef. 11-26-04; FVO 1-2017, f. & cert. ef. 5-2-17

951-002-0001

Definitions

(1) “Qualifying film or television production” means a movie produced for release to theaters, video or the internet or a television movie or one or more episodes of a single television series, or a media production services project produced by a local media production services company, the production of which will result in the spending of at least \$1 million directly to Oregon resident vendors or for work done in Oregon. “Qualifying film or television production” does not include the production of a commercial or one or more segments of a newscast or sporting event.

(2) “OPIF” means Oregon Production Investment Fund created by ORS 284.367.

(3) “OFVO” means the Oregon Film & Video Office created by ORS 284.305.

(4) “Filmmaker” means a person who owns a television or film production company.

(5) “Local filmmaker” means a person who owns a television or film production company that has its principal place of business in this state.

(6) “Local media production services company” means a media production services company that has its principal place of business in this state.

(7) “Media production services” includes postproduction services and interactive video game development. “Media production services” does not include the production of a commercial or one or more segments of a newscast or sporting event.

ADMINISTRATIVE RULES

(8) “Media production services company” means a person who is engaged in media production services.

(9) “Principal place of business” means the office, in or out of this state, where the principal executive offices of a domestic or foreign corporation are located and where the company identifies as its singular “corporate headquarters.”

Stat. Auth: ORS 284.335 & 284.368
Stats. Implemented: ORS 284.367 & 284.368
Hist: FVO 4-2004, f. & cert. ef. 11-26-04; FVO 1-2017, f. & cert. ef. 5-2-17

951-002-0005 Program Application

A person proposing to produce a qualifying film or television production and wishing to receive a production spending rebate from the OPIF with respect to the production shall submit an application to the Oregon Film and Video Office for an eligibility determination. Unless otherwise permitted by the OFVO, the application must be submitted prior to the commencement of production. Incomplete applications will not be accepted.

Stat. Auth: ORS 284.335 & 284.368
Stats. Implemented: ORS 284.367 & 284.368
Hist: FVO 4-2004, f. & cert. ef. 11-26-04; FVO 1-2007, f. & cert. ef. 6-1-07; FVO 1-2017, f. & cert. ef. 5-2-17

951-002-0010 Eligibility Determination

(1) Except as set forth in sections (2), (3) and (4), the OFVO will approve the applications for eligibility for productions that satisfy the following requirements:

(a) The production satisfies the non-monetary portions of the “qualifying film or television production” definition.

(b) Projected spending in Oregon on the production is reasonably anticipated to equal or exceed US \$1 million.

(c) The producer includes, with its application, a letter to the OFVO stating the producer’s intent to film the production in Oregon and its willingness and ability to enter into a contract with the OFVO setting forth the terms and conditions of the rebate.

(2) The following productions are not eligible:

(a) Productions of a producer that has, or whose principals have, a verifiable history of previous production problems that create significant doubt, as determined by the OFVO, regarding the producer’s ability to complete a production in Oregon successfully. The production problems may include, but are not limited to:

- (A) Unpaid financial obligations;
- (B) Crew mistreatment; or
- (C) Damage to locations that the producer did not repair upon completion of the production.

(b) Productions with respect to which the producer withdraws its application for eligibility determination.

(c) Productions whose applications for eligibility are filed at times when there are not sufficient funds available in the Oregon Production Investment Fund to pay the anticipated rebates.

(d) Productions that the OFVO determines are unlikely to further the purposes of the Oregon Production Investment Fund.

(e) Productions that pay any employee less than minimum wage as set forth in (Oregon minimum wage rule – ORS 653.025).

(f) Media production services projects (specifically, postproduction and interactive games) principally produced by media production services companies who’s principal place of business is not located within the state of Oregon.

(3) If the OFVO receives multiple relatively concurrent applications for eligibility determinations and there are not sufficient funds available in the Oregon Production Investment Fund to pay anticipated rebates with respect to all of the productions, the OFVO will determine which applications to approve and which to deny based on the following factors:

- (a) Satisfaction of requirements of section (1)
- (b) Chronological order of receipt of application
- (c) Amount of production spending anticipated in Oregon
- (d) Number of film workers expected to be hired
- (e) Experience level of producer
- (f) Reputation of the producer and its principals
- (g) Estimated production start date
- (h) Other benefits to Oregon, including but not limited to promotional value, long-term financial benefits, contribution to development of Oregon’s crew and talent base or production industry infrastructure.

(i) Whether the production company has contributed to the Oregon Production Investment Fund.

(j) Whether the production company intends to pay prevailing industry rates and provide health, retirement and other benefits.

(k) Whether receipt of a production rebate from the OPIF is a determining factor in bringing or keeping the production in Oregon.

(4) Upon approval of an application for eligibility with respect to a production, the producer must enter into a contract with OFVO stipulating the producer’s intent to film the production in Oregon and setting forth the terms and conditions of the rebate. If the producer and the OFVO have not entered into the contract within 30 days of the production’s eligibility approval, the production’s eligibility will be automatically revoked unless the OFVO, in its discretion, extends the deadline for contract execution.

(5) No single qualifying film or television production or filmmaker or local filmmaker or media production services company or local media production services company can be awarded more than 50% of the entire OPIF fund (net the annual allocations for iOPIF and rOPIF) in any given single fiscal year.

Stat. Auth: ORS 284.335 & 284.368
Stats. Implemented: ORS 284.367 & 284.368
Hist: FVO 4-2004, f. & cert. ef. 11-26-04; FVO 1-2007, f. & cert. ef. 6-1-07; FVO 1-2008, f. & cert. ef. 6-27-08; FVO 1-2017, f. & cert. ef. 5-2-17

951-002-0020 Payment of rebates

(1) Regardless of whether the production is otherwise a qualifying film or television production or whether the OFVO determined the production eligible, rebates from the Oregon Production Investment Fund will only be paid pursuant to and upon the terms and conditions of a contract entered into between the OFVO and producer pursuant to OAR 951-002-0010(4). If no contract is entered into, no rebates will be paid. Amounts paid by the production to an individual who receives compensation in excess of \$1 million are excluded and ineligible for a rebate.

(2) In addition to any other terms and conditions that the OFVO considers necessary or desirable, contracts for Oregon Production Investment Fund rebates will usually include the following:

(a) A requirement that the producer submit to the OFVO, after completion of the production work in Oregon, financial and other records sufficient to verify that the production satisfied the minimum expenditure requirement for a rebate.

(b) Authorization for the OFVO to deduct from the rebate the costs reasonably incurred by the OFVO in verifying the production expenditures in Oregon, including but not limited to, the costs incurred by OFVO in obtaining an outside accounting review, audit, or both, of the financial and other records evidencing the expenditures. The OFVO will usually submit the expenditure documentation to an outside accounting firm for a review after the OFVO has completed its review. Based on the advice of the outside accounting firm, the OFVO may require an audit of the production’s financial records.

(c) Provisions conditioning OFVO’s obligation to pay the rebate on the producer’s compliance with the terms of the contract and satisfactory verification of production spending in Oregon of at least US \$1 million.

(d) Provisions conditioning OFVO’s obligation to pay the rebate on the production spending in Oregon after the date that OFVO approves the production’s eligibility, of at least US \$1 million.

(e) Production to provide final crew and vendor lists with final accounting.

(f) Production to provide promotional materials (such as photos, trailers, electronic press kits) to OFVO. OFVO may use such materials strictly for non profit purposes such as for archival, governmental relations and marketing purposes. OFVO shall not grant usage to any other entity and shall request additional permission prior to any use other than those listed. OFVO understands that talent contracts may prohibit use of actors’ images without express permission and agrees to abide by such agreements when advised of the production company of said limitations.

(g) Productions receiving rebates will include the approved “Oregon Film” logo and/or the “Oregon Made” logo in the final end crawl or packaging of the project wherever allowed by Filmmaker’s contracts with its clients.

(3) Payment of OPIF reimbursements are subject to funds being available in the OPIF program.

(4) OFVO makes a recommendation on reimbursement to the Oregon Business Development Department (“OBDD”) with the final decision made, and funds released by, OBDD.

Stat. Auth: ORS 284.335 & 284.368
Stats. Implemented: ORS 284.367 & 284.368
Hist: FVO 4-2004, f. & cert. ef. 11-26-04; FVO 1-2007, f. & cert. ef. 6-1-07; FVO 1-2017, f. & cert. ef. 5-2-17

ADMINISTRATIVE RULES

Rule Caption: Rules for utilizing the “regional” Oregon Production Investment Fund (“rOPIF”).

Adm. Order No.: FVO 2-2017

Filed with Sec. of State: 5-2-2017

Certified to be Effective: 5-2-17

Notice Publication Date: 4-1-2017

Rules Adopted: 951-007-0001, 951-007-0005, 951-007-0010, 951-007-0020, 951-007-0000

Subject: Provides rules and guidance for the administration of the portion of the Oregon Production Investment Fund that is to be used for film and television production expense reimbursement for regional production work as authorized by ORS284.368(4).

Rules Coordinator: Nathan Cherrington—(971) 254-4020

951-007-0000

Purpose

The purpose of these rules is to provide guidance for the administration of the portion of the Oregon Production Investment Fund that is to be used for film and television production expense reimbursement for regional production work as authorized by ORS284.368(4).

Stat. Auth: ORS284.368(4)

Stats. Implemented: ORS284.368(4)

Hist.: FVO 2-2017, f. & cert. ef. 5-2-17

951-007-0001

Definitions

(1) “Qualifying film or television production” means a movie produced for release to theaters, video or the Internet or a television movie or one or more episodes of a single television series, or a local media production services project produced by a local media production services company, the production of which will result in the spending of at least \$75,000.00 of Actual Oregon Expenses (as defined in 951-007-0001(12) below). “Qualifying film or television production” does not include the production of a commercial or one or more segments of a newscast or sporting event.

(2) “OPIF” means Oregon Production Investment Fund created by ORS 284.367.

(3) “iOPIF” means the part of the Oregon Production Investment Fund created by ORS 284.367 that is to be used to provide expense reimbursement for local film makers and local media production services companies pursuant to ORS 284.367(4).

(4) “Portland Metropolitan Zone” means the area within a 30 mile circular radius drawn from the center of Burnside Bridge.

(5) “Overnight Location” means a production location which requires cast & crew to be housed on an overnight basis due to the distance from the filmmaker’s production office in the Portland Metropolitan Zone.

(6) “rOPIF” means the part of the Oregon Production Investment Fund created by ORS 284.368(4) that is to be used to provide expense reimbursement for filmmakers, local filmmakers and local media production services companies pursuant to ORS 284.368(4) used to provide expense reimbursement for a qualifying film or television production by a filmmaker or local filmmaker doing production work outside of the Portland Metropolitan Zone pursuant to ORS284.368(4).

(7) “Filmmaker” means a person who owns a television or film production company.

(8) “Local filmmaker” means a person who owns a television or film production company or a local media production services company that has its principal place of business in this state.

(9) “Local media production services company” means a media production services company that has its principal place of business in this state.

(10) “Media production services” includes postproduction services and interactive video game development. “Media production services” does not include the production of a commercial or one or more segments of a newscast or sporting event.

(11) “Production Office” means the filmmaker or local filmmaker’s principal coordinating office for all production activities within the state of Oregon.

(12) “Principal Shooting Unit” means the “first” or “main” production unit, crew, and actors of a filmmaker or local filmmaker’s qualifying film or television production (as opposed to a “second” or “additional” unit, as is understood in the industry) which includes, but is not limited to, the principal director and cast of the qualifying film or television production.

(13) “Actual Oregon Expenses” means costs paid in Oregon for principal photography, production or postproduction in Oregon of a film, or for

media production services, including but not limited to the purchase or rental cost of equipment, food, lodging, real property and permits and payments made for salaries, wages and benefits for work in Oregon.

(14) “OFVO” means the Oregon Film & Video Office created by ORS 284.305.

Stat. Auth: ORS284.368(4)

Stats. Implemented: ORS284.368(4)

Hist.: FVO 2-2017, f. & cert. ef. 5-2-17

951-007-0005

Program Application

A filmmaker or local filmmaker proposing to produce a qualifying film or television production or a local media production services company that wishes to receive reimbursement for production spending from rOPIF with respect to the production shall submit an application to the OFVO for an eligibility determination. Unless otherwise permitted by the OFVO, the application must be submitted prior to the commencement of production. Incomplete applications will not be accepted.

Stat. Auth: ORS284.368(4)

Stats. Implemented: ORS284.368(4)

Hist.: FVO 2-2017, f. & cert. ef. 5-2-17

951-007-0010

Eligibility Determination

(1) Except as set forth in sections (2), (3) and (4), the OFVO will approve the applications for eligibility for productions that satisfy the following requirements:

(a) The production satisfies the non-monetary portions of the “qualifying film or television production” definition.

(b) If Actual Oregon Expenses are reasonably anticipated to equal but not less than \$75,000.

(c) The project is reasonably anticipated to be eligible for OPIF or iOPIF funds per 951-002-0010 & 951-006-0010.

(d) The filmmaker or local filmmaker includes, with its application, a letter to the OFVO stating its intent for and details of a production or a portion of a production to take place in Oregon outside of the Portland Metropolitan Zone and its willingness and ability to enter into a contract with the OFVO setting forth the terms and conditions of reimbursement.

(e) For filmmakers or local filmmakers who’s production office is located within the Portland Metropolitan Zone all the following conditions must be satisfied in order to qualify for rOPIF funds:

(A) At least one full day of principal shooting unit production work (from principal shooting crew call time to principal shooting unit camera wrap) must be done completely outside of the Portland Metropolitan Zone.

(B) Qualifying film or television production work must occur in the state no earlier than July 1, 2017.

(f) For filmmakers or local filmmakers who’s production office is located outside of the Portland Metropolitan Zone all the following conditions must be satisfied in order to qualify for rOPIF funds:

(A) At least fifty percent (50%) plus one day of the principal shooting unit’s production work in the state of Oregon must be done completely outside of the Portland metropolitan zone.

(B) At least six (6) principal shooting unit production days must be shot within the state of Oregon.

(C) Qualifying film or television production work must occur in the state no earlier than July 1, 2017.

(2) The following productions are not eligible:

(a) A production with respect to which the filmmaker or local filmmaker withdraws its application for eligibility determination.

(b) A production which is otherwise ineligible for OPIF or iOPIF funds per 951-002-0010 & 951-006-0010.

(3) If the OFVO receives multiple relatively concurrent applications for eligibility determinations and there are not sufficient funds available in the rOPIF to pay the anticipated reimbursements with respect to all of the productions, the OFVO will determine which applications to approve and which to deny based on the following factors:

(a) Satisfaction of requirements of section (1)

(b) Chronological order of receipt of application

(c) Amount of Actual Oregon Expenses

(d) Number of production workers expected to be hired

(e) Experience level of filmmaker or local filmmaker

(f) Reputation of the filmmaker or local filmmaker and its principals

(g) Estimated production start date

(h) Other benefits to Oregon, including but not limited to shooting location outside of the Portland metropolitan zone, promotional value, long-term financial benefits, contribution to development of Oregon’s crew and talent base or production industry infrastructure.

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(i) Whether the filmmaker or local filmmaker intends to pay prevailing industry rates and provide health, retirement and other benefits.

(4) Upon approval of an application for eligibility with respect to a production, the filmmaker or local filmmaker must enter into a contract with OFVO stipulating its intent to undertake production spending entirely or in part outside of the Portland Metropolitan Zone, and setting forth the terms and conditions of the reimbursement. If the filmmaker or local filmmaker and the OFVO have not entered into the contract within 30 days of its eligibility approval, the filmmaker or local filmmaker's eligibility will be automatically revoked unless the OFVO, in its discretion, extends the deadline for contract execution.

(5) rOPIF funds will not be available for reimbursement unless and until the later date of full funding of the FY 2017-2018 OPIF program or July 1, 2017.

Stat. Auth.: ORS284.368(4)
Stats. Implemented: ORS284.368(4)
Hist.: FVO 2-2017, f. & cert. ef. 5-2-17

951-007-0020

Payment of Reimbursements

(1) Regardless of whether the production is otherwise a qualifying film or television production or whether the OFVO determined the production eligible, reimbursement of expenses from the rOPIF will only be paid pursuant to and upon the terms and conditions of a contract entered into between the OFVO and the filmmaker or local filmmaker pursuant to OAR 951-007-0010(5). If the filmmaker or local filmmaker does not enter into a contract with OFVO, the filmmaker or local filmmaker will not receive any reimbursement of expenses from rOPIF or OFVO.

(2) In addition to any other terms and conditions that the OFVO considers necessary or desirable, contracts for rOPIF reimbursements will usually include the following provisions:

(a) The filmmaker or local filmmaker must submit to the OFVO, after completion of the production work in Oregon, financial and other records sufficient to verify that the production satisfied the expenditure requirement for rOPIF reimbursement.

(A) For productions qualifying for reimbursement under 951-007-0010(1)(e) above (i.e. productions who's production office is location within the Portland metropolitan zone) those financial and other records include, but are not limited to, call sheets, production reports, location agreements, additional overtime payments, additional per diem payments, additional mileage reports and overnight accommodation receipts pertaining to the work done on an overnight location.

(B) For productions qualifying for reimbursement under 951-007-0010(1)(f) above (i.e. production who's production office is location outside of the Portland metropolitan zone) those financial and other records include, but are not limited to, call sheets, production reports and location agreements pertaining to the work done outside of the Portland metropolitan zone.

(b) Authorization for the OFVO to deduct from the rOPIF reimbursement the costs reasonably incurred by the OFVO in verifying the production expenditures in Oregon, including but not limited to, the costs incurred by OFVO in obtaining an outside accounting review, audit, or both, of the financial and other records evidencing the expenditures. The OFVO will usually submit the expenditure documentation to an outside accounting firm for a review after the OFVO has completed its review. Based on the advice of the outside accounting firm, the OFVO may require an audit of the production's financial records.

(c) OFVO's obligation to make any reimbursement of expenses is conditioned on

(A) Availability of funds in the rOPIF to pay for the requested reimbursement and

(B) Compliance by the filmmaker or local filmmaker with the terms of the contract and satisfactory verification of production spending in Oregon of at least US \$75,000 for the iOPIF program and US \$1million for the OPIF program.

(d) The filmmaker or local filmmaker must provide to OFVO vendor lists locations outside of the Portland metropolitan zone with final accounting.

Stat. Auth.: ORS284.368(4)
Stats. Implemented: ORS284.368(4)
Hist.: FVO 2-2017, f. & cert. ef. 5-2-17

Oregon Health Authority, Health Policy and Analytics Chapter 409

Rule Caption: Amend Appendix G to OAR 409-025-0120, the All Payer All Claims data reporting rules.

Adm. Order No.: OHP 1-2017

Filed with Sec. of State: 5-3-2017

Certified to be Effective: 5-3-17

Notice Publication Date: 4-1-2017

Rules Amended: 409-025-0120

Subject: The Oregon Health Authority is amending Appendix G: Annual Supplemental Provider Level APM Summary within OAR 409-025-0120 in order to update language and align data collection requirements with program needs, OHA priorities, and statutory requirements. Other than the proposed changes in Appendix G, the Authority does not plan any amendments to the text of OAR 409-025-0120 at this time.

Rules Coordinator: Zarie Haverkate—(503) 931-6420

409-025-0120

Data File Layout, Format, and Coding Requirements

(1) All data files shall include:

- (a) Medical claims;
- (b) Eligibility;
- (c) Medical provider;
- (d) Pharmacy claims;
- (e) Control totals;
- (f) Subscriber billed premiums;
- (g) Annual supplemental provider level APM summary; and
- (h) Control totals for annual supplemental provider level APM summary.

(2) The medical claims file shall be submitted using the approved layout, format, and coding described in Appendix A.

(3) The eligibility file shall be submitted using the approved layout, format, and coding described in Appendix B.

(a) Mandatory reporters shall report race and ethnicity data as outlined in Appendix B. This layout aligns with the Office of Management and Budget's (OMB) Federal Register Notice of October 30, 1997 (62 FR 58782-58790).

(b) Mandatory reporters shall report primary language in accordance with ANSI/NISO guidance using the three-character string outlined in Codes for the Representation of Languages for Information Interchange.

(c) Race, ethnicity and primary language data shall be collected in a manner that aligns with the following principles:

(A) To the greatest extent practicable, race, ethnicity, and preferred language shall be self-reported.

(i) Collectors of race, ethnicity and primary language data may not assume or judge ethnic and racial identity or preferred signed, written and spoken language, without asking the individual.

(ii) If an individual is unable to self-report and a family member, advocate, or authorized representative is unable to report on his or her behalf, the information shall be recorded as unknown.

(B) When an individual declines to identify race, ethnicity or preferred language, the information shall be reported as refused.

(4) The medical provider file shall be submitted using the approved layout, format, and coding described in Appendix C.

(5) The pharmacy claims file shall be submitted using the approved layout, format, and coding described in Appendix D.

(6) The control totals file shall be submitted using the approved layout, format, and coding described in Appendix E.

(7) The subscriber billed premium file shall be submitted using the approved layout, format, and coding described in Appendix F.

(8) The annual supplemental provider level APM summary file shall be submitted using the approved layout, format, and coding described in Appendix G.

(9) The control totals for annual supplemental provider level APM summary file shall be submitted using the approved layout, format, and coding described in Appendix H.

(10) All data elements are required unless specified as optional or situational.

(11) All required data files shall be submitted as delimited ASCII files.

(12) Numeric data are positive integers unless otherwise specified.

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(a) Negative values are allowed for revenue codes, quantities, charges, payment, co-payment, co-insurance, deductible, and prepaid amount.

(b) Negative values shall be preceded by a minus sign.

(13) The Authority shall convene a technical advisory group to advise the Authority and associated contractors on submission specifications including but not limited to Appendices A–H, Schedule A and any additional data submission requirements. The advisory group shall include, but is not limited to representatives from:

- (a) Mandatory reporters;
- (b) Providers;
- (c) Researchers, and;
- (d) Other stakeholders and interested parties.

(14) All data files shall pass edit checks and validations implemented by the Authority or the data vendor.

(a) Data vendors may perform quality and edit checks on data file submissions. If data files do not pass data vendor edit checks or validation, mandatory reporters must make corrections and resubmit data. Mandatory reporters must submit corrected data or an exception request within 14 calendar days of notification of error.

(b) Mandatory reporters must participate in efforts to validate and check the quality of current and historic APAC data, as prescribed and requested by the Authority.

(A) The Authority may request from mandatory reporters information from their internal records that is reasonably necessary to validate and check the quality of APAC data. This information may include, but is not limited to, aggregated number of enrolled members, number of claims and claim lines, charges, allowed amounts, paid amounts, co-insurance, co-payments, premiums, number of visits to primary care, emergency department, inpatient, and other health care treatment settings, and number of prescriptions.

(B) Mandatory reporters shall provide the aggregated information within 30 days of the Authority's request.

(C) If the Authority finds errors through edit checks or validation, mandatory reporters must make corrections and resubmit data or submit an exception request within 30 days or at the next regularly scheduled submission due date.

[ED. NOTE: Appendices and Schedules referenced are available from the agency.]
Stat. Auth.: ORS 442.466
Stats. Implemented: ORS 442.464 & 442.466
Hist.: OHP 1-2010, f. 2-26-10, cert. ef. 3-1-10; OHP 4-2012, f. 5-23-12, cert. ef. 6-1-12; OHP 1-2016, f. & cert. ef. 1-5-16; OHP 10-2016, f. 6-22-16, cert. ef. 1-1-17; OHP 13-2016, f. & cert. ef. 9-13-16; OHP 1-2017, f. & cert. ef. 5-3-17

Oregon Health Authority, Health Systems Division: Medical Assistance Programs Chapter 410

Rule Caption: Revise Payment Methodology for Doula Services to Include a Global Rate of \$350

Adm. Order No.: DMAP 13-2017(Temp)

Filed with Sec. of State: 4-28-2017

Certified to be Effective: 5-1-17 thru 10-27-17

Notice Publication Date:

Rules Amended: 410-130-0015

Subject: This OAR specifies that doula services are a covered benefit for all OHP beneficiaries who are pregnant. It defines the FFS payment methodology. This amendment revises the payment method to allow for a global rate to pay for a package that includes at least six home visits plus services on the day of delivery. It also specifies that the FFS rate for the global package will be \$350 and clarifies that CCOs must cover this benefit but that they have flexibility to develop rates under the OARs that govern CCO payment to their providers.

Rules Coordinator: Sandy Cafourek—(503) 945-6430

410-130-0015 Doula Services

(1) The primary purpose of providing doula services with the services of a licensed obstetrical practitioner is to optimize birth outcomes, including reduced Caesarian sections, epidural use, reduced assisted vaginal deliveries, and reduce the number of neonatal care unit admissions. These face-to-face services are provided during the prenatal, labor and delivery, and postpartum phases of the client's pregnancy. The following are expected to benefit most from doula services:

(a) A woman with a racially or ethnically diverse background including, Black/African American, Asian, Pacific Islander, Native American, Latino, or multiracial;

(b) A homeless woman;

(c) A woman who speaks limited to no English;

(d) A woman who has limited to no family or partner support; or

(e) A woman who is under the age of 21.

(2) Doula services may be provided only at the request of the licensed obstetrical practitioner. The doula and licensed obstetrical practitioner shall coordinate care and shall work concurrently during the delivery phase of the pregnancy. The licensed obstetrical practitioner shall be a physician or advance practice nurse.

(3) Doulas shall be certified and registered with the Authority pursuant to OAR 410-180-0325 through 0327. Certification shall be effective at the time doula services are provided. Doulas shall provide proof of certification to the practitioner.

(4) Doula services are covered for any woman whose benefit package covers labor and delivery.

(5) The provision of doula services shall be documented in the client's medical record by the licensed obstetrical practitioner.

(6) Payment for doula's services:

(a) For a member enrolled in FFS medical programs:

(A) The licensed obstetrical practitioner may be eligible for an additional payment as remuneration for the attending doula providing the doula services;

(B) Doulas may not receive direct payment from the Division;

(C) To be considered for the additional payment, the professional claim shall include the unique Medicaid modifier of U9 appended to the appropriate obstetrical code;

(D) Generally doula care should be billed as a global doula package. A global package shall include at a minimum four prenatal home visits, care during the labor and delivery phase, and two postpartum home visits;

(E) Itemized billing, i.e., billing the day-of-delivery separate from the home visits, is allowed in extenuating circumstances such as when the primary doula is not able to attend the delivery and a backup doula provides services;

(F) Bill for doula services as follows;

(i) For a global doula package, bill one time using CPT 59400+U9, 59510+U9, 59610+U9 or 59618+U9;

(ii) For itemized billing use CPT 59899+U9 for each home visit, up to six, and one delivery-only code + U9 for the day-of-delivery. Acceptable day-of-delivery-only codes are: 59409+U9, 59514+U9, 59612+U9, or 59620+U9.

(iii) Bill only one global doula package per pregnancy. Do not bill a global doula package with any of the itemized doula services codes for the same pregnancy.

(D) Doula services may only be billed once per pregnancy. Multiples (i.e., twins, triplets) are not eligible for additional payment;

(G) Only providers with a provider type designation of 34, 42, or 09 may be the billing provider for doula services;

(H) Only an enrolled doula, provider type designation 13/600, may be the rendering provider for doula services;

(I) Effective May 1, 2017, the FFS rate for the global doula package will be \$350, the itemized day-of-delivery will be \$100, and the itemized home visits will be \$41.67 each.

(b) For a member enrolled in CCO medical programs, payment will be according to OARs governing CCO provider payment.

Stat. Authority: ORS 413.042, 414.065

Stat. Implemented: ORS 414.065

Hist.: DMAP 73-2013, f. 12-31-13, cert. ef. 1-1-14; DMAP 13-2017(Temp), f. 4-28-17, cert. ef. 5-1-17 thru 10-27-17

Rule Caption: Amending PDL January 26, 2017 DUR/P&T Action
Adm. Order No.: DMAP 14-2017(Temp)

Filed with Sec. of State: 4-28-2017

Certified to be Effective: 5-1-17 thru 6-29-17

Notice Publication Date:

Rules Amended: 410-121-0030

Subject: The Pharmaceutical Services program administrative rules (division 121) govern Division payments for services provided to certain clients. The Division needs to amend 410-121-0030 per the Drug Use Review (DUR) Pharmacy & Therapeutics (P&T) Committee's recommendations made during the January 26, 2017 meeting. The Authority needs to implement changes to the Preferred Drug List to ensure the safe and appropriate use of cost effective

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prescription drugs for the Oregon Health Plan's fee-for-service recipients.

410-121-0030:

Preferred:

Promethazine tabs, syrup and suppositories
Prochlorperazine tabs, syrup and suppositories
Metoclopramide tabs and oral solutions
Phosphoric acid/dextrose/fructose oral solutions
Depo-Provera® injection
Medroxyprogesterone acetate tabs
Micronized progesterone caps
Norethindrone acetate tabs
Loperamide
Ursodiol
Naltrexone Microspheres

Rules Coordinator: Sandy Cafourek—(503) 945-6430

410-121-0030

Practitioner-Managed Prescription Drug Plan

(1) The Practitioner-Managed Prescription Drug Plan (PMPDP) is a plan that ensures that OHP fee-for-service clients have access to the most effective prescription drugs appropriate for their clinical conditions at the best possible price:

(a) Licensed health care practitioners, who are informed by the latest peer reviewed research, make decisions concerning the clinical effectiveness of the prescription drugs;

(b) Licensed health care practitioners also consider the client's health condition, personal characteristics, and the client's gender, race, or ethnicity.

(2) PMPDP Preferred Drug List (PDL):

(a) The PDL is the primary tool the Division uses to inform licensed health care practitioners about the results of the latest peer-reviewed research and cost effectiveness of prescription drugs;

(b) The PDL contains a list of prescription drugs that the Division, in consultation with the Drug Use Review (DUR)/Pharmacy & Therapeutics Committee (P&T), has determined represent the most effective drugs available at the best possible price;

(c) The PDL shall include drugs that are Medicaid reimbursable and the Food and Drug Administration (FDA) has determined to be safe and effective.

(3) PMPDP PDL Selection Process:

(a) The Division shall utilize the recommendations made by the P&T that result from an evidence-based evaluation process as the basis for selecting the most effective drugs;

(b) The Division shall ensure the drugs selected in section (3)(a) that are available for the best possible price and shall consider any input from the P&T about other FDA-approved drugs in the same class that are available for a lesser relative price. The Division shall determine relative price using the methodology described in section (4);

(c) The Division shall evaluate selected drugs for the drug classes periodically:

(A) The Division may evaluate more frequently if new safety information or the release of new drugs in a class or other information makes an evaluation advisable;

(B) New drugs in classes already evaluated for the PDL shall be non-preferred until the new drug has been reviewed by the P&T;

(C) The Division shall make all revisions to the PDL using the rule-making process and shall publish the changes on the Division's Pharmaceutical Services provider rules website.

(4) Relative cost and best possible price determination:

(a) The Division shall determine the relative cost of all drugs in each selected class that are Medicaid reimbursable and that the FDA has determined to be safe and effective;

(b) The Division may also consider dosing issues, patterns of use, and compliance issues. The Division shall weigh these factors with any advice provided by the P&T in reaching a final decision.

(5) Pharmacy providers shall dispense prescriptions in the generic form unless:

(a) The practitioner requests otherwise pursuant to OAR 410-121-0155;

(b) The Division notifies the pharmacy that the cost of the brand name particular drug, after receiving discounted prices and rebates, is equal to or less than the cost of the generic version of the drug.

(6) The exception process for obtaining non-preferred physical health drugs that are not on the PDL drugs shall be as follows:

(a) If the prescribing practitioner in their professional judgment wish to prescribe a physical health drug not on the PDL, they may request an exception subject to the requirements of OAR 410-121-0040;

(b) The prescribing practitioner must request an exception for physical health drugs not listed in the PDL subject to the requirements of OAR 410-121-0060;

(c) Exceptions shall be granted when:

(A) The prescriber in their professional judgment determines the non-preferred drug is medically appropriate after consulting with the Division or the Oregon Pharmacy Call Center; or

(B) Where the prescriber requests an exception subject to the requirement of section (6)(b) and fails to receive a report of PA status within 24 hours, subject to OAR 410-121-0060.

(7) Table 121-0030-1, PMPDP PDL dated May 1, 2017 is adopted and incorporated by reference and is found at: www.orpdl.org.

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

Stat. Auth.: ORS 413.032, 413.042, 414.065, 414.325, 414.330 to 414.414, 414.312 & 414.316

Stats. Implemented: ORS 414.065; 414.325, 414.334, 414.361, 414.369, 414.371, 414.353 & 414.354

Hist.: OMAP 25-2002, f. 6-14-02 cert. ef. 7-1-02; OMAP 31-2002, f. & cert. ef. 8-1-02; OMAP 36-2002, f. 8-30-02, cert. ef. 9-1-02; OMAP 29-2003, f. 3-31-03 cert. ef. 4-1-03; OMAP 35-2003, f. & cert. ef. 5-1-03; OMAP 47-2003, f. & cert. ef. 7-1-03; OMAP 57-2003, f. 9-5-03, cert. ef. 10-1-03; OMAP 70-2003(Temp), f. 9-15-03, cert. ef. 10-1-03 thru 3-15-04; OMAP 82-2003, f. 10-31-03, cert. ef. 11-1-03; OMAP 9-2004, f. 2-27-04, cert. ef. 3-1-04; OMAP 29-2004, f. 4-23-04 cert. ef. 5-1-04; OMAP 34-2004, f. 5-26-04 cert. ef. 6-1-04; OMAP 45-2004, f. 7-22-04 cert. ef. 8-1-04; OMAP 81-2004, f. 10-29-04 cert. ef. 11-1-04; OMAP 89-2004, f. 11-24-04 cert. ef. 12-1-04; OMAP 19-2005, f. 3-21-05, cert. ef. 4-1-05; OMAP 32-2005, f. 6-21-05, cert. ef. 7-1-05; OMAP 58-2005, f. 10-27-05, cert. ef. 11-1-05; OMAP 16-2006, f. 6-12-06, cert. ef. 7-1-06; OMAP 32-2006, f. 8-31-06, cert. ef. 9-1-06; OMAP 48-2006, f. 12-28-06, cert. ef. 1-1-07; DMAP 4-2007, f. 6-14-07, cert. ef. 7-1-07; DMAP 16-2008, f. 6-13-08, cert. ef. 7-1-08; DMAP 36-2008, f. 12-11-08, cert. ef. 1-1-09; DMAP 39-2009, f. 12-15-09, cert. ef. 1-1-10; DMAP 17-2010, f. 6-15-10, cert. ef. 7-1-10; DMAP 40-2010, f. 12-28-10, cert. ef. 1-1-11; DMAP 2-2011(Temp), f. & cert. ef. 3-1-11 thru 8-20-11; DMAP 19-2011, f. 7-15-11, cert. ef. 7-17-11; DMAP 44-2011, f. 12-21-11, cert. ef. 1-1-12; DMAP 12-2012(Temp), f. & cert. ef. 3-16-12 thru 9-11-12; DMAP 18-2012, f. 3-30-12, cert. ef. 4-9-12; DMAP 26-2012, f. & cert. ef. 5-14-12; DMAP 29-2012, f. & cert. ef. 6-21-12; DMAP 33-2012(Temp), f. 7-18-12, cert. ef. 7-23-12 thru 1-18-13; DMAP 40-2012(Temp), f. & cert. ef. 8-20-12 thru 1-18-13; DMAP 44-2012(Temp), f. & cert. ef. 9-26-12 thru 1-18-13; DMAP 61-2012, f. 12-27-12, cert. ef. 1-1-13; DMAP 6-2013(Temp), f. & cert. ef. 2-21-13 thru 8-19-13; DMAP 23-2013(Temp), f. 4-30-13, cert. ef. 5-1-13 thru 8-19-13; Administrative correction, 7-18-13; DMAP 43-2013, f. & cert. ef. 8-16-13; DMAP 76-2013(Temp), f. 12-31-13, cert. ef. 1-1-14 thru 6-30-14; DMAP 1-2014(Temp), f. & cert. ef. 1-10-14 thru 7-9-14; DMAP 15-2014, f. & cert. ef. 3-21-14 thru 9-17-14; DMAP 28-2014(Temp), f. & cert. ef. 5-2-14 thru 6-30-14; DMAP 37-2014, f. & cert. ef. 6-30-14; DMAP 47-2014(Temp), f. & cert. ef. 7-15-14 thru 1-11-15; DMAP 52-2014(Temp), f. & cert. ef. 9-16-14 thru 1-11-15; DMAP 64-2014(Temp), f. 10-24-14, cert. ef. 10-29-14 thru 12-30-14; DMAP 77-2014, f. & cert. ef. 12-12-14; DMAP 78-2014(Temp), f. & cert. ef. 12-12-14 thru 6-9-15; DMAP 88-2014(Temp), f. 12-31-14, cert. ef. 1-1-15 thru 6-29-15; DMAP 10-2015(Temp), f. & cert. ef. 3-3-15 thru 8-29-15; DMAP 26-2015(Temp), f. 4-17-15, cert. ef. 4-18-15 thru 6-26-15; DMAP 35-2015, f. 6-25-15, cert. ef. 6-26-15; DMAP 37-2015(Temp), f. & cert. ef. 7-1-15 thru 12-27-15; DMAP 57-2015(Temp), f. 9-30-15, cert. ef. 10-1-15 thru 12-27-15; DMAP 64-2015(Temp), f. & cert. ef. 11-3-15 thru 12-27-15; DMAP 66-2015(Temp), f. & cert. ef. 11-6-15 thru 12-27-15; DMAP 79-2015, f. 12-22-15, cert. ef. 12-27-15; DMAP 84-2015(Temp), f. 12-23-15, cert. ef. 1-1-16 thru 6-28-16; DMAP 18-2016(Temp), f. 4-28-16, cert. ef. 5-1-16 thru 6-28-16; DMAP 27-2016, f. 6-24-16, cert. ef. 6-28-16; DMAP 43-2016(Temp), f. & cert. ef. 7-1-16 thru 12-27-16; DMAP 57-2016(Temp), f. 9-30-16, cert. ef. 10-1-16 thru 3-29-17; DMAP 69-2016, f. & cert. ef. 12-1-16; DMAP 80-2016(Temp), f. 12-30-16, cert. ef. 1-1-17 thru 6-29-17; DMAP 14-2017(Temp), f. 4-28-17, cert. ef. 5-1-17 thru 6-29-17

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Rule Caption: Income Eligibility Guidelines for MAGI Medicaid/CHIP

Adm. Order No.: DMAP 15-2017

Filed with Sec. of State: 4-28-2017

Certified to be Effective: 5-1-17

Notice Publication Date: 4-1-2017

Rules Amended: 410-200-0315

Rules Repealed: 410-200-0315(T)

Subject: Every year the Federal Poverty Levels (FPL) are adjusted and published to the Federal Register. A number of the MAGI Medicaid/CHIP programs' financial eligibility and income disregards are based on percentages of the FPL and must be updated now that the FPLs have been published and align with the Oregon Eligibility (ONE) system implementation timeline.

Rules Coordinator: Sandy Cafourek—(503) 945-6430

410-200-0315

Standards and Determining Income Eligibility

(1) MAGI-based income not specifically excluded is countable, and its value is used in determining the eligibility and benefit level of an applicant or beneficiary.

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(2) MAGI-based income is considered available on the date it is received or the date a member of the household group has a legal right to the payment and the legal ability to make it available, whichever is earlier, except as follows:

(a) Income usually paid monthly or on some other regular payment schedule is considered available on the regular payment date if the date of payment is changed because of a holiday or weekend;

(b) Income withheld or diverted at the request of an individual is considered available on the date the income would have been paid without the withholding or diversion;

(c) An advance or draw of earned income is considered available on the date it is received.

(3) In determining financial eligibility for each applicant, the sum of the budget month MAGI-based income of all household group members is combined and compared to the applicable income standard for the family size. If the income is at or below the MAGI income standard, the individual meets the financial eligibility requirements. Except as provided in section (4) (a), if income exceeds the MAGI income standard, the individual is ineligible.

(4) This section applies to MAGI Medicaid/CHIP programs:

(a) If an individual is ineligible for MAGI Medicaid based solely on income and would otherwise be eligible for MAGI CHIP or be referred to the Exchange for APTC, a disregard equivalent to five percentage points of the federal poverty level for the applicable family size shall be applied to the household group's income. If the resulting amount is below the income standard for the applicable program and family size, the individual meets the financial eligibility requirements in the following programs:

- (A) The MAGI Parent or Other Caretaker Relative Program;
- (B) The MAGI Child Program;
- (C) The MAGI Adult Program; and
- (D) The MAGI Pregnant Woman Program;

(b) If an individual is ineligible for MAGI CHIP based solely on income and would otherwise be referred to the Exchange for APTC, a disregard equivalent to five percentage points of the federal poverty level for the applicable family size shall be applied to the household group's income. If the resulting amount is below the income standard for the applicable program and family size, the individual meets the financial eligibility requirements in the MAGI CHIP;

(c) The MAGI income standard for the MAGI Parent or Other Caretaker-Relative program is set as follows: [Table not included. See ED. NOTE.]

(d) Effective March 1, 2017, the MAGI income standard for the MAGI Child Program and the MAGI Adult Program is set at 133 percent of the FPL as follows. If an individual's household group income exceeds the income standard for their family size, the appropriate disregard for their family size described in section (4) (a) shall be applied: [Table not included. See ED. NOTE.]

(e) Effective March 1, 2017, the MAGI income standard for the MAGI Pregnant Woman Program and for MAGI Child Program recipients under age one is set at 185 percent FPL. If an individual's household group income exceeds the income standard for their family size, the appropriate disregard for their family size described in section (4) (a) shall be applied: [Table not included. See ED. NOTE.]

(f) Effective March 1, 2017, the MAGI income standard for the MAGI CHIP program is set through 300 percent of FPL as follows. If a child's household group income exceeds the income standard for their family size, and the child would be otherwise ineligible for MAGI CHIP, the appropriate disregard for their family size described in section (5) (a) (B) shall be applied: [Table not included. See ED. NOTE.]

(g) When the Department makes an ELE determination and the child meets all MAGI CHIP or MAGI Child Program nonfinancial eligibility requirements, the household size determined by the Department is used to determine eligibility regardless of the family size. The countable income of the household is determined by the ELA. A child is deemed eligible for MAGI CHIP or MAGI Child Program as follows:

(A) Effective March 1, 2017, if the MAGI-based income of the household group is below 163 percent of the 2017 federal poverty level as listed below, the Department deems the child eligible for the MAGI Child Program; [Table not included. See ED. NOTE.]

(B) If the MAGI-based income of the household group is at or above 163 percent of the FPL through 300 percent of the FPL as listed in section (4) (f) of this rule, the Agency deems the child eligible for MAGI CHIP.

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

Stat. Auth.: ORS 411.402, 411.404 & 413.042

Stats. Implemented: ORS 411.400, 411.402, 411.404, 411.406, 411.439, 411.443, 413.032, 414.025, 414.231, 411.447 & 414.706

Hist.: DMAP 54-2013(Temp), f. & cert. ef. 10-1-13 thru 3-30-14; DMAP 4-2014(Temp), f. & cert. ef. 1-15-14 thru 3-30-14; DMAP 20-2014, f. & cert. ef. 3-28-14; DMAP 25-2014(Temp), f. & cert. ef. 4-14-14 thru 10-11-14; DMAP 53-2014, f. & cert. ef. 9-23-14; DMAP 67-2014(Temp), f. 11-14-14, cert. ef. 11-15-14 thru 5-13-15; DMAP 3-2015, f. & cert. ef. 1-30-15; DMAP 6-2015(Temp), f. 2-13-15, cert. ef. 3-1-15 thru 8-27-15; DMAP 27-2015, f. 4-21-15, cert. ef. 4-22-15; DMAP 12-2016(Temp), f. 2-25-16, cert. ef. 3-1-16 thru 8-27-16; DMAP 22-2016, f. & cert. ef. 5-18-16; DMAP 6-2017(Temp), f. 2-28-17, cert. ef. 3-1-17 thru 8-27-17; DMAP 15-2017, f. 4-28-17, cert. ef. 5-1-17

Oregon Housing and Community Services Department Chapter 813

Rule Caption: Adds acquisition, conversion and rehabilitation of shelter facilities and transitional housing units as allowable services.

Adm. Order No.: OHCS 2-2017

Filed with Sec. of State: 4-19-2017

Certified to be Effective: 4-19-17

Notice Publication Date: 3-1-2017

Rules Amended: 813-046-0011

Rules Repealed: 813-046-0011(T)

Subject: The amended rules for the Emergency Housing Assistance Program (EHA) expands the definition for allowable program services to include the acquisition, conversion and rehabilitation of emergency shelter facilities and transitional housing units.

Rules Coordinator: Sandy McDonnell—(503) 986-2012

813-046-0011

Definitions

All words and terms that are used in OAR chapter 813, division 46 are defined in the Act, and in 813-005-0005 and 813-005-0015 and below. As used in OAR chapter 813, division 46, unless the context indicates otherwise:

(1) "Account" means the Emergency Housing Account, revolving account within the Oregon Housing Fund created under ORS 458.620.

(2) "Administrative costs" means all program costs that are not directly related to delivery of program services.

(3) "Assistant director" means the department's assistant director for the housing stabilization programs.

(4) "Community action agency" or "CAA" means a private, nonprofit corporation organized under ORS chapter 65, or an office, division or agency of a political subdivision designated as a community action agency pursuant to the Economic Opportunity Act of 1964 by the U.S. Department of Health and Human Services, which meets the requirements outlined in ORS 458.505(4).

(5) "Conditional" means subject to relevant conditions subsequent, including but not limited to continued department authority and funding capacity as well as subgrantee agency, to the satisfaction of the department, satisfying the terms of its funding application, maintaining legal standing as a CAA, timely satisfying relevant program requirements, and executing and recording (if required) relevant documents.

(6) "Department" or "OHCS" means the Housing and Community Services Department for the state of Oregon.

(7) "Director" means the department director as appointed by the governor.

(8) "Funding agreement" means that master grant agreement or other written agreement, together with all incorporated documents and references, to be executed by and between the department and subgrantee agency in form and substance satisfactory to the department as a condition precedent for receipt of program funding from the department.

(9) "Funding application" means the subgrantee agency's application to the department for a program grant.

(10) "HMIS" means the Homeless Management Information System.

(11) "Homeless" means an individual, family or household that lacks a fixed, regular and adequate nighttime residence in accordance with department categorical definitions. Categorical definitions are contained in the program manual.

(12) "Household" means an individual living alone, a family with or without children or a group of individuals who are living together as one economic unit.

(13) "Household income" means the total household income from all sources before taxes. Income under this definition may be reduced by deductions allowed by the department in compliance with program requirements. Income does not include assets or funds over which the applicant or household has no control.

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(14) “HUD” means the U.S. Department of Housing and Urban Development.

(15) “Low-income household” means a household with an annual household income that is more than fifty (50) percent but at or below eighty (80) percent of the area median income based on HUD determined guidelines as adjusted for family size.

(16) “Program” or “EHA” means the Emergency Housing Assistance program administered by the department pursuant to this division and other applicable law.

(17) “Program manual” or “manual” means the Emergency Housing Assistance Program Operations Manual as amended from time to time, incorporated herein by this reference. The manual may be accessed online on the department’s website.

(18) “Program requirements” means all funding agreement terms and conditions (including work plan objectives), department directives (including deficiency notices), and applicable state, local, and federal laws and regulations (including these rules, other applicable department rules and the manual), executive orders, local ordinances and codes.

(19) “Program services” means allowable services for emergency shelter and transitional housing inclusive of, but not limited to, acquisition, conversion or rehabilitation of shelter facilities and transitional housing units, supportive in-home services, rapid re-housing, homelessness prevention services, veterans housing stabilization services, data collection, and community capacity building activities as defined in the department program manual and eligible for funding under the program.

(20) “Self-sufficiency” means meeting basic needs and achieving stability in areas including, but not limited to, housing, household income, nutrition and health care, and accessing needed services.

(21) “Service area” means the specific geographic area or region within which a subgrantee agency provides program services directly or by contract.

(22) “Subcontractor” or “subrecipient” means a nonprofit corporation established under ORS chapter 65, a housing authority established under ORS 456.055 to 456.235, or local government as defined in ORS 197.015, contracting with a subgrantee agency to provide program services.

(23) “Subgrantee agency” or “agency” means a private, nonprofit corporation organized under ORS chapter 65, a housing authority established under ORS 456.055 to 456.235, or a local government as defined in ORS 197.015 with whom the department has contracted to administer program services at the local level.

(24) “Sufficiency” means that the quantity, thoroughness and quality of performance is satisfactory to the department, including but not limited to providing relevant information in a manner and to a degree for the department to assess appropriately subgrantee agency’s compliance with relevant program requirements such as the provision of services consistent with the terms of the funding agreement, state plan and other appropriate standards, goals and requirements established by the department.

(25) “Work plan” or “plan” means the subgrantee agency’s plan for use of program funds as approved by the department, which is part of its approved funding application, and included in its funding agreement with the department.

(26) “Very-low income household” means a household with an annual household income that is fifty (50) percent or less of the area median income based on HUD determined guidelines, adjusted for family size.

(27) “Veteran” means a person who served in the U.S. Armed Forces with an honorable discharge or is receiving a nonservice-connected pension from the U.S. Department of Veterans Affairs as further defined in ORS 408.225 and the program manual.

Stat. Auth.: ORS 456.555

Stats. Implemented: ORS 458.505, 458.620 & 458.650

Hist.: HSG 5-1991(Temp), f. & cert. ef. 10-10-91; HSG 5-1992, f. & cert. ef. 6-16-92; HSG 9-1994, f. & cert. ef. 11-9-94; OHCS 3-2001(Temp) f. & cert. ef. 12-7-01 thru 5-26-02; Renumbered from 813-046-0020; OHCS 3-2002, f. & cert. ef. 5-15-02; OHCS 11-2014(Temp), f. 1-27-14 thru 7-25-14; Temporary Suspended by OHCS 14-2014(Temp), f. & cert. ef. 2-10-14 thru 7-27-14; Administrative correction, 5-2-14; OHCS 8-2015, f. & cert. ef. 8-25-15; OHCS 13-2016(Temp), f. & cert. ef. 10-26-16 thru 4-23-17; OHCS 2-2017, f. & cert. ef. 4-19-17

Rule Caption: Adds the acquisition of shelter facilities as allowable program services for the Homeless Assistance Program.

Adm. Order No.: OHCS 3-2017

Filed with Sec. of State: 4-19-2017

Certified to be Effective: 4-19-17

Notice Publication Date: 3-1-2017

Rules Amended: 813-240-0005

Rules Repealed: 813-240-0005(T)

Subject: The amended rule expands the definition of program services to include acquisition of shelter facilities for the Homeless Assistance Program.

Rules Coordinator: Sandy McDonnell—(503) 986-2012

813-240-0005

Definitions

All words and terms as used in OAR chapter 813, division 240 are defined in the Act, in OAR 813-005-0005 and below. As used in OAR chapter 813, division 240, unless the context indicates otherwise:

(1) “Administrative costs” means all costs that are not directly related to delivery of program services.

(2) “Assistant director” means the department’s assistant director for the housing stabilization program.

(3) “Community action agency” or “CAA” means a private, nonprofit corporation organized under ORS chapter 65, or office, division or agency of a political subdivision designated as a community action agency pursuant to the Economic Opportunity Act of 1964 by the U.S. Department of Health and Human Services, which meets the requirements outlined in ORS 458.505(4).

(4) “Conditional” means subject to relevant conditions subsequent, including but not limited to continued department authority and funding capacity as well as subgrantee agency, to the satisfaction of the department, satisfying the terms of its funding application, maintaining legal standing as a CAA, timely satisfying relevant program requirements, and executing and recording (if required) relevant documents.

(5) “Department” or “OHCS” means the Housing and Community Services Department for the state of Oregon.

(6) “Director” means the department director as appointed by the governor.

(7) “Emergency shelter” means any appropriate facility that has the primary purpose of providing temporary or transitional shelter for the homeless in general or for specific populations of the homeless and the use of which does not require occupants to sign leases or occupancy agreements.

(8) “Funding agreement” means that master grant agreement or other written agreement, together with all incorporated documents and references, to be executed by and between the department and subgrantee agency in form and substance satisfactory to the department as a condition precedent for receipt of program funding from the department.

(9) “Funding application” means the subgrantee agency’s application to the department for a program grant.

(10) “HMIS” means the Homeless Management Information System.

(11) “Homeless” means an individual, family or household that lacks a fixed, regular and adequate nighttime residence in accordance with department categorical definitions. Categorical definitions are contained in the program manual.

(12) “Household” means an individual living alone, a family with or without children or a group of individuals who are living together as one economic unit.

(13) “HUD” means the U.S. Department of Housing and Urban Development.

(14) “Program” or “SHAP” means the State Homeless Assistance Program administered by the department pursuant to this division and other applicable law.

(15) “Program manual” or “manual” means the State Homeless Assistance Program Operations Manual as amended from time to time, incorporated herein by this reference. The manual may be accessed online on the department’s website.

(16) “Program requirements” means all funding agreement terms and conditions (including work plan objectives), department directives (including deficiency notices), and applicable state, local, and federal laws and regulations (including these rules, other applicable department rules, and the manual), executive orders, local ordinances and codes.

(17) “Program services” means allowable services and activities related to emergency shelter funding and operation including, but not limited to, operational costs, shelter acquisition, conversion or rehabilitation, shelter resident support services, and data collection as defined in the department program manual and eligible for funding under the program.

(18) “Service area” means the specific geographic area or region within which a subgrantee agency provides program services directly or by contract.

(19) “Subcontractor” or “subrecipient” means a nonprofit corporation established under ORS chapter 65, a housing authority established under

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ORS 456.055 to 456.235 or local government as defined in ORS 197.015, contracting with a subgrantee agency to provide program services.

(20) "Subgrantee agency" or "agency" means a private, nonprofit corporation organized under ORS chapter 65, a housing authority established under ORS 456.055 to 456.235, or a local government as defined in ORS 197.015, with whom the department has contracted to administer program services at the local level.

(21) "Sufficiency" means that the quantity, thoroughness and quality of performance is satisfactory to the department, including but not limited to providing relevant information in a manner and to a degree to the department to assess appropriately subgrantee agency's compliance with relevant program requirements such as the provision of services consistent with the terms of the funding agreement, state plan and other appropriate standards, goals and requirements established by the department.

(22) "Work plan" or "plan" means the subgrantee agency's plan for the use of program funds as approved by the department, which is a part of its approved funding application, and included in its funding agreement with the department.

Stat. Auth.: ORS 456.555

Stats. Implemented: ORS 458.505 - 458.515

Hist.: AFS 65-1985, f. & ef. 11-5-85; HSG 8-1992, f. & cert. ef. 7-29-92; Renumbered from 461-100-0000; HSG 10-1993, f. & cert. ef. 10-1-93; OHCS 4-2001(Temp) f. & cert. ef. 12-7-01 thru 5-26-02; Renumbered from 813-240-0000; OHCS 6-2002, f. & cert. ef. 5-15-02; OHCS 13-2014(Temp), f. & cert. ef. 1-27-14 thru 7-25-14; Temporary Suspended by OHCS 23-2014(Temp), f. & cert. ef. 2-10-14 thru 7-25-14; Administrative correction, 5-2-14; OHCS 17-2015, f. & cert. ef. 8-25-15; OHCS 14-2016(Temp), f. & cert. ef. 10-26-16 thru 4-23-17; OHCS 3-2017, f. & cert. ef. 4-19-17

Oregon Liquor Control Commission Chapter 845

Rule Caption: This package implements SB1511 which enables recreational licensees to also produce medical marijuana.

Adm. Order No.: OLCC 4-2017

Filed with Sec. of State: 4-28-2017

Certified to be Effective: 5-1-17

Notice Publication Date: 3-1-2017

Rules Adopted: 845-025-2500, 845-025-2510, 845-025-2520, 845-025-2530, 845-025-2540, 845-025-2550, 845-025-2560

Rules Amended: 845-025-1060

Subject: The Oregon Legislature adopted several bills during the 2016 legislative session that make significant alterations to ORS 475b. Specifically, Senate Bill 1511 directs Oregon Liquor Control Commission to register qualified marijuana producers, marijuana processors, marijuana wholesalers and marijuana retailers for purposes of producing, processing and selling medically designated marijuana items.

Previously, the Commission implemented a rule package to cover processors, wholesalers and retailers; however, it did not include marijuana producers. The statutes governing production of a medically designated marijuana canopy are sufficiently complex that staff felt the permanent rule making process was more appropriate to fully develop the rule concept. This concept has been entitled the "bump-up" canopy.

Staff has met on two occasions with industry, community partners and other interested parties to develop this rule package.

Rules Coordinator: Bryant Haley—(503) 872-5136

845-025-1060

Fees

(1) At the time of initial license or certificate application an applicant must pay a \$250 non-refundable application fee.

(2) If the Commission approves an application and grants an annual license, the following fees must be paid, prorated for an initial license that is issued for six months or less:

- (a) Producers:
 - (A) Micro Tier I \$1,000.
 - (B) Micro Tier II \$2,000.
 - (C) Tier I \$3,750.
 - (D) Tier II \$5,750.
 - (E) Canopy for patients \$100
- (b) Processors: \$4,750.
- (c) Wholesalers: \$4,750.
- (d) Micro Wholesalers: \$1,000.
- (e) Retailers: \$4,750.

(f) Laboratories: \$4,750.

(g) Sampling Laboratory: \$2,250.

(3) If the Commission approves an application and grants a research certificate, the fee is \$4,750 for a three-year term.

(4) At the time of license or certificate application renewal, an applicant must pay a \$250 non-refundable application fee.

(5) If the Commission approves a renewal application the renewal license or certificate fees must be paid in the amounts specified in subsections (2) and (3) of this rule.

(6) If the Commission approves an initial or renewal application and grants a marijuana worker permit, the individual must pay a \$100 permit fee.

(7) The Commission shall charge the following fees:

(a) Criminal background checks: \$50 per individual listed on a license application (if the background check is not part of an initial or renewal application)

(b) Transfer of location of premises review: \$1000 per license.

(c) Packaging preapproval: \$100.

(d) Labeling preapproval: \$100.

(e) Change to previously approved package or label: \$25.

Stat. Auth.: ORS 475B.025

Stats. Implemented: ORS 475B.025, 475B.070, 475B.090, 475B.100, 475B.110, 475B.218,

475B.560, 475B.610 & 475B.620, 2016 OL Ch. 24 Sec. 1, & 2016 OL Ch. 83 Sec. 2

Hist.: OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16; OLCC 6-2016, f. 6-28-

16, cert. ef. 6-29-16; OLCC 9-2016(Temp), f. 6-28-16, cert. ef. 6-30-16 thru 12-26-16;

OLCC 22-2016, f. 12-22-16, cert. ef. 12-27-16; OLCC 4-2017, f. 4-28-17, cert. ef. 5-1-17

845-025-2500

Registration to Produce Usable Marijuana for Patients

(1) In order to produce marijuana for a patient a licensed producer must register in a form and manner specified by the commission and submit the fee specified in OAR 845-025-1060.

(2) To qualify for registration a producer must:

(a) Submit a control plan describing how the producer will:

(A) Identify the medical canopy and separate the medical canopy from the recreational canopy;

(B) Segregate usable marijuana harvested from the medical plants from the usable marijuana harvested from recreational plants.

(b) Provide the Commission with a scaled floor plan or map specifying where the medical production will occur on the licensed premises.

(c) Provide the Commission with the agreement that meets the requirements of these rules for any patient for which the producer intends to produce usable marijuana under these rules.

(3) Licensed producers who have previously submitted a land use compatibility statement are not required to submit an additional land use compatibility statement when registering to produce usable marijuana for patients.

(4) Licensed producers who were exempt from submitting a land use compatibility statement under these rules at the time of licensure must submit a land use compatibility statement when registering to produce marijuana for patients if the producer's total canopy of mature medical and recreational plants exceeds 5000 square feet for outdoor producers and 1250 square feet for indoor producers.

(5) Upon receiving a registration form, fee and other information required to be submitted by this rule the Commission must verify the information submitted by the producer with the Authority, if applicable.

(6) A registration request will be denied if the producer has not complied with this rule or if any information submitted by the producer is false or misleading.

Stat. Auth.: ORS 475B.025

Stats. Implemented: 2016 OL Ch. 83 Sec. 2

Hist.: OLCC 4-2017, f. 4-28-17, cert. ef. 5-1-17

845-025-2510

Licensed Producer and Patient Agreements

(1) A licensed producer who is registered by the Commission to produce marijuana for patients may have agreements with up to 24 patients during any one calendar year.

(2) A licensed producer must use a form of patient agreement prescribed by the Commission that includes:

(a) The name, contact information, and OMMP card number of the patient and the patient's designated primary caregiver, if applicable.

(b) A statement that the producer may not be compensated by the patient for producing or providing marijuana to the patient, but may reimburse the producer for the costs associated with producing or providing marijuana to the patient.

(c) A statement that the producer may not produce more than the equivalent in square feet of six mature plants for the patient.

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(d) The amount of usable marijuana that may be provided to the patient or to the patient's designated primary caregiver, not to exceed 24 ounces in any one transfer or three pounds in a 12 month period.

(e) The amount of usable marijuana the producer is permitted to transfer, if any, to other patients not named in the agreement, not to exceed 24 ounces in any one transfer or three pounds per patient in a 12 month period.

(f) The amount of usable marijuana the producer is permitted to transfer or sell if any to a registered marijuana processing site or registered dispensary, not to exceed 25% of the total annual yield from the producer's medical canopy.

(g) The requirements for terminating an agreement as prescribed by the Commission.

(h) A statement that the producer may not produce marijuana for the patient unless the producer has been registered with the Commission to produce marijuana for patients.

(3) A producer may not enter into an agreement with a patient who has a grower registered with the Authority or with a patient who has entered into an agreement with another licensed producer under this rule.

(4) A producer may not produce marijuana for a patient until the Commission:

- (a) Verifies the patient's registration status with the Authority;
- (b) Approves the agreement; and
- (c) Notifies the producer that the producer may produce and provide usable marijuana to that patient.

(5) A producer may neither give nor receive consideration for entering into a patient agreement, except as allowed by these rules.

Stat. Auth.: ORS 475B.025
Stats. Implemented: 2016 OL Ch. 83 Sec. 2
Hist.: OLCC 4-2017, f. 4-28-17, cert. ef. 5-1-17

845-025-2520 Termination of Producer and Patient Agreements

(1) A producer or a patient may terminate an agreement at any time with 30 days written notice.

(2) The producer must provide a copy of any notice of termination to the Commission within 2 business days of terminating an agreement or receiving notice of termination from a patient.

(3) Effect of the termination. The producer's medical canopy will be reduced by 280 square feet for outdoor producers and 70 square feet for indoor producers if the producer has agreements with fewer than 14 patients and the producer fails to enter into a new agreement as described in OAR 845-025-2530.

(4) If a patient, at any time during the term of the producer-patient agreement is no longer registered with the Authority, the agreement is invalid.

(5) If the Commission learns that a patient has been disciplined by the Authority for violations of the Oregon Medical Marijuana Act or the Authority's rules, has been convicted of marijuana related crimes, or has a registered grower under ORS 475B.420, the Commission may notify the producer and the patient that the agreement is no longer valid and will provide instructions to the producer regarding the disposition of any marijuana plants or usable marijuana that were produced for that patient.

Stat. Auth.: ORS 475B.025
Stats. Implemented: 2016 OL Ch. 83 Sec. 2
Hist.: OLCC 4-2017, f. 4-28-17, cert. ef. 5-1-17

845-025-2530 Adding or Replacing Patients Agreements

(1) If a producer or a patient terminates an agreement at least 90 days before the date the producer's license expires, the producer may, within 90 days of the notice of termination, enter into a new agreement with a patient to replace a patient whose agreement is being terminated.

(2) Except as provided in section (1) of this rule, after August 31, 2017, new patient agreements may only be entered into and submitted to the Commission for verification and review at the time the producer applies for a new license or renewal of an existing license.

Stat. Auth.: ORS 475B.025
Stats. Implemented: 2016 OL Ch. 83 Sec. 2
Hist.: OLCC 4-2017, f. 4-28-17, cert. ef. 5-1-17

845-025-2540 Grow Canopy Limitation for Producers Registered to Produce Marijuana for Patients

(1) A licensed producer who has been registered by the Commission to produce marijuana for patients may only produce the following amounts of marijuana for patients:

(a) For outdoor producers, up to 240 square feet per patient agreement, not to exceed a sum total of 3360 square feet of mature plant canopy.

(b) For indoor producers, up to 60 square feet per patient agreement, not to exceed a sum total of 840 square feet of mature plant canopy.

(2) A licensed producer must physically separate usable marijuana produced for patients from the marijuana canopy authorized under OAR 845-025-2040.

Stat. Auth.: ORS 475B.025
Stats. Implemented: 2016 OL Ch. 83 Sec. 2
Hist.: OLCC 4-2017, f. 4-28-17, cert. ef. 5-1-17

845-025-2550 Requirements for Producing and Providing Marijuana for Patients

A licensed producer who has been registered by the Commission to produce marijuana for patients:

(1) Must:
(a) Comply with all seed-to-sale tracking requirements required in these rules.

(b) Comply with all applicable testing rules prior to transferring usable marijuana to a patient or the patient's designated primary caregiver and upon request by a patient, provide a patient with a copy of all testing results.

(c) Comply with all applicable testing, labeling and packaging rules when transferring or selling usable marijuana to registered processing sites and registered dispensaries.

(d) In addition to subsection (a) of this section, use CTS to document the amount of usable marijuana transferred or sold to each registrant, the date of the transfer, and the registrant's OMMP number.

(e) Identify the mature marijuana plants being grown pursuant to grower-patient agreements separately from the producer's recreational marijuana canopy in a manner proscribed by the Commission.

(2) May transfer immature marijuana plants, seeds and tissue cultures from the producer's recreational plant stock to the area used for the production of marijuana for patients.

(3) May not:
(a) Be compensated for producing or providing marijuana to a patient or the patient's designated primary caregiver except as allowed by OAR 845-025-2510.

(b) Produce more than the equivalent in square feet of six mature marijuana plants for any one patient. Equivalent square feet of mature canopy space is calculated at the rate of 40 square feet of canopy per outdoor marijuana plant and 10 square feet for indoor marijuana plants.

(c) Provide more than the amount of usable marijuana specified in an approved patient agreement to a patient or the patient's designated primary caregiver, or provide an amount that exceeds what is allowed in these rules.

(d) Transfer more than 25% of the total annual yield of usable marijuana from the producer's medical canopy to registered processing sites and registered dispensaries.

Stat. Auth.: ORS 475B.025
Stats. Implemented: 2016 OL Ch. 83 Sec. 2
Hist.: OLCC 4-2017, f. 4-28-17, cert. ef. 5-1-17

845-025-2560 Cancellation of Registration; Violations

The Commission may cancel or suspend a licensed producer's registration to produce for patients or the producer's license if the producer violates these rules.

Stat. Auth.: ORS 475B.025
Stats. Implemented: 2016 OL Ch. 83 Sec. 2
Hist.: OLCC 4-2017, f. 4-28-17, cert. ef. 5-1-17

Rule Caption: The amendments enable a licensee to post a public notice for a liquor license establishment.

Adm. Order No.: OLCC 5-2017

Filed with Sec. of State: 4-28-2017

Certified to be Effective: 5-1-17

Notice Publication Date: 3-1-2017

Rules Amended: 845-005-0306

Subject: As the Commission moves towards online licensing, staff is working to improve licensing processes and communications with the public. The amendments update and streamline the language and subsequent processes. The changes will enable the licensee to post a public notice for a prospective liquor license establishment. The current rule requires Commission staff to go to the prospective location and post the notice with the licensee.

Rules Coordinator: Bryant Haley—(503) 872-5136

ADMINISTRATIVE RULES

845-005-0306

Procedures for Public Notice of License Applications

(1) An applicant for an initial annual liquor license must post on the premises proposed to be licensed a written notice provided by the Commission. This written notice must be posted for at least 10 calendar days prior to the Commission making a decision on the license application and must be conspicuously posted in a manner that allows the public to read it. This written notice will include:

- (a) The name of the applicant.
- (b) The address of the premises proposed to be licensed.
- (c) The type of license.
- (d) The mailing address of at least one contact person for the applicant.
- (e) The mailing address of the local Commission office.

(2) The applicant must provide written notification to the Commission of the date the written notice was posted on the premises proposed to be licensed.

(3) The Commission may refuse to process the application per OAR 845-005-0315 if the applicant fails to meet this requirement.

Stat. Auth.: ORS 471, 471.030, 471.040, 471.730(1) & (5)
Stats. Implements: ORS 471.313
Hist.: OLCC 19-2000, f. 12-6-00, cert. ef. 1-1-01; OLCC 8-2005, f. 11-21-05, cert. ef. 12-1-05; OLCC 5-2017, f. 4-28-17, cert. ef. 5-1-17

Oregon State Lottery Chapter 177

Rule Caption: Amends Keno rules to add new game option — Keno Bulls-Eye — with additional prizes

Adm. Order No.: LOTT 3-2017

Filed with Sec. of State: 4-21-2017

Certified to be Effective: 5-21-17

Notice Publication Date: 4-1-2017

Rules Adopted: 177-099-0105

Rules Amended: 177-099-0000, 177-099-0020, 177-099-0030, 177-099-0050, 177-099-0095, 177-099-0100

Subject: The Oregon Lottery adopted one new Keno rule and amended six other Keno game rules to authorize a new game feature called Keno Bulls-Eye.

The Keno Bulls-Eye option costs an additional dollar per dollar wagered, adds another way to win when playing Keno or Special Keno, and has its own prize structure.

Rules Coordinator: Mark W. Hohlt—(503) 540-1417

177-099-0000

Definitions

For the purposes of Keno, the following definitions apply except as otherwise specifically provided in OAR Chapter 177 or unless the context requires otherwise:

(1) “Bulls-Eye” means the Keno or Special Keno play option whereby a player, by paying an additional one dollar for each dollar wagered on a Keno or Special Keno game play, may be entitled to receive an additional prize for correctly matching the Bulls-Eye number in a game play. Bulls-Eye is an optional extension of the Keno and Special Keno games.

(2) “Exchange ticket” means a computer-generated, printed paper issued by a terminal to replace a game ticket that had been purchased for play in multiple drawings and was validated before the latest drawing appearing on the game ticket. An exchange ticket shall contain the exact game play and future drawing dates appearing on the validated game ticket it is replacing and shall have all other characteristics of a game ticket except as otherwise stated in these rules. An exchange ticket shall not contain a ticket price.

(3) “Game play” means the number or group of numbers appearing on a ticket for a particular spot which is compared to the winning numbers, selected at the drawings appearing on the ticket, to determine the prize payment for which the ticket may be redeemed.

(4) “Game slip” or “play slip” means a paper form used by a player to select a game play, that indicates the amount the player will play on the ticket containing the game play, the number of drawings in which the ticket will be played, the choice to play the Special Keno option, the choice to select the Keno Multiplier option, the choice to select the Bulls-Eye option, and the choice to select the Keno To Go option. Only one game play may be marked on each game slip.

(5) “Game ticket” or “ticket” means a computer-generated, printed paper issued by a terminal as a receipt for the game play selected by a play-

er and which contains the following: the caption “Keno”, one game play, the date of purchase, the number of consecutive drawings in which the ticket will be played, the identifying number for each such drawing, the number of spots to be played, the price of the ticket, a six-digit retailer number, a serial number, and a bar code. If the player selects one or more Keno options, the game ticket will also indicate if:

- (a) The Special Keno option has been selected;
- (b) The Multiplier option has been selected;
- (c) The Bulls-Eye option has been selected; and
- (d) The hour on which a game or consecutive games will begin.

(6) “Keno Multiplier” or “Multiplier” means the Keno and Special Keno play option whereby a player, by paying an additional one dollar for each dollar wagered on a Keno or Special Keno game play, may be entitled to receive a larger prize for correctly selecting winning numbers. Keno Multiplier multiplies the amount of certain prizes won in a game play. Keno Multiplier is an optional, limited extension of the Keno and Special Keno games.

(7) “Keno To Go” means a play option which permits a player to purchase a ticket or tickets for a future Keno drawing or future consecutive Keno drawings as permitted by the Lottery.

(8) “Prize category” means each row indicating the number of correct spots a player may select for each game drawing with a corresponding prize amount as shown on the payout charts contained in these rules.

(9) “Quick Pick” means the random selection of numbers by a terminal that appear as the game play on a ticket.

(10) “Special Keno” means an optional variation of the Keno prize payment and odds structure as defined in OAR 177-099-0090 which may be selected by the player.

(11) “Spot” means the amount of numbers a player may play for a game play. A player may play from one spot, i.e., one number, to ten spots, i.e., ten different numbers.

(12) “Draw game terminal” or “terminal” has the meaning set forth in OAR 177-070-0005(4).

(13) “Winning numbers” means the twenty numbers, from one to eighty, that are selected at each drawing that are used to determine winning game plays contained on the game tickets.

Stat. Auth.: OR Const. Art. XV, Sec. 4(4) & ORS 461
Stats. Implemented: ORS 461.200
Hist.: LC 3-1991, f. & cert. ef. 7-24-91; LC 5-1996, f. & cert. ef. 4-1-96; LC 3-1997, f. 4-25-97, cert. ef. 4-27-97; LOTT 7-1998(Temp), f. & cert. ef. 11-13-98 thru 5-7-99; LOTT 3-1999, f. 3-25-99, cert. ef. 4-4-99; LOTT 19-2002(Temp), f. 9-6-02, cert. ef. 9-9-02 thru 3-6-03; LOTT 30-2002, f. & cert. ef. 11-25-02; LOTT 3-2003(Temp), f. 3-28-03, cert. ef. 4-7-03 thru 9-30-03; LOTT 11-2003, f. & cert. ef. 6-30-03; LOTT 6-2009, f. 9-28-09, cert. ef. 10-1-09; LOTT 4-2011, f. 8-23-11, cert. ef. 9-1-11; LOTT 11-2016, f. 9-30-16, cert. ef. 10-6-16; LOTT 3-2017, f. 4-21-17, cert. ef. 5-21-17

177-099-0020

Price

(1) General: The price of a ticket is determined by the amount of money a player chooses to play on the game play selected, multiplied by the number of drawings in which the ticket will be played. A player may also choose the Keno Multiplier option that will increase the cost of the ticket by \$1.00 for every \$1.00 wagered. A player may also choose the Bulls-Eye option that will increase the cost of the ticket by \$1.00 for every \$1.00 wagered.

(2) Number of Drawings: A ticket may be purchased for one drawing or for multiple, consecutive drawings.

(a) A player may purchase a ticket for a single drawing for \$1.00 to \$5.00, in whole dollar amounts, \$10.00, or \$20.00.

(b) The price of a ticket for play in multiple, consecutive drawings is the price of a ticket for a single drawing, ranging from \$1.00 to \$5.00, \$10.00 or \$20.00 as selected by the player, multiplied by the number of consecutive drawings in which the ticket will be played.

(3) Minimum Price: The minimum ticket price for multiple, consecutive drawings is \$2.00 (\$1 x 2 consecutive drawings = \$2).

(4) Maximum Price: The maximum ticket price for any Keno ticket is \$100.00.

(5) Multiple Drawings: A ticket purchased for multiple, consecutive drawings is limited solely to the following options: 1, 2, 3, 4, 5, 10, 15, 20, 50, or 100 consecutive drawings so long as the price of a ticket does not exceed \$100.00.

(6) Price with Options: If a player adds the Keno Multiplier option or the Bulls-Eye option to a Keno or Special Keno game play, the player may only play a maximum of 50 consecutive draws at \$2, for a total of \$100. If a player adds the Keno Multiplier option and the Bulls-Eye option to a Keno or Special Keno game play, the player may only play a maximum of 20 consecutive draws at \$3, for a total of \$60.

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(7) Rejected Game Slip: A game slip indicating a price greater than \$100 is automatically rejected by the terminal.

Stat. Auth.: OR Const. Art. XV, Sec. 4(4) & ORS 461

Stats. Implemented: ORS 461.200

Hist.: LC 3-1991, f. & cert. ef. 7-24-91; LC 5-1996, f. & cert. ef. 4-1-96; LC 3-1997, f. 4-25-97, cert. ef. 4-27-97; LOTT 3-1999, f. 3-25-99, cert. ef. 4-4-99; LOTT 19-2002(Temp), f. 9-6-02, cert. ef. 9-9-02 thru 3-6-03; LOTT 30-2002, f. & cert. ef. 11-25-02; LOTT 3-2003(Temp), f. 3-28-03, cert. ef. 4-7-03 thru 9-30-03; LOTT 11-2003, f. & cert. ef. 6-30-03; LOTT 4-2011, f. 8-23-11, cert. ef. 9-1-11; LOTT 3-2017, f. 4-21-17, cert. ef. 5-21-17

177-099-0030

Ticket Purchase, Characteristics, and Restrictions

(1)(a) General: Keno tickets may be purchased every day of the year during the hours of operation of the Lottery's central computer system and a Lottery retailer's business hours.

(b) Default: A player may purchase a ticket for play under either the Keno prize structure set forth in OAR 177-099-0080, or the Special Keno prize structure set forth in OAR 177-099-0090. If a player does not select the Special Keno option when purchasing a ticket, the ticket is played under the Keno prize structure.

(c) Multiplier Option: A player may purchase the Keno Multiplier option on any Keno or Special Keno game play as set forth in OAR 177-099-0020(6). If a player does not select the Keno Multiplier option when purchasing a ticket, the ticket is played under the Keno or Special Keno prize structure.

(d) Bulls-Eye Option: A player may purchase the Bulls-Eye option on any Keno or Special Keno game play as set forth in OAR 177-099-0020(6). If a player does not select the Bulls-Eye option when purchasing a ticket, then the ticket is not eligible for any Bulls-Eye prize.

(e) Keno To Go Option: A player may select the Keno To Go option on any Keno or Special Keno game play. If a player does not select the Keno To Go option when purchasing a ticket, the ticket is valid for the next Keno drawing following the time of purchase and for the following consecutive drawings purchased on that ticket.

(2)(a) Ticket Purchase: Tickets may be purchased either from a terminal operated by a retailer, i.e., a clerk-operated terminal, or from a terminal operated by the player, i.e., a player-operated terminal. To play Keno, a player must complete a game slip for insertion into a terminal, request a Quick Pick from a clerk, or request a Quick Pick using a player-operated terminal.

(b) Completing a Game Slip: A player must choose a game play by one of two methods. A player may select from one to ten numbers from the eighty number choices contained on the game slip. Alternatively, the player may select the Quick Pick option. A player must also complete the selections on the game slip regarding the amount of money to be played on the ticket per drawing, and the number of multiple, consecutive drawings in which to play the ticket. The player may select from any or all of the following options as provided in these rules:

- (A) The Special Keno option;
- (B) The Keno Multiplier option;
- (C) The Bulls-Eye option; and
- (D) The Keno To Go option.

(c) Purchasing a Ticket from a Clerk-Operated Terminal: After the player completes a game slip and submits it along with the price of the ticket to the clerk, the clerk shall use the terminal to issue a ticket to the player. The player may also request that a clerk, without using a game slip, electronically submit a request for a Quick Pick through the terminal with the player informing the clerk of the wager amount, the number of spots to be played, the Keno or Special Keno option, the Keno Multiplier option, the Bulls-Eye option, the number of multiple, consecutive drawings to be played, the number of tickets, and whether the player wants the Keno To Go option.

(d) Purchasing a Ticket from a Player-Operated Terminal: A player may purchase a ticket from a player-operated terminal by following the instructions appearing on the screen of the terminal. Once the player has inserted the player's money into the terminal, verified the player's age, completed the game slip and inserted it into the terminal, the terminal will issue a ticket to the player. The player may also request a Quick Pick without using a game slip by using the player-operated terminal. A player requesting a Quick Pick from a player-operated terminal without using a game slip must select the wager amount, the number of spots to be played, the Keno or Special Keno option, the Keno Multiplier option, the Bulls-Eye option, the number of multiple, consecutive drawings to be played, the number of tickets, and whether the player wants the Keno To Go option.

Stat. Auth.: OR Const. Art. XV, Sec. 4(4) & ORS 461

Stats. Implemented: ORS 461.200

Hist.: LC 3-1991, f. & cert. ef. 7-24-91; LC 5-1996, f. & cert. ef. 4-1-96; LOTT 3-1999, f. 3-25-99, cert. ef. 4-4-99; LOTT 19-2002(Temp), f. 9-6-02, cert. ef. 9-9-02 thru 3-6-03; LOTT

30-2002, f. & cert. ef. 11-25-02; LOTT 3-2003(Temp), f. 3-28-03, cert. ef. 4-7-03 thru 9-30-03; LOTT 11-2003, f. & cert. ef. 6-30-03; LOTT 6-2009, f. 9-28-09, cert. ef. 10-1-09; LOTT 4-2011, f. 8-23-11, cert. ef. 9-1-11; LOTT 3-2017, f. 4-21-17, cert. ef. 5-21-17

177-099-0050

Drawings

(1) General: Drawings shall take place at such times and upon such intervals as determined by the Director. Drawings shall normally take place at four minute intervals. The last drawing shall take place just prior to the deactivation of the Lottery's central computer system for the day.

(2) Objective: Each drawing randomly selects twenty numbers from a possible eighty numbers that are the winning numbers. The winning numbers selected at each drawing are generated through the use of a computer-driven random number generator.

(3) Selection of the Keno Multiplier Number: The Lottery will conduct a separate random Keno Multiplier drawing and announce the result prior to each of the regular Keno drawings by displaying the Keno Multiplier number on the Keno monitor immediately prior to each new Keno game drawn and after the previous game pool closes. During each random Keno Multiplier drawing, one number will be selected. The Keno Multiplier numbers available for selection are 1, 2, 3, 5, and 10. The Keno Multiplier number selected at each drawing is generated through the use of a computer-driven random number generator in accordance with the provisions of OAR 177-046-0080.

(4) Selection of the Bulls-Eye Number: The Bulls-Eye numbers available are 1 through 80. For each Keno or Special Keno drawing, the Lottery will randomly select twenty numbers through the use of a computer-driven random number generator in accordance with the provisions of OAR 177-046-0080. The Bulls-Eye number for a drawing will be the twentieth number selected by the random number generator for that drawing. All twenty numbers selected will be randomized for display on the Keno monitors. After the twenty numbers selected are displayed on the monitor, the monitor will then identify which number is the Bulls-Eye number.

Stat. Auth.: OR Const. Art. XV, Sec. 4(4) & ORS 461

Stats. Implemented: ORS 461.200

Hist.: LC 3-1991, f. & cert. ef. 7-24-91; LC 5-1996, f. & cert. ef. 4-1-96; LC 3-1997, f. 4-25-97, cert. ef. 4-27-97; LOTT 7-1998(Temp), f. & cert. ef. 11-13-98 thru 5-7-99; LOTT 3-1999, f. 3-25-99, cert. ef. 4-4-99; LOTT 19-2002(Temp), f. 9-6-02, cert. ef. 9-9-02 thru 3-6-03; LOTT 30-2002, f. & cert. ef. 11-25-02; LOTT 3-2003(Temp), f. 3-28-03, cert. ef. 4-7-03 thru 9-30-03; LOTT 11-2003, f. & cert. ef. 6-30-03; LOTT 2-2004(Temp), f. 2-20-04, cert. ef. 2-23-04 thru 8-20-04; LOTT 10-2004, f. & cert. ef. 5-26-04; LOTT 6-2009, f. 9-28-09, cert. ef. 10-1-09; LOTT 3-2017, f. 4-21-17, cert. ef. 5-21-17

177-099-0095

Keno Multiplier Option

(1) General: When the Keno Multiplier option is selected on a winning Keno or Special Keno game ticket, the prize amount is multiplied by the Keno Multiplier number. The Keno Multiplier number (1, 2, 3, 5, or 10) is randomly selected prior to each drawing.

(2) Probability: The following table sets forth the probability of the various Keno Multiplier numbers being selected during a single Keno Multiplier drawing: [ED. NOTE: Tables referenced are available from the agency.]

(3) Applicability: A prize multiplied by the Keno Multiplier is subject to all Keno or Special Keno rules applicable to the particular prize won. The Keno Multiplier does not apply to the Keno Jackpot Bonus prizes nor to the Bulls-Eye prizes.

(4) Director's Authority: The Director, in the Director's sole discretion, is authorized to initiate and terminate the Keno Multiplier option.

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

Stat. Auth.: OR Const. Art. XV, Sec. 4(4) & ORS 461

Stats. Implemented: ORS 461.200

Hist.: LOTT 3-2003(Temp), f. 3-28-03, cert. ef. 4-7-03 thru 9-30-03; LOTT 11-2003, f. & cert. ef. 6-30-03; LOTT 7-2013, f. 12-20-13, cert. ef. 1-1-14; LOTT 3-2017, f. 4-21-17, cert. ef. 5-21-17

177-099-0100

Keno Jackpot Bonus

(1) General:

(a) Jackpot Bonus Prizes: In addition to the Keno prizes described in OAR 177-099-0080, the Special Keno prizes described in OAR 177-099-0090, and the Bulls-Eye prizes described in OAR 177-099-0105, the Director may designate additional prizes for some or all of the Keno spot games. The Director may change this designation at any time. When the Director designates a spot game as eligible for such a prize, the Director shall determine the percentage of gross Keno sales (excluding sales of the Keno Multiplier option and the Bulls-Eye option) to be allocated to a prize pool held in reserve as an additional prize for winners of the top prize in the designated spot game. A prize awarded from one of these prize pools is called a Jackpot Bonus prize. A Jackpot Bonus prize is awarded when a

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ticket wins the top prize for the designated spot under OAR 177-099-0080 or OAR 177-099-0090. If the Jackpot Bonus prize pool for a specific spot is not won, the Jackpot Bonus prize pool for that spot continues to grow.

(b) Director's Discretion: When the Director exercises discretion to change the spot games eligible for a Jackpot Bonus prize, the Lottery will post notice of the Jackpot Bonus change on the Lottery's website at www.oregonlottery.org seven calendar days in advance of such change. Lottery may also announce the change by any other reasonable means.

(c) Rollover: When the Director exercises discretion to remove a spot game from eligibility for a Jackpot Bonus prize, the Director shall rollover any funds held in the prize pool for that spot game into any other Jackpot Bonus prize pools as determined by the Director.

(2) Automatic Entry: If a game play on a ticket is for a spot game that has been designated by the Director as eligible for a Jackpot Bonus prize, the ticket is automatically playing for the Jackpot Bonus prize described under subsection (1)(a) of this rule, as well as either a Keno prize under OAR 177-099-0080 or a Special Keno prize under OAR 177-099-0090.

(a) Example: If a Keno ticket with an 8-spot game play is the only Keno or Special Keno ticket to match 8 out of 8 of the winning numbers, that ticket, subject to ticket validation requirements, would win either the top Keno prize for the 8-spot under OAR 177-099-0080 (\$15,000) or the top Special Keno prize for the 8 spot under OAR 177-099-0090 (\$25,000) and the accumulated Jackpot Bonus prize for the 8-spot.

(3) Division of Jackpot Bonus Prize Pool: The prize money in the Jackpot Bonus prize pool for a specific spot for any given drawing is divided by the number of tickets winning the top prize for that spot under either OAR 177-099-0080 or OAR 177-099-0090. The Jackpot Bonus prize pool is divided among those winning tickets on a pro-rata basis determined by the amount that each winning ticket played in the drawing in which the Jackpot Bonus prize was won.

(a) Example: If one Keno ticket wins the top prize for the 8-spot (\$15,000) in a drawing, and was purchased for ten drawings at \$3 per drawing, and one Special Keno ticket wins the top prize for the 8-spot (\$25,000) in the same drawing, and was purchased for one drawing at \$1, the holder of the Keno ticket would receive 75% of the prize in the Jackpot Bonus prize pool for the 8-spot and the holder of the Special Keno ticket would receive the remaining 25% of the prize in that Jackpot Bonus prize pool.

Stat. Auth.: OR Const. Art. XV, Sec. 4(4) & ORS 461

Stats. Implemented: ORS 461.200

Hist.: LOTT 3-1999, f. 3-25-99, cert. ef. 4-4-99; LOTT 3-2002(Temp) f. & cert. ef. 2-4-02 thru 8-2-02; LOTT 7-2002, f. & cert. ef. 4-29-02; LOTT 19-2002(Temp), f. 9-6-02, cert. ef. 9-9-02 thru 3-6-03; LOTT 30-2002, f. & cert. ef. 11-25-02; LOTT 3-2003(Temp), f. 3-28-03, cert. ef. 4-7-03 thru 9-30-03; LOTT 11-2003, f. & cert. ef. 6-30-03; LOTT 4-2009(Temp), f. & cert. ef. 8-26-09 thru 2-18-10; LOTT 3-2010, f. 1-29-10, cert. ef. 2-1-10; LOTT 1-2011, f. 2-25-11, cert. ef. 3-1-11; LOTT 2-2014, f. 3-21-14, cert. ef. 4-1-14; LOTT 3-2017, f. 4-21-17, cert. ef. 5-21-17

177-099-0105

Bulls-Eye Option

(1) General: The Bulls-Eye option adds an additional way to play Keno and Special Keno. Bulls-Eye has its own prize structure and awards a prize for matching the Bulls-Eye number in a drawing. Section (3) of this rule specifies the prizes available for matching the Bulls-Eye number. When the Bulls-Eye option is designated on a ticket, the Bulls-Eye prize is in addition to the Keno prizes described in OAR 177-099-0080, the Special Keno prizes described in OAR 177-099-0090, and the Keno Jackpot Bonus prizes described in OAR 177-099-0100.

(2) Selection of Option: As described in OAR 177-099-0030, to be eligible for a Bulls-Eye prize, a player must purchase the Bulls-Eye option on any Keno or Special Keno ticket. If the player does not select the Bulls-Eye option when purchasing a ticket, the ticket is not played under the Bulls-Eye option and the ticket is not eligible to win a Bulls-Eye prize.

(3) Prize Structure: The Bulls-Eye prize for each drawing is determined and awarded when any of the player's selected Keno or Special Keno numbers in a game play on a player's ticket match the Bulls-Eye number selected randomly in the drawing for that game play. Bulls-Eye prizes are determined separately for each prize category. Bulls-Eye prizes per each dollar wagered, based upon potential sales of \$8,911,711.18 per drawing, are as follows: [ED. NOTE: Tables referenced are available from the agency.]

(4) Amount Wagered: Bulls-Eye prizes will multiply according to the amount played per drawing. The highest potential Bulls-Eye prize is \$1,000,000 per drawing. If a ticket shows a wager of 2, 3, 4, 5, 10, or 20 dollars per drawing on a winning game play, the prize shown above for a \$1 wager shall multiply, up to \$1,000,000, according to the wager amount shown on the winning ticket.

(a) Example: If a ticket shows a \$4 wager on the 10 spot category and the Bulls-Eye number selected matches one of the player's numbers and the

Keno or Special Keno game play on the ticket matches 10 out of 10 of the winning numbers, the Bulls-Eye prize associated with that ticket is \$300,000 x \$4 = \$1,200,000. However, all Bulls-Eye prizes are capped at \$1,000,000, and as a result the Bulls-Eye prize for that game play is limited to \$1,000,000. Certain Bulls-Eye prizes will become pari-mutuel in accordance with section (6) of this rule. However, Jackpot Bonus prizes awarded are in addition to the \$1,000,000 prize.

(5) Lump Sum Payment: A prize-winning player is paid in one lump sum for all prizes.

(6) Limitation of \$1,000,000 Bulls-Eye Prizes: When the total amount of Bulls-Eye prizes won for the 10/10, 9/10, 9/9, 8/8, and the 7/7 prize categories in the same game play in a single drawing reaches or exceeds \$1,000,000 in the same prize category, the Bulls-Eye maximum prize amount of \$1,000,000 becomes pari-mutuel and the Bulls-Eye prize shall be divided among the number of winning tickets for that game play on a pro-rata basis determined by the amount that each winning ticket played in the drawing in which the prize was won.

(a) Example: If two Keno tickets win the Bulls-Eye prize for the 10/10 spot (\$300,000) in a drawing, and one player wagered \$20 and the other player wagered \$5, then the first player would receive 80% of the \$1,000,000 Bulls-Eye prize (based on \$20 wagered) and the second player would receive 20% of the \$1,000,000 Bulls-Eye prize (based on \$5 wagered).

(7) Breakage: If there are multiple winners in a single drawing such that the Bulls-Eye prize cannot be divided among the winners to a whole cent, the prize payments may be rounded down so that the prize may be divided and paid to the nearest whole cent to each winner. Breakage from rounding the prize shall be treated as an unclaimed prize by the Lottery.

(a) Example: If there are seven \$1,000,000 prize winning tickets for the Bulls-Eye prize in a single drawing for the same game play, the amount paid to each winner is calculated by dividing 7 into \$1,000,000 which equals \$142,857.14285.... The Lottery shall round that amount down to \$142,857.14 which totals \$999,999.98 paid to the seven winners. The breakage of two cents shall then be treated as an unclaimed prize.

(8) Highest Single Prize: For each drawing, a player may receive (subject to the validation requirements set forth in OAR 177-099-0060) only the highest single Bulls-Eye prize for which a ticket containing a winning game play is eligible.

(9) Claiming Prizes: Bulls-Eye prize payments must be claimed, and are made, in accordance with the provisions of OAR 177-070-0025.

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

Stat. Auth.: OR Const. Art. XV, Sec. 4(4) & ORS 461

Stats. Implemented: ORS 461.210 – 461.250

Hist.: LOTT 3-2017, f. 4-21-17, cert. ef. 5-21-17

Oregon State Marine Board Chapter 250

Rule Caption: "Slow-No Wake" on the Skipanon Waterway and on other waters in Clatsop County

Adm. Order No.: OSMB 1-2017

Filed with Sec. of State: 4-24-2017

Certified to be Effective: 5-1-17

Notice Publication Date: 3-1-2017

Rules Amended: 250-020-0041

Subject: Eliminated the 5 MPH speed designation from the area north of the Hampton Hill to the confluence of the Columbia River. For rule consistency, other waterways in the county are being changed to "Slow-No Wake" designation.

Rules Coordinator: June LeTarte—(503) 378-2617

250-020-0041

Boat Operations in Clatsop County

(1) No person shall operate a motorboat at a speed in excess of "slow-no wake" in the following areas:

- On the Skipanon Waterway south of the "slow-no wake" signage at the Hampton Mill, and in the Warrenton Small Boat Basin;
- On the John Day River within 200 feet of a houseboat;
- On Knappa Slough within 200 feet of the Knappa Dock;
- On Warren Slough;
- On Svensen Slough between the Svensen Island bridge and Bear Creek, as marked.

(2) No motorboat shall be operated at a speed in excess of 10 MPH in the following areas:

- On Coffenbury Lake;

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- (b) On Neacoxie (Sunset) Lake;
- (c) The north end of Cullaby Lake within the buoyed area.
- (3) No motorboat shall be operated in excess of a "slow-no wake" speed when within 200 feet of a boat launching ramp or designated swimming area in the following areas:
 - (a) John Day River;
 - (b) Cullaby Lake
- (4) All boats towing water skiers or other types of towed equipment on the following bodies of water shall proceed in a counter-clockwise pattern: Cullaby Lake.
- (5) No person shall operate a motorboat in excess of a "slow-no wake" speed in the following areas:
 - (a) Hammond Boat Basin;
 - (b) Lewis and Clark River from its mouth at Youngs Bay to its confluence with Green Slough, a distance of approximately 1.8 statute miles;
 - (c) The East End and the West End Mooring Basins.

Stat. Auth.: ORS 830.110, 830.175 & 830.195
Stats. Implemented: ORS 830.110 & 830.175
Hist.: MB 25, f. 6-15-64; MB 43, f. 7-18-69; MB 62, f. 8-14-74, ef. 8-14-74(Temp) & 9-11-74(Perm); MB 63, f. 11-19-74, ef. 12-11-74; Renumbered from 250-020-0160, MB 8-1982, f. 10-13-82, ef. 10-15-82; MB 10-1990, f. & cert. ef. 12-14-90; OSMB 4-2015, f. 4-30-15, cert. ef. 5-1-15; OSMB 1-2017, f. 4-24-17, cert. ef. 5-1-17

Oregon State Treasury
Chapter 170

Rule Caption: Creates rules for the Oregon Retirement Savings Program.

Adm. Order No.: OST 3-2017

Filed with Sec. of State: 4-19-2017

Certified to be Effective: 4-19-17

Notice Publication Date: 2-1-2017

Rules Adopted: 170-080-0001, 170-080-0002, 170-080-0005, 170-080-0010, 170-080-0015, 170-080-0020, 170-080-0025, 170-080-0030, 170-080-0035, 170-080-0040, 170-080-0045, 170-080-0050, 170-080-0055, 170-080-0060, 170-080-0065

Subject: ORS 178.215 requires the Oregon Retirement Savings Board to adopt rules to establish processes for: 1) voluntary enrollment in the Plan, including procedures for automatic enrollment of employees and for employees to opt out; 2) participants to make the default contributions and adjust contribution levels; 3) employers to withhold employee contributions to plan accounts and send the contributions to the investment administrator for the plan; 4) allowing employees to opt out of the Plan; 5) participants to make non-payroll contributions to plan accounts; 6) setting minimum, maximum, and default contribution levels; 7) withdrawals from plan accounts; 8) qualified employers to obtain exemptions from offering the Plan; and 9) mandating the contents and frequency of required disclosures to interested parties.

These rules address all of those elements, with the exception of (5) on non-payroll contributions, which will be addressed in a subsequent round of rulemaking. The rules are divided into the following sections: 1) Notice Rule for Rulemaking and Model Rules of Procedure; 2) Inspection, Certification, or Copying Public Records; 5) Administration; 10) Employer Registration and Enrollment; 15) Employer Exemptions; 20) Joint Employment, Co-Employment, and Tri-Party Employment Circumstances (reserved for a subsequent round of rulemaking); 25) Standard and Alternate Elections for Contributions; Automatic Increases; Ceasing Contributions; Requesting Participation; 30) Contributions; 35) Distributions; 40) Fees and Expenses; 45) Employer Guidelines; 50) Distribution of Materials to Employees; 55) Technical Assistance to Employers; 60) Reserved (reserved for a subsequent round of rulemaking); and 65) Confidentiality.

Rules Coordinator: Kimberly Olson—(503) 378-3562

170-080-0001

Notice Rule for Rulemaking, Model Rules of Procedure

(1) Notice Rule for Rulemaking. Before adopting, amending or repealing any permanent rule, the Board will give notice of the intended action:

(a) In the Secretary of State's Bulletin referred to in ORS 183.360 at least 21 days before the effective date of the rule;

(b) By e-mailing a copy of the notice to persons on the Board's mailing list established pursuant to ORS 183.335(8) at least 28 days before the effective date of the rule;

(c) By mailing a copy of the notice to the legislators specified in ORS 183.335(15) at least 49 days before the effective date of the rule; and

(d) By mailing or furnishing a copy of the notice to the list of interested parties compiled and maintained by the State Treasurer.

(2) Model Rules of Procedure. The Attorney General's Model Rules of Procedure as set forth in OAR 137, Divisions 1 through 4, are adopted as rules of procedure for administrative rulemaking and other administrative law functions as exercised by the Board in respect to the Program.

(3) Collaborative Dispute Resolution Model Rules. The Attorney General's Collaborative Dispute Resolution Model Rules, as set forth in OAR 137 Division 5, to the extent not inconsistent with the Act or the Code, are adopted by the Board as its rules for dispute resolution.

Stat. Authority: ORS 183.335, 183.341, 183.502
Stats. Implemented: ORS 183.341, 183.502, 178.220-178.245
Hist.: OST 3-2017, f. & cert. ef. 4-19-17

170-080-0002

Confidentiality and Inadmissibility of Mediation Communication

The policies and procedures of the Oregon State Treasurer set forth in OAR 170 in regard to confidentiality and inadmissibility of mediation communication, to the extent not inconsistent with the Act or the Code, are adopted as the policies and procedures of the Board.

Stat. Authority: ORS 36.224, 183.335, 183.341, 183.502
Stats. Implemented: ORS 36.224, 36.228, 36.230, 36.232
Hist.: OST 3-2017, f. & cert. ef. 4-19-17

170-080-0005

Inspection, Certification or Copying Public Records

The policies and procedures of the Oregon State Treasurer set forth in OAR 170, Division 2 in regard to inspection, certification or copying of public records, to the extent not inconsistent with the Act or ORS Chapter 178, are adopted as the policies and procedures of the Board.

Stat. Auth.: 178.050
Stats. Implemented: ORS Ch 183, 192.410-192.505
Hist.: OST 3-2017, f. & cert. ef. 4-19-17

170-080-0010

Administration

(1) Policy. The Board intends that, consistent with ORS Section 178.210(1)(p), the Program be operated, and these rules be construed, in a manner consistent with applicable guidance provided by the U.S. Department of Labor relating to payroll deduction IRA programs that are not pension plans under Title I of the Employee Retirement Income Security Act (ERISA) including, but not limited to, 29 CFR Sections 2509.99-1, 2510.3-2(d).

(2) Definitions. All capitalized terms used in these rules shall be as defined in the Act. Where a conflict is found to exist between a definition stated in these rules and the corresponding definition in the Act, the statutory definition shall apply. As used in these rules, unless the context indicates otherwise:

(a) "Act" means ORS 178.200 to 178.245, as amended from time to time.

(b) "Beneficiary" means the individual(s), person(s), or entity(ies) entitled to receive the proceeds of an individual retirement account (IRA).

(c) "Board" means the Oregon Retirement Savings Board established in ORS 178.200(1).

(d) "Certificate of Exemption" means a truthful statement by an authorized representative of an Employer that it offers a Qualified Plan to some or all of its Employees.

(e) "Code" means the Internal Revenue Code and any regulations, rulings, announcements, or other guidance issued thereunder, as amended.

(f) "Compensation" means W-2 wages, as defined in 26 CFR 1.415(c)-2(d)(4).

(g) "Distribution" means any distribution of funds from an individual retirement account (IRA) established pursuant to the Program.

(h) "Employee" means any person 18 years of age and older working in an Employment, as defined herein.

(i) "Employer" means any employing unit which employs one or more individuals in an Employment in each of 18 separate weeks during any calendar year, or in which the employing unit's total payroll during any calendar quarter amounts to \$1,000 or more.

(j) "Employment" means any employment subject to ORS Chapter 657 provided that, notwithstanding the exemptions from the definition of Employment contained in Chapter 657, for the purposes of the Program, Employment includes:

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(A) Agricultural labor, as defined in ORS 657.045; and
(B) Commissioned positions, as defined in ORS 657.085, 657.087(1) and (2), and 657.090.

(k) "Enrollment Date" means either:

(A) The Initial Enrollment Date, for Participating Employees hired on or before the Facilitating Employer's required Registration Date; or

(B) A date not more than 60 days following start of employment, for Participating Employees hired after the Facilitating Employer's required Registration Date.

(l) "Exempt Employer" means an Employer who has filed a valid and current Certificate of Exemption pursuant to procedures established by the Board.

(m) "Facilitating Employer" means an Employer whose Registration Date has passed and who is not an Exempt Employer.

(n) "Initial Enrollment Date" means the date not more than 60 days after the Facilitating Employer's required Registration Date, by which a Facilitating Employer must initially enroll its Participating Employees.

(o) "Individual Retirement Account" or "IRA" means the individual retirement account established by or for a Participating Employee under the Program.

(p) "IRS" means the Internal Revenue Service of the United States Treasury Department.

"Number of Employees" means the number of employees as submitted on the Employer's most recently filed Oregon Quarterly Tax Report (Form OQ): Number of covered workers for Unemployment Insurance.

(q) "Participating Employee" means any person who has established (or has had established on their behalf) and maintains a Program IRA.

(r) "Payroll Date" means the date that an Employee's Compensation is paid to the Employee by the Employer through the payment of cash, issuance of a check, electronic funds transfer or other method.

(s) "Program" means the Oregon Retirement Savings Program established by the Board pursuant to ORS 178.205(1).

(t) "Program Administrator" means a third party administrator chosen by the Board to assist in carrying out the requirements of the Act.

(u) "Qualified Plan" means a retirement plan tax-qualified under the Code, section 401(a), section 401(k), section 403(a), section 403(b), section 408(k), section 408(p) or a governmental plan under section 457(b). For purposes of this rule, a payroll deduction IRA program as defined in 29 CFR 2510.3-2(d) is not a Qualified Plan.

(v) "Registration Date" means, for each Employer, the date by which the Employer is required to register with the Program or file a Certificate of Exemption, in accordance with Rule 0015.

(w) "Roth IRA" means an individual retirement account as defined in the Code section 408(A).

(x) "Standard Elections" means the default Program elections applicable to a Participating Employee who has not opted for different elections, as specified in Rule 0030.

(y) "Target Date Fund" means a professionally-managed fund containing a mix of investments that invests based on the employee's age and/or projected retirement date.

Stat. Auth.: ORS 178.200–178.245
Stats. Implemented: ORS 178.200–178.245
Hist.: OST 3-2017, f. & cert. ef. 4-19-17

170-080-0015

Employer Registration and Enrollment

(1) Registration

(a) On or before the Registration Date, each Employer shall register with the Program or file a Certificate of Exemption.

(b) The Registration Date for an Employer shall be as follows:

(A) An Employer employing one hundred (100) or more Employees: November 15, 2017

(B) An Employer employing at least fifty (50) but no more than ninety-nine (99) Employees: May 15, 2018

(C) An Employer employing at least twenty (20) but no more than forty-nine (49) Employees: December 15, 2018

(D) An Employer employing at least ten (10) but no more than nineteen (19) Employees: May 15, 2019

(E) An Employer employing at least five (5) but no more than nine (9) Employees: November 15, 2019

(F) An Employer employing four (4) or fewer Employees: May 15, 2020

(c) In determining the Number of Employees for purposes of this section, Employers shall use data as submitted on the most recently filed Oregon Quarterly Tax Report (Form OQ): Number of covered workers for Unemployment Insurance. Employers with no Employees reported on

Form OQ: Number of covered workers for Unemployment Insurance will have a Registration Date of May 15, 2020.

(d) To register with the Program, a Facilitating Employer shall use the internet portal established by the Program Administrator to provide the following information:

(A) Employer name and assumed business name, if any;

(B) Employer Identification Numbers (Federal Employer Identification Number and Business Identification Number);

(C) Employer mailing address;

(D) Name, title, telephone number and email address of an individual designated by the Employer as the Program's point of contact;

(E) Number of Employees; and

(F) Any other information reasonably required by the Program for the purposes of administering the Program.

(e) New Employers: the Registration Date for an Employer who first meets the definition of Employer after July 1, 2017, shall be the later of:

(A) The date specified in subsection (2) above, or

(B) 90 days after the Employer first meets the definition of Employer.

(f) The Initial Enrollment Date for each Facilitating Employer shall be a date that is not more than 60 days after the Employer's required Registration Date.

(g) A Facilitating Employer who lacks access to the internet may register with the Program by alternate means established by the Program Administrator, but no earlier than 30 days in advance of the Facilitating Employer's required Registration Date.

(2) Enrollment

(a) On or before the Initial Enrollment Date, and on or before the Enrollment Date for each subsequently hired Employee, a Facilitating Employer shall enroll its Employees using the Program Administrator's internet portal or other means of data transmittal specified and validated by the Program Administrator. For each Employee, the Facilitating Employer shall provide the following information:

(A) Full legal name;

(B) Social security number or taxpayer ID number;

(C) Date of birth;

(D) Mailing address;

(E) Employee's designated email address; and

(F) Any other information reasonably required by the Program for the purposes of administering the Program.

(b) In order to allow for Employees to establish an IRA through an automatic enrollment process, the Board shall establish procedures with the Plan Administrator for the execution or adoption of such documents as are necessary or appropriate to establish an IRA for such Employee.

Stat. Auth.: ORS 178.200–178.245
Stats. Implemented: ORS 178.200–178.245
Hist.: OST 3-2017, f. & cert. ef. 4-19-17

170-080-0020

Employer Exemptions

(1) An authorized representative of an Employer may file a Certificate of Exemption with the Program by certifying, through the Program Administrator's internet portal or other means of data transmittal specified and validated by the Program Administrator, that the Employer offers a Qualified Plan to some or all of its Employees.

(2) A Certificate of Exemption is valid for three (3) years from the date the Employer files the Certificate with the Program Administrator, so long as the Employer continues to offer a Qualified Plan to some or all of its Employees. A Certificate of Exemption may be renewed by following a process of recertification to be established by the Board not later than December 31, 2019.

Stat. Auth.: ORS 178.200 to 178.245
Stats. Implemented: ORS 178.200–178.245
Hist.: OST 3-2017, f. & cert. ef. 4-19-17

170-080-0025

Joint Employment, Co-Employment, and Tri-Party Employment Circumstances

Reserved

Hist.: OST 3-2017, f. & cert. ef. 4-19-17

170-080-0030

Standard and Alternate Elections for Contributions; Automatic Increases; Ceasing Contributions; Requesting Participation

(1) Standard Elections: An Employee who has not provided notice as specified in this section shall be enrolled using the following Standard Elections:

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(a) Contribution to the Program at an initial rate of 5% of Compensation;

(b) Auto-escalation at the rate of an additional 1% of Compensation each year until a maximum of 10% is reached;

(c) Investments:

(A) The first \$1,000 in contributions to be invested in a capital preservation investment as selected by the Board;

(B) All subsequent contributions to be invested in a Target Date Fund; and

(d) The Program account will be a Roth IRA and contributions will occur on a post-tax basis.

(2) Alternate Elections

(a) An Employee who does not wish to enroll using the Standard Elections shall notify the Facilitating Employer, in a form or format established by the Program, and within 30 days of receipt of the informational materials provided by the Facilitating Employer, that:

(A) The Employee wishes to participate in the Program:

(i) At an initial contribution rate different from the Standard Elections, which shall be a percentage of available Compensation expressed as any whole number (i.e. three (3) percent but not three and one-half (3.5) percent). The minimum contribution rate is 1% and the maximum contribution rate is 100% of available Compensation, up to the IRS annual contribution limits.

(ii) At an initial contribution rate consistent with the Standard Elections but without auto-escalation; or

(iii) At an initial contribution rate different from the Standard Elections and without auto-escalation.

(B) The Employee does not wish to participate and is opting out of the Program.

(b) After enrollment, a Participating Employee may change contribution elections by notifying the Facilitating Employer of the change request, in a form or format established by the Program. This change shall be effected on the Participating Employee's payroll as soon as administratively practicable, but within 30 days of receipt of a notice of change. Employers may limit the processing of contribution election changes to one change per month per Participating Employee.

(c) An Employee who wishes to select an investment option other than that provided by the Standard Elections shall notify the Program Administrator, in a form or format established by the Program, that the Employee wishes to participate in the Program by investing future contributions directly into another fund or funds offered by the Program, which selection shall be effected as soon as administratively practicable.

(d) After enrollment, a Participating Employee may change investment elections for any portion of the balance of the Program by notifying the Program Administrator of a requested change in investment elections, either in writing, electronically, or in any other form permitted by the IRS, to be effected as soon as administratively possible.

(3) Ceasing Contributions or Requesting Participation

(a) A Participating Employee may cease contributions to the Program by notifying the Facilitating Employer of intent to cease making contributions and revoking the authorization of the Facilitating Employer to make contributions on their behalf. The Participating Employee will give notice of this revocation, in a form or format established by the Program, to the Facilitating Employer at least 30 days before the effective date.

(b) An Employee of a Facilitating Employer who initially opted out of participation in the Program may become a Participating Employee by completing and delivering, in a form or format established by the Program, instructions to initiate participation to the Facilitating Employer. The request shall be effective on the Employee's payroll following notification as soon as administratively practicable, not to exceed 30 days.

Stat. Auth.: ORS 178.200 to 178.245
Stats. Implemented: ORS 178.200-178.245
Hist.: OST 3-2017, f. & cert. ef. 4-19-17

170-080-0035 Contributions

(1) On each Payroll Date following the Enrollment Date, and in accordance with a Participating Employee's election, the Facilitating Employer shall transfer from the Participating Employee's Compensation for contribution to the Participating Employee's IRA:

(a) 5% of Compensation; or

(b) The Participating Employee's elected contribution rate, if different from the Standard Elections; or

(c) The auto-escalated percentage of Compensation for that Participating Employee.

(2) Notwithstanding subsection (1), amounts deducted by the Facilitating Employer pursuant to this Rule shall not exceed the amount of the Participating Employee's Compensation remaining after any payroll deductions required by law to have higher precedence, including a court order, are made by the Facilitating Employer.

(3) Amounts deducted by the Facilitating Employer pursuant to this rule shall be transmitted to the Program Administrator as specified by the Program, as soon as administratively possible, not to exceed seven (7) business days from the date of deduction. Failure to transmit the amount as required constitutes an unlawful deduction under ORS 652.610(4).

(4) Beginning January 1, 2019, the Facilitating Employer shall increase the deduction specified in subsection (1) of this Rule by an additional 1% of Compensation per year until the total deduction has reached 10% of Compensation for each Participating Employee who had not opted out of auto-escalation. Auto-escalation will occur on January 1 each year for Participating Employees who:

(a) Are contributing less than 10% of Compensation; and

(b) Have been enrolled in the Program for a period greater than 180 calendar days.

Stat. Auth.: ORS 178.200 to 178.245
Stats. Implemented: ORS 178.200-178.245
Hist.: OST 3-2017, f. & cert. ef. 4-19-17

170-080-0040

Distributions and Distribution Requests

(1) A Participating Employee may request a Distribution of funds from an IRA by submitting a completed distribution request to the Program Administrator, in a form or format established by the Program.

(2) An IRA Distribution shall be subject to any applicable state and federal income tax obligations.

Stat. Auth.: ORS 178.215(7)
Stats. Implemented: ORS 178.200-178.245
Hist.: OST 3-2017, f. & cert. ef. 4-19-17

170-080-0045

Program Administration Fees and Expenses

(1) The Board will charge each IRA a Program administrative fee not to exceed the rate of 1.05% per annum, to defray the costs of operating the Program, including internal and external administration, and operational and investment costs, including for professional investment management services.

(2) The Board will from time to time review, adjust, and notify Participating Employees of changes to Program Administration fees.

Stat. Auth.: ORS 178.225
Stats. Implemented: ORS 178.200-178.245
Hist.: OST 3-2017, f. & cert. ef. 4-19-17

170-080-0050

Employer Guidelines

(1) Facilitating Employers shall:

(a) Collect contributions and remit those amounts promptly to the Program Administrator or its designee;

(b) Provide information to the Program Administrator, as described in Rules 0015, 0020, and 0030;

(c) Retain the notice of any Employee elections or election changes pursuant to any action defined in Rule 0030 for a period not less than three (3) years from the date of the notice. Facilitating Employers may choose to comply with this requirement by allowing the Program Administrator to maintain such documentation on their behalf, either electronically, or in any other medium allowable under applicable law;

(d) Record the Participating Employee's elections and election changes in its payroll system in a manner that enables the Facilitating Employer to make accurate deductions from the Participating Employee's paycheck; and

(e) Make clear that the Facilitating Employer's involvement in the Program is limited to collecting contributions and remitting them to the Program Administrator or its designee, and that the Facilitating Employer does not provide any additional benefit or promise any particular investment return on Employee savings.

(2) Facilitating Employers shall not:

(a) Contribute to the Program;

(b) Endorse or disparage the Program; and

(c) Execute any discretionary authority, control, or responsibility with respect to the Program.

(3) Facilitating Employers may, if they choose:

(a) Provide additional general information and other educational materials that explain the advisability of retirement savings, including the advantages of contributing to an IRA; and

ADMINISTRATIVE RULES

(b) Answer Employee inquiries about the mechanics of the IRA pay-roll deduction.

(4) Facilitating Employers should refer other inquiries to the Program Administrator or as otherwise directed by the Board.

Stat. Auth.: ORS 178.200–178.245
Stats. Implemented: ORS 178.200–178.245
Hist.: OST 3-2017, f. & cert. ef. 4-19-17

170-080-0055

Distribution of Materials to Employees

(1) At least 60 days before the Initial Enrollment Date, the Program Administrator will provide a Facilitating Employer a set of informational materials about the Program. The Program Administrator will provide the materials to the Facilitating Employer by supplying the internet location where such materials may be downloaded or, upon request of the Employer, will provide the materials in hard copy form.

(2) The informational materials will include the following information:

(a) The benefits and risks associated with making contributions to a Program IRA;

(b) Instructions describing how to make contributions to the Program, including the Standard Elections applicable if the Participating Employee does not make other elections;

(c) A description of the other elections available under the Program, including how to opt out of the Program;

(d) Investment alternatives available under the Program and instructions describing how to make or change an investment election;

(e) The process for requesting a Distribution of retirement savings from the Program;

(f) How to obtain additional information about the Program, including the fees associated with the Program;

(g) That the Facilitating Employer does not endorse or recommend the Program;

(h) That Employees and Participating Employees seeking financial advice should contact financial advisers, that Facilitating Employers are not in a position to provide financial advice, and that Facilitating Employers are not liable for decisions Employees and Participating Employees make regarding the Program;

(i) That the Program is not an employer-sponsored retirement plan;

(j) That Employee participation in the Program is completely voluntary;

(k) That information on IRAs outside of the Program is available from other sources;

(l) That neither the value of a Program IRA, nor the rate of return are guaranteed by the state, the Facilitating Employer, or anyone else; and

(m) That by standard election, contributions under the Program are made to a Roth IRA, and that a Roth IRA may not be appropriate for all individuals.

(3) At least 30 days before the Initial Enrollment Date, the Facilitating Employer will provide each of its Employees with the informational materials provided by the Program Administrator.

(4) For subsequently hired Employees, within 30 days of hire, the Facilitating Employer shall provide the informational materials provided by the Program Administrator.

(5) Facilitating Employers shall provide informational materials either directly, or by supplying the Employee with the internet location where the information may be found, along with Board -provided instructions about how to obtain the information if the Employee does not have internet access.

(6) The Facilitating Employer shall document that the informational materials were given to the Employee. Documentation may consist of a notation in the Facilitating Employer's records identifying the Employee and the date the materials were distributed. Facilitating Employers may choose to comply with the requirement to document the delivery of informational materials to Employees if the Program Administrator maintains such documentation on their behalf, either electronically or in any other medium allowable under applicable law. The Facilitating Employer may request that the Employee acknowledge receipt of the informational materials but shall not request or require that the Employee take any additional steps, including returning any forms to the Facilitating Employer.

(7) Notwithstanding anything in this Rule to the contrary, where the Facilitating Employer timely provides the Program Administrator with the contact information (e.g., designated email address(es)) of Participating Employees, the Facilitating Employer may choose to satisfy its obligations to provide the informational materials to Participating Employees by allowing the Program Administrator to do so on its behalf. Delivery by the

Program Administrator must be at such time and in such manner as is otherwise specified in this Rule.

Stat. Auth.: ORS 178.200–178.245
Stats. Implemented: ORS 178.200–178.245
Hist.: OST 3-2017, f. & cert. ef. 4-19-17

170-080-0060

Technical Assistance to Employers

The Program Administrator will provide a range of tools and technical assistance for Employer use. Facilitating Employers shall advise the Program Administrator if they desire technical assistance in completing Program requirements.

Stat. Auth.: ORS 178.200 to 178.245
Stats. Implemented: ORS 178.200–178.245
Hist.: OST 3-2017, f. & cert. ef. 4-19-17

170-080-0065

Confidentiality

(1) Confidentiality. The Board will treat Individual IRA account information as confidential, including without limitation, names, addresses, telephone numbers, personal identification information, contributions, and earnings.

(2) Written release.

(a) The Board may disclose Individual IRA account information to persons or entities other than those described in subsection (4) of this Rule if it receives a signed release from the Participating Employee consenting to disclosure of some or all of the Individual IRA account information to a specific person or entity. For purposes of this paragraph Individual IRA account information includes information pertaining to:

(A) The Participating Employee's IRA account;

(B) Beneficiary designations;

(C) Distributions; or

(D) Other information contained in any draft court order.

(b) A written authorization to release information is valid indefinitely, unless a specific end date is provided in the written statement.

(3) Subpoena. A subpoena for information available from the Program must be made out to the State of Oregon, Oregon Retirement Savings Program. The Program reserves the right to object to any subpoena on the grounds that the subpoena fails to provide a reasonable time for preparation and travel, is otherwise unreasonable or oppressive, or that service was improper, in addition to any other basis legally available. To facilitate prompt processing, copies of subpoenas should be served at the Office of the State Treasurer. Faxed subpoenas are not acceptable.

(4) Disclosure. The Board may disclose aggregated data which does not include information that is identifiable to an individual Participating Employee or Employer for purposes of research associated with the Program. The Board may disclose information that it is required to disclose under the Oregon Public Records Law. The Board may disclose Individual IRA account information to the Plan Administrator, the providers of investments for the Program, regulatory agencies to the extent disclosure is required by law, and to other persons or entities to the extent the Board determines disclosure is necessary to administer the Program.

Stat. Auth.: ORS 178.220
Stats. Implemented: ORS 178.200–178.245
Hist.: OST 3-2017, f. & cert. ef. 4-19-17

Oregon Watershed Enhancement Board Chapter 695

Rule Caption: Revisions to OWEB Grant Program and Restoration Grants rules to implement an effective grant-making process.

Adm. Order No.: OWEB 1-2017

Filed with Sec. of State: 5-2-2017

Certified to be Effective: 5-2-17

Notice Publication Date: 3-1-2017

Rules Amended: 695-005-0010, 695-005-0030, 695-005-0040, 695-005-0050, 695-005-0060, 695-010-0020, 695-010-0060

Subject: OWEB completed rule amendments relating to the administration of the OWEB grant program and restoration grant program. The purpose is to provide updates related to the acceptance and administration of grants in the OWEB grant program (Division 5) administrative rules, and to clarify and streamline the evaluation criteria for restoration grants found at 695-010-0060.

Rules Coordinator: Eric Hartstein—(503) 986-0029

ADMINISTRATIVE RULES

695-005-0010

Purpose

These rules guide the Oregon Watershed Enhancement Board in accepting applications and considering grant proposals for funding under the provisions of ORS 541.890, et seq. The Board grant program includes grants described in 695-005-0020 et seq. for watershed restoration, monitoring, watershed assessment and action planning, watershed council support, watershed education and outreach, land and water acquisition, and small grants. In addition, the Board may from time to time, as funds are available, request proposals for technical assistance and research.

Stat. Auth.: ORS 541.906

Stats. Implemented: ORS 541.890 - 541.969

Hist.: OWEB 4-2004, f. 11-2-04, cert. ef. 2-1-05; OWEB 1-2017, f. & cert. ef. 5-2-17

695-005-0030

Application Requirements

(1) Applications must be submitted on the most current form prescribed by the Board. Current applications are available on the OWEB website. An explanation must accompany the application if any of the information required on the application cannot be provided. In addition to the information required in the application, and the required attachments, an applicant may submit additional information that will aid the Board in evaluating the project.

(2) All applicants for Board grants shall supply the following information:

(a) Names, physical and email addresses, and telephone numbers of the applicant contact person(s) and the fiscal officer(s);

(b) Name and address of involved landowner(s);

(c) The name and location of the proposed project. The location shall be described in reference to the public land survey, latitude and longitude using decimal degrees, North American Datum 1983, county, watershed, and stream mile, if appropriate;

(d) Estimated line item budget for the project using the most current budget form prescribed by the Board. Current budget forms are available on the OWEB website;

(e) Identification of specific project elements for which Board funds will be used;

(f) A list of any non-Board funds, services or materials available or secured for the project and any conditions which may affect the completion of the project;

(g) If the project is part of a multi-year project, and a new funding request continues a previously Board-funded activity, a description of the previous project accomplishments and results as well as an accounting of past expenditures and revenues for the project;

(h) Identification of volunteers and partners and the contribution they will make to the project;

(i) A project schedule including times of project beginning and completion; and

(j) Any information requested that is necessary to evaluate the project based on the evaluation criteria for that project type.

(3) All applicants shall demonstrate at least 25% match is being sought, on a form prescribed by the Board, based on the total Board grant request, at the time of application.

(4) All applications that involve physical changes or monitoring on private land must include certification from the applicant that the applicant has informed all landowners involved of the existence of the application and has also advised all landowners that all monitoring information obtained on their property is public record. If contact with all landowner was not possible at the time of application, explain why.

(5) Applications will be considered complete as submitted. Clarification of information may be sought from the applicant during the evaluation process but additional, new information will not be accepted after the application deadline.

(6) Applicants are encouraged to submit requests for up to \$10,000 for watershed restoration projects to the Small Grant Team in their Small Grant Area, unless the project is not eligible for funding under the Small Grant Program or the Small Grant Program has no funds available at the time of application. Applicants may not submit the same proposal to both the Board and the Small Grant Team.

Stat. Auth.: ORS 541.906

Stats. Implemented: ORS 541.890 - 541.969

Hist.: OWEB 4-2004, f. 11-2-04, cert. ef. 2-1-05; OWEB 3-2008, f. 11-14-08, cert. ef. 1-1-09; OWEB 1-2017, f. & cert. ef. 5-2-17

695-005-0040

Application Processing

(1) Project applications will be reviewed based on application completeness and the evaluation criteria adopted by the Board for each grant type in these rules.

(2) A regular grant applicant may be any tribe, watershed council, soil and water conservation district, not-for-profit institution, school, community college, state institution of higher education, independent not-for-profit institution of higher education, or political subdivision of this state that is not a state agency. A state agency or federal agency may apply for funding under this section only as a co-applicant with one of the other eligible entities. Any of these applicants or co-applicants may also serve as a fiscal agent for grants.

(3) The Board may require additional information to aid in evaluating and considering a proposed watershed project.

(4) The Board may use a regional review team or other technical team to review grant applications and make funding recommendations to the staff or Board.

(5) The Board may rank projects in selecting projects for funding.

Stat. Auth.: ORS 541.906

Stats. Implemented: ORS 541.890 - 541.969

Hist.: OWEB 4-2004, f. 11-2-04, cert. ef. 2-1-05; OWEB 1-2017, f. & cert. ef. 5-2-17

695-005-0050

Grant Agreement Conditions

(1) The Board will enter into new agreements with prior Grantees only if all reporting obligations under earlier agreements have been met.

(2) If the grant agreement has not been fully executed by all the parties within one year of Board approval, funding shall be terminated. The money allocated to the grant shall be available for reallocation by the Board.

(3) The Director shall establish grant agreement conditions for each grant type. Grantees shall comply with all grant agreement conditions.

(4) The Grantee shall comply with all federal, state and local laws and ordinances applicable to the work to be done under the agreement.

(5) All project activities must demonstrate, to the extent possible, consistency with local community workforce and economic development plans and policies.

(6) Following project completion, equipment purchased with Board funds shall reside with the Grantee or another approved entity. These entities will make the equipment available to others at no cost, other than nominal operation and maintenance costs.

(7) Upon notice to the Grantee in writing, the Director may terminate funding for projects not completed in the prescribed time and manner. The money allocated to the project but not used will be available for reallocation by the Board.

(8) The Grantee will account for funds distributed by the Board, using project expense forms provided.

(9) The Grantee will obtain the necessary permits and licenses from local, state or federal agencies or governing bodies and provide a copy to the Board.

(10) The Board may place additional conditions in the Grant Agreement as necessary to carry out the purpose of the watershed enhancement program. Such conditions may include:

(a) A commitment by the landowner for continued access for monitoring the project after completion;

(b) A commitment by the Grantee to maintain the project for a period of time as deemed appropriate by the Board;

(c) A commitment to supply future reports on the project as required;

(d) Such other conditions as the Board deems appropriate to the particular circumstances of the project.

Stat. Auth.: ORS 541.906

Stats. Implemented: ORS 541.890 - 541.969

Hist.: OWEB 4-2004, f. 11-2-04, cert. ef. 2-1-05; OWEB 3-2008, f. 11-14-08, cert. ef. 1-1-09; OWEB 1-2017, f. & cert. ef. 5-2-17

695-005-0060

Distribution of Funds

(1) The Director may withhold payments to a Grantee in a situation where there are significant and persistent difficulties with satisfying Board requirements.

(2) Prior to disbursement of Board funds, the Grantee must provide proof that the 25% required match, based on the total Board award, has been secured.

(3) Prior to disbursement of Board funds for projects involving private lands, the Board must receive certification from the Grantee that they

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will obtain, prior to expending Board funds on a property, a cooperative agreement from the landowner that, at a minimum, includes:

(a) Permission to access the private land, at times agreeable to the landowner, to implement the project, inspect the project, track the status of the project, or perform repairs or maintenance;

(b) Permission for the Board or its representatives to access the private land for inspection and evaluation of the project; and

(c) Identification of the party responsible for repairs and maintenance of the project.

(4) Funds shall not be disbursed until the Board receives satisfactory evidence that necessary permits and licenses have been granted and documents required by the Board have been submitted.

(5) Funds will be released upon presentation of a completed fund release request form accompanied by documents as determined by the Director, and proof of completion of specific work elements of the project as identified in the Grant Agreement.

(6) Advance funds may be released upon presentation of a detailed estimate of expenses for up to 120 days. Within 120 days of the date of the advance check, receipts or invoices for the advance must be submitted, a justification to extend the advance must be approved, or the unexpended advance funds must be returned to the Board. Additional funds will not be released until receipts for expenditures of previous fund releases are submitted, or an estimate of expenditures is approved by the Director.

(7) All grant agreements authorized by the Board shall have a clause that requires the retention of up to ten percent of project funds until the final report, as required in the grant agreement, has been approved. Final reports are due within 60 days of project completion. Any unexpended Board funds must be returned to the Board with the final report. Upon receipt of the final report, the Board shall have 90 days to approve the completed report or notify the Grantee of any concerns that must be addressed or missing information that must be submitted before the report is considered complete and reviewed for approval. Once the final report has been approved the final payment shall be promptly processed.

(8) All Grantees shall account for at least 25% in actual match, on a form prescribed by the Board, based on the total Board grant expenditures, upon project conclusion and final reporting.

Stat. Auth.: ORS 541.906

Stats. Implemented: ORS 541.890 - 541.969

Hist.: OWEB 4-2004, f. 11-2-04, cert. ef. 2-1-05; OWEB 3-2008, f. 11-14-08, cert. ef. 1-1-09; OWEB 1-2017, f. & cert. ef. 5-2-17

695-010-0020

Definitions

(1) "Affected City and County" means any city or county within which all or part of a watershed enhancement project funded by the Board would be located.

(2) "Maintenance" means those activities and actions necessary to sustain the useful life of a constructed watershed improvement. Maintenance does not include those activities necessary to establish the improvement.

(3) "Watershed Restoration Project" means a project that involves an on-the-ground element such as: riparian planting, fish habitat construction, wetland restoration, livestock grazing plans, water conservation projects utilizing the state Conserved Water Program, etc.

(4) "Watershed Function" means the hydrologic and geomorphic processes that support a healthy watershed ecosystem.

(5) "Watershed Health" means the condition of a watershed as measured by the ability of the watershed to capture, store and release water, and transport sediment and nutrients in order to provide clean water, high quality fish and wildlife habitat, and adequate streamflows to support instream uses.

Stat. Auth.: ORS 541.906

Stats. Implemented: ORS 541.890 - 541.969

Hist.: OWEB 4-2004, f. 11-2-04, cert. ef. 2-1-05; OWEB 1-2017, f. & cert. ef. 5-2-17

695-010-0060

Evaluation Criteria

(1) Project applications will be reviewed for compliance with the items in OAR 695-005-0030 and 695-010-0050.

(2) Watershed restoration projects funded from the Watershed Conservation Grant Fund must provide a public benefit by supporting improved:

(a) Water quality;

(b) Native fish or wildlife habitat; or

(c) Watershed or ecosystem function.

(3) Watershed restoration project proposals must meet the following criteria to be considered for funding by the Board:

(a) The project demonstrates sound principles of watershed management;

(b) The project uses methods adapted to the project locale;

(c) The project complies with state land use planning goals and is compatible with acknowledged comprehensive plans as required under ORS 197.180; and

(d) The project follows professionally accepted restoration approaches resulting in ecological or watershed benefits.

(4) Watershed restoration projects meeting the criteria established by subsection (1) above will be further evaluated based on:

(a) Clarity; the proposal:

(A) Will be implemented using a clearly defined and appropriate method to address the problem;

(B) Has clearly stated objectives and is likely to meet these; and

(C) Is ready to be implemented.

(b) Technical soundness; the proposal:

(A) Addresses limiting factors or watershed health problems by treating the causes rather than the symptoms;

(B) Identifies and evaluates alternatives to address the identified problem; and

(C) Quantifies watershed benefits.

(c) Cost effectiveness; the proposal:

(A) Provides an overall budget that reflects expected, and quantified, watershed health benefits; and

(B) Reflects reasonable rates for direct costs and match.

(d) Watershed context; the proposal:

(A) Considers likely impacts to the site and adjacent properties during and after project implementation;

(B) Addresses watershed function and ecosystem processes, including water quality and fish and wildlife life stages;

(C) Implements a specific action within an explicit geography prioritized in a watershed restoration plan;

(D) Fits within the context of past, current, and planned future restoration efforts in the watershed; and

(E) Provides or promotes public awareness that may lead to opportunities for watershed restoration or enhancement.

(e) Capacity; the applicant:

(A) Engages appropriate partners;

(B) Demonstrates successful long-term stewardship and maintenance is likely; and

(C) Demonstrates a past grant record with timely project completeness, accounting, and reporting as well as whether past projects were completed as proposed, using information provided by Board staff.

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

Stat. Auth.: ORS 541.906

Stats. Implemented: ORS 541.890 - 541.969

Hist.: OWEB 4-2004, f. 11-2-04, cert. ef. 2-1-05; OWEB 1-2011, f. & cert. ef. 10-18-11; OWEB 1-2017, f. & cert. ef. 5-2-17

Parks and Recreation Department Chapter 736

Rule Caption: Adds Sitka Sedge State Natural Area Master Plan to the list of adopted master plans

Adm. Order No.: PRD 2-2017

Filed with Sec. of State: 4-19-2017

Certified to be Effective: 4-19-17

Notice Publication Date: 12-1-2016

Rules Amended: 736-018-0045

Subject: ORS 390.180(1) authorizes the Director of the Oregon Parks and Recreation Department (OPRD) to adopt administrative rules that establish a plan for each state park. Accordingly, OPRD is adopting a plan for Sitka Sedge State Natural Area. Plans for state parks are adopted as state rules under OAR 736-018-0045. The purpose of amending OAR 736-018-0045 is to adopt the plan for Sitka Sedge State Natural Area as a state rule.

The plan for the park responds to the most current information on park resource conditions and public recreation needs as they pertain to this park setting. The plan was formulated through OPRD's mandated planning process involving meetings with the general public, an advisory committee, recreation user groups, environmental advo-

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cacy groups, affiliated Tribes, affected state, federal and local government agencies, park neighbors and the local community.

The agency requests 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.

Rules Coordinator: Claudia Ciobanu—(503) 872-5295

736-018-0045

Adopted State Park Master Plan Documents

(1) The following state park master plan documents have been adopted and incorporated by reference into this division:

- (a) Fort Stevens State Park Master Plan, as amended in 2001;
- (b) Cape Lookout State Park, amended in 2012 as Cape Lookout State Park Comprehensive Plan;
- (c) Cape Kiwanda State Park, renamed as Cape Kiwanda State Natural Area;
- (d) Nestucca Spit State Park, renamed as Robert Straub State Park;
- (e) Jessie M. Honeyman Memorial State Park as amended in 2009;
- (f) Columbia Gorge Management Unit Master Plan, including: Rocky Butte State Scenic Corridor, Lewis and Clark State Recreation Site, Dabney State Recreation Area, Portland Womens' Forum State Scenic Viewpoint, Crown Point State Scenic Corridor, Guy W. Talbot State Park, George W. Joseph State Natural Area, Rooster Rock State Park, Shepperd's Dell State Natural Area, Bridal Veil Falls State Scenic Viewpoint, Dalton Point State Recreation Site, Benson State Recreation Area, Ainsworth State Park, McLoughlin State Natural Area, John B. Yeon State Scenic Corridor, Bonneville State Scenic Corridor, Sheridan State Scenic Corridor, Lang Forest State Scenic Corridor, Lindsey Creek State Scenic Corridor, Starvation Creek State Park, Viento State Park, Wygant State Natural Area, Vinzenz Lausman Memorial State Natural Area, Seneca Fouts Memorial State Natural Area, Koberg Beach State Recreation Site, Memaloose State Park, and Mayer State Park;
- (g) Molalla River State Park;
- (h) Champoeg State Park;
- (i) Willamette Mission State Park;
- (j) Cascadia State Park;
- (k) Willamette River Middle Fork State Parks Master Plan, 2006, including: Elijah Bristow State Park; Jasper State Recreation Site; Pengra Access; Dexter State Recreation Site; Lowell State Recreation Site; and the parks that comprise the Fall Creek State Recreation Area, including Winberry Park, North Shore Park, Sky Camp, Cascara Campground, Fisherman's Point Group Camp, Free Meadow, Lakeside 1 and Lakeside 2;
- (l) Cove Palisades State Park Master Plan, as amended in 2002;
- (m) Silver Falls State Park Master Plan, as amended in 2009;
- (n) Curry County State Parks Master Plan, including: Floras Lake State Park, renamed as Floras Lake State Natural Area; Cape Blanco State Park; Paradise Point Ocean Wayside, renamed as Paradise Point State Recreation Site; Port Orford Heads Wayside, renamed as Port Orford Heads State Park; Humbug Mountain State Park; Otter Point Wayside, renamed as Otter Point State Recreation Site; Cape Sebastian State Park, renamed as Cape Sebastian State Scenic Corridor; Otter Point Wayside; Port Orford Cedar Forest Wayside, renamed as Port Orford Cedar Forest State Scenic Corridor; and Buena Vista Ocean Wayside; Pistol River State Scenic Viewpoint; Samuel H. Boardman State Scenic Corridor; Harris Beach State Recreation Area; McVay State Recreation Site; Winchuck State Recreation Site; Crissey Field State Recreation Site; Alfred A. Loeb State Park;
- (o) Hat Rock State Park Master Plan, renamed as Hat Rock State Recreation Area;
- (p) Deschutes County State Parks, including: La Pine and Tumalo State Parks; Cline Falls, renamed as Cline Falls State Scenic Viewpoint; and Pilot Butte, renamed as Pilot Butte State Scenic Viewpoint;
- (q) Sunset Bay District Parks, including: Umpqua Lighthouse State Park (this chapter was replaced by the Umpqua Lighthouse State Park Master Plan, 2004); William M. Tugman State Park; Yoakam Point State Park, renamed as Yoakum Point State Natural Site; Sunset Bay State Park; Shore Acres State Park; and Cape Arago State Park;
- (r) Bullards Beach District Parks, including: Seven Devils State Wayside, renamed as Seven Devils State Recreation Site; Bullards Beach State Park; Bandon Ocean Wayside, renamed as Face Rock State Scenic Viewpoint; and Bandon State Park, renamed as Bandon State Natural Area;
- (s) Tillamook County Coastal State Parks, including: Oswald West State Park; Nehalem Bay State Park (this chapter was replaced by the Nehalem Bay State Park Master Plan, 2009); Cape Meares State Park, renamed as Cape Meares State Scenic Viewpoint; Neahkanie-Manzanita State Wayside, renamed as Neahkanie-Manzanita State Recreation Site;

Manhattan Beach State Wayside, renamed as Manhattan Beach State Recreation Site; Rockaway Beach State Wayside, renamed as Rockaway Beach State Recreation Site; Twin Rocks State Wayside, renamed as Twin Rocks State Natural Site; Oceanside Beach State Wayside, renamed as Oceanside Beach State Recreation Site; and Neskowin Beach State Wayside, renamed as Neskowin Beach State Recreation Site;

(t) Beverly Beach District Parks South, including: Boiler Bay State Park, renamed as Boiler Bay State Scenic Viewpoint; Rocky Creek State Wayside, renamed as Rocky Creek State Scenic Viewpoint; Otter Crest State Wayside, renamed as Otter Crest State Scenic Viewpoint; Devil's Punchbowl State Park, renamed as Devil's Punchbowl State Natural Area; Beverly Beach State Park; Agate Beach State Wayside, renamed as Agate Beach State Recreation Site; and Ellmaker State Park, renamed as Ellmaker State Wayside;

(u) Smith Rock State Park;

(v) Collier District Parks, including: Booth State Wayside, renamed as Booth State Scenic Corridor; Chandler State Wayside; Collier Memorial State Park; Goose Lake State Recreation Area; Jackson F. Kimball State Park, renamed as Jackson F. Kimball State Recreation Site; and Klamath Falls-Lakeview Forest Wayside, renamed as Klamath Falls-Lakeview Forest State Scenic Corridor;

(w) Banks-Vernonia State Park, renamed as Banks-Vernonia State Trail;

(x) Sumpter Valley Dredge State Park, renamed as Sumpter Valley Dredge State Heritage Area;

(y) Illinois River Forks State Park;

(z) Wallowa County State Parks Master Plan, 2000;

(aa) L.L. "Stub" Stewart Memorial State Park Master Plan, 2005;

(bb) Master Plan for Clay Myers State Natural Area at Whalen Island, 2003;

(cc) South Beach State Park Master Plan, 2003;

(dd) Prineville Reservoir Resource Management Plan/Master Plan, 2003;

(ee) Detroit Lake State Park Master Plan, 2002;

(ff) Umpqua Lighthouse State Park Master Plan, 2004;

(gg) Fort Yamhill State Heritage Area Master Plan, 2004;

(hh) Thompson's Mills State Heritage Site Master Plan, 2006;

(ii) Luckiamute State Natural Area Master Plan, 2009;

(jj) Iwetemlaykin State Heritage Site Master Plan, 2009;

(kk) Kam Wah Chung State Heritage Site Master Plan, 2009;

(ll) Nehalem Bay State Park Master Plan, 2009;

(mm) Bates State Park Master Plan, 2010;

(nn) Cottonwood Canyon State Park Comprehensive Plan, 2012;

(oo) Milo McIver State Park Comprehensive Plan, 2014.

(pp) Sitka Sedge State Natural Area Master Plan, 2016

(2) The master plan documents which have been incorporated by reference into this division are available from the State Parks and Recreation Department, 725 Summer Street NE, Suite C, Salem OR 97301.

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

Stat. Auth.: ORS 390.180(1)(c)

Stats. Implemented: ORS 390.180(1)(c)

Hist.: PRD 9-1998, f. 7-29-98, cert. ef. 7-31-98; PRD 4-1999, f. & cert. ef. 5-14-99; PRD 9-2000, f. 6-14-00, cert. ef. 7-1-00; PRD 1-2001, f. & cert. ef. 2-1-01; PRD 5-2001, f. & cert. ef. 6-29-01; PRD 6-2001, f. & cert. ef. 9-6-01; PRD 3-2002, f. & cert. ef. 3-22-02; PRD 2-2003, f. & cert. ef. 2-27-03; PRD 3-2003, f. & cert. ef. 2-27-03; PRD 5-2003, f. & cert. ef. 7-8-03; PRD 9-2003, f. & cert. ef. 10-13-03; PRD 11-2003, f. & cert. ef. 11-7-03; PRD 7-2004, f. & cert. ef. 5-14-04; PRD 9-2004, f. & cert. ef. 6-14-04; PRD 1-2005, f. & cert. ef. 2-4-05; PRD 3-2005, f. & cert. ef. 5-4-05; PRD 4-2006, f. 7-14-06, cert. ef. 7-14-06; PRD 5-2006, f. 9-15-06, cert. ef. 10-1-06; PRD 1-2009, f. 1-15-09, cert. ef. 2-1-09; PRD 3-2009, f. 3-12-09, cert. ef. 4-1-09; PRD 4-2009, f. 4-15-09, cert. ef. 5-1-09; PRD 5-2009, f. 4-15-09, cert. ef. 5-1-09; PRD 6-2009, f. 5-14-09, cert. ef. 6-1-09; PRD 12-2009, f. & cert. ef. 9-3-09; PRD 13-2009, f. 9-15-09 cert. ef. 10-1-09; PRD 9-2010, f. 9-15-10, cert. ef. 10-1-10; PRD 6-2012, f. 9-13-12, cert. ef. 9-14-12; PRD 11-2012, f. 12-13-12, cert. ef. 12-31-12; PRD 3-2014, f. 8-6-14, cert. ef. 8-31-14; PRD 2-2017, f. & cert. ef. 4-19-17

Public Utility Commission, Oregon Board of Maritime Pilots Chapter 856

Rule Caption: Amends applicant selection requirements.

Adm. Order No.: BMP 2-2017(Temp)

Filed with Sec. of State: 5-2-2017

Certified to be Effective: 5-2-17 thru 10-28-17

Notice Publication Date:

Rules Amended: 856-010-0014

Subject: Counsel to the Board has determined that applicant interviews as prescribed by 856-010-0014 (14)(c) constitute a public

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meeting. This amendment corrects the process so that applicant interviews do not constitute a public meeting.

Rules Coordinator: Susan Johnson—(971) 673-1530

856-010-0014

Pilot Trainee Selection and Apprentice Selection and Training Program

(1) Application for a Certificate as a Pilot Apprentice for the Columbia and Willamette River pilotage ground shall be made on a form provided by the Board.

(2) The Board of Maritime Pilots shall certify from among the eligible applicants the best qualified individual or individuals for apprenticeship. Selection shall be in accordance with selection criteria procedures, based upon numerical ranking, promulgated by the Board of Maritime Pilots.

(3) No more than two apprentices shall be in the apprenticeship program at any time. The Board shall accept new apprentices into training at intervals of two years or longer.

(4) Numerical ranking of apprentice applicants shall be based upon a 100-point system, with points for each of the following categories:

(a) Academic: Completion of a four-year course of study and receipt of a degree from an accredited maritime academy will be awarded 25 points.

(b) Previous Maritime Experience: Applicants shall be awarded 45 points based on federal licensure and a minimum of two years of actual experience as an officer in charge of a navigation watch while holding one or more of the following licenses:

(A) Master of Towing Vessels (Inland Waterways)

(B) Master of Towing Vessels (Ocean)

(C) Master, Vessels Greater than 1,600 Tons

(D) Master, Vessels 1,600 Tons or Less

(E) Chief or Second Mate on Vessels Greater than 1,600 Tons

(c) Applicants with a First Class Pilot Endorsement for any U.S. inland waterway will be awarded 5 points.

(d) Interview: Every applicant shall be interviewed by the Board of Maritime Pilots. Each person interviewed shall be assigned from 0 to 25 points based upon objective scoring guidelines published by the Board of Maritime Pilots.

(5) The apprentice candidate with the highest point total shall be awarded a Certificate of Apprenticeship by the Board and enter the apprentice training program. Said Certificate shall terminate upon satisfactory completion of the apprentice training program or upon the termination of the apprentice for cause or resignation.

(6) Training and qualification of pilot apprentices are subject to the following provisions:

(a) The term of apprenticeship for every apprentice shall be a minimum of three years.

(b) The apprentice training and qualification program shall include the satisfactory completion of an Apprentice Training Course approved by the Board of Maritime Pilots. The apprentice training and qualification program shall consist of both the approved Apprentice Training Course and the term of apprentice training.

(c) Satisfactory completion of the Apprentice Training Course, as approved by the Board of Maritime Pilots, requires that the apprentice must have satisfactorily completed the following training activities:

(A) 500 vessel movements between Astoria and Portland or Vancouver under the supervision of state licensed pilots; and

(B) 500 vessel movements under the supervision of state licensed pilots between any two points on the pilotage grounds selected by the Course Monitor based upon an evaluation of the apprentice's skills and training needs. Assignments under this subsection may include, but are not necessarily limited to, transits between Astoria and Portland or Vancouver.

(C) Up to 30 days of industry-related training that the Course Monitor, in his or her discretion, may assign based upon the Course Monitor's evaluation of the apprentice's skills and training needs. Each day of training assigned under this subsection shall be substituted for a vessel movement otherwise required under subsection (B) above.

(d) In order to satisfactorily complete this training course, every apprentice must ride with a majority of the pilots, on every route, day and night, ebb and flood tides, and on every size category of vessel calling at the port. The curriculum of the approved course requires that apprentices learn to direct the movement of vessels, apply the proper rules of the nautical road and other maritime procedures, and interface and coordinate with other affected vessels and facilities.

(e) During each vessel movement to which the apprentice is assigned, the apprentice shall accompany the licensed pilot assigned to the vessel. The licensed pilot serves as the expert-master and interacts with the apprentice in observational and mastery learning process. The licensed pilot is obligated to interact with the apprentice to a degree sufficient to teach skills and impart information and to assess the apprentice's progress during periods of "hands on" piloting by the apprentice under supervision by the pilot.

(f) The progress of every apprentice must be marked semi-annually during his or her term of apprentice training by the pilots with whom he or she has received instruction in the areas of: procedures, skillfulness, communications, and attitude.

(g) Every apprentice must receive satisfactory evaluations from the majority of the pilots and the Training Course Monitor during each semi-annual progress report period. The Course Monitor shall semiannually advise each apprentice regarding his or her progress and shall also advise the Board of Maritime Pilots.

(h) Failure to make satisfactory progress during the Apprentice Training Course can result in the termination of the apprentice-training program for any apprentice at any point in the program by the Board of Maritime Pilots.

(i) The discovery that any apprentice fails to satisfy the physical requirements for federal licensure shall be just cause for the termination of any such apprentice, without regard to progress in the Apprentice Training Course.

(j) Upon satisfactory completion of the approved Apprentice Training Course, the apprentice will be awarded a Certificate of Completion by the designated Course Monitor.

(7) Satisfactory completion of the Apprentice Training Program requires that the apprentice obtain a federal First Class Pilot license for the grounds from Astoria to Portland and Vancouver. However, any federal licensure as a federal First Class Pilot obtained by any apprentice before the completion of the apprenticeship training and qualification program shall not terminate nor shorten the three-year minimum term of apprentice training.

(8) No person shall represent himself or herself as an apprentice unless he or she has been approved and certified as an apprentice by the Board of Maritime Pilots. No pilot shall be required to train any uncertified person on board any vessel subject to the jurisdiction of the Board of Maritime Pilots. Any uncertified person posing as an apprentice aboard any vessel subject to the jurisdiction of the Board of Maritime Pilots shall be considered in violation of ORS 776.405.

(9) Upon the successful completion of the minimum three year apprenticeship training and qualification program, including certification by the Course Monitor of satisfactory completion of the Apprentice Training Course, the pilots shall provide the Board of Maritime Pilots with the name and complete training record of every successful apprentice along with their recommendations regarding his or her prospective licensure by the Board.

(10) Nothing shall prohibit the Board of Maritime Pilots from periodically reviewing the progress of any apprentice undergoing training, and reviewing the progress reports on every apprentice that have been submitted by the pilots.

(11) Every person who successfully completes the Apprenticeship Training Course shall begin the regular pilot training program for Class C, Class B, Class A and Unlimited licenses, upon the opening of a position by either the anticipated retirement or resignation of a licensed pilot, or the Board-approved increase in the number of pilots.

(12) If no person has successfully completed the Apprenticeship Training Course at the time a need for a pilot trainee arises, then the Board shall appoint a person who meets the requirements of OAR 856-010-0010(2) and (4)(a), and who has been selected by the Board from qualified applicants pursuant to procedures and criteria set forth in subsections (13), (14), and (15) below.

(13) Applicants for trainee positions under subsection (12) above must submit their applications to the Board of Maritime Pilots on forms provided by the Board. When the board determines that a need for a trainee pursuant to subsection (12) exists, it shall select from among the eligible applicants the best qualified for training. Selection shall be based upon numerical ranking according to the point system set forth in subsection (14) below.

(14) Applicants for trainee positions under subsection (12) above shall be ranked based upon a point system, with points awarded for each of the following categories:

(a) Academic: Graduation from high school or equivalent certification: 10 points. Two or more years at an accredited college or university:

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five points. Post-graduate or professional degree: five points. Completion of a four-year course of study at an accredited maritime academy: 15 points. Maximum total points under this section are 25.

(b) Previous Maritime Experience and Licensure: First Class Pilot License from Tansey point, Oregon to Ryan Point, Washington on the Columbia River, and from Kelley Point, Oregon to the Ross Island Bridge on the Willamette River: 25 points. Federal pilotage endorsement on the Columbia River from Vancouver, Washington to Pasco, Washington: five points. Federal unlimited radar observer endorsement: five points. 1,460 or more active working days as master of towing vessels on the Columbia River and tributaries: five points. Additional certified training in each of the following categories: Bridge Resource Management, Emergency Medical Training, Hazardous Materials, Marine Firefighting, Oil Spill Control: one point each, up to a maximum of five points. Maximum total points under this section are 45.

(c) Interview: Every applicant with a combined point total of 50 or more from points awarded under subsections (14)(a) and (14)(b), shall be interviewed by a member of the Board. Each person interviewed shall be

assigned from 0 to 35 points based on the interviewee's poise and confidence, potential as an asset to the pilotage system, recommendations from within the maritime community, knowledge of trade and commerce on the Columbia River System, and such other factors as may be deemed relevant by the Board.

(15) Trainees selected by the Board shall be free to join the organization of pilots of their choosing upon completion of their training. No trainee may join an organization of pilots until after training is complete, except that trainees may associate with an organization of pilots on a provisional, temporary basis that ends upon receipt of an unlimited state pilot's license. Any such provisional, temporary association between trainees and organizations of pilots shall not obligate the trainee to join any particular organization of pilots after training is complete.

Stat. Auth.: ORS 776.115

Stats. Implemented: ORS 776.115 & 776.300

Hist.: MP 3-1995, f. & cert. ef. 3-16-95; MP 4-1995, f. & cert. ef. 8-16-95; BMP 1-1998, f. & cert. ef. 6-15-98; BMP 1-1999, f. & cert. ef. 2-19-99; BMP 1-2002, f. & cert. ef. 8-29-02; BMP 4-2008, f. & cert. ef. 1-24-08; BMP 2-2010, f. & cert. 12-14-10; BMP 2-2017(Temp), f. & cert. ef. 5-2-17 thru 10-28-17

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104-055-0080	1-27-2017	Adopt	3-1-2017	125-246-0170	1-1-2017	Amend	2-1-2017
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141-068-0120	1-12-2017	Adopt	2-1-2017	141-075-0405	1-12-2017	Repeal	2-1-2017
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150-311-0510	1-1-2017	Repeal	2-1-2017	170-080-0045	4-19-2017	Adopt	6-1-2017
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150-316-0435	1-1-2017	Amend	2-1-2017	213-004-0001	1-1-2017	Amend	2-1-2017
150-316-0517	1-1-2017	Repeal	2-1-2017	213-017-0004	1-1-2017	Amend	2-1-2017
150-320-0010	1-1-2017	Repeal	2-1-2017	213-017-0005	1-1-2017	Amend	2-1-2017
150-320-0040	1-1-2017	Amend	2-1-2017	213-017-0006	1-1-2017	Amend	2-1-2017
150-321-0340	1-1-2017	Amend	2-1-2017	213-017-0008	1-1-2017	Amend	2-1-2017
150-321-0810	1-1-2017	Amend	2-1-2017	213-017-0011	1-1-2017	Amend	2-1-2017
150-323-0130	1-1-2017	Amend	2-1-2017	213-018-0075	1-1-2017	Amend	2-1-2017
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166-150-0110	1-13-2017	Amend	2-1-2017	213-071-0010	12-29-2016	Adopt	2-1-2017
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166-400-0020	1-13-2017	Amend	2-1-2017	230-020-0330	12-1-2016	Amend	1-1-2017
166-400-0025	1-13-2017	Amend	2-1-2017	230-030-0150	2-28-2017	Amend	4-1-2017
166-400-0030	1-13-2017	Amend	2-1-2017	250-020-0041	5-1-2017	Amend	6-1-2017
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166-400-0050	1-13-2017	Amend	2-1-2017	255-060-0011	1-3-2017	Amend(T)	2-1-2017
166-400-0055	1-13-2017	Amend	2-1-2017	255-060-0011	4-5-2017	Amend	5-1-2017
166-400-0060	1-13-2017	Amend	2-1-2017	255-060-0016	1-3-2017	Amend(T)	2-1-2017

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255-080-0001	4-5-2017	Amend	5-1-2017	291-210-0050	2-15-2017	Adopt(T)	3-1-2017
255-085-0010	1-3-2017	Amend(T)	2-1-2017	309-008-0100	11-30-2016	Adopt	1-1-2017
255-085-0010	3-21-2017	Amend(T)	5-1-2017	309-008-0200	11-30-2016	Adopt	1-1-2017
255-085-0020	1-3-2017	Amend(T)	2-1-2017	309-008-0250	11-30-2016	Adopt	1-1-2017
255-085-0020	3-21-2017	Amend(T)	5-1-2017	309-008-0300	11-30-2016	Adopt	1-1-2017
255-085-0030	3-21-2017	Amend(T)	5-1-2017	309-008-0400	11-30-2016	Adopt	1-1-2017
255-085-0040	3-21-2017	Amend(T)	5-1-2017	309-008-0500	11-30-2016	Adopt	1-1-2017
255-085-0050	3-21-2017	Amend(T)	5-1-2017	309-008-0600	11-30-2016	Adopt	1-1-2017
255-085-0060	3-21-2017	Adopt(T)	5-1-2017	309-008-0700	11-30-2016	Adopt	1-1-2017
257-050-0050	11-18-2016	Amend(T)	1-1-2017	309-008-0800	11-30-2016	Adopt	1-1-2017
257-050-0050	3-8-2017	Amend	4-1-2017	309-008-0800	1-1-2017	Amend(T)	2-1-2017
257-050-0145	11-18-2016	Amend(T)	1-1-2017	309-008-0900	11-30-2016	Adopt	1-1-2017
257-050-0145	3-8-2017	Amend	4-1-2017	309-008-0900	1-1-2017	Amend(T)	2-1-2017
257-095-0000	12-14-2016	Adopt(T)	1-1-2017	309-008-0905	1-1-2017	Adopt(T)	2-1-2017
257-095-0010	12-14-2016	Adopt(T)	1-1-2017	309-008-1000	11-30-2016	Adopt	1-1-2017
257-095-0030	12-14-2016	Adopt(T)	1-1-2017	309-008-1100	11-30-2016	Adopt	1-1-2017
257-095-0040	12-14-2016	Adopt(T)	1-1-2017	309-008-1100	1-1-2017	Amend(T)	2-1-2017
257-095-0050	12-14-2016	Adopt(T)	1-1-2017	309-008-1200	11-30-2016	Adopt	1-1-2017
257-095-0060	12-14-2016	Adopt(T)	1-1-2017	309-008-1200	1-1-2017	Amend(T)	2-1-2017
257-095-0070	12-14-2016	Adopt(T)	1-1-2017	309-008-1300	11-30-2016	Adopt	1-1-2017
257-095-0080	12-14-2016	Adopt(T)	1-1-2017	309-008-1300	1-1-2017	Amend(T)	2-1-2017
257-095-0090	12-14-2016	Adopt(T)	1-1-2017	309-008-1400	11-30-2016	Adopt	1-1-2017
257-095-0100	12-14-2016	Adopt(T)	1-1-2017	309-008-1500	11-30-2016	Adopt	1-1-2017
259-008-0010	4-1-2017	Amend	5-1-2017	309-008-1600	11-30-2016	Adopt	1-1-2017
259-008-0011	4-1-2017	Amend	5-1-2017	309-011-0024	12-27-2016	Amend	2-1-2017
259-008-0020	5-1-2017	Amend	6-1-2017	309-011-0026	12-27-2016	Amend	2-1-2017
259-008-0025	12-22-2016	Amend	2-1-2017	309-011-0028	12-27-2016	Amend	2-1-2017
259-008-0045	1-1-2017	Amend	2-1-2017	309-011-0031	12-27-2016	Adopt	2-1-2017
259-008-0060	1-1-2017	Amend	2-1-2017	309-011-0032	12-27-2016	Amend	2-1-2017
259-008-0060	5-1-2017	Amend	6-1-2017	309-011-0034	12-27-2016	Amend	2-1-2017
259-008-0065	3-22-2017	Amend	5-1-2017	309-011-0036	12-27-2016	Amend	2-1-2017
259-008-0075	4-1-2017	Amend	5-1-2017	309-012-0130	12-1-2016	Repeal	1-1-2017
259-008-0080	4-1-2017	Amend	5-1-2017	309-012-0140	12-1-2016	Repeal	1-1-2017
259-008-0085	4-1-2017	Amend	5-1-2017	309-012-0150	12-1-2016	Repeal	1-1-2017
259-008-0090	3-22-2017	Amend	5-1-2017	309-012-0160	12-1-2016	Repeal	1-1-2017
259-009-0062	12-22-2016	Amend	2-1-2017	309-012-0170	12-1-2016	Repeal	1-1-2017
259-060-0010	3-22-2017	Amend	5-1-2017	309-012-0180	12-1-2016	Repeal	1-1-2017
259-060-0015	3-22-2017	Amend	5-1-2017	309-012-0190	12-1-2016	Repeal	1-1-2017
259-060-0130	3-22-2017	Amend	5-1-2017	309-012-0200	12-1-2016	Repeal	1-1-2017
259-060-0200	3-22-2017	Adopt	5-1-2017	309-012-0210	12-1-2016	Repeal	1-1-2017
259-060-0450	3-22-2017	Amend	5-1-2017	309-012-0220	12-1-2016	Repeal	1-1-2017
259-060-0600	3-22-2017	Amend	5-1-2017	309-012-0230	12-1-2016	Repeal	1-1-2017
259-061-0010	3-22-2017	Amend	5-1-2017	309-014-0000	12-1-2016	Amend	1-1-2017
259-061-0018	3-22-2017	Amend	5-1-2017	309-014-0005	12-1-2016	Amend	1-1-2017
259-061-0110	3-22-2017	Amend	5-1-2017	309-014-0010	12-1-2016	Amend	1-1-2017
291-001-0115	3-9-2017	Adopt	4-1-2017	309-014-0015	12-1-2016	Amend	1-1-2017
291-061-0061	3-30-2017	Amend(T)	5-1-2017	309-014-0020	12-1-2016	Amend	1-1-2017
291-063-0030	3-15-2017	Amend(T)	4-1-2017	309-014-0021	12-1-2016	Adopt	1-1-2017
291-065-0006	3-17-2017	Amend	5-1-2017	309-014-0022	12-1-2016	Adopt	1-1-2017
291-065-0007	3-17-2017	Amend	5-1-2017	309-014-0023	12-1-2016	Adopt	1-1-2017
291-079-0030	11-30-2016	Repeal	1-1-2017	309-014-0025	12-1-2016	Amend	1-1-2017
291-079-0040	11-30-2016	Repeal	1-1-2017	309-014-0030	12-1-2016	Amend	1-1-2017
291-210-0010	2-15-2017	Amend(T)	3-1-2017	309-014-0035	12-1-2016	Amend	1-1-2017
291-210-0020	2-15-2017	Amend(T)	3-1-2017	309-014-0036	12-1-2016	Adopt	1-1-2017
291-210-0030	2-15-2017	Amend(T)	3-1-2017	309-014-0037	12-1-2016	Amend	1-1-2017

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309-018-0100	11-28-2016	Amend	1-1-2017	309-019-0248	11-30-2016	Adopt	1-1-2017
309-018-0105	11-28-2016	Amend	1-1-2017	309-019-0248	1-18-2017	Amend(T)	3-1-2017
309-018-0107	11-28-2016	Adopt	1-1-2017	309-019-0250	11-30-2016	Adopt	1-1-2017
309-018-0160	11-28-2016	Amend	1-1-2017	309-019-0250	1-18-2017	Amend(T)	3-1-2017
309-018-0210	11-28-2016	Amend	1-1-2017	309-019-0255	11-30-2016	Adopt	1-1-2017
309-018-0215	11-28-2016	Amend	1-1-2017	309-019-0270	12-28-2016	Adopt(T)	2-1-2017
309-019-0100	11-30-2016	Amend	1-1-2017	309-019-0270	1-18-2017	Amend(T)	3-1-2017
309-019-0105	11-30-2016	Amend	1-1-2017	309-019-0275	12-28-2016	Adopt(T)	2-1-2017
309-019-0105	12-28-2016	Amend(T)	2-1-2017	309-019-0275	1-18-2017	Amend(T)	3-1-2017
309-019-0110	11-30-2016	Amend	1-1-2017	309-019-0280	12-28-2016	Adopt(T)	2-1-2017
309-019-0110	12-28-2016	Amend(T)	2-1-2017	309-019-0280	1-18-2017	Amend(T)	3-1-2017
309-019-0115	12-28-2016	Amend(T)	2-1-2017	309-019-0285	12-28-2016	Adopt(T)	2-1-2017
309-019-0120	12-28-2016	Amend(T)	2-1-2017	309-019-0285	1-18-2017	Amend(T)	3-1-2017
309-019-0125	11-30-2016	Amend	1-1-2017	309-019-0290	12-28-2016	Adopt(T)	2-1-2017
309-019-0125	12-28-2016	Amend(T)	2-1-2017	309-019-0290	1-18-2017	Amend(T)	3-1-2017
309-019-0130	11-30-2016	Amend	1-1-2017	309-019-0295	12-28-2016	Adopt(T)	2-1-2017
309-019-0130	12-28-2016	Amend(T)	2-1-2017	309-019-0295	1-18-2017	Amend(T)	3-1-2017
309-019-0135	11-30-2016	Amend	1-1-2017	309-022-0100	12-1-2016	Amend	1-1-2017
309-019-0135	12-28-2016	Amend(T)	2-1-2017	309-022-0105	12-1-2016	Amend	1-1-2017
309-019-0140	11-30-2016	Amend	1-1-2017	309-022-0105	12-29-2016	Amend(T)	2-1-2017
309-019-0140	12-28-2016	Amend(T)	2-1-2017	309-022-0110	12-29-2016	Amend(T)	2-1-2017
309-019-0145	11-30-2016	Amend	1-1-2017	309-022-0115	12-29-2016	Amend(T)	2-1-2017
309-019-0145	12-28-2016	Amend(T)	2-1-2017	309-022-0125	12-29-2016	Amend(T)	2-1-2017
309-019-0150	12-28-2016	Amend(T)	2-1-2017	309-022-0130	12-29-2016	Amend(T)	2-1-2017
309-019-0150	1-18-2017	Amend(T)	3-1-2017	309-022-0135	12-1-2016	Amend	1-1-2017
309-019-0151	12-28-2016	Adopt(T)	2-1-2017	309-022-0140	12-29-2016	Amend(T)	2-1-2017
309-019-0151	1-18-2017	Amend(T)	3-1-2017	309-022-0155	12-29-2016	Amend(T)	2-1-2017
309-019-0152	12-28-2016	Adopt(T)	2-1-2017	309-022-0160	12-29-2016	Amend(T)	2-1-2017
309-019-0155	12-28-2016	Amend(T)	2-1-2017	309-022-0175	12-1-2016	Amend	1-1-2017
309-019-0160	12-28-2016	Amend(T)	2-1-2017	309-022-0175	12-29-2016	Amend(T)	2-1-2017
309-019-0165	12-28-2016	Amend(T)	2-1-2017	309-022-0180	12-29-2016	Amend(T)	2-1-2017
309-019-0175	11-30-2016	Amend	1-1-2017	309-022-0192	12-29-2016	Adopt(T)	2-1-2017
309-019-0175	12-28-2016	Amend(T)	2-1-2017	309-022-0195	12-29-2016	Amend(T)	2-1-2017
309-019-0180	12-28-2016	Amend(T)	2-1-2017	309-022-0200	12-29-2016	Amend(T)	2-1-2017
309-019-0185	12-28-2016	Amend(T)	2-1-2017	309-022-0205	12-1-2016	Amend	1-1-2017
309-019-0195	11-30-2016	Amend	1-1-2017	309-022-0205	12-29-2016	Amend(T)	2-1-2017
309-019-0210	11-30-2016	Amend	1-1-2017	309-022-0210	12-29-2016	Amend(T)	2-1-2017
309-019-0215	11-30-2016	Amend	1-1-2017	309-022-0215	12-29-2016	Amend(T)	2-1-2017
309-019-0215	12-28-2016	Amend(T)	2-1-2017	309-022-0220	12-29-2016	Amend(T)	2-1-2017
309-019-0220	11-30-2016	Amend	1-1-2017	309-022-0225	12-29-2016	Amend(T)	2-1-2017
309-019-0225	11-30-2016	Adopt	1-1-2017	309-022-0230	12-29-2016	Amend(T)	2-1-2017
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309-019-0225	1-18-2017	Amend(T)	3-1-2017	309-023-0110	12-29-2016	Adopt	2-1-2017
309-019-0226	12-28-2016	Adopt(T)	2-1-2017	309-023-0120	12-29-2016	Adopt	2-1-2017
309-019-0226	1-18-2017	Amend(T)	3-1-2017	309-023-0130	12-29-2016	Adopt	2-1-2017
309-019-0230	11-30-2016	Adopt	1-1-2017	309-023-0140	12-29-2016	Adopt	2-1-2017
309-019-0230	12-28-2016	Amend(T)	2-1-2017	309-023-0150	12-29-2016	Adopt	2-1-2017
309-019-0235	11-30-2016	Adopt	1-1-2017	309-023-0160	12-29-2016	Adopt	2-1-2017
309-019-0235	1-18-2017	Amend(T)	3-1-2017	309-023-0170	12-29-2016	Adopt	2-1-2017
309-019-0240	11-30-2016	Adopt	1-1-2017	309-023-0180	12-29-2016	Adopt	2-1-2017
309-019-0240	12-28-2016	Amend(T)	2-1-2017	309-027-0010	12-5-2016	Adopt	1-1-2017
309-019-0241	12-28-2016	Adopt(T)	2-1-2017	309-027-0020	12-5-2016	Adopt	1-1-2017
309-019-0242	12-28-2016	Adopt(T)	2-1-2017	309-027-0030	12-5-2016	Adopt	1-1-2017
309-019-0242	1-18-2017	Amend(T)	3-1-2017	309-027-0040	12-5-2016	Adopt	1-1-2017
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309-032-0860	12-1-2016	Amend	1-1-2017	309-035-0360	3-4-2017	Suspend	4-1-2017
309-032-0870	12-1-2016	Amend	1-1-2017	309-035-0370	3-4-2017	Suspend	4-1-2017
309-032-0890	12-1-2016	Amend	1-1-2017	309-035-0380	3-4-2017	Suspend	4-1-2017
309-033-0210	12-29-2016	Amend	2-1-2017	309-035-0390	3-4-2017	Suspend	4-1-2017
309-033-0410	12-29-2016	Amend	2-1-2017	309-035-0400	3-4-2017	Suspend	4-1-2017
309-033-0432	12-29-2016	Amend	2-1-2017	309-035-0410	3-4-2017	Suspend	4-1-2017
309-033-0510	12-29-2016	Amend	2-1-2017	309-035-0420	3-4-2017	Suspend	4-1-2017
309-033-0530	12-29-2016	Amend	2-1-2017	309-035-0430	3-4-2017	Suspend	4-1-2017
309-033-0610	12-29-2016	Amend	2-1-2017	309-035-0440	3-4-2017	Suspend	4-1-2017
309-033-0710	12-29-2016	Amend	2-1-2017	309-035-0450	3-4-2017	Suspend	4-1-2017
309-033-0720	12-29-2016	Amend	2-1-2017	309-035-0460	3-4-2017	Suspend	4-1-2017
309-033-0740	12-29-2016	Amend	2-1-2017	309-035-0500	3-4-2017	Suspend	4-1-2017
309-033-0910	12-29-2016	Amend	2-1-2017	309-035-0550	3-4-2017	Suspend	4-1-2017
309-033-0970	12-29-2016	Amend	2-1-2017	309-035-0560	3-4-2017	Suspend	4-1-2017
309-035-0100	3-4-2017	Amend(T)	4-1-2017	309-035-0570	3-4-2017	Suspend	4-1-2017
309-035-0105	3-4-2017	Amend(T)	4-1-2017	309-035-0580	3-4-2017	Suspend	4-1-2017
309-035-0110	3-4-2017	Amend(T)	4-1-2017	309-035-0590	3-4-2017	Suspend	4-1-2017
309-035-0113	3-4-2017	Suspend	4-1-2017	309-035-0600	3-4-2017	Suspend	4-1-2017
309-035-0115	3-4-2017	Amend(T)	4-1-2017	309-039-0500	11-30-2016	Amend	1-1-2017
309-035-0117	3-4-2017	Suspend	4-1-2017	309-039-0510	11-30-2016	Amend	1-1-2017
309-035-0120	3-4-2017	Amend(T)	4-1-2017	309-039-0530	11-30-2016	Amend	1-1-2017
309-035-0125	3-4-2017	Amend(T)	4-1-2017	309-039-0580	11-30-2016	Amend	1-1-2017
309-035-0130	3-4-2017	Amend(T)	4-1-2017	309-040-0300	3-4-2017	Amend(T)	4-1-2017
309-035-0135	3-4-2017	Amend(T)	4-1-2017	309-040-0305	3-4-2017	Amend(T)	4-1-2017
309-035-0140	3-4-2017	Amend(T)	4-1-2017	309-040-0307	3-4-2017	Adopt(T)	4-1-2017
309-035-0145	3-4-2017	Amend(T)	4-1-2017	309-040-0310	3-4-2017	Amend(T)	4-1-2017
309-035-0150	3-4-2017	Amend(T)	4-1-2017	309-040-0315	3-4-2017	Amend(T)	4-1-2017
309-035-0155	3-4-2017	Amend(T)	4-1-2017	309-040-0320	3-4-2017	Amend(T)	4-1-2017
309-035-0157	3-4-2017	Suspend	4-1-2017	309-040-0325	3-4-2017	Amend(T)	4-1-2017
309-035-0159	3-4-2017	Suspend	4-1-2017	309-040-0330	3-4-2017	Amend(T)	4-1-2017
309-035-0163	3-4-2017	Adopt(T)	4-1-2017	309-040-0335	3-4-2017	Amend(T)	4-1-2017
309-035-0165	3-4-2017	Amend(T)	4-1-2017	309-040-0340	3-4-2017	Amend(T)	4-1-2017
309-035-0167	3-4-2017	Suspend	4-1-2017	309-040-0345	3-4-2017	Amend(T)	4-1-2017
309-035-0170	3-4-2017	Amend(T)	4-1-2017	309-040-0350	3-4-2017	Amend(T)	4-1-2017
309-035-0175	3-4-2017	Amend(T)	4-1-2017	309-040-0355	3-4-2017	Amend(T)	4-1-2017
309-035-0183	3-4-2017	Adopt(T)	4-1-2017	309-040-0360	3-4-2017	Amend(T)	4-1-2017
309-035-0185	3-4-2017	Amend(T)	4-1-2017	309-040-0365	3-4-2017	Amend(T)	4-1-2017
309-035-0190	3-4-2017	Amend(T)	4-1-2017	309-040-0370	3-4-2017	Amend(T)	4-1-2017
309-035-0195	3-4-2017	Adopt(T)	4-1-2017	309-040-0375	3-4-2017	Amend(T)	4-1-2017
309-035-0200	3-4-2017	Adopt(T)	4-1-2017	309-040-0380	3-4-2017	Amend(T)	4-1-2017
309-035-0205	3-4-2017	Adopt(T)	4-1-2017	309-040-0385	3-4-2017	Amend(T)	4-1-2017
309-035-0210	3-4-2017	Adopt(T)	4-1-2017	309-040-0390	3-4-2017	Amend(T)	4-1-2017
309-035-0215	3-4-2017	Adopt(T)	4-1-2017	309-040-0393	3-4-2017	Adopt(T)	4-1-2017
309-035-0220	3-4-2017	Adopt(T)	4-1-2017	309-040-0394	3-4-2017	Adopt(T)	4-1-2017
309-035-0225	3-4-2017	Adopt(T)	4-1-2017	309-040-0395	3-4-2017	Amend(T)	4-1-2017
309-035-0250	3-4-2017	Suspend	4-1-2017	309-040-0400	3-4-2017	Amend(T)	4-1-2017
309-035-0260	3-4-2017	Suspend	4-1-2017	309-040-0405	3-4-2017	Amend(T)	4-1-2017
309-035-0270	3-4-2017	Suspend	4-1-2017	309-040-0410	3-4-2017	Amend(T)	4-1-2017
309-035-0280	3-4-2017	Suspend	4-1-2017	309-040-0415	3-4-2017	Amend(T)	4-1-2017
309-035-0290	3-4-2017	Suspend	4-1-2017	309-040-0420	3-4-2017	Amend(T)	4-1-2017
309-035-0300	3-4-2017	Suspend	4-1-2017	309-040-0425	3-4-2017	Amend(T)	4-1-2017
309-035-0310	3-4-2017	Suspend	4-1-2017	309-040-0430	3-4-2017	Amend(T)	4-1-2017
309-035-0320	3-4-2017	Suspend	4-1-2017	309-040-0435	3-4-2017	Amend(T)	4-1-2017
309-035-0330	3-4-2017	Suspend	4-1-2017	309-040-0440	3-4-2017	Amend(T)	4-1-2017

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309-040-0450	3-4-2017	Amend(T)	4-1-2017	331-910-0035	1-6-2017	Amend	2-1-2017
309-040-0455	3-4-2017	Amend(T)	4-1-2017	331-910-0040	1-6-2017	Amend	2-1-2017
325-005-0015	3-1-2017	Amend	4-1-2017	331-910-0045	1-6-2017	Amend	2-1-2017
330-007-0200	5-8-2017	Amend	6-1-2017	331-910-0050	1-6-2017	Amend	2-1-2017
330-007-0210	5-8-2017	Amend	6-1-2017	331-910-0055	1-6-2017	Amend	2-1-2017
330-007-0220	5-8-2017	Repeal	6-1-2017	331-910-0060	1-6-2017	Amend	2-1-2017
330-007-0230	5-8-2017	Repeal	6-1-2017	331-910-0070	1-6-2017	Amend	2-1-2017
330-007-0240	5-8-2017	Amend	6-1-2017	331-910-0075	1-6-2017	Amend	2-1-2017
330-007-0250	5-8-2017	Repeal	6-1-2017	331-910-0080	1-6-2017	Amend	2-1-2017
330-007-0260	5-8-2017	Repeal	6-1-2017	331-910-0085	1-6-2017	Amend	2-1-2017
330-007-0270	5-8-2017	Repeal	6-1-2017	331-915-0000	1-6-2017	Amend	2-1-2017
330-007-0280	5-8-2017	Repeal	6-1-2017	331-915-0005	1-6-2017	Amend	2-1-2017
330-007-0290	5-8-2017	Repeal	6-1-2017	331-915-0007	1-6-2017	Adopt	2-1-2017
330-007-0300	5-8-2017	Repeal	6-1-2017	331-915-0015	1-6-2017	Amend	2-1-2017
330-007-0310	5-8-2017	Repeal	6-1-2017	331-915-0020	1-6-2017	Amend	2-1-2017
330-007-0320	5-8-2017	Amend	6-1-2017	331-915-0025	1-6-2017	Amend	2-1-2017
330-007-0330	5-8-2017	Amend	6-1-2017	331-915-0030	1-6-2017	Amend	2-1-2017
330-063-0010	12-21-2016	Amend	2-1-2017	331-915-0035	1-6-2017	Amend	2-1-2017
330-063-0015	12-21-2016	Amend	2-1-2017	331-915-0040	1-6-2017	Amend	2-1-2017
330-063-0020	12-21-2016	Amend	2-1-2017	331-915-0045	1-6-2017	Repeal	2-1-2017
330-063-0025	12-21-2016	Amend	2-1-2017	331-915-0050	1-6-2017	Amend	2-1-2017
330-070-0010	1-1-2017	Amend	2-1-2017	331-915-0055	1-6-2017	Amend	2-1-2017
330-070-0013	1-1-2017	Amend	2-1-2017	331-915-0060	1-6-2017	Amend	2-1-2017
330-070-0014	1-1-2017	Amend	2-1-2017	331-915-0065	1-6-2017	Amend	2-1-2017
330-070-0022	1-1-2017	Amend	2-1-2017	331-915-0070	1-6-2017	Amend	2-1-2017
330-070-0024	1-1-2017	Amend	2-1-2017	331-915-0075	1-6-2017	Amend	2-1-2017
330-070-0025	1-1-2017	Amend	2-1-2017	331-915-0080	1-6-2017	Amend	2-1-2017
330-070-0026	1-1-2017	Amend	2-1-2017	331-915-0085	1-6-2017	Amend	2-1-2017
330-070-0027	1-1-2017	Amend	2-1-2017	333-004-0000	1-10-2017	Amend	2-1-2017
330-070-0029	1-1-2017	Amend	2-1-2017	333-004-0010	1-10-2017	Amend	2-1-2017
330-070-0060	1-1-2017	Amend	2-1-2017	333-004-0020	1-10-2017	Amend	2-1-2017
330-070-0073	1-1-2017	Amend	2-1-2017	333-004-0030	1-10-2017	Amend	2-1-2017
330-092-0015	12-21-2016	Amend	2-1-2017	333-004-0040	1-10-2017	Amend	2-1-2017
330-110-0042	1-25-2017	Amend(T)	3-1-2017	333-004-0050	1-10-2017	Amend	2-1-2017
330-160-0015	12-21-2016	Amend	2-1-2017	333-004-0060	1-10-2017	Amend	2-1-2017
330-160-0030	12-21-2016	Amend	2-1-2017	333-004-0070	1-10-2017	Amend	2-1-2017
330-160-0035	12-21-2016	Amend	2-1-2017	333-004-0080	1-10-2017	Amend	2-1-2017
330-160-0080	12-21-2016	Adopt	2-1-2017	333-004-0110	1-10-2017	Amend	2-1-2017
330-160-0090	12-21-2016	Adopt	2-1-2017	333-004-0120	1-10-2017	Amend	2-1-2017
330-220-0000	1-25-2017	Amend	3-1-2017	333-004-0130	1-10-2017	Amend	2-1-2017
330-220-0010	1-25-2017	Amend	3-1-2017	333-004-0140	1-10-2017	Amend	2-1-2017
330-220-0020	1-25-2017	Amend	3-1-2017	333-004-0150	1-10-2017	Amend	2-1-2017
330-220-0030	1-25-2017	Amend	3-1-2017	333-004-0160	1-10-2017	Amend	2-1-2017
330-220-0040	1-25-2017	Amend	3-1-2017	333-007-0010	11-28-2016	Amend	1-1-2017
330-220-0050	1-25-2017	Amend	3-1-2017	333-007-0010(T)	11-28-2016	Repeal	1-1-2017
330-220-0070	1-25-2017	Amend	3-1-2017	333-007-0090	11-28-2016	Amend	1-1-2017
330-220-0080	1-25-2017	Amend	3-1-2017	333-007-0090	12-2-2016	Amend(T)	1-1-2017
330-220-0090	1-25-2017	Amend	3-1-2017	333-007-0090	12-15-2016	Amend(T)	1-1-2017
330-220-0100	1-25-2017	Amend	3-1-2017	333-007-0100	11-28-2016	Amend	1-1-2017
330-220-0150	1-25-2017	Amend	3-1-2017	333-007-0100(T)	11-28-2016	Repeal	1-1-2017
331-910-0000	1-6-2017	Amend	2-1-2017	333-007-0200	11-28-2016	Amend	1-1-2017
331-910-0005	1-6-2017	Amend	2-1-2017	333-007-0210	11-28-2016	Amend	1-1-2017
331-910-0010	1-6-2017	Amend	2-1-2017	333-007-0220	11-28-2016	Amend	1-1-2017
331-910-0015	1-6-2017	Amend	2-1-2017	333-007-0300	11-28-2016	Amend	1-1-2017
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333-007-0320	12-15-2016	Amend(T)	1-1-2017	333-016-2080	2-1-2017	Adopt	3-1-2017
333-007-0350	12-2-2016	Amend(T)	1-1-2017	333-016-2090	12-1-2016	Adopt	1-1-2017
333-007-0350	12-15-2016	Amend(T)	1-1-2017	333-023-0805	1-10-2017	Amend	2-1-2017
333-007-0360	12-2-2016	Amend(T)	1-1-2017	333-023-0820	1-10-2017	Amend	2-1-2017
333-007-0360	12-15-2016	Amend(T)	1-1-2017	333-023-0830	1-10-2017	Adopt	2-1-2017
333-007-0410	12-2-2016	Amend(T)	1-1-2017	333-028-0220	7-1-2017	Amend	2-1-2017
333-007-0430	12-2-2016	Amend(T)	1-1-2017	333-028-0230	7-1-2017	Amend	2-1-2017
333-007-0440	12-2-2016	Amend(T)	1-1-2017	333-028-0234	7-1-2017	Adopt	2-1-2017
333-007-0440	12-15-2016	Amend(T)	1-1-2017	333-028-0238	7-1-2017	Adopt	2-1-2017
333-007-0450	12-2-2016	Amend(T)	1-1-2017	333-028-0240	7-1-2017	Amend	2-1-2017
333-007-0480	12-2-2016	Amend(T)	1-1-2017	333-028-0250	7-1-2017	Amend	2-1-2017
333-007-0490	12-2-2016	Suspend	1-1-2017	333-028-0320	11-18-2016	Amend	1-1-2017
333-007-2000	3-2-2017	Adopt(T)	4-1-2017	333-046-0010	12-22-2016	Adopt	2-1-2017
333-008-0010	11-28-2016	Amend	1-1-2017	333-046-0020	12-22-2016	Adopt	2-1-2017
333-008-0023	11-28-2016	Amend	1-1-2017	333-046-0030	12-22-2016	Adopt	2-1-2017
333-008-0040	11-28-2016	Amend	1-1-2017	333-046-0040	12-22-2016	Adopt	2-1-2017
333-008-0600	11-28-2016	Amend	1-1-2017	333-046-0050	12-22-2016	Adopt	2-1-2017
333-008-1020	11-28-2016	Amend	1-1-2017	333-046-0060	12-22-2016	Adopt	2-1-2017
333-008-1110	11-28-2016	Amend	1-1-2017	333-046-0070	12-22-2016	Adopt	2-1-2017
333-008-1190	11-28-2016	Repeal	1-1-2017	333-046-0080	12-22-2016	Adopt	2-1-2017
333-008-1200	11-28-2016	Amend	1-1-2017	333-046-0090	12-22-2016	Adopt	2-1-2017
333-008-1200	12-31-2016	Amend(T)	2-1-2017	333-046-0100	12-22-2016	Adopt	2-1-2017
333-008-1200(T)	11-28-2016	Repeal	1-1-2017	333-046-0110	12-22-2016	Adopt	2-1-2017
333-008-1225	11-28-2016	Repeal	1-1-2017	333-046-0120	12-22-2016	Adopt	2-1-2017
333-008-1230	11-28-2016	Amend	1-1-2017	333-046-0130	12-22-2016	Adopt	2-1-2017
333-008-1230	12-31-2016	Amend(T)	2-1-2017	333-064-0100	12-2-2016	Amend(T)	1-1-2017
333-008-1230(T)	11-28-2016	Repeal	1-1-2017	333-064-0100	12-15-2016	Amend(T)	1-1-2017
333-008-1255	11-28-2016	Adopt	1-1-2017	333-064-0110	12-2-2016	Amend(T)	1-1-2017
333-008-1500	11-28-2016	Amend	1-1-2017	333-064-0110	12-15-2016	Amend(T)	1-1-2017
333-008-1500(T)	11-28-2016	Repeal	1-1-2017	333-068-0005	1-1-2017	Repeal	1-1-2017
333-008-1505	11-28-2016	Amend	1-1-2017	333-068-0010	1-1-2017	Repeal	1-1-2017
333-008-1505(T)	11-28-2016	Repeal	1-1-2017	333-068-0015	1-1-2017	Repeal	1-1-2017
333-008-1620	11-28-2016	Amend	1-1-2017	333-068-0020	1-1-2017	Repeal	1-1-2017
333-008-1730	11-28-2016	Amend	1-1-2017	333-068-0025	1-1-2017	Repeal	1-1-2017
333-008-1740	11-28-2016	Amend	1-1-2017	333-068-0030	1-1-2017	Repeal	1-1-2017
333-008-1740(T)	11-28-2016	Repeal	1-1-2017	333-068-0035	1-1-2017	Repeal	1-1-2017
333-008-1760	11-28-2016	Amend	1-1-2017	333-068-0040	1-1-2017	Repeal	1-1-2017
333-008-1770	11-28-2016	Amend	1-1-2017	333-068-0045	1-1-2017	Repeal	1-1-2017
333-008-1820	11-28-2016	Amend	1-1-2017	333-068-0050	1-1-2017	Repeal	1-1-2017
333-008-2080	11-28-2016	Amend	1-1-2017	333-068-0055	1-1-2017	Repeal	1-1-2017
333-008-2120	11-28-2016	Amend	1-1-2017	333-068-0060	1-1-2017	Repeal	1-1-2017
333-008-2130	11-28-2016	Repeal	1-1-2017	333-068-0065	1-1-2017	Repeal	1-1-2017
333-008-2190	11-28-2016	Amend	1-1-2017	333-069-0005	1-1-2017	Repeal	1-1-2017
333-008-9900	11-28-2016	Amend	1-1-2017	333-069-0010	1-1-2017	Repeal	1-1-2017
333-008-9910	12-31-2016	Adopt(T)	2-1-2017	333-069-0015	1-1-2017	Repeal	1-1-2017
333-010-0405	12-12-2016	Amend	1-1-2017	333-069-0020	1-1-2017	Repeal	1-1-2017
333-010-0415	12-12-2016	Amend	1-1-2017	333-069-0030	1-1-2017	Repeal	1-1-2017
333-010-0435	12-12-2016	Amend	1-1-2017	333-069-0040	1-1-2017	Repeal	1-1-2017
333-016-2035	12-1-2016	Adopt	1-1-2017	333-069-0050	1-1-2017	Repeal	1-1-2017
333-016-2040	12-1-2016	Adopt	1-1-2017	333-069-0060	1-1-2017	Repeal	1-1-2017
333-016-2040	2-1-2017	Amend	3-1-2017	333-069-0070	1-1-2017	Repeal	1-1-2017
333-016-2050	12-1-2016	Adopt	1-1-2017	333-069-0080	1-1-2017	Repeal	1-1-2017
333-016-2060	12-1-2016	Adopt	1-1-2017	333-069-0085	1-1-2017	Am. & Ren.	1-1-2017
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333-070-0075	1-1-2017	Repeal	1-1-2017	333-250-0390	3-21-2017	Adopt	5-1-2017
333-070-0080	1-1-2017	Repeal	1-1-2017	333-250-0410	3-21-2017	Adopt	5-1-2017
333-070-0085	1-1-2017	Repeal	1-1-2017	333-265-0000	3-30-2017	Amend	5-1-2017
333-070-0090	1-1-2017	Repeal	1-1-2017	333-265-0010	3-30-2017	Amend	5-1-2017
333-070-0095	1-1-2017	Repeal	1-1-2017	333-265-0011	3-30-2017	Repeal	5-1-2017
333-070-0100	1-1-2017	Repeal	1-1-2017	333-265-0012	3-30-2017	Amend	5-1-2017
333-070-0105	1-1-2017	Repeal	1-1-2017	333-265-0014	3-30-2017	Amend	5-1-2017
333-070-0110	1-1-2017	Repeal	1-1-2017	333-265-0015	3-30-2017	Amend	5-1-2017
333-070-0115	1-1-2017	Am. & Ren.	1-1-2017	333-265-0016	3-30-2017	Amend	5-1-2017
333-070-0120	1-1-2017	Am. & Ren.	1-1-2017	333-265-0018	3-30-2017	Amend	5-1-2017
333-070-0125	1-1-2017	Repeal	1-1-2017	333-265-0020	3-30-2017	Amend	5-1-2017
333-070-0130	1-1-2017	Repeal	1-1-2017	333-265-0022	3-30-2017	Amend	5-1-2017
333-070-0135	1-1-2017	Repeal	1-1-2017	333-265-0023	3-30-2017	Amend	5-1-2017
333-070-0140	1-1-2017	Repeal	1-1-2017	333-265-0024	3-30-2017	Amend	5-1-2017
333-070-0145	1-1-2017	Am. & Ren.	1-1-2017	333-265-0025	3-30-2017	Amend	5-1-2017
333-070-0150	1-1-2017	Repeal	1-1-2017	333-265-0030	3-30-2017	Amend	5-1-2017
333-070-0160	1-1-2017	Am. & Ren.	1-1-2017	333-265-0040	3-30-2017	Amend	5-1-2017
333-070-0200	1-1-2017	Adopt	1-1-2017	333-265-0050	3-30-2017	Amend	5-1-2017
333-102-0005	2-1-2017	Amend	3-1-2017	333-265-0056	3-30-2017	Amend	5-1-2017
333-102-0015	2-1-2017	Amend	3-1-2017	333-265-0060	3-30-2017	Amend	5-1-2017
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333-125-0040	2-1-2017	Amend	3-1-2017	333-265-0083	3-30-2017	Amend	5-1-2017
333-125-0120	2-1-2017	Amend	3-1-2017	333-265-0085	3-30-2017	Amend	5-1-2017
333-250-0000	3-21-2017	Repeal	5-1-2017	333-265-0087	3-30-2017	Amend	5-1-2017
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333-250-0030	3-21-2017	Am. & Ren.	5-1-2017	333-265-0105	3-30-2017	Amend	5-1-2017
333-250-0031	3-21-2017	Repeal	5-1-2017	333-265-0110	3-30-2017	Amend	5-1-2017
333-250-0040	3-21-2017	Am. & Ren.	5-1-2017	333-265-0140	3-30-2017	Amend	5-1-2017
333-250-0041	3-21-2017	Am. & Ren.	5-1-2017	333-265-0150	3-30-2017	Amend	5-1-2017
333-250-0042	3-21-2017	Repeal	5-1-2017	333-265-0160	3-30-2017	Amend	5-1-2017
333-250-0043	3-21-2017	Am. & Ren.	5-1-2017	333-265-0170	3-30-2017	Amend	5-1-2017
333-250-0044	3-21-2017	Repeal	5-1-2017	333-510-0130	1-23-2017	Amend	3-1-2017
333-250-0045	3-21-2017	Repeal	5-1-2017	333-510-0130(T)	1-23-2017	Repeal	3-1-2017
333-250-0046	3-21-2017	Am. & Ren.	5-1-2017	333-535-0086	12-23-2016	Amend	2-1-2017
333-250-0047	3-21-2017	Am. & Ren.	5-1-2017	339-010-0005	2-15-2017	Amend	3-1-2017
333-250-0048	3-21-2017	Repeal	5-1-2017	339-010-0005	3-13-2017	Amend	4-1-2017
333-250-0049	3-21-2017	Repeal	5-1-2017	339-010-0020	1-27-2017	Amend	3-1-2017
333-250-0050	3-21-2017	Am. & Ren.	5-1-2017	339-010-0020	2-16-2017	Amend	4-1-2017
333-250-0060	3-21-2017	Am. & Ren.	5-1-2017	340-090-0005	1-19-2017	Amend	3-1-2017
333-250-0070	3-21-2017	Am. & Ren.	5-1-2017	340-090-0010	1-19-2017	Amend	3-1-2017
333-250-0080	3-21-2017	Am. & Ren.	5-1-2017	340-090-0015	1-19-2017	Amend	3-1-2017
333-250-0085	3-21-2017	Am. & Ren.	5-1-2017	340-090-0020	1-19-2017	Amend	3-1-2017
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333-250-0230	3-21-2017	Adopt	5-1-2017	340-090-0042	1-19-2017	Adopt	3-1-2017
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333-250-0255	3-21-2017	Adopt	5-1-2017	340-090-0050	1-19-2017	Amend	3-1-2017
333-250-0265	3-21-2017	Adopt	5-1-2017	340-090-0060	1-19-2017	Amend	3-1-2017
333-250-0310	3-21-2017	Adopt	5-1-2017	340-090-0068	1-19-2017	Adopt	3-1-2017
333-250-0320	3-21-2017	Adopt	5-1-2017	340-090-0070	1-19-2017	Amend	3-1-2017
333-250-0350	3-21-2017	Adopt	5-1-2017	340-090-0080	1-19-2017	Amend	3-1-2017

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340-090-0110	1-19-2017	Amend	3-1-2017	407-014-0200	5-15-2017	Amend(T)	6-1-2017
340-090-0120	1-19-2017	Amend	3-1-2017	407-014-0205	5-15-2017	Amend(T)	6-1-2017
340-090-0130	1-19-2017	Amend	3-1-2017	407-045-0800	12-1-2016	Amend	1-1-2017
340-090-0140	1-19-2017	Amend	3-1-2017	407-045-0810	12-1-2016	Repeal	1-1-2017
340-090-0150	1-19-2017	Amend	3-1-2017	407-045-0820	12-1-2016	Amend	1-1-2017
340-090-0180	1-19-2017	Amend	3-1-2017	407-045-0825	12-1-2016	Adopt	1-1-2017
340-090-0190	1-19-2017	Amend	3-1-2017	407-045-0830	12-1-2016	Repeal	1-1-2017
340-090-0310	1-19-2017	Amend	3-1-2017	407-045-0850	12-1-2016	Repeal	1-1-2017
340-090-0320	1-19-2017	Amend	3-1-2017	407-045-0860	12-1-2016	Repeal	1-1-2017
340-090-0330	1-19-2017	Amend	3-1-2017	407-045-0870	12-1-2016	Repeal	1-1-2017
340-090-0340	1-19-2017	Amend	3-1-2017	407-045-0880	12-1-2016	Repeal	1-1-2017
340-090-0350	1-19-2017	Amend	3-1-2017	407-045-0885	12-1-2016	Adopt	1-1-2017
340-090-0360	1-19-2017	Amend	3-1-2017	407-045-0886	12-1-2016	Adopt	1-1-2017
340-090-0370	1-19-2017	Amend	3-1-2017	407-045-0887	12-1-2016	Adopt	1-1-2017
340-090-0380	1-19-2017	Amend	3-1-2017	407-045-0890	12-1-2016	Amend	1-1-2017
340-090-0390	1-19-2017	Amend	3-1-2017	407-045-0895	12-1-2016	Adopt	1-1-2017
340-090-0400	1-19-2017	Amend	3-1-2017	407-045-0900	12-1-2016	Repeal	1-1-2017
340-090-0410	1-19-2017	Amend	3-1-2017	407-045-0910	12-1-2016	Amend	1-1-2017
340-090-0420	1-19-2017	Amend	3-1-2017	407-045-0920	12-1-2016	Repeal	1-1-2017
340-090-0430	1-19-2017	Amend	3-1-2017	407-045-0930	12-1-2016	Repeal	1-1-2017
340-090-0510	1-19-2017	Amend	3-1-2017	407-045-0940	12-1-2016	Amend	1-1-2017
340-143-0005	3-1-2017	Amend	3-1-2017	407-045-0940	1-13-2017	Amend(T)	2-1-2017
340-143-0010	3-1-2017	Amend	3-1-2017	407-045-0950	12-1-2016	Amend	1-1-2017
340-143-0050	3-1-2017	Amend	3-1-2017	407-045-0955	12-1-2016	Adopt	1-1-2017
340-200-0040	1-19-2017	Amend	3-1-2017	407-045-0960	12-1-2016	Repeal	1-1-2017
340-220-0030	1-19-2017	Amend	3-1-2017	407-045-0970	12-1-2016	Repeal	1-1-2017
340-220-0040	1-19-2017	Amend	3-1-2017	407-045-0980	12-1-2016	Repeal	1-1-2017
340-220-0050	1-19-2017	Amend	3-1-2017	409-025-0120	5-3-2017	Amend	6-1-2017
345-021-0010	3-8-2017	Amend	4-1-2017	409-055-0030	12-22-2016	Amend	2-1-2017
345-022-0000	3-8-2017	Amend	4-1-2017	409-055-0030(T)	12-22-2016	Repeal	2-1-2017
345-022-0060	3-8-2017	Amend	4-1-2017	409-055-0040	12-22-2016	Amend	2-1-2017
350-010-0000	4-1-2017	Adopt	4-1-2017	409-055-0045	12-22-2016	Amend	2-1-2017
350-010-0010	4-1-2017	Adopt	4-1-2017	409-055-0050	12-22-2016	Amend	2-1-2017
350-010-0020	4-1-2017	Adopt	4-1-2017	409-060-0110	12-22-2016	Amend	2-1-2017
350-010-0030	4-1-2017	Adopt	4-1-2017	409-060-0120	12-22-2016	Amend	2-1-2017
350-010-0040	4-1-2017	Adopt	4-1-2017	409-060-0140	12-22-2016	Amend	2-1-2017
350-010-0050	4-1-2017	Adopt	4-1-2017	409-060-0150	12-22-2016	Amend	2-1-2017
350-081-0017	4-1-2017	Repeal	4-1-2017	409-110-0025	11-29-2016	Renumber	1-1-2017
407-007-0210	12-1-2016	Amend	1-1-2017	409-110-0030	11-29-2016	Renumber	1-1-2017
407-007-0210	3-15-2017	Amend(T)	4-1-2017	409-110-0035	11-29-2016	Renumber	1-1-2017
407-007-0210(T)	12-1-2016	Repeal	1-1-2017	409-110-0040	11-29-2016	Renumber	1-1-2017
407-007-0250	12-1-2016	Amend	1-1-2017	409-110-0045	11-29-2016	Renumber	1-1-2017
407-007-0250	3-15-2017	Amend(T)	4-1-2017	410-120-0000	1-1-2017	Amend	2-1-2017
407-007-0250(T)	12-1-2016	Repeal	1-1-2017	410-120-0000(T)	1-1-2017	Repeal	2-1-2017
407-007-0279	12-1-2016	Amend	1-1-2017	410-120-0006	3-1-2017	Amend(T)	4-1-2017
407-007-0279	3-15-2017	Amend(T)	4-1-2017	410-120-1230	1-1-2017	Amend	2-1-2017
407-007-0279(T)	12-1-2016	Repeal	1-1-2017	410-121-0030	12-1-2016	Amend	1-1-2017
407-007-0290	12-1-2016	Amend	1-1-2017	410-121-0030	1-1-2017	Amend(T)	2-1-2017
407-007-0290(T)	12-1-2016	Repeal	1-1-2017	410-121-0030	5-1-2017	Amend(T)	6-1-2017
407-007-0320	12-1-2016	Amend	1-1-2017	410-121-0030(T)	12-1-2016	Repeal	1-1-2017
407-007-0320	3-15-2017	Amend(T)	4-1-2017	410-121-0040	12-1-2016	Amend	1-1-2017
407-007-0320(T)	12-1-2016	Repeal	1-1-2017	410-121-0040	1-1-2017	Amend(T)	2-1-2017
407-007-0330	12-1-2016	Amend	1-1-2017	410-121-0040	2-21-2017	Amend(T)	4-1-2017
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410-121-0040(T)	6-1-2017	Suspend	5-1-2017	410-138-0390	1-1-2017	Amend	2-1-2017
410-123-1220	1-1-2017	Amend(T)	2-1-2017	410-138-0390	1-13-2017	Amend(T)	2-1-2017
410-123-1260	1-1-2017	Amend(T)	2-1-2017	410-138-0390	2-10-2017	Amend(T)	3-1-2017
410-125-0085	1-1-2017	Amend	2-1-2017	410-138-0390	4-1-2017	Amend	5-1-2017
410-125-0085(T)	1-1-2017	Repeal	2-1-2017	410-138-0390(T)	4-1-2017	Repeal	5-1-2017
410-125-0360	1-1-2017	Amend	2-1-2017	410-138-0420	1-1-2017	Amend	2-1-2017
410-125-0360(T)	1-1-2017	Repeal	2-1-2017	410-138-0420	1-13-2017	Amend(T)	2-1-2017
410-129-0020	1-1-2017	Amend(T)	1-1-2017	410-138-0420	2-10-2017	Amend(T)	3-1-2017
410-129-0040	1-1-2017	Amend(T)	1-1-2017	410-138-0420	4-1-2017	Amend	5-1-2017
410-129-0070	1-1-2017	Amend(T)	1-1-2017	410-138-0420(T)	4-1-2017	Repeal	5-1-2017
410-129-0190	1-1-2017	Suspend	1-1-2017	410-141-0520	12-1-2016	Amend	1-1-2017
410-130-0015	5-1-2017	Amend(T)	6-1-2017	410-141-0520	1-1-2017	Amend(T)	2-1-2017
410-131-0040	1-1-2017	Amend(T)	1-1-2017	410-141-0520	3-1-2017	Amend	4-1-2017
410-131-0080	1-1-2017	Amend(T)	1-1-2017	410-141-0520(T)	12-1-2016	Repeal	1-1-2017
410-131-0100	1-1-2017	Amend(T)	1-1-2017	410-141-0520(T)	3-1-2017	Repeal	4-1-2017
410-131-0120	1-1-2017	Amend(T)	1-1-2017	410-141-3015	1-1-2017	Amend	2-1-2017
410-138-0000	1-1-2017	Amend	2-1-2017	410-141-3015	1-13-2017	Amend	2-1-2017
410-138-0000	1-13-2017	Amend(T)	2-1-2017	410-141-3015(T)	1-1-2017	Repeal	2-1-2017
410-138-0000	2-10-2017	Amend(T)	3-1-2017	410-141-3015(T)	1-13-2017	Repeal	2-1-2017
410-138-0000	4-1-2017	Amend	5-1-2017	410-141-3070	1-1-2017	Amend	2-1-2017
410-138-0000(T)	4-1-2017	Repeal	5-1-2017	410-141-3145	1-1-2017	Amend	2-1-2017
410-138-0005	1-1-2017	Amend	2-1-2017	410-141-3145	1-13-2017	Amend	2-1-2017
410-138-0005	1-13-2017	Amend(T)	2-1-2017	410-141-3145(T)	1-1-2017	Repeal	2-1-2017
410-138-0005	2-10-2017	Amend(T)	3-1-2017	410-141-3145(T)	1-13-2017	Repeal	2-1-2017
410-138-0005	4-1-2017	Amend	5-1-2017	410-141-3160	1-1-2017	Amend(T)	2-1-2017
410-138-0005(T)	4-1-2017	Repeal	5-1-2017	410-141-3260	1-1-2017	Amend	2-1-2017
410-138-0007	1-1-2017	Amend	2-1-2017	410-141-3260	1-13-2017	Amend	2-1-2017
410-138-0007	1-13-2017	Amend(T)	2-1-2017	410-141-3260(T)	1-1-2017	Repeal	2-1-2017
410-138-0007	2-10-2017	Amend(T)	3-1-2017	410-141-3260(T)	1-13-2017	Repeal	2-1-2017
410-138-0007	4-1-2017	Amend	5-1-2017	410-141-3300	1-1-2017	Amend	2-1-2017
410-138-0007(T)	4-1-2017	Repeal	5-1-2017	410-141-3300	1-1-2017	Amend	2-1-2017
410-138-0009	1-1-2017	Amend	2-1-2017	410-141-3300	1-13-2017	Amend	2-1-2017
410-138-0009	1-13-2017	Amend(T)	2-1-2017	410-141-3300(T)	1-1-2017	Repeal	2-1-2017
410-138-0009	2-10-2017	Amend(T)	3-1-2017	410-141-3300(T)	1-13-2017	Repeal	2-1-2017
410-138-0009	4-1-2017	Amend	5-1-2017	410-141-3395	1-1-2017	Amend	2-1-2017
410-138-0009(T)	4-1-2017	Repeal	5-1-2017	410-141-3435	12-1-2016	Amend	1-1-2017
410-138-0020	1-1-2017	Amend	2-1-2017	410-165-0000	2-2-2017	Amend(T)	3-1-2017
410-138-0020	1-13-2017	Amend(T)	2-1-2017	410-165-0020	2-2-2017	Amend(T)	3-1-2017
410-138-0020	2-10-2017	Amend(T)	3-1-2017	410-165-0060	2-2-2017	Amend(T)	3-1-2017
410-138-0020	4-1-2017	Amend	5-1-2017	410-165-0080	2-2-2017	Amend(T)	3-1-2017
410-138-0020(T)	4-1-2017	Repeal	5-1-2017	410-170-0110	11-29-2016	Amend	1-1-2017
410-138-0040	1-1-2017	Amend	2-1-2017	410-170-0110(T)	11-29-2016	Repeal	1-1-2017
410-138-0040	1-13-2017	Amend(T)	2-1-2017	410-172-0650	4-4-2017	Amend	5-1-2017
410-138-0040	2-10-2017	Amend(T)	3-1-2017	410-172-0650(T)	4-4-2017	Repeal	5-1-2017
410-138-0040	4-1-2017	Amend	5-1-2017	410-172-0760	4-4-2017	Amend	5-1-2017
410-138-0040(T)	4-1-2017	Repeal	5-1-2017	410-172-0760(T)	4-4-2017	Repeal	5-1-2017
410-138-0060	1-1-2017	Amend	2-1-2017	410-172-0770	4-4-2017	Amend	5-1-2017
410-138-0060	1-13-2017	Amend(T)	2-1-2017	410-172-0770(T)	4-4-2017	Repeal	5-1-2017
410-138-0060	2-10-2017	Amend(T)	3-1-2017	410-200-0315	3-1-2017	Amend(T)	4-1-2017
410-138-0060	4-1-2017	Amend	5-1-2017	410-200-0315	5-1-2017	Amend	6-1-2017
410-138-0060(T)	4-1-2017	Repeal	5-1-2017	410-200-0315(T)	5-1-2017	Repeal	6-1-2017
410-138-0080	1-1-2017	Amend	2-1-2017	411-004-0040	12-28-2016	Amend	2-1-2017
410-138-0080	1-13-2017	Amend(T)	2-1-2017	411-019-0000	3-1-2017	Adopt	4-1-2017
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411-027-0170	12-28-2016	Amend	1-1-2017	411-450-0030	2-28-2017	Amend	4-1-2017
411-030-0033	12-28-2016	Amend	2-1-2017	411-450-0060	2-28-2017	Amend	4-1-2017
411-030-0068	12-28-2016	Amend	2-1-2017	411-450-0070	2-28-2017	Amend	4-1-2017
411-030-0070	12-28-2016	Amend	2-1-2017	413-010-0000	12-1-2016	Amend	1-1-2017
411-050-0615	5-1-2017	Amend(T)	6-1-2017	413-010-0035	1-1-2017	Amend	2-1-2017
411-050-0650	5-1-2017	Amend(T)	6-1-2017	413-010-0035(T)	1-1-2017	Repeal	2-1-2017
411-050-0665	5-1-2017	Amend(T)	6-1-2017	413-010-0500	12-1-2016	Amend	1-1-2017
411-054-0105	5-1-2017	Amend(T)	6-1-2017	413-010-0501	12-1-2016	Repeal	1-1-2017
411-300-0110	2-28-2017	Amend	4-1-2017	413-010-0502	12-1-2016	Amend	1-1-2017
411-300-0120	2-28-2017	Amend	4-1-2017	413-010-0505	12-1-2016	Amend	1-1-2017
411-305-0010	1-1-2017	Am. & Ren.	2-1-2017	413-010-0510	12-1-2016	Amend	1-1-2017
411-305-0020	1-1-2017	Am. & Ren.	2-1-2017	413-010-0525	12-1-2016	Amend	1-1-2017
411-305-0023	1-1-2017	Am. & Ren.	2-1-2017	413-010-0535	12-1-2016	Amend	1-1-2017
411-305-0025	1-1-2017	Am. & Ren.	2-1-2017	413-015-0100	12-1-2016	Amend	1-1-2017
411-305-0027	1-1-2017	Repeal	2-1-2017	413-015-0100(T)	12-1-2016	Repeal	1-1-2017
411-305-0030	1-1-2017	Am. & Ren.	2-1-2017	413-015-0115	12-1-2016	Amend	1-1-2017
411-305-0050	1-1-2017	Repeal	2-1-2017	413-015-0115	2-7-2017	Amend(T)	3-1-2017
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411-305-0090	1-1-2017	Am. & Ren.	2-1-2017	413-015-0125(T)	12-1-2016	Repeal	1-1-2017
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411-305-0110	1-1-2017	Repeal	2-1-2017	413-015-0205	2-7-2017	Amend(T)	3-1-2017
411-305-0115	1-1-2017	Repeal	2-1-2017	413-015-0205(T)	12-1-2016	Repeal	1-1-2017
411-305-0120	1-1-2017	Am. & Ren.	2-1-2017	413-015-0210	4-3-2017	Amend	5-1-2017
411-305-0140	1-1-2017	Am. & Ren.	2-1-2017	413-015-0212	12-1-2016	Amend	1-1-2017
411-305-0160	1-1-2017	Repeal	2-1-2017	413-015-0212(T)	12-1-2016	Repeal	1-1-2017
411-305-0170	1-1-2017	Repeal	2-1-2017	413-015-0215	2-7-2017	Amend(T)	3-1-2017
411-305-0180	1-1-2017	Repeal	2-1-2017	413-015-0300	12-1-2016	Amend	1-1-2017
411-317-0000	2-28-2017	Amend	4-1-2017	413-015-0300(T)	12-1-2016	Repeal	1-1-2017
411-317-0000	5-1-2017	Amend(T)	5-1-2017	413-015-0409	12-1-2016	Amend	1-1-2017
411-323-0050	12-16-2016	Amend(T)	2-1-2017	413-015-0409(T)	12-1-2016	Repeal	1-1-2017
411-323-0050	4-22-2017	Amend	6-1-2017	413-015-0415	2-7-2017	Amend(T)	3-1-2017
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411-325-0020	2-28-2017	Amend	4-1-2017	413-015-0420(T)	12-1-2016	Repeal	1-1-2017
411-328-0560	2-28-2017	Amend	4-1-2017	413-015-0432	2-7-2017	Amend(T)	3-1-2017
411-345-0020	2-28-2017	Amend	4-1-2017	413-015-0440	12-1-2016	Amend	1-1-2017
411-360-0020	2-28-2017	Amend	4-1-2017	413-015-0440(T)	12-1-2016	Repeal	1-1-2017
411-360-0140	2-15-2017	Amend(T)	3-1-2017	413-015-0445	12-1-2016	Amend	1-1-2017
411-375-0010	2-28-2017	Amend	4-1-2017	413-015-0445(T)	12-1-2016	Repeal	1-1-2017
411-375-0020	2-28-2017	Amend	4-1-2017	413-015-0450	12-1-2016	Amend	1-1-2017
411-375-0035	2-28-2017	Amend	4-1-2017	413-015-0450(T)	12-1-2016	Repeal	1-1-2017
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411-375-0055	2-28-2017	Amend	4-1-2017	413-015-0620(T)	12-1-2016	Repeal	1-1-2017
411-375-0070	2-28-2017	Amend	4-1-2017	413-015-0625	12-1-2016	Adopt	1-1-2017
411-380-0020	2-28-2017	Amend	4-1-2017	413-015-0625(T)	12-1-2016	Repeal	1-1-2017
411-380-0030	2-28-2017	Amend	4-1-2017	413-015-0630	12-1-2016	Adopt	1-1-2017
411-380-0060	2-28-2017	Amend	4-1-2017	413-015-0630(T)	12-1-2016	Repeal	1-1-2017
411-380-0090	2-28-2017	Amend	4-1-2017	413-015-0640	12-1-2016	Adopt	1-1-2017
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411-415-0060	2-28-2017	Amend	4-1-2017	413-015-1000	12-1-2016	Amend	1-1-2017
411-415-0070	2-28-2017	Amend	4-1-2017	413-015-1000(T)	12-1-2016	Repeal	1-1-2017
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413-017-0010	2-7-2017	Adopt(T)	3-1-2017	413-070-1020	1-1-2017	Amend	2-1-2017
413-017-0020	2-7-2017	Adopt(T)	3-1-2017	413-070-1050	2-7-2017	Amend(T)	3-1-2017
413-017-0030	2-7-2017	Adopt(T)	3-1-2017	413-080-0050	12-1-2016	Amend	1-1-2017
413-017-0040	2-7-2017	Adopt(T)	3-1-2017	413-080-0050	2-7-2017	Amend(T)	3-1-2017
413-020-0000	2-7-2017	Amend(T)	3-1-2017	413-080-0050(T)	12-1-2016	Repeal	1-1-2017
413-020-0010	2-7-2017	Amend(T)	3-1-2017	413-080-0051	12-1-2016	Adopt	1-1-2017
413-020-0020	2-7-2017	Amend(T)	3-1-2017	413-080-0051(T)	12-1-2016	Repeal	1-1-2017
413-020-0050	2-7-2017	Amend(T)	3-1-2017	413-080-0052	12-1-2016	Amend	1-1-2017
413-020-0075	2-7-2017	Amend(T)	3-1-2017	413-080-0052(T)	12-1-2016	Repeal	1-1-2017
413-020-0090	2-7-2017	Amend(T)	3-1-2017	413-080-0053	1-1-2017	Amend	2-1-2017
413-030-0000	2-7-2017	Amend(T)	3-1-2017	413-080-0053(T)	1-1-2017	Repeal	2-1-2017
413-030-0009	2-7-2017	Amend(T)	3-1-2017	413-080-0054	12-1-2016	Amend	1-1-2017
413-030-0210	2-7-2017	Amend(T)	3-1-2017	413-080-0054(T)	12-1-2016	Repeal	1-1-2017
413-030-0300	1-1-2017	Repeal	2-1-2017	413-080-0059	12-1-2016	Amend	1-1-2017
413-030-0310	1-1-2017	Repeal	2-1-2017	413-080-0059(T)	12-1-2016	Repeal	1-1-2017
413-030-0320	1-1-2017	Repeal	2-1-2017	413-080-0062	1-1-2017	Amend	2-1-2017
413-030-0445	2-7-2017	Amend(T)	3-1-2017	413-080-0062(T)	1-1-2017	Repeal	2-1-2017
413-030-0460	2-7-2017	Amend(T)	3-1-2017	413-080-0070	12-1-2016	Adopt	1-1-2017
413-040-0000	2-7-2017	Amend(T)	3-1-2017	413-080-0070(T)	12-1-2016	Repeal	1-1-2017
413-040-0010	2-7-2017	Amend(T)	3-1-2017	413-090-0000	12-1-2016	Amend	1-1-2017
413-040-0155	2-7-2017	Amend(T)	3-1-2017	413-090-0000(T)	12-1-2016	Repeal	1-1-2017
413-040-0159	2-7-2017	Amend(T)	3-1-2017	413-090-0055	12-1-2016	Amend	1-1-2017
413-040-0310	2-7-2017	Amend(T)	3-1-2017	413-090-0055(T)	12-1-2016	Repeal	1-1-2017
413-040-0325	2-7-2017	Amend(T)	3-1-2017	413-090-0065	12-1-2016	Amend	1-1-2017
413-070-0000	2-7-2017	Amend(T)	3-1-2017	413-090-0065(T)	12-1-2016	Repeal	1-1-2017
413-070-0010	2-7-2017	Amend(T)	3-1-2017	413-090-0070	12-1-2016	Amend	1-1-2017
413-070-0072	2-7-2017	Amend(T)	3-1-2017	413-090-0070(T)	12-1-2016	Repeal	1-1-2017
413-070-0100	2-7-2017	Suspend	3-1-2017	413-090-0075	12-1-2016	Amend	1-1-2017
413-070-0130	2-7-2017	Suspend	3-1-2017	413-090-0075(T)	12-1-2016	Repeal	1-1-2017
413-070-0140	2-7-2017	Suspend	3-1-2017	413-090-0080	12-1-2016	Amend	1-1-2017
413-070-0150	2-7-2017	Suspend	3-1-2017	413-090-0080(T)	12-1-2016	Repeal	1-1-2017
413-070-0160	2-7-2017	Suspend	3-1-2017	413-090-0090	12-1-2016	Amend	1-1-2017
413-070-0170	2-7-2017	Suspend	3-1-2017	413-090-0090(T)	12-1-2016	Repeal	1-1-2017
413-070-0180	2-7-2017	Suspend	3-1-2017	413-100-0020	2-7-2017	Amend(T)	3-1-2017
413-070-0190	2-7-2017	Suspend	3-1-2017	413-100-0240	2-7-2017	Amend(T)	3-1-2017
413-070-0200	2-7-2017	Suspend	3-1-2017	413-110-0000	2-7-2017	Amend(T)	3-1-2017
413-070-0210	2-7-2017	Suspend	3-1-2017	413-110-0280	1-1-2017	Repeal	2-1-2017
413-070-0220	2-7-2017	Suspend	3-1-2017	413-110-0282	1-1-2017	Repeal	2-1-2017
413-070-0230	2-7-2017	Suspend	3-1-2017	413-110-0286	1-1-2017	Repeal	2-1-2017
413-070-0240	2-7-2017	Suspend	3-1-2017	413-110-0288	1-1-2017	Repeal	2-1-2017
413-070-0250	2-7-2017	Suspend	3-1-2017	413-110-0290	1-1-2017	Repeal	2-1-2017
413-070-0260	2-7-2017	Suspend	3-1-2017	413-110-0291	1-1-2017	Repeal	2-1-2017
413-070-0512	2-7-2017	Amend(T)	3-1-2017	413-110-0292	1-1-2017	Repeal	2-1-2017
413-070-0516	1-1-2017	Amend	2-1-2017	413-110-0293	1-1-2017	Repeal	2-1-2017
413-070-0516	2-7-2017	Amend(T)	3-1-2017	413-110-0295	1-1-2017	Repeal	2-1-2017
413-070-0518	1-1-2017	Amend	2-1-2017	413-110-0297	1-1-2017	Repeal	2-1-2017
413-070-0518	1-19-2017	Amend	3-1-2017	413-110-0299	1-1-2017	Repeal	2-1-2017
413-070-0519	2-7-2017	Amend(T)	3-1-2017	413-110-0300	2-7-2017	Amend(T)	3-1-2017
413-070-0625	2-7-2017	Amend(T)	3-1-2017	413-115-0000	2-7-2017	Adopt(T)	3-1-2017
413-070-0670	1-1-2017	Amend	2-1-2017	413-115-0010	2-7-2017	Adopt(T)	3-1-2017
413-070-0900	1-1-2017	Amend	2-1-2017	413-115-0020	2-7-2017	Adopt(T)	3-1-2017
413-070-0900(T)	1-1-2017	Repeal	2-1-2017	413-115-0030	2-7-2017	Adopt(T)	3-1-2017
413-070-0917	1-1-2017	Amend	2-1-2017	413-115-0030	5-12-2017	Adopt(T)	6-1-2017
413-070-0917(T)	1-1-2017	Repeal	2-1-2017	413-115-0030(T)	5-12-2017	Suspend	6-1-2017

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413-115-0050	5-12-2017	Adopt(T)	6-1-2017	413-215-0056	12-1-2016	Amend	1-1-2017
413-115-0050(T)	5-12-2017	Suspend	6-1-2017	413-215-0056(T)	12-1-2016	Repeal	1-1-2017
413-115-0060	2-7-2017	Adopt(T)	3-1-2017	413-215-0061	12-1-2016	Amend	1-1-2017
413-115-0070	2-7-2017	Adopt(T)	3-1-2017	413-215-0061(T)	12-1-2016	Repeal	1-1-2017
413-115-0080	2-7-2017	Adopt(T)	3-1-2017	413-215-0066	12-1-2016	Amend	1-1-2017
413-115-0090	2-7-2017	Adopt(T)	3-1-2017	413-215-0066(T)	12-1-2016	Repeal	1-1-2017
413-115-0100	2-7-2017	Adopt(T)	3-1-2017	413-215-0071	12-1-2016	Amend	1-1-2017
413-115-0110	2-7-2017	Adopt(T)	3-1-2017	413-215-0071(T)	12-1-2016	Repeal	1-1-2017
413-115-0120	2-7-2017	Adopt(T)	3-1-2017	413-215-0076	12-1-2016	Amend	1-1-2017
413-115-0120	5-12-2017	Adopt(T)	6-1-2017	413-215-0076(T)	12-1-2016	Repeal	1-1-2017
413-115-0120(T)	5-12-2017	Suspend	6-1-2017	413-215-0081	12-1-2016	Amend	1-1-2017
413-115-0130	2-7-2017	Adopt(T)	3-1-2017	413-215-0081	2-7-2017	Amend(T)	3-1-2017
413-115-0140	2-7-2017	Adopt(T)	3-1-2017	413-215-0081(T)	12-1-2016	Repeal	1-1-2017
413-115-0150	2-7-2017	Adopt(T)	3-1-2017	413-215-0086	12-1-2016	Amend	1-1-2017
413-120-0000	2-7-2017	Amend(T)	3-1-2017	413-215-0086(T)	12-1-2016	Repeal	1-1-2017
413-120-0020	2-7-2017	Amend(T)	3-1-2017	413-215-0091	12-1-2016	Amend	1-1-2017
413-120-0021	2-7-2017	Amend(T)	3-1-2017	413-215-0091(T)	12-1-2016	Repeal	1-1-2017
413-120-0025	2-7-2017	Amend(T)	3-1-2017	413-215-0096	12-1-2016	Repeal	1-1-2017
413-120-0057	2-7-2017	Amend(T)	3-1-2017	413-215-0101	12-1-2016	Amend	1-1-2017
413-120-0060	2-7-2017	Amend(T)	3-1-2017	413-215-0101(T)	12-1-2016	Repeal	1-1-2017
413-120-0165	2-7-2017	Amend(T)	3-1-2017	413-215-0106	12-1-2016	Amend	1-1-2017
413-120-0175	2-7-2017	Amend(T)	3-1-2017	413-215-0106(T)	12-1-2016	Repeal	1-1-2017
413-120-0625	2-7-2017	Amend(T)	3-1-2017	413-215-0111	12-1-2016	Amend	1-1-2017
413-120-0730	2-7-2017	Amend(T)	3-1-2017	413-215-0111(T)	12-1-2016	Repeal	1-1-2017
413-120-0750	2-7-2017	Amend(T)	3-1-2017	413-215-0116	12-1-2016	Amend	1-1-2017
413-120-0760	2-7-2017	Amend(T)	3-1-2017	413-215-0116(T)	12-1-2016	Repeal	1-1-2017
413-120-0870	2-7-2017	Amend(T)	3-1-2017	413-215-0121	12-1-2016	Amend	1-1-2017
413-120-0880	2-7-2017	Amend(T)	3-1-2017	413-215-0121(T)	12-1-2016	Repeal	1-1-2017
413-120-0925	2-7-2017	Amend(T)	3-1-2017	413-215-0126	12-1-2016	Amend	1-1-2017
413-120-0950	2-7-2017	Amend(T)	3-1-2017	413-215-0126(T)	12-1-2016	Repeal	1-1-2017
413-200-0260	2-7-2017	Amend(T)	3-1-2017	413-215-0131	12-1-2016	Amend	1-1-2017
413-200-0306	2-7-2017	Amend(T)	3-1-2017	413-215-0131(T)	12-1-2016	Repeal	1-1-2017
413-215-0000	12-1-2016	Adopt	1-1-2017	413-215-0201	12-1-2016	Amend	1-1-2017
413-215-0000	2-7-2017	Amend(T)	3-1-2017	413-215-0201(T)	12-1-2016	Repeal	1-1-2017
413-215-0000(T)	12-1-2016	Repeal	1-1-2017	413-215-0206	12-1-2016	Repeal	1-1-2017
413-215-0001	12-1-2016	Amend	1-1-2017	413-215-0211	12-1-2016	Amend	1-1-2017
413-215-0001(T)	12-1-2016	Repeal	1-1-2017	413-215-0211(T)	12-1-2016	Repeal	1-1-2017
413-215-0006	12-1-2016	Repeal	1-1-2017	413-215-0216	12-1-2016	Amend	1-1-2017
413-215-0011	12-1-2016	Amend	1-1-2017	413-215-0216(T)	12-1-2016	Repeal	1-1-2017
413-215-0011(T)	12-1-2016	Repeal	1-1-2017	413-215-0218	12-1-2016	Adopt	1-1-2017
413-215-0016	12-1-2016	Amend	1-1-2017	413-215-0221	12-1-2016	Amend	1-1-2017
413-215-0016(T)	12-1-2016	Repeal	1-1-2017	413-215-0221(T)	12-1-2016	Repeal	1-1-2017
413-215-0021	12-1-2016	Amend	1-1-2017	413-215-0226	12-1-2016	Amend	1-1-2017
413-215-0021(T)	12-1-2016	Repeal	1-1-2017	413-215-0226(T)	12-1-2016	Repeal	1-1-2017
413-215-0026	12-1-2016	Amend	1-1-2017	413-215-0231	12-1-2016	Amend	1-1-2017
413-215-0026(T)	12-1-2016	Repeal	1-1-2017	413-215-0231(T)	12-1-2016	Repeal	1-1-2017
413-215-0031	12-1-2016	Amend	1-1-2017	413-215-0236	12-1-2016	Amend	1-1-2017
413-215-0031(T)	12-1-2016	Repeal	1-1-2017	413-215-0236(T)	12-1-2016	Repeal	1-1-2017
413-215-0036	12-1-2016	Amend	1-1-2017	413-215-0241	12-1-2016	Amend	1-1-2017
413-215-0036(T)	12-1-2016	Repeal	1-1-2017	413-215-0241(T)	12-1-2016	Repeal	1-1-2017
413-215-0041	12-1-2016	Amend	1-1-2017	413-215-0246	12-1-2016	Amend	1-1-2017
413-215-0041(T)	12-1-2016	Repeal	1-1-2017	413-215-0246(T)	12-1-2016	Repeal	1-1-2017
413-215-0046	12-1-2016	Amend	1-1-2017	413-215-0251	12-1-2016	Amend	1-1-2017
413-215-0046(T)	12-1-2016	Repeal	1-1-2017	413-215-0251(T)	12-1-2016	Repeal	1-1-2017

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413-215-0261(T)	12-1-2016	Repeal	1-1-2017	413-215-0416(T)	12-1-2016	Repeal	1-1-2017
413-215-0266	12-1-2016	Amend	1-1-2017	413-215-0421	12-1-2016	Amend	1-1-2017
413-215-0266(T)	12-1-2016	Repeal	1-1-2017	413-215-0421(T)	12-1-2016	Repeal	1-1-2017
413-215-0271	12-1-2016	Amend	1-1-2017	413-215-0426	12-1-2016	Amend	1-1-2017
413-215-0271(T)	12-1-2016	Repeal	1-1-2017	413-215-0426	2-7-2017	Amend(T)	3-1-2017
413-215-0276	12-1-2016	Amend	1-1-2017	413-215-0426(T)	12-1-2016	Repeal	1-1-2017
413-215-0276(T)	12-1-2016	Repeal	1-1-2017	413-215-0431	12-1-2016	Amend	1-1-2017
413-215-0301	12-1-2016	Amend	1-1-2017	413-215-0431	2-7-2017	Amend(T)	3-1-2017
413-215-0301(T)	12-1-2016	Repeal	1-1-2017	413-215-0431(T)	12-1-2016	Repeal	1-1-2017
413-215-0306	12-1-2016	Repeal	1-1-2017	413-215-0436	12-1-2016	Amend	1-1-2017
413-215-0311	12-1-2016	Amend	1-1-2017	413-215-0436(T)	12-1-2016	Repeal	1-1-2017
413-215-0311(T)	12-1-2016	Repeal	1-1-2017	413-215-0441	12-1-2016	Amend	1-1-2017
413-215-0313	12-1-2016	Amend	1-1-2017	413-215-0441	2-7-2017	Amend(T)	3-1-2017
413-215-0313(T)	12-1-2016	Repeal	1-1-2017	413-215-0441(T)	12-1-2016	Repeal	1-1-2017
413-215-0316	12-1-2016	Amend	1-1-2017	413-215-0446	12-1-2016	Amend	1-1-2017
413-215-0316(T)	12-1-2016	Repeal	1-1-2017	413-215-0446(T)	12-1-2016	Repeal	1-1-2017
413-215-0318	12-1-2016	Adopt	1-1-2017	413-215-0451	12-1-2016	Amend	1-1-2017
413-215-0321	12-1-2016	Amend	1-1-2017	413-215-0451(T)	12-1-2016	Repeal	1-1-2017
413-215-0321(T)	12-1-2016	Repeal	1-1-2017	413-215-0456	12-1-2016	Amend	1-1-2017
413-215-0326	12-1-2016	Amend	1-1-2017	413-215-0456(T)	12-1-2016	Repeal	1-1-2017
413-215-0326(T)	12-1-2016	Repeal	1-1-2017	413-215-0461	12-1-2016	Amend	1-1-2017
413-215-0331	12-1-2016	Amend	1-1-2017	413-215-0461(T)	12-1-2016	Repeal	1-1-2017
413-215-0331(T)	12-1-2016	Repeal	1-1-2017	413-215-0466	12-1-2016	Amend	1-1-2017
413-215-0336	12-1-2016	Amend	1-1-2017	413-215-0466(T)	12-1-2016	Repeal	1-1-2017
413-215-0336(T)	12-1-2016	Repeal	1-1-2017	413-215-0471	12-1-2016	Amend	1-1-2017
413-215-0341	12-1-2016	Amend	1-1-2017	413-215-0471(T)	12-1-2016	Repeal	1-1-2017
413-215-0341(T)	12-1-2016	Repeal	1-1-2017	413-215-0476	12-1-2016	Amend	1-1-2017
413-215-0346	12-1-2016	Repeal	1-1-2017	413-215-0476(T)	12-1-2016	Repeal	1-1-2017
413-215-0349	12-1-2016	Amend	1-1-2017	413-215-0481	12-1-2016	Amend	1-1-2017
413-215-0349(T)	12-1-2016	Repeal	1-1-2017	413-215-0481(T)	12-1-2016	Repeal	1-1-2017
413-215-0351	12-1-2016	Amend	1-1-2017	413-215-0501	12-1-2016	Amend	1-1-2017
413-215-0351(T)	12-1-2016	Repeal	1-1-2017	413-215-0501(T)	12-1-2016	Repeal	1-1-2017
413-215-0356	12-1-2016	Amend	1-1-2017	413-215-0506	12-1-2016	Repeal	1-1-2017
413-215-0356(T)	12-1-2016	Repeal	1-1-2017	413-215-0511	12-1-2016	Amend	1-1-2017
413-215-0361	12-1-2016	Amend	1-1-2017	413-215-0511(T)	12-1-2016	Repeal	1-1-2017
413-215-0361(T)	12-1-2016	Repeal	1-1-2017	413-215-0516	12-1-2016	Amend	1-1-2017
413-215-0366	12-1-2016	Amend	1-1-2017	413-215-0516(T)	12-1-2016	Repeal	1-1-2017
413-215-0366(T)	12-1-2016	Repeal	1-1-2017	413-215-0521	12-1-2016	Amend	1-1-2017
413-215-0371	12-1-2016	Amend	1-1-2017	413-215-0521(T)	12-1-2016	Repeal	1-1-2017
413-215-0371(T)	12-1-2016	Repeal	1-1-2017	413-215-0526	12-1-2016	Amend	1-1-2017
413-215-0376	12-1-2016	Amend	1-1-2017	413-215-0526(T)	12-1-2016	Repeal	1-1-2017
413-215-0376(T)	12-1-2016	Repeal	1-1-2017	413-215-0531	12-1-2016	Amend	1-1-2017
413-215-0381	12-1-2016	Amend	1-1-2017	413-215-0531(T)	12-1-2016	Repeal	1-1-2017
413-215-0381(T)	12-1-2016	Repeal	1-1-2017	413-215-0536	12-1-2016	Amend	1-1-2017
413-215-0386	12-1-2016	Amend	1-1-2017	413-215-0536(T)	12-1-2016	Repeal	1-1-2017
413-215-0386(T)	12-1-2016	Repeal	1-1-2017	413-215-0541	12-1-2016	Amend	1-1-2017
413-215-0391	12-1-2016	Amend	1-1-2017	413-215-0541(T)	12-1-2016	Repeal	1-1-2017
413-215-0391(T)	12-1-2016	Repeal	1-1-2017	413-215-0546	12-1-2016	Amend	1-1-2017
413-215-0396	12-1-2016	Amend	1-1-2017	413-215-0546(T)	12-1-2016	Repeal	1-1-2017
413-215-0396(T)	12-1-2016	Repeal	1-1-2017	413-215-0551	12-1-2016	Amend	1-1-2017
413-215-0401	12-1-2016	Amend	1-1-2017	413-215-0551(T)	12-1-2016	Repeal	1-1-2017
413-215-0401(T)	12-1-2016	Repeal	1-1-2017	413-215-0554	12-1-2016	Amend	1-1-2017
413-215-0406	12-1-2016	Repeal	1-1-2017	413-215-0554(T)	12-1-2016	Repeal	1-1-2017
413-215-0411	12-1-2016	Amend	1-1-2017	413-215-0556	12-1-2016	Amend	1-1-2017

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413-215-0941(T)	12-1-2016	Repeal	1-1-2017	414-205-0055	3-27-2017	Amend	5-1-2017
413-215-0946	12-1-2016	Amend	1-1-2017	414-205-0100	3-27-2017	Amend	5-1-2017
413-215-0946(T)	12-1-2016	Repeal	1-1-2017	414-205-0110	3-27-2017	Amend	5-1-2017
413-215-0951	12-1-2016	Amend	1-1-2017	414-205-0120	3-27-2017	Amend	5-1-2017
413-215-0951(T)	12-1-2016	Repeal	1-1-2017	414-300-0040	3-27-2017	Amend	5-1-2017
413-215-0956	12-1-2016	Amend	1-1-2017	414-300-0120	3-27-2017	Amend	5-1-2017
413-215-0956(T)	12-1-2016	Repeal	1-1-2017	414-300-0170	3-27-2017	Amend	5-1-2017
413-215-0961	12-1-2016	Amend	1-1-2017	414-300-0180	3-27-2017	Amend	5-1-2017
413-215-0961(T)	12-1-2016	Repeal	1-1-2017	414-300-0220	3-27-2017	Amend	5-1-2017
413-215-0966	12-1-2016	Amend	1-1-2017	414-300-0295	3-27-2017	Amend	5-1-2017
413-215-0966(T)	12-1-2016	Repeal	1-1-2017	414-300-0350	3-27-2017	Amend	5-1-2017
413-215-0971	12-1-2016	Amend	1-1-2017	414-350-0050	3-27-2017	Amend	5-1-2017
413-215-0971(T)	12-1-2016	Repeal	1-1-2017	414-350-0060	3-27-2017	Amend	5-1-2017
413-215-0976	12-1-2016	Amend	1-1-2017	414-350-0100	3-27-2017	Amend	5-1-2017
413-215-0976(T)	12-1-2016	Repeal	1-1-2017	414-350-0115	3-27-2017	Amend	5-1-2017
413-215-0981	12-1-2016	Amend	1-1-2017	414-350-0160	3-27-2017	Amend	5-1-2017
413-215-0981(T)	12-1-2016	Repeal	1-1-2017	414-350-0170	3-27-2017	Amend	5-1-2017
413-215-0986	12-1-2016	Amend	1-1-2017	414-350-0180	3-27-2017	Amend	5-1-2017
413-215-0986(T)	12-1-2016	Repeal	1-1-2017	414-350-0220	3-27-2017	Amend	5-1-2017
413-215-0991	12-1-2016	Amend	1-1-2017	414-350-0250	3-27-2017	Amend	5-1-2017
413-215-0991(T)	12-1-2016	Repeal	1-1-2017	415-012-0000	12-14-2016	Amend	1-1-2017
413-215-0992	12-1-2016	Amend	1-1-2017	415-012-0010	12-14-2016	Amend	1-1-2017
413-215-0992(T)	12-1-2016	Repeal	1-1-2017	415-012-0010	2-2-2017	Amend(T)	3-1-2017
413-215-0996	12-1-2016	Amend	1-1-2017	415-012-0020	12-14-2016	Amend	1-1-2017
413-215-0996(T)	12-1-2016	Repeal	1-1-2017	415-012-0020	2-2-2017	Amend(T)	3-1-2017
413-215-1001	12-1-2016	Amend	1-1-2017	415-012-0030	12-14-2016	Amend	1-1-2017
413-215-1001(T)	12-1-2016	Repeal	1-1-2017	415-012-0030	2-2-2017	Amend(T)	3-1-2017
413-215-1006	12-1-2016	Amend	1-1-2017	415-012-0035	12-14-2016	Amend	1-1-2017
413-215-1006(T)	12-1-2016	Repeal	1-1-2017	415-012-0035	2-2-2017	Amend(T)	3-1-2017
413-215-1011	12-1-2016	Amend	1-1-2017	415-012-0040	12-14-2016	Amend	1-1-2017
413-215-1011(T)	12-1-2016	Repeal	1-1-2017	415-012-0050	12-14-2016	Amend	1-1-2017
413-215-1016	12-1-2016	Amend	1-1-2017	415-012-0055	12-14-2016	Amend	1-1-2017
413-215-1016(T)	12-1-2016	Repeal	1-1-2017	415-012-0060	12-14-2016	Amend	1-1-2017
413-215-1021	12-1-2016	Amend	1-1-2017	415-012-0060	2-2-2017	Amend(T)	3-1-2017
413-215-1021(T)	12-1-2016	Repeal	1-1-2017	415-012-0065	12-14-2016	Amend	1-1-2017
413-215-1026	12-1-2016	Amend	1-1-2017	415-012-0067	12-14-2016	Amend	1-1-2017
413-215-1026(T)	12-1-2016	Repeal	1-1-2017	415-012-0075	2-2-2017	Adopt(T)	3-1-2017
413-215-1031	12-1-2016	Amend	1-1-2017	415-012-0090	12-14-2016	Amend	1-1-2017
413-215-1031(T)	12-1-2016	Repeal	1-1-2017	415-020-0000	12-14-2016	Amend	1-1-2017
414-061-0020	12-19-2016	Amend	2-1-2017	415-020-0005	12-14-2016	Amend	1-1-2017
414-061-0040	12-19-2016	Amend	2-1-2017	415-020-0010	12-14-2016	Amend	1-1-2017
414-061-0050	12-19-2016	Amend	2-1-2017	415-020-0090	12-14-2016	Amend	1-1-2017
414-061-0080	1-26-2017	Amend(T)	3-1-2017	415-055-0000	12-5-2016	Amend	1-1-2017
414-061-0100	12-19-2016	Amend	2-1-2017	415-055-0010	12-5-2016	Amend	1-1-2017
414-061-0110	12-19-2016	Amend	2-1-2017	415-055-0035	12-5-2016	Amend	1-1-2017
414-061-0120	12-19-2016	Amend	2-1-2017	415-060-0010	12-14-2016	Repeal	1-1-2017
414-180-0005	1-31-2017	Amend	3-1-2017	415-060-0020	12-14-2016	Repeal	1-1-2017
414-180-0010	1-31-2017	Amend	3-1-2017	415-060-0030	12-14-2016	Repeal	1-1-2017
414-180-0015	1-31-2017	Amend	3-1-2017	415-060-0040	12-14-2016	Repeal	1-1-2017
414-180-0015	3-27-2017	Amend	5-1-2017	415-060-0050	12-14-2016	Repeal	1-1-2017
414-180-0020	1-31-2017	Amend	3-1-2017	416-070-0010	1-31-2017	Amend	3-1-2017
414-180-0020	3-27-2017	Amend	5-1-2017	416-070-0020	1-31-2017	Amend	3-1-2017
414-180-0025	1-31-2017	Amend	3-1-2017	416-070-0040	1-31-2017	Amend	3-1-2017
414-180-0025	3-27-2017	Amend	5-1-2017	416-070-0050	1-31-2017	Amend	3-1-2017
414-180-0055	1-31-2017	Amend	3-1-2017	416-070-0060	1-31-2017	Amend	3-1-2017

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436-009-0004	4-1-2017	Amend	4-1-2017	436-050-0400	1-1-2017	Amend	1-1-2017
436-009-0010	1-1-2017	Amend(T)	2-1-2017	436-050-0410	1-1-2017	Amend	1-1-2017
436-009-0010	4-1-2017	Amend	4-1-2017	436-050-0420	1-1-2017	Amend	1-1-2017
436-009-0020	4-1-2017	Amend	4-1-2017	436-050-0440	1-1-2017	Amend	1-1-2017
436-009-0023	4-1-2017	Amend	4-1-2017	436-050-0450	1-1-2017	Amend	1-1-2017
436-009-0025	4-1-2017	Amend	4-1-2017	436-050-0455	1-1-2017	Amend	1-1-2017
436-009-0030	4-1-2017	Amend	4-1-2017	436-050-0460	1-1-2017	Amend	1-1-2017
436-009-0040	1-1-2017	Amend(T)	2-1-2017	436-050-0470	1-1-2017	Amend	1-1-2017
436-009-0040	4-1-2017	Amend	4-1-2017	436-050-0480	1-1-2017	Amend	1-1-2017
436-009-0060	4-1-2017	Amend	4-1-2017	436-060-0001	1-1-2017	Repeal	1-1-2017
436-009-0110	4-1-2017	Amend	4-1-2017	436-060-0002	1-1-2017	Repeal	1-1-2017
436-010-0001	4-11-2017	Amend(T)	5-1-2017	436-060-0003	1-1-2017	Amend	1-1-2017
436-010-0210	4-1-2017	Amend	4-1-2017	436-060-0005	1-1-2017	Amend	1-1-2017
436-010-0280	4-11-2017	Amend(T)	5-1-2017	436-060-0006	1-1-2017	Repeal	1-1-2017
436-030-0003	4-11-2017	Amend(T)	5-1-2017	436-060-0008	1-1-2017	Amend	1-1-2017
436-030-0020	4-11-2017	Amend(T)	5-1-2017	436-060-0009	1-1-2017	Amend	1-1-2017
436-030-0035	4-11-2017	Amend(T)	5-1-2017	436-060-0010	1-1-2017	Amend	1-1-2017
436-035-0003	4-11-2017	Amend(T)	5-1-2017	436-060-0011	1-1-2017	Adopt	1-1-2017
436-035-0006	4-11-2017	Amend(T)	5-1-2017	436-060-0015	1-1-2017	Amend	1-1-2017
436-035-0013	4-11-2017	Amend(T)	5-1-2017	436-060-0017	1-1-2017	Amend	1-1-2017
436-050-0001	1-1-2017	Repeal	1-1-2017	436-060-0018	1-1-2017	Amend	1-1-2017
436-050-0002	1-1-2017	Repeal	1-1-2017	436-060-0019	1-1-2017	Amend	1-1-2017
436-050-0003	1-1-2017	Amend	1-1-2017	436-060-0020	1-1-2017	Amend	1-1-2017
436-050-0005	1-1-2017	Amend	1-1-2017	436-060-0025	1-1-2017	Amend	1-1-2017
436-050-0006	1-1-2017	Repeal	1-1-2017	436-060-0030	1-1-2017	Amend	1-1-2017
436-050-0008	1-1-2017	Amend	1-1-2017	436-060-0035	1-1-2017	Amend	1-1-2017
436-050-0015	1-1-2017	Amend	1-1-2017	436-060-0040	1-1-2017	Amend	1-1-2017
436-050-0025	1-1-2017	Amend	1-1-2017	436-060-0045	1-1-2017	Amend	1-1-2017
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436-050-0045	1-1-2017	Amend	1-1-2017	436-060-0060	1-1-2017	Amend	1-1-2017
436-050-0050	1-1-2017	Amend	1-1-2017	436-060-0095	1-1-2017	Amend	1-1-2017
436-050-0055	1-1-2017	Amend	1-1-2017	436-060-0105	1-1-2017	Amend	1-1-2017
436-050-0060	1-1-2017	Repeal	1-1-2017	436-060-0135	1-1-2017	Amend	1-1-2017
436-050-0110	1-1-2017	Amend	1-1-2017	436-060-0137	1-1-2017	Amend	1-1-2017
436-050-0120	1-1-2017	Amend	1-1-2017	436-060-0140	1-1-2017	Amend	1-1-2017
436-050-0150	1-1-2017	Amend	1-1-2017	436-060-0147	1-1-2017	Amend	1-1-2017
436-050-0160	1-1-2017	Amend	1-1-2017	436-060-0150	1-1-2017	Amend	1-1-2017
436-050-0165	1-1-2017	Amend	1-1-2017	436-060-0153	1-1-2017	Amend	1-1-2017
436-050-0170	1-1-2017	Amend	1-1-2017	436-060-0155	1-1-2017	Amend	1-1-2017
436-050-0175	1-1-2017	Amend	1-1-2017	436-060-0160	1-1-2017	Amend	1-1-2017
436-050-0180	1-1-2017	Amend	1-1-2017	436-060-0170	1-1-2017	Amend	1-1-2017
436-050-0180	1-1-2017	Amend	2-1-2017	436-060-0180	1-1-2017	Amend	1-1-2017
436-050-0185	1-1-2017	Amend	1-1-2017	436-060-0190	1-1-2017	Amend	1-1-2017
436-050-0190	1-1-2017	Amend	1-1-2017	436-060-0195	1-1-2017	Amend	1-1-2017
436-050-0195	1-1-2017	Amend	1-1-2017	436-060-0200	1-1-2017	Amend	1-1-2017
436-050-0200	1-1-2017	Amend	1-1-2017	436-060-0400	1-1-2017	Amend	1-1-2017
436-050-0205	1-1-2017	Amend	1-1-2017	436-060-0500	1-1-2017	Amend	1-1-2017
436-050-0210	1-1-2017	Amend	1-1-2017	436-060-0510	1-1-2017	Amend	1-1-2017
436-050-0220	1-1-2017	Amend	1-1-2017	436-105-0001	1-1-2017	Repeal	1-1-2017
436-050-0230	1-1-2017	Amend	1-1-2017	436-105-0002	1-1-2017	Repeal	1-1-2017
436-050-0260	1-1-2017	Amend	1-1-2017	436-105-0003	1-1-2017	Amend	1-1-2017
436-050-0270	1-1-2017	Amend	1-1-2017	436-105-0005	1-1-2017	Amend	1-1-2017
436-050-0280	1-1-2017	Amend	1-1-2017	436-105-0006	1-1-2017	Amend	1-1-2017
436-050-0290	1-1-2017	Amend	1-1-2017	436-105-0008	1-1-2017	Amend	1-1-2017

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436-105-0511	1-1-2017	Amend	1-1-2017	436-120-0445	1-1-2017	Amend	1-1-2017
436-105-0512	1-1-2017	Amend	1-1-2017	436-120-0448	1-1-2017	Am. & Ren.	1-1-2017
436-105-0520	1-1-2017	Amend	1-1-2017	436-120-0449	1-1-2017	Repeal	1-1-2017
436-105-0530	1-1-2017	Amend	1-1-2017	436-120-0451	1-1-2017	Am. & Ren.	1-1-2017
436-105-0540	1-1-2017	Amend	1-1-2017	436-120-0455	1-1-2017	Am. & Ren.	1-1-2017
436-105-0550	1-1-2017	Amend	1-1-2017	436-120-0500	1-1-2017	Amend	1-1-2017
436-105-0560	1-1-2017	Amend	1-1-2017	436-120-0510	1-1-2017	Amend	1-1-2017
436-110-0001	1-1-2017	Repeal	1-1-2017	436-120-0520	1-1-2017	Amend	1-1-2017
436-110-0002	1-1-2017	Repeal	1-1-2017	436-120-0530	1-1-2017	Amend	1-1-2017
436-110-0003	1-1-2017	Amend	1-1-2017	436-120-0700	1-1-2017	Amend	1-1-2017
436-110-0005	1-1-2017	Amend	1-1-2017	436-120-0710	1-1-2017	Amend	1-1-2017
436-110-0006	1-1-2017	Amend	1-1-2017	436-120-0720	1-1-2017	Amend	1-1-2017
436-110-0007	1-1-2017	Amend	1-1-2017	436-120-0755	1-1-2017	Amend	1-1-2017
436-110-0150	1-1-2017	Amend	1-1-2017	436-120-0800	1-1-2017	Amend	1-1-2017
436-110-0240	1-1-2017	Amend	1-1-2017	436-120-0810	1-1-2017	Amend	1-1-2017
436-110-0290	1-1-2017	Amend	1-1-2017	436-120-0820	1-1-2017	Amend	1-1-2017
436-110-0310	1-1-2017	Amend	1-1-2017	436-120-0830	1-1-2017	Repeal	1-1-2017
436-110-0320	1-1-2017	Amend	1-1-2017	436-120-0840	1-1-2017	Amend	1-1-2017
436-110-0325	1-1-2017	Amend	1-1-2017	436-120-0900	1-1-2017	Amend	1-1-2017
436-110-0330	1-1-2017	Amend	1-1-2017	436-120-0915	1-1-2017	Amend	1-1-2017
436-110-0335	1-1-2017	Amend	1-1-2017	437-002-0170	1-1-2018	Amend	3-1-2017
436-110-0336	1-1-2017	Amend	1-1-2017	437-004-6000	1-1-2018	Amend	3-1-2017
436-110-0337	1-1-2017	Amend	1-1-2017	437-004-6001	1-1-2018	Adopt	3-1-2017
436-110-0345	1-1-2017	Amend	1-1-2017	437-004-6401	1-1-2018	Adopt	3-1-2017
436-110-0346	1-1-2017	Amend	1-1-2017	437-004-6501	1-1-2018	Adopt	3-1-2017
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436-110-0350	1-1-2017	Amend	1-1-2017	437-004-6508	1-1-2018	Adopt	3-1-2017
436-110-0351	1-1-2017	Amend	1-1-2017	437-004-6509	1-1-2018	Adopt	3-1-2017
436-110-0352	1-1-2017	Amend	1-1-2017	440-007-0200	1-6-2017	Repeal	2-1-2017
436-110-0850	1-1-2017	Amend	1-1-2017	440-007-0210	1-6-2017	Repeal	2-1-2017
436-110-0900	1-1-2017	Amend	1-1-2017	440-007-0230	1-6-2017	Repeal	2-1-2017
436-120-0001	1-1-2017	Repeal	1-1-2017	440-007-0240	1-6-2017	Repeal	2-1-2017
436-120-0002	1-1-2017	Repeal	1-1-2017	440-007-0250	1-6-2017	Repeal	2-1-2017
436-120-0003	1-1-2017	Amend	1-1-2017	440-007-0260	1-6-2017	Repeal	2-1-2017
436-120-0005	1-1-2017	Amend	1-1-2017	440-007-0270	1-6-2017	Repeal	2-1-2017
436-120-0006	1-1-2017	Repeal	1-1-2017	440-007-0272	1-6-2017	Repeal	2-1-2017
436-120-0007	1-1-2017	Am. & Ren.	1-1-2017	440-007-0275	1-6-2017	Repeal	2-1-2017
436-120-0008	1-1-2017	Amend	1-1-2017	440-007-0280	1-6-2017	Repeal	2-1-2017
436-120-0012	1-1-2017	Amend	1-1-2017	440-007-0285	1-6-2017	Repeal	2-1-2017
436-120-0014	1-1-2017	Repeal	1-1-2017	440-007-0290	1-6-2017	Repeal	2-1-2017
436-120-0016	1-1-2017	Repeal	1-1-2017	440-007-0300	1-6-2017	Repeal	2-1-2017
436-120-0017	1-1-2017	Repeal	1-1-2017	441-025-0005	2-1-2017	Amend	3-1-2017
436-120-0018	1-1-2017	Repeal	1-1-2017	441-025-0010	2-1-2017	Repeal	3-1-2017
436-120-0115	1-1-2017	Amend	1-1-2017	441-025-0020	2-1-2017	Amend	3-1-2017
436-120-0125	1-1-2017	Repeal	1-1-2017	441-025-0050	2-1-2017	Amend	3-1-2017
436-120-0135	1-1-2017	Repeal	1-1-2017	441-025-0121	2-1-2017	Amend	3-1-2017
436-120-0145	1-1-2017	Amend	1-1-2017	441-035-0005	2-1-2017	Amend	3-1-2017
436-120-0155	1-1-2017	Am. & Ren.	1-1-2017	441-035-0030	2-1-2017	Amend	3-1-2017
436-120-0165	1-1-2017	Amend	1-1-2017	441-035-0040	2-1-2017	Repeal	3-1-2017
436-120-0175	1-1-2017	Amend	1-1-2017	441-035-0045	2-1-2017	Amend	3-1-2017
436-120-0185	1-1-2017	Amend	1-1-2017	441-035-0300	2-1-2017	Adopt	3-1-2017
436-120-0340	1-1-2017	Am. & Ren.	1-1-2017	441-049-1001	2-1-2017	Amend	3-1-2017
436-120-0400	1-1-2017	Am. & Ren.	1-1-2017	441-049-1011	2-1-2017	Amend	3-1-2017
436-120-0410	1-1-2017	Amend	1-1-2017	441-049-1051	2-1-2017	Amend	3-1-2017

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441-175-0020	2-1-2017	Amend	3-1-2017	461-135-0560	4-1-2017	Amend	5-1-2017
441-175-0030	2-1-2017	Amend	3-1-2017	461-135-0730	1-1-2017	Amend	1-1-2017
441-500-0020	2-1-2017	Amend	3-1-2017	461-135-0780	1-1-2017	Amend	1-1-2017
441-505-3030	2-1-2017	Amend	3-1-2017	461-135-0820	1-1-2017	Amend	1-1-2017
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441-860-0020	4-1-2017	Amend	3-1-2017	461-145-0005	4-1-2017	Amend	5-1-2017
441-860-0025	4-1-2017	Amend	3-1-2017	461-145-0035	1-1-2017	Adopt	1-1-2017
441-860-0050	4-1-2017	Amend	3-1-2017	461-145-0035	4-1-2017	Amend	5-1-2017
441-880-0310	1-1-2017	Amend	2-1-2017	461-145-0088	4-1-2017	Amend	5-1-2017
441-885-0010	4-1-2017	Amend	3-1-2017	461-145-0140	1-1-2017	Amend	1-1-2017
441-910-0010	4-14-2017	Amend	5-1-2017	461-145-0184	1-1-2017	Repeal	1-1-2017
441-910-0030	4-14-2017	Amend	5-1-2017	461-145-0220	1-1-2017	Amend	1-1-2017
441-910-0050	4-14-2017	Amend	5-1-2017	461-145-0300	4-1-2017	Amend	5-1-2017
441-910-0055	4-14-2017	Amend	5-1-2017	461-145-0365	4-1-2017	Amend	5-1-2017
459-005-0525	1-27-2017	Amend	3-1-2017	461-145-0417	1-1-2017	Adopt	1-1-2017
459-005-0545	1-27-2017	Amend	3-1-2017	461-145-0430	4-1-2017	Amend	5-1-2017
459-017-0060	1-1-2017	Amend	1-1-2017	461-145-0470	4-1-2017	Amend(T)	5-1-2017
459-080-0500	1-27-2017	Amend	3-1-2017	461-145-0505	4-1-2017	Amend	5-1-2017
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461-130-0315(T)	1-1-2017	Repeal	2-1-2017	461-155-0670	4-1-2017	Amend(T)	5-1-2017
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461-165-0160	3-24-2017	Amend(T)	5-1-2017	581-022-1920	2-1-2017	Amend(T)	3-1-2017
461-165-0180	1-1-2017	Amend	2-1-2017	581-022-2440	2-1-2017	Adopt	3-1-2017
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461-170-0101	3-10-2017	Amend(T)	4-1-2017	581-027-0015	3-1-2017	Amend	4-1-2017
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471-007-0230	4-5-2017	Repeal	5-1-2017	584-200-0010	4-12-2017	Amend	5-1-2017
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581-013-0025	3-1-2017	Adopt	4-1-2017	584-420-0390	4-12-2017	Repeal	5-1-2017
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603-048-0400	3-15-2017	Amend(T)	4-1-2017	635-005-0465(T)	2-10-2017	Suspend	3-1-2017
603-048-0500	3-15-2017	Amend(T)	4-1-2017	635-005-0505	11-21-2016	Amend(T)	1-1-2017
603-048-0600	3-15-2017	Amend(T)	4-1-2017	635-005-0915	1-1-2017	Amend	1-1-2017
603-048-0650	3-15-2017	Amend(T)	4-1-2017	635-006-0210	1-1-2017	Amend	1-1-2017
603-048-0700	1-18-2017	Amend(T)	3-1-2017	635-006-0210	2-2-2017	Amend(T)	3-1-2017
603-048-0700	3-15-2017	Amend(T)	4-1-2017	635-006-0210(T)	2-2-2017	Suspend	3-1-2017
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603-048-2310	3-15-2017	Adopt(T)	4-1-2017	635-008-0175	11-17-2016	Amend	1-1-2017
603-048-2315	3-15-2017	Adopt(T)	4-1-2017	635-011-0100	1-1-2017	Amend	2-1-2017
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603-048-2350	3-15-2017	Adopt(T)	4-1-2017	635-013-0004	1-1-2017	Amend	2-1-2017
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635-023-0125	4-13-2017	Amend(T)	5-1-2017	635-044-0030	1-24-2017	Repeal	3-1-2017
635-023-0125	5-16-2017	Amend(T)	6-1-2017	635-044-0035	1-24-2017	Repeal	3-1-2017
635-023-0128	1-1-2017	Amend	2-1-2017	635-044-0035	1-24-2017	Repeal	3-1-2017
635-023-0130	1-1-2017	Amend	2-1-2017	635-044-0040	1-24-2017	Repeal	3-1-2017
635-023-0134	1-1-2017	Amend	2-1-2017	635-044-0045	1-24-2017	Repeal	3-1-2017
635-023-0134	4-22-2017	Amend(T)	6-1-2017	635-044-0050	1-24-2017	Repeal	3-1-2017
635-023-0140	1-1-2017	Amend	2-1-2017	635-044-0051	1-24-2017	Repeal	3-1-2017
635-039-0080	1-1-2017	Amend	2-1-2017	635-044-0060	1-24-2017	Repeal	3-1-2017
635-039-0080	2-15-2017	Amend	3-1-2017	635-044-0075	1-24-2017	Repeal	3-1-2017
635-039-0085	4-24-2017	Amend	6-1-2017	635-044-0080	1-24-2017	Repeal	3-1-2017
635-039-0090	1-1-2017	Amend	1-1-2017	635-044-0120	1-24-2017	Repeal	3-1-2017
635-039-0090	1-1-2017	Amend	2-1-2017	635-044-0125	1-24-2017	Repeal	3-1-2017
635-039-0090	4-24-2017	Amend	6-1-2017	635-044-0130	1-24-2017	Repeal	3-1-2017
635-041-0005	2-21-2017	Amend	3-1-2017	635-044-0132	1-24-2017	Repeal	3-1-2017
635-041-0025	2-21-2017	Amend	3-1-2017	635-044-0400	1-24-2017	Adopt	3-1-2017
635-041-0030	2-21-2017	Amend	3-1-2017	635-044-0410	1-24-2017	Adopt	3-1-2017
635-041-0050	2-21-2017	Amend	3-1-2017	635-044-0420	1-24-2017	Adopt	3-1-2017
635-041-0061	2-21-2017	Amend	3-1-2017	635-044-0430	1-24-2017	Adopt	3-1-2017
635-041-0063	2-21-2017	Amend	3-1-2017	635-044-0440	1-24-2017	Adopt	3-1-2017
635-041-0065	2-1-2017	Amend(T)	3-1-2017	635-044-0450	1-24-2017	Adopt	3-1-2017
635-041-0065	2-7-2017	Amend(T)	3-1-2017	635-044-0460	1-24-2017	Adopt	3-1-2017
635-041-0065	2-15-2017	Amend(T)	3-1-2017	635-044-0470	1-24-2017	Adopt	3-1-2017
635-041-0065	2-22-2017	Amend(T)	4-1-2017	635-044-0475	1-24-2017	Adopt	3-1-2017
635-041-0065	3-1-2017	Amend(T)	4-1-2017	635-044-0480	1-24-2017	Adopt	3-1-2017
635-041-0065	3-17-2017	Amend(T)	4-1-2017	635-044-0490	1-24-2017	Adopt	3-1-2017
635-041-0065(T)	2-7-2017	Suspend	3-1-2017	635-044-0500	1-24-2017	Adopt	3-1-2017
635-042-0100	4-1-2017	Amend(T)	5-1-2017	635-044-0500	3-9-2017	Amend	4-1-2017
635-042-0130	2-2-2017	Amend(T)	3-1-2017	635-044-0510	1-24-2017	Adopt	3-1-2017
635-042-0145	2-6-2017	Amend(T)	3-1-2017	635-044-0520	1-24-2017	Adopt	3-1-2017
635-042-0145	3-30-2017	Amend(T)	5-1-2017	635-044-0530	1-24-2017	Adopt	3-1-2017
635-042-0145	4-6-2017	Amend(T)	5-1-2017	635-044-0540	1-24-2017	Adopt	3-1-2017
635-042-0145	4-13-2017	Amend(T)	5-1-2017	635-044-0550	1-24-2017	Adopt	3-1-2017
635-042-0145	4-27-2017	Amend(T)	6-1-2017	635-044-0560	1-24-2017	Adopt	3-1-2017
635-042-0145	5-3-2017	Amend(T)	6-1-2017	635-044-0570	1-24-2017	Adopt	3-1-2017
635-042-0145	5-15-2017	Amend(T)	6-1-2017	635-044-0580	1-24-2017	Adopt	3-1-2017
635-042-0145(T)	2-6-2017	Suspend	3-1-2017	635-044-0590	1-24-2017	Adopt	3-1-2017
635-042-0160	2-6-2017	Amend(T)	3-1-2017	635-045-0000	4-24-2017	Amend	6-1-2017
635-042-0160	3-20-2017	Amend(T)	5-1-2017	635-045-0002	3-2-2017	Amend	4-1-2017
635-042-0160	3-30-2017	Amend(T)	5-1-2017	635-050-0045	3-9-2017	Amend(T)	4-1-2017
635-042-0160	4-6-2017	Amend(T)	5-1-2017	635-051-0000	4-24-2017	Amend	6-1-2017
635-042-0160	4-13-2017	Amend(T)	5-1-2017	635-052-0000	4-24-2017	Amend	6-1-2017
635-042-0160(T)	2-6-2017	Suspend	3-1-2017	635-053-0000	4-24-2017	Amend	6-1-2017
635-042-0170	2-6-2017	Amend(T)	3-1-2017	635-054-0000	4-24-2017	Amend	6-1-2017
635-042-0170	3-20-2017	Amend(T)	5-1-2017	635-060-0000	3-2-2017	Amend	4-1-2017
635-042-0170	3-30-2017	Amend(T)	5-1-2017	635-060-0000	4-24-2017	Amend	6-1-2017
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635-065-0760	3-2-2017	Amend	4-1-2017	660-044-0000	3-1-2017	Amend	4-1-2017
635-066-0000	3-2-2017	Amend	4-1-2017	660-044-0005	3-1-2017	Amend	4-1-2017
635-066-0010	3-2-2017	Amend	4-1-2017	660-044-0010	3-1-2017	Repeal	4-1-2017
635-066-0020	3-2-2017	Amend	4-1-2017	660-044-0020	3-1-2017	Amend	4-1-2017
635-067-0000	3-2-2017	Amend	4-1-2017	660-044-0025	3-1-2017	Amend	4-1-2017
635-068-0000	3-2-2017	Amend	4-1-2017	660-044-0030	3-1-2017	Amend	4-1-2017
635-069-0000	3-2-2017	Amend	4-1-2017	660-044-0035	3-1-2017	Amend	4-1-2017
635-070-0000	3-2-2017	Amend	4-1-2017	660-044-0040	3-1-2017	Amend	4-1-2017
635-071-0000	3-2-2017	Amend	4-1-2017	660-044-0060	3-1-2017	Amend	4-1-2017
635-071-0010	3-31-2017	Amend(T)	5-1-2017	661-010-0000	1-1-2017	Amend	2-1-2017
635-072-0000	3-2-2017	Amend	4-1-2017	661-010-0005	1-1-2017	Amend	2-1-2017
635-075-0020	4-24-2017	Amend	6-1-2017	661-010-0015	1-1-2017	Amend	2-1-2017
635-075-0022	3-21-2017	Amend	5-1-2017	661-010-0021	1-1-2017	Amend	2-1-2017
635-075-0022	4-24-2017	Amend	6-1-2017	661-010-0025	1-1-2017	Amend	2-1-2017
635-075-0024	4-24-2017	Adopt	6-1-2017	661-010-0030	1-1-2017	Amend	2-1-2017
635-100-0125	4-25-2017	Amend	6-1-2017	661-010-0035	1-1-2017	Amend	2-1-2017
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635-500-6705	4-4-2017	Amend	5-1-2017	661-010-0068	1-1-2017	Amend	2-1-2017
635-500-6715	12-15-2016	Amend	1-1-2017	661-010-0075	1-1-2017	Amend	2-1-2017
635-500-6715	1-25-2017	Amend	3-1-2017	690-210-0320	2-16-2017	Amend	4-1-2017
635-500-6715	4-4-2017	Amend	5-1-2017	690-240-0005	2-16-2017	Amend	4-1-2017
635-500-6720	12-15-2016	Amend	1-1-2017	695-005-0010	5-2-2017	Amend	6-1-2017
635-500-6720	1-25-2017	Amend	3-1-2017	695-005-0030	5-2-2017	Amend	6-1-2017
635-500-6720	4-4-2017	Amend	5-1-2017	695-005-0040	5-2-2017	Amend	6-1-2017
635-500-6725	12-15-2016	Amend	1-1-2017	695-005-0050	5-2-2017	Amend	6-1-2017
635-500-6725	1-25-2017	Amend	3-1-2017	695-005-0060	5-2-2017	Amend	6-1-2017
635-500-6730	12-15-2016	Amend	1-1-2017	695-010-0020	5-2-2017	Amend	6-1-2017
635-500-6730	1-25-2017	Amend	3-1-2017	695-010-0060	5-2-2017	Amend	6-1-2017
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635-500-6735	12-15-2016	Amend	1-1-2017	715-045-0007	1-1-2017	Amend	2-1-2017
635-500-6735	1-25-2017	Amend	3-1-2017	715-045-0033	1-1-2017	Amend	2-1-2017
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635-500-6745	12-15-2016	Amend	1-1-2017	734-010-0300	11-28-2016	Amend	1-1-2017
635-500-6745	1-25-2017	Amend	3-1-2017	734-010-0320	11-28-2016	Amend	1-1-2017
635-500-6750	12-15-2016	Amend	1-1-2017	734-010-0330	11-28-2016	Amend	1-1-2017
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660-038-0020	2-28-2017	Amend	4-1-2017	734-059-0200	11-28-2016	Amend	1-1-2017
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660-039-0000	2-27-2017	Adopt	4-1-2017	734-060-0010	11-28-2016	Repeal	1-1-2017
660-039-0010	2-27-2017	Adopt	4-1-2017	734-060-0175	11-28-2016	Amend	1-1-2017
660-039-0020	2-27-2017	Adopt	4-1-2017	734-060-0180	11-28-2016	Adopt	1-1-2017
660-039-0030	2-27-2017	Adopt	4-1-2017	734-060-0190	11-28-2016	Amend	1-1-2017
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660-039-0060	2-27-2017	Adopt	4-1-2017	734-065-0020	11-28-2016	Amend	1-1-2017
660-039-0070	2-27-2017	Adopt	4-1-2017	734-065-0025	11-28-2016	Amend	1-1-2017
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735-010-0020	1-24-2017	Amend	3-1-2017	804-022-0025	2-10-2017	Amend	3-1-2017
735-024-0015	11-22-2016	Amend	1-1-2017	804-030-0011	2-10-2017	Amend	3-1-2017
735-024-0025	11-22-2016	Amend	1-1-2017	804-035-0000	2-10-2017	Adopt	3-1-2017
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735-062-0040	4-26-2017	Amend	6-1-2017	804-035-0035	2-10-2017	Amend	3-1-2017
735-062-0090	3-20-2017	Amend	5-1-2017	804-035-0040	2-10-2017	Amend	3-1-2017
735-062-0090(T)	3-20-2017	Repeal	5-1-2017	804-040-0000	2-10-2017	Amend	3-1-2017
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736-018-0045	4-19-2017	Amend	6-1-2017	804-050-0015	2-10-2017	Amend	3-1-2017
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736-040-0110	2-2-2017	Adopt	3-1-2017	808-003-0700	12-19-2016	Amend	2-1-2017
738-080-0030	4-28-2017	Amend	6-1-2017	808-003-0700(T)	12-19-2016	Repeal	2-1-2017
738-124-0020	3-8-2017	Amend(T)	4-1-2017	808-003-0710	3-24-2017	Amend	5-1-2017
738-125-0020	3-8-2017	Amend(T)	4-1-2017	811-010-0005	1-6-2017	Amend	2-1-2017
740-200-0010	2-22-2017	Amend	4-1-2017	811-010-0015	1-6-2017	Amend	2-1-2017
740-200-0010	3-7-2017	Amend	4-1-2017	811-010-0025	1-6-2017	Amend	2-1-2017
740-200-0020	2-22-2017	Amend	4-1-2017	811-010-0040	1-6-2017	Amend	2-1-2017
740-200-0020	3-7-2017	Amend	4-1-2017	811-010-0066	1-6-2017	Amend	2-1-2017
740-200-0040	2-22-2017	Amend	4-1-2017	811-010-0071	1-6-2017	Amend	2-1-2017
740-200-0040	3-7-2017	Amend	4-1-2017	811-010-0084	1-6-2017	Amend	2-1-2017
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800-010-0040	1-27-2017	Amend	3-1-2017	811-010-0090	1-6-2017	Amend	2-1-2017
800-010-0050	1-27-2017	Amend	3-1-2017	811-010-0093	1-6-2017	Amend	2-1-2017
800-015-0010	1-27-2017	Amend	3-1-2017	811-010-0095	1-6-2017	Amend	2-1-2017
800-015-0020	1-27-2017	Amend	3-1-2017	811-010-0110	1-1-2018	Amend	6-1-2017
800-020-0015	1-27-2017	Amend	3-1-2017	811-035-0001	4-21-2017	Amend	6-1-2017
800-020-0020	1-27-2017	Amend	3-1-2017	812-003-0131	1-1-2017	Amend	2-1-2017
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813-240-0005	4-19-2017	Amend	6-1-2017	837-120-0520	2-1-2017	Adopt	3-1-2017
813-240-0005(T)	4-19-2017	Repeal	6-1-2017	837-120-0530	2-1-2017	Adopt	3-1-2017
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819-005-0005	1-3-2017	Adopt	2-1-2017	839-025-0700	4-1-2017	Amend	4-1-2017
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819-020-0020	1-3-2017	Adopt	2-1-2017	845-005-0412	1-1-2017	Adopt	1-1-2017
819-020-0035	1-3-2017	Adopt	2-1-2017	845-006-0500	12-1-2016	Amend	1-1-2017
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819-040-0005	1-3-2017	Adopt	2-1-2017	845-025-1090	12-27-2016	Amend	2-1-2017
820-001-0025	5-12-2017	Amend	6-1-2017	845-025-1100	12-27-2016	Amend	2-1-2017
820-010-0520	12-29-2016	Amend	2-1-2017	845-025-1115	12-27-2016	Amend	2-1-2017
820-010-0720	12-29-2016	Amend	2-1-2017	845-025-1160	12-27-2016	Amend	2-1-2017
820-010-1000	5-12-2017	Amend	6-1-2017	845-025-1175	12-27-2016	Amend	2-1-2017
820-010-1010	5-12-2017	Amend	6-1-2017	845-025-1230	12-27-2016	Amend	2-1-2017
820-010-2000	5-12-2017	Amend	6-1-2017	845-025-1360	12-27-2016	Amend	2-1-2017
820-010-3000	5-12-2017	Amend	6-1-2017	845-025-1410	12-27-2016	Amend	2-1-2017
820-020-0035	5-12-2017	Amend	6-1-2017	845-025-1420	12-27-2016	Amend	2-1-2017
820-025-0005	12-29-2016	Amend	2-1-2017	845-025-1440	12-27-2016	Amend	2-1-2017
820-040-0030	5-12-2017	Amend	6-1-2017	845-025-1450	12-27-2016	Amend	2-1-2017
824-010-0005	1-1-2017	Amend	1-1-2017	845-025-1470	12-27-2016	Amend	2-1-2017
824-030-0010	1-1-2017	Amend	1-1-2017	845-025-2020	12-27-2016	Amend	2-1-2017
824-030-0040	1-1-2017	Amend	1-1-2017	845-025-2030	12-27-2016	Amend	2-1-2017
824-035-0005	1-1-2017	Repeal	1-1-2017	845-025-2040	12-27-2016	Amend	2-1-2017
824-036-0001	1-1-2017	Adopt	1-1-2017	845-025-2060	12-27-2016	Amend	2-1-2017
824-040-0010	1-1-2017	Amend	1-1-2017	845-025-2070	1-1-2017	Amend(T)	2-1-2017
824-050-0010	1-1-2017	Amend	1-1-2017	845-025-2100	12-27-2016	Adopt	2-1-2017
824-060-0010	1-1-2017	Amend	1-1-2017	845-025-2500	5-1-2017	Adopt	6-1-2017
824-070-0005	1-1-2017	Adopt	1-1-2017	845-025-2510	5-1-2017	Adopt	6-1-2017
824-070-0010	1-1-2017	Adopt	1-1-2017	845-025-2520	5-1-2017	Adopt	6-1-2017
830-011-0065	1-12-2017	Amend	2-1-2017	845-025-2530	5-1-2017	Adopt	6-1-2017
833-040-0041	12-12-2016	Amend(T)	1-1-2017	845-025-2540	5-1-2017	Adopt	6-1-2017
834-030-0010	1-17-2017	Amend(T)	3-1-2017	845-025-2550	5-1-2017	Adopt	6-1-2017
834-030-0010	4-1-2017	Amend	5-1-2017	845-025-2560	5-1-2017	Adopt	6-1-2017
834-050-0000	1-9-2017	Amend	2-1-2017	845-025-2800	12-27-2016	Amend	2-1-2017
834-050-0010	1-9-2017	Amend	2-1-2017	845-025-2840	12-27-2016	Amend	2-1-2017
836-005-0405	1-10-2017	Adopt	2-1-2017	845-025-2900	12-27-2016	Adopt	2-1-2017
836-010-0135	1-9-2017	Amend	2-1-2017	845-025-2910	12-27-2016	Adopt	2-1-2017
836-010-0140	1-9-2017	Amend	2-1-2017	845-025-3215	12-27-2016	Amend	2-1-2017
836-011-0000	1-31-2017	Amend(T)	3-1-2017	845-025-3250	1-1-2017	Amend(T)	2-1-2017
836-011-0000	4-20-2017	Amend	6-1-2017	845-025-3255	1-1-2017	Adopt(T)	2-1-2017
836-011-0000	4-27-2017	Amend	6-1-2017	845-025-3260	12-27-2016	Amend	2-1-2017
836-011-0000(T)	4-20-2017	Repeal	6-1-2017	845-025-3300	12-27-2016	Adopt	2-1-2017
836-011-0000(T)	4-27-2017	Repeal	6-1-2017	845-025-3310	12-27-2016	Adopt	2-1-2017
836-011-0030	12-21-2016	Adopt	2-1-2017	845-025-3500	12-27-2016	Amend	2-1-2017
836-014-0400	4-14-2017	Repeal	5-1-2017	845-025-3510	12-27-2016	Adopt	2-1-2017
836-031-0605	12-21-2016	Adopt	2-1-2017	845-025-3600	12-27-2016	Adopt	2-1-2017
836-053-0015	3-9-2017	Amend	4-1-2017	845-025-5000	12-27-2016	Amend	2-1-2017

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845-025-5350	12-27-2016	Amend	2-1-2017	852-070-0010	3-14-2017	Amend	4-1-2017
845-025-5500	12-27-2016	Amend	2-1-2017	855-007-0060	2-23-2017	Amend	4-1-2017
845-025-5540	12-27-2016	Amend	2-1-2017	855-019-0120	12-14-2016	Amend	1-1-2017
845-025-5700	12-27-2016	Amend	2-1-2017	855-019-0123	2-23-2017	Adopt	4-1-2017
845-025-5700	3-3-2017	Amend(T)	4-1-2017	855-019-0450	12-14-2016	Adopt	1-1-2017
845-025-5700(T)	12-27-2016	Repeal	2-1-2017	855-019-0450(T)	12-14-2016	Repeal	1-1-2017
845-025-7000	12-27-2016	Amend	2-1-2017	855-019-0455	12-14-2016	Adopt	1-1-2017
845-025-7020	12-27-2016	Amend	2-1-2017	855-019-0455(T)	12-14-2016	Repeal	1-1-2017
845-025-7030	12-27-2016	Amend	2-1-2017	855-019-0460	12-14-2016	Adopt	1-1-2017
845-025-7060	12-27-2016	Amend	2-1-2017	855-019-0460(T)	12-14-2016	Repeal	1-1-2017
845-025-7520	12-27-2016	Amend	2-1-2017	855-041-1001	2-23-2017	Amend	4-1-2017
845-025-7580	12-27-2016	Amend	2-1-2017	855-041-1010	2-23-2017	Amend	4-1-2017
845-025-7700	12-27-2016	Amend	2-1-2017	855-041-1036	2-23-2017	Amend	4-1-2017
845-025-7750	12-27-2016	Amend	2-1-2017	855-041-1045	2-23-2017	Amend	4-1-2017
845-025-8040	12-27-2016	Amend	2-1-2017	855-041-1046	2-23-2017	Adopt	4-1-2017
845-025-8060	12-27-2016	Amend	2-1-2017	855-041-2340	12-14-2016	Adopt	1-1-2017
845-025-8520	12-27-2016	Amend	2-1-2017	855-041-2340(T)	12-14-2016	Repeal	1-1-2017
845-025-8560	12-27-2016	Amend	2-1-2017	855-041-4100	2-23-2017	Amend	4-1-2017
845-025-8750	12-27-2016	Adopt	2-1-2017	855-041-4120	2-23-2017	Amend	4-1-2017
847-003-0200	7-1-2017	Amend	2-1-2017	855-041-5005	2-23-2017	Amend	4-1-2017
847-010-0066	4-7-2017	Amend	5-1-2017	855-044-0001	2-23-2017	Amend	4-1-2017
847-035-0030	1-6-2017	Amend	2-1-2017	855-044-0030	2-23-2017	Amend	4-1-2017
847-070-0005	1-6-2017	Amend	2-1-2017	855-080-0021	12-14-2016	Amend	1-1-2017
848-005-0010	7-1-2017	Amend	4-1-2017	855-080-0105	2-23-2017	Amend	4-1-2017
851-010-0000	1-1-2017	Adopt	1-1-2017	856-010-0014	5-2-2017	Amend(T)	6-1-2017
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851-010-0010	1-1-2017	Amend	1-1-2017	856-030-0040	11-22-2016	Amend	1-1-2017
851-010-0015	1-1-2017	Amend	1-1-2017	858-010-0034	2-16-2017	Amend	4-1-2017
851-010-0020	1-1-2017	Repeal	1-1-2017	858-020-0055	3-20-2017	Amend	5-1-2017
851-010-0024	1-1-2017	Amend	1-1-2017	859-010-0005	11-18-2016	Amend	1-1-2017
851-010-0035	1-1-2017	Amend	1-1-2017	859-510-0005	12-13-2016	Amend	1-1-2017
851-050-0001	3-1-2017	Amend	4-1-2017	860-024-0010	2-21-2017	Amend	4-1-2017
851-050-0004	4-15-2017	Amend(T)	5-1-2017	860-032-0060	2-7-2017	Amend	3-1-2017
851-052-0000	3-1-2017	Amend	4-1-2017	860-032-0610	11-22-2016	Am. & Ren.	1-1-2017
851-052-0010	3-1-2017	Amend	4-1-2017	860-032-0620	11-22-2016	Am. & Ren.	1-1-2017
851-052-0020	3-1-2017	Amend	4-1-2017	860-032-0630	11-22-2016	Am. & Ren.	1-1-2017
851-052-0030	3-1-2017	Amend	4-1-2017	860-032-0640	11-22-2016	Renumber	1-1-2017
851-052-0040	3-1-2017	Amend	4-1-2017	860-032-0650	11-22-2016	Renumber	1-1-2017
851-052-0050	3-1-2017	Adopt	4-1-2017	860-032-0660	11-22-2016	Renumber	1-1-2017
851-052-0060	3-1-2017	Adopt	4-1-2017	860-032-0670	11-22-2016	Renumber	1-1-2017
851-052-0100	3-1-2017	Amend	4-1-2017	860-033-0005	12-2-2016	Amend(T)	1-1-2017
851-056-0026	4-15-2017	Amend(T)	5-1-2017	860-033-0030	12-2-2016	Amend(T)	1-1-2017
852-005-0005	7-1-2017	Amend	3-1-2017	860-033-0046	12-2-2016	Amend(T)	1-1-2017
852-005-0005	7-1-2017	Amend	4-1-2017	860-033-0050	12-2-2016	Amend(T)	1-1-2017
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852-010-0080	3-14-2017	Amend	4-1-2017	860-036-0005	1-24-2017	Repeal	3-1-2017
852-010-0080	4-26-2017	Amend(T)	6-1-2017	860-036-0010	1-24-2017	Repeal	3-1-2017
852-020-0045	2-14-2017	Amend	3-1-2017	860-036-0015	1-24-2017	Repeal	3-1-2017
852-020-0045	3-14-2017	Amend	4-1-2017	860-036-0020	1-24-2017	Repeal	3-1-2017
852-050-0001	2-14-2017	Amend	3-1-2017	860-036-0025	1-24-2017	Repeal	3-1-2017
852-050-0001	3-14-2017	Amend	4-1-2017	860-036-0030	1-24-2017	Repeal	3-1-2017
852-050-0025	2-14-2017	Amend	3-1-2017	860-036-0035	1-24-2017	Repeal	3-1-2017
852-050-0025	3-14-2017	Amend	4-1-2017	860-036-0040	1-24-2017	Repeal	3-1-2017
852-060-0025	2-14-2017	Amend	3-1-2017	860-036-0045	1-24-2017	Repeal	3-1-2017
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860-036-1400	1-24-2017	Adopt	3-1-2017	860-036-2230	1-24-2017	Adopt	3-1-2017
860-036-1410	1-24-2017	Adopt	3-1-2017	860-036-2300	1-24-2017	Adopt	3-1-2017
860-036-1420	1-24-2017	Adopt	3-1-2017	860-036-2310	1-24-2017	Adopt	3-1-2017
860-036-1430	1-24-2017	Adopt	3-1-2017	860-036-2350	1-24-2017	Adopt	3-1-2017
860-036-1440	1-24-2017	Adopt	3-1-2017	860-036-2360	1-24-2017	Adopt	3-1-2017
860-036-1450	1-24-2017	Adopt	3-1-2017	860-036-2370	1-24-2017	Adopt	3-1-2017
860-036-1500	1-24-2017	Adopt	3-1-2017	860-036-2380	1-24-2017	Adopt	3-1-2017
860-036-1510	1-24-2017	Adopt	3-1-2017	860-036-2390	1-24-2017	Adopt	3-1-2017
860-036-1520	1-24-2017	Adopt	3-1-2017	860-036-2400	1-24-2017	Adopt	3-1-2017
860-036-1530	1-24-2017	Adopt	3-1-2017	860-036-2410	1-24-2017	Adopt	3-1-2017
860-036-1540	1-24-2017	Adopt	3-1-2017	860-087-0001	11-22-2016	Adopt	1-1-2017
860-036-1550	1-24-2017	Adopt	3-1-2017	860-087-0010	11-22-2016	Adopt	1-1-2017
860-036-1560	1-24-2017	Adopt	3-1-2017	860-087-0030	11-22-2016	Adopt	1-1-2017
860-036-1570	1-24-2017	Adopt	3-1-2017	860-087-0040	11-22-2016	Adopt	1-1-2017
860-036-1580	1-24-2017	Adopt	3-1-2017	860-100-0001	11-22-2016	Adopt	1-1-2017
860-036-1590	1-24-2017	Adopt	3-1-2017	860-100-0005	11-22-2016	Adopt	1-1-2017
860-036-1600	1-24-2017	Adopt	3-1-2017	875-010-0031	12-12-2016	Suspend	1-1-2017
860-036-1610	1-24-2017	Adopt	3-1-2017	875-010-0045	12-12-2016	Amend(T)	1-1-2017
860-036-1620	1-24-2017	Adopt	3-1-2017	875-010-0045	12-13-2016	Amend	1-1-2017
860-036-1630	1-24-2017	Adopt	3-1-2017	875-010-0045	12-14-2016	Amend(T)	1-1-2017
860-036-1640	1-24-2017	Adopt	3-1-2017	875-010-0045	1-12-2017	Amend	2-1-2017
860-036-1650	1-24-2017	Adopt	3-1-2017	875-010-0090	12-12-2016	Amend	1-1-2017
860-036-1660	1-24-2017	Adopt	3-1-2017	875-010-0090	1-12-2017	Amend	2-1-2017
860-036-1670	1-24-2017	Adopt	3-1-2017	875-015-0030	12-12-2016	Amend(T)	1-1-2017
860-036-1680	1-24-2017	Adopt	3-1-2017	875-030-0010	12-13-2016	Amend	1-1-2017
860-036-1690	1-24-2017	Adopt	3-1-2017	875-030-0010	1-12-2017	Amend	2-1-2017
860-036-1700	1-24-2017	Adopt	3-1-2017	875-030-0050	12-13-2016	Amend	1-1-2017
860-036-1710	1-24-2017	Adopt	3-1-2017	875-030-0050	1-12-2017	Amend	2-1-2017
860-036-1720	1-24-2017	Adopt	3-1-2017	877-001-0009	1-23-2017	Amend	3-1-2017
860-036-1800	1-24-2017	Adopt	3-1-2017	877-015-0108	1-23-2017	Amend	3-1-2017
860-036-1810	1-24-2017	Adopt	3-1-2017	877-020-0009	1-23-2017	Amend	3-1-2017
860-036-1820	1-24-2017	Adopt	3-1-2017	877-020-0010	1-23-2017	Amend	3-1-2017
860-036-1830	1-24-2017	Adopt	3-1-2017	877-020-0012	1-23-2017	Amend	3-1-2017
860-036-1840	1-24-2017	Adopt	3-1-2017	918-001-0012	4-1-2017	Adopt	5-1-2017
860-036-1850	1-24-2017	Adopt	3-1-2017	918-001-0014	4-1-2017	Adopt	5-1-2017
860-036-1900	1-24-2017	Adopt	3-1-2017	918-001-0016	4-1-2017	Adopt	5-1-2017
860-036-1910	1-24-2017	Adopt	3-1-2017	918-001-0034	4-1-2017	Amend	5-1-2017
860-036-1920	1-24-2017	Adopt	3-1-2017	918-001-0300	4-1-2017	Adopt	5-1-2017
860-036-1930	1-24-2017	Adopt	3-1-2017	918-001-0310	4-1-2017	Adopt	5-1-2017
860-036-1940	1-24-2017	Adopt	3-1-2017	918-098-1305	1-19-2017	Amend(T)	3-1-2017
860-036-1950	1-24-2017	Adopt	3-1-2017	918-098-1325	1-19-2017	Amend(T)	3-1-2017
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860-036-2010	1-24-2017	Adopt	3-1-2017	918-282-0470	2-1-2017	Adopt(T)	3-1-2017
860-036-2020	1-24-2017	Adopt	3-1-2017	918-282-0475	2-1-2017	Adopt(T)	3-1-2017
860-036-2030	1-24-2017	Adopt	3-1-2017	918-308-0000	1-1-2017	Amend	2-1-2017
860-036-2100	1-24-2017	Adopt	3-1-2017	918-308-0010	1-1-2017	Amend	2-1-2017
860-036-2110	1-24-2017	Adopt	3-1-2017	918-308-0160	1-1-2017	Amend	2-1-2017
860-036-2120	1-24-2017	Adopt	3-1-2017	918-460-0015	5-2-2017	Amend(T)	6-1-2017
860-036-2130	1-24-2017	Adopt	3-1-2017	918-500-0450	1-19-2017	Amend(T)	3-1-2017
860-036-2140	1-24-2017	Adopt	3-1-2017	918-525-0000	1-19-2017	Amend(T)	3-1-2017
860-036-2150	1-24-2017	Adopt	3-1-2017	918-525-0005	1-19-2017	Amend(T)	3-1-2017
860-036-2160	1-24-2017	Adopt	3-1-2017	918-525-0015	1-19-2017	Amend(T)	3-1-2017
860-036-2170	1-24-2017	Adopt	3-1-2017	918-525-0020	1-19-2017	Amend(T)	3-1-2017
860-036-2200	1-24-2017	Adopt	3-1-2017	918-525-0035	1-19-2017	Amend(T)	3-1-2017
860-036-2210	1-24-2017	Adopt	3-1-2017	918-525-0040	1-19-2017	Amend(T)	3-1-2017

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918-525-0055	1-19-2017	Suspend	3-1-2017	918-530-0100	1-19-2017	Suspend	3-1-2017
918-525-0060	1-19-2017	Amend(T)	3-1-2017	918-530-0110	1-19-2017	Suspend	3-1-2017
918-525-0065	1-19-2017	Amend(T)	3-1-2017	918-530-0120	1-19-2017	Suspend	3-1-2017
918-525-0070	1-19-2017	Amend(T)	3-1-2017	918-530-0310	1-19-2017	Suspend	3-1-2017
918-525-0080	1-19-2017	Amend(T)	3-1-2017	918-530-0320	1-19-2017	Suspend	3-1-2017
918-525-0090	1-19-2017	Amend(T)	3-1-2017	918-530-0340	1-19-2017	Suspend	3-1-2017
918-525-0100	1-19-2017	Amend(T)	3-1-2017	918-550-0000	2-1-2017	Amend(T)	3-1-2017
918-525-0210	1-19-2017	Amend(T)	3-1-2017	918-550-0010	2-1-2017	Amend(T)	3-1-2017
918-525-0220	1-19-2017	Amend(T)	3-1-2017	918-550-0020	2-1-2017	Adopt(T)	3-1-2017
918-525-0260	1-19-2017	Amend(T)	3-1-2017	918-550-0030	2-1-2017	Adopt(T)	3-1-2017
918-525-0270	1-19-2017	Amend(T)	3-1-2017	918-550-0040	2-1-2017	Adopt(T)	3-1-2017
918-525-0310	1-19-2017	Amend(T)	3-1-2017	918-550-0100	2-1-2017	Amend(T)	3-1-2017
918-525-0320	1-19-2017	Amend(T)	3-1-2017	918-550-0120	2-1-2017	Amend(T)	3-1-2017
918-525-0325	1-19-2017	Suspend	3-1-2017	918-550-0140	2-1-2017	Amend(T)	3-1-2017
918-525-0330	1-19-2017	Amend(T)	3-1-2017	918-550-0160	2-1-2017	Suspend	3-1-2017
918-525-0350	1-19-2017	Amend(T)	3-1-2017	918-550-0180	2-1-2017	Suspend	3-1-2017
918-525-0370	1-19-2017	Suspend	3-1-2017	918-550-0200	2-1-2017	Amend(T)	3-1-2017
918-525-0410	1-19-2017	Amend(T)	3-1-2017	918-550-0600	2-1-2017	Amend(T)	3-1-2017
918-525-0420	1-19-2017	Amend(T)	3-1-2017	945-030-0030	4-5-2017	Amend	5-1-2017
918-525-0430	1-19-2017	Amend(T)	3-1-2017	951-002-0000	5-2-2017	Amend	6-1-2017
918-525-0440	1-19-2017	Amend(T)	3-1-2017	951-002-0001	5-2-2017	Amend	6-1-2017
918-525-0450	1-19-2017	Amend(T)	3-1-2017	951-002-0005	5-2-2017	Amend	6-1-2017
918-525-0460	1-19-2017	Suspend	3-1-2017	951-002-0010	5-2-2017	Amend	6-1-2017
918-525-0510	1-19-2017	Amend(T)	3-1-2017	951-002-0020	5-2-2017	Amend	6-1-2017
918-525-0520	1-19-2017	Amend(T)	3-1-2017	951-007-0000	5-2-2017	Adopt	6-1-2017
918-530-0005	1-19-2017	Suspend	3-1-2017	951-007-0001	5-2-2017	Adopt	6-1-2017
918-530-0010	1-19-2017	Suspend	3-1-2017	951-007-0005	5-2-2017	Adopt	6-1-2017
918-530-0020	1-19-2017	Suspend	3-1-2017	951-007-0010	5-2-2017	Adopt	6-1-2017
918-530-0040	1-19-2017	Suspend	3-1-2017	951-007-0020	5-2-2017	Adopt	6-1-2017
918-530-0050	1-19-2017	Suspend	3-1-2017	966-100-0900	3-14-2017	Adopt	4-1-2017
918-530-0060	1-19-2017	Suspend	3-1-2017	976-002-0040	2-13-2017	Amend	3-1-2017
918-530-0070	1-19-2017	Suspend	3-1-2017				

