

Secretary of State
NOTICE OF PROPOSED RULEMAKING HEARING*
A Statement of Need and Fiscal Impact accompanies this form

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Department of Forestry
Agency and Division

629
Administrative Rules Chapter Number

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RULE CAPTION

Department of Forestry and Forest Protective Association Firefighter Criminal Defense Expenditures

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

Hearing Date	Time	Location	Hearings Officer
4-22-16	10:00 a.m.	2600 State St. Bldg. D Santiam Room, Salem, Oregon 97310	Charlie Stone

RULEMAKING ACTION

Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

ADOPT:
629-170-0001, 629-170-0005, 629-170-0010, 629-170-0015, 629-170-0020, 629-170-0025, 629-170-0030, 629-170-0035, and 629-170-0040

AMEND:

REPEAL:

RENUMBER: Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

AMEND AND RENUMBER: Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

Statutory Authority:
ORS 526.041 and 477.128

Other Authority:

Statutes Implemented:
ORS 477.128

RULE SUMMARY

OAR 629-170-0001 through 629-170-0040 are intended to provide procedures to guide the exercise of authority granted in ORS 477.128 for the State Forestry Department to pay costs and reasonable attorney fees for legal defense of a firefighter charged with a crime resulting from actions or omissions occurring in the course of fire abatement duties.

The included rules address the scope and effective date of the rules, definitions, purpose, the method for requesting reimbursement of legal defense costs, investigation by the State Forester of the circumstances leading to the alleged acts, determination of eligibility for reimbursement, determination of available funding, development of an agreement establishing the terms for reimbursement and appropriate accounting of authorized funds and an alternative method of maintaining ethical procedures in the special case that it is the State Forester alleged to have committed a crime.

These rules do not regulate activities of forest landowners, operators or the general public, but may have a very limited financial impact on owners who pay forest patrol assessments or the general public depending on the funding that would be used to pay the costs and fees contemplated. The circumstances to which these rules apply have never occurred in Oregon and the future likelihood of occurrence is very small, but still possible.

Written comments must be received by 5:00 p.m. on April 22, 2016. Submissions should be addressed to Sabrina Perez, Agency Rules Coordinator, Oregon Department of Forestry, 2600 State St. Salem, OR 97310 or sent by email to sabrina.perez@oregon.gov. Comments may also be submitted at the rulemaking hearing scheduled for April 22, 2016 at 10:00 a.m. as listed in this notice.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

<u>04-22-2016 5:00 p.m.</u>	<u>Sabrina Perez</u>	<u>sabrina.perez@state.or.us</u>
Last Day (m/d/yyyy) and Time for public comment	Rules Coordinator Name	Email Address

*The Oregon Bulletin is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation.