

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

Oregon Parks and Recreation Commission	736-140		
Agency and Division	Administrative Rules Chapter Number		
Joyce A. Merritt, OPRD, 725 Winter St NE, Ste C, Salem, OR 97301	joyce.merritt@state.or.us	503-986-0756	
Rules Coordinator	Address	E-mail Address	Telephone

RULE CAPTION

Rules governing confidentiality and inadmissibility of mediation communications being adopted.
Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

September 17, 2009	10:00 a.m.	Best Western Rama Inn 1200 Highland Avenue, Enterprise, Oregon	OPRD Commission Chair Jim Parr Hearings Officer
Hearing Date	Time	Location	

Auxiliary aids for persons with disabilities are available upon advance request.

RULEMAKING ACTION

Secure approval of new rule numbers (Adopted or Renumbered rules) with the Administrative Rules Unit prior to filing.

ADOPT: OAR 736-140-0010 and OAR 736-140-0020

AMEND:

REPEAL:

RENUMBER:

AMEND & RENUMBER:

Stat. Auth. : ORS 36.224 and ORS 390.124

Other Auth.:

Stats. Implemented: ORS 36.224, ORS 26.228, ORS 26.230 and ORS 26.232

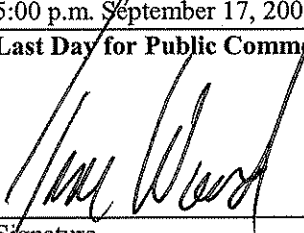
RULE SUMMARY

These rules govern the Confidentiality and Inadmissibility of Mediation Communications and have been provided as model rules by the Office of the Attorney General to state agencies with a recommendation to adopt as authorized by ORS 36.224. These rules were temporarily adopted on May 21, 2009 by the OPRD Commission and are proposed for permanent adoption.

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.

5:00 p.m. September 17, 2009

Last Day for Public Comment (Last day to submit written comments to the Rules Coordinator)

	Tim Wood, Director	June 2, 2009
Signature	Printed name	Date

*Hearing Notices published in the Oregon Bulletin must be submitted by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a weekend or legal holiday, upon which the deadline is 5:00 pm the preceding workday. ARC 920-2005

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Oregon Parks and Recreation Commission 736-140
Agency and Division Administrative Rules Chapter Number

Joyce A. Merritt, OPRD, 725 Winter St NE, Ste C, Salem, OR 97301 joyce.merritt@state.or.us 503-986-0756
Rules Coordinator Address E-mail Address Telephone

RULE CAPTION

Rules governing confidentiality and inadmissibility of mediation communications being permanently adopted.

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

September 17, 2009 10:00 a.m. To be confirmed – Call 503-986-0719
or 503-986-0756 for location OPRD Commission Chair Jim Parr
Hearing Date Time Location Hearings Officer

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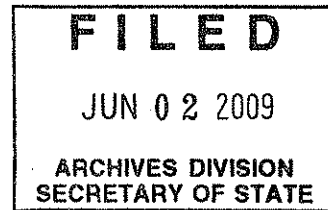
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STATEMENT OF NEED AND FISCAL IMPACT

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Oregon Parks and Recreation Commission, Department
Agency and Division

ORS 736-140
Administrative Rules Chapter Number

Adopting new rules governing Confidentiality and Inadmissibility of Mediation Communications
Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of: the adoption of rules governing confidentiality and inadmissibility of mediation communications

Statutory Authority: ORS 36.224 and 390.124

Other Authority:

Stats. Implemented: ORS 36.224, ORS 36.228, ORS 26.230 & ORS 36.232

Need for the Rule(s): Adoption of these model rules as provided and recommended by the Office of the Attorney General is being done to protect the confidentiality of communication generated during mediation.

Documents Relied Upon, and where they are available: Attorney General's Mediation Confidentiality Model Rules at <http://www.doj.state.or.us/adr/rules.shtml>

Fiscal and Economic Impact: None in terms of increasing the financial burden on the agency. Could limit liability through protecting mediation communications as inadmissible in any other legal proceeding.

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)): None
2. Cost of compliance effect on small business (ORS 183.336): None
 - a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule: Unknown
 - b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services: None
 - c. Equipment, supplies, labor and increased administration required for compliance: None

How were small businesses involved in the development of this rule? This agency did not involve any small businesses as the model rules were provided by the Office of the Attorney General.

Administrative Rule Advisory Committee consulted?: No

If not, why?: Because the model rules were provided by the Office of the Attorney General with a recommendation to adopt by the Office of the Attorney General.

Signature

Tim Wood, Director
Printed name

June 2, 2009
Date