

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

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Oregon Department of Aviation
Agency and Division

738
Administrative Rules Chapter Number

Lauri Kunze

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RULE CAPTION

Amends Divisions 124 and 125 ensuring compliance and fiscal responsibility of grant applicants

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

RULEMAKING ACTION

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

ADOPT:

AMEND:

738-124-0020, 738-125-0020

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 835.035, 835.040, 835.112, OL 2015 c.700 §7(2)

Other Authority:

None

Statutes Implemented:

ORS 835.015, 835.025, 836.015, 836.070, 319.020, OL 2015 c.700§§7,8

RULE SUMMARY

These amendments allow the ASAP program to be inclusive of the entire FAM program as it applies to the grant process found in OAR 738-124-0020(2) and ensures that financial obligations are met at the state and local level as found in OAR 738-0125-0020(5). These are important considerations that must be addressed before grants are awarded and grant agreements are executed.

A public rulemaking hearing may be requested in writing by 10 or more people, or by an association with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking 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, the notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.

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>06-01-2017 4:00 p.m.</u>	<u>Lauri Kunze</u>	<u>lauri.g.kunze@odot.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.

Secretary of State
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738
Administrative Rules Chapter Number

Amends Divisions 124 and 125 ensuring compliance and fiscal responsibility of grant applicants

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

In the Matter of:

the Amendment of 738-124-0020 and OAR 738-125-0020

Statutory Authority:

ORS 835.035, 835.040, 835.112, OL 2015 c.700 §7(2)

Other Authority:

None

Statutes Implemented:

ORS 835.015, 835.025, 836.015, 836.070, 319.020, OL 2015 c.700§§7,8

Need for the Rule(s):

These amendments allow the ASAP program to be inclusive of the entire FAM program as it applies to the grant process found in OAR 738-124-0020(2) and ensures that financial obligations are met at the state and local level as found in OAR 738-0125-0020(5). These are important considerations that must be addressed before grants are awarded and grant agreements are executed.

Documents Relied Upon, and where they are available:

None

Fiscal and Economic Impact:

These rules are necessary to implement 2015 HB 2075 that mandates ODA to issue grants from the increase to fuels tax revenue. The proposed amendments allow the ASAP program to be inclusive of OAR 738-125 administrative rules. This is not anticipated to be a significant fiscal or economic impact.

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

The impact on state agencies, units of local government and the public is limited to the extent to which these entities choose to engage in the grant program.

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small business and types of businesses and industries with small businesses subject to the rule:

There are 97 public use airports across Oregon that may be eligible to apply for grants.

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:

Applicants may be required to covenant, represent, and agree to remain current on financial obligations to federal, state or local governments. There may be a cost associated with obtaining evidence of compliance with the financial obligations aforementioned. These costs may include, but not be limited to, cost of obtaining or gathering documentation or evidence to demonstrate compliance with financial obligations. Costs may vary from case to case.

c. Equipment, supplies, labor and increased administration required for compliance:

If evidence of financial compliance is required, there may be printing or copy costs for documents and forms aforementioned.

How were small businesses involved in the development of this rule?

Small businesses were not involved in the development of these amendments. Participation in the grant program is optional for prospective applicants.

Administrative Rule Advisory Committee consulted?:No

If not, why?:

An Advisory Committee was not created. The State Aviation Board will vote to approve the proposed amendments.

<u>06-01-2017 4:00 p.m.</u>	<u>Lauri Kunze</u>	<u>lauri.g.kunze@odot.state.or.us</u>
Last Day (m/d/yyyy) and Time for public comment	Printed Name	Email Address

Administrative Rules Unit, Archives Division, Secretary of State, 800 Summer Street NE, Salem, Oregon 97310.

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