

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

<u>Bureau of Labor and Industries</u>	<u>839</u>
Agency and Division	Administrative Rules Chapter Number
<u>Marcia Ohlemiller</u>	<u>(971) 673-0784</u>
Rules Coordinator	Telephone
<u>Bureau of Labor and Industries, 800 NE Oregon St., Ste. 1045, Portland, OR 97232</u>	
Address	

RULE CAPTION

Amendments clarifying time during which bureau may issue subpoenas and correcting statutory cites.

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:

OAR 839-002-0001, -0002, -0005, -0015, -0020, -0025, -0035, -0040, -0045, -0050, -0055, -, -0060, -0065, -0065, -0070, -0075, -0080 and such other division 2 rules as may be necessary.

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 651.060, 658.220, 659A.800

Other Authority:

Statutes Implemented:

ORS chapters 279C, 651, 652, 653, 658 & 659A.

RULE SUMMARY

The proposed amendments would clarify the time frame during which the bureau may issue subpoenas. The authorizing statute, ORS 651.0060(1), provides that the bureau may issue subpoenas "when the information sought is relevant to a lawful investigative purpose." The proposed amendments would clarify that the bureau may issue a subpoena at any time when the information sought "is relevant to a lawful investigative purpose and deemed to be reasonable in scope," which would include during official preliminary inquiries prior to initiating an investigation. The proposed amendments also include corrections to statutory cites.

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>12-21-2011 5:00 p.m.</u>	<u>Marcia Ohlemiller</u>	<u>Marcia.L.Ohlemiller@state.or.us</u>	<u>11-10-11 2:55p.m.</u>
Last Day (m/d/yyyy) and Time for public comment	Printed Name	Email Address	Date Filed

*The Oregon Bulletin is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation. Notice forms must be submitted to the Administrative Rules Unit, Oregon State Archives, 800 Summer Street NE, Salem, Oregon 97310 by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a Saturday, Sunday or legal holiday when Notice forms are accepted until 5:00 pm on the preceding workday.

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