

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

| | |
|---|-------------------------------------|
| <u>Parks and Recreation Department</u> | 736 |
| Agency and Division | Administrative Rules Chapter Number |
| <u>Vanessa DeMoe</u> | (503) 986-0719 |
| Rules Coordinator | Telephone |
| <u>Parks and Recreation Department, 725 Summer St. NE, Suite C, Salem, OR 97301</u> | |
| Address | |

RULE CAPTION

Revise and Clarify General Park Area Rules

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

| Hearing Date | Time | Location | Hearings Officer |
|--------------|-----------|--|-------------------------------|
| 6-18-13 | 6:30 p.m. | Newport Public Library, 35 NW Nye Street, Newport OR 97365 | Staff * those wishing to make |
| 6-19-13 | 6:30 p.m. | Champoeg State Heritage Area, Visitor Center, 8239 Champoeg Road | Staff * those wishing to make |
| 6-20-13 | 6:30 p.m. | Holiday Inn Express, 20615 Grandview Drive, Bend OR 97701 | Staff * those wishing to make |

RULEMAKING ACTION

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

- ADOPT:**
- AMEND:**
OAR 736-010-0005; OAR 736-010-0015; OAR 736-010-0020; OAR 736-010-0022; OAR 736-010-0025; OAR 736-010-0026; OAR 736-010-0027; OAR 736-010-0030; OAR 736-010-0035; OAR 736-010-0040; OAR 736-010-0050; OAR 736-010-0055; OAR 736-010-0060; OAR 736-010-0065

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 390.124

Other Authority:

Statutes Implemented:

ORS 390.111; ORS 390.121; ORS 390.124

RULE SUMMARY

Divisions 10, General Park Area Rules, contain the majority of rules governing the operation of parks and visitor behavior on OPRD managed properties. The following changes are necessary to clarify the rules and bring them into alignment with other related OARs: clarify the "Purpose, Statutory Authority and Scope of Rules" section; add missing definitions in the "Definitions" section; clarify rules in the "General Regulations" section; revise the "Violations and Fines" section to bring it in compliance with recent changes in the "SCHEDULE OF FINES" prepared by the Office of State Court Administrator, Oregon Judicial Department; add classes of violation to the "Motor Vehicles" section; clarify the responsibilities of handlers in the "Domestic Animals" section; clarify rules and add classes of violation to "Visitor Conduct" section; clarify rules in the "Overnight Use" section and reference related rules in OAR 736 division 15; clarify rules in "Cultural, Historic, Natural and Wildlife Resources" section and rename the section "Park Resources"; add a park to the list of properties where alcohol is prohibited; and clarify the boundaries of the area in Rooster Rock State Park where nudity is prohibited.

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>06-21-2013 5:00 p.m.</u> | <u>Vanessa DeMoe</u> | <u>vanessa.demoe@state.or.us</u> |
| Last Day (m/d/yyyy) and Time | Rules Coordinator Name | Email Address |

| |
|--|
| FILED 5-15-13 4:18 PM ARCHIVES DIVISION |
|--|

Last Day (m/d/yyyy) and Time
for public comment

Rules Coordinator Name

Email Address

ARCHIVES DIVISION
SECRETARY OF STATE

*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 5:00pm on the preceding workday.
ARC 923-2003

Secretary of State
STATEMENT OF NEED AND FISCAL IMPACT
A Notice of Proposed Rulemaking Hearing accompanies this form.

Parks and Recreation Department
Agency and Division

736
Administrative Rules Chapter Number

Revise and Clarify General Park Area Rules

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

In the Matter of:

Amendments to general park area rules under chapter 736, division 10 to clarify language, align bail schedules, set violation classification, move length of stay into rule and review visitor conduct rules.

Statutory Authority:

ORS 390.124

Other Authority:

Statutes Implemented:

ORS 390.111; ORS 390.121; ORS 390.124

Need for the Rule(s):

Sections of division 10 rules relating to bail schedules are no longer aligned with rules administered by the Office of State Court Administrator, Oregon Judicial Department; several areas on the Willamette Greenway that currently allow hunting have become so congested that hunting now poses a safety concern; campers length of stay and day use hours of operation are currently listed in policy not in rule; and language in some sections of the rule is too general and can be confusing to the public.

Documents Relied Upon, and where they are available:

"Schedule of Fines" - Oregon Judicial Department which is available on the OJD website.

Fiscal and Economic Impact:

These rule revisions do not change the way the public uses state parks and no fiscal or economic impacts are expected.

Statement of Cost of Compliance:

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

Impact on state agencies and local government is minimal since the rules in division 10 cover public use of the parks. There is a direct impact on public behavior, but the rule revisions in most all cases are either a clarification of existing language, a move to include in rule something that has been in place through policy or a change necessary for safety of the public. The impact on the public should be minimal.

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:
none

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?

These rules apply to the public visiting state parks and in most cases the revisions are being made to clarify existing rules, so small businesses were not involved in the development of the rule language.

**Administrative Rule Advisory Committee consulted?: No
If not, why?:**

New rules to govern visitor behavior in the parks are not being developed as part of this revision. The changes, adoption of the uniform bail schedule and clarifying existing rule language, made the use of a Rules Advisory Committee unnecessary.

06-21-2013 5:00 p.m.
Last Day (m/d/yyyy) and Time

Vanessa DeMoe
Printed Name

vanessa.demoe@state.or.us
Email Address

FILED
5-15-13 4:18 PM
ARCHIVES DIVISION

Last Day (m/d/yyyy) and Time
for public comment

Printed Name

Email Address

ARCHIVES DIVISION
SECRETARY OF STATE

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

ARC 925-2007