Secretary of State
Certificate and Order for Filing

TEMPORARY ADMINISTRATIVE RULES

A Statement of Need and Justification accompanies this form..

I certify that the attached copies* are true, full and correct copies of the TEMPORARY Rule(s) adopted on June 20, 2012 by the
Date prior to or same as filing date

Oregon Parks and Recreation Department Commission — 736
Agency and Division — Administrative Rules Chapter Number

Vanessa DeMoe — 725 Summer St NE, Ste C, Salem OR 97301 — (503) 986-0719
Rules Coordinator — Address — Telephone

to become effective upon filing through 12/20/2012.
Date upon filing or later — A maximum of 180 days including the effective date.

RULE CAPTION

Extends fee waiver to foster families certified by Oregon tribal governments and the Oregon Youth Authority.

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

RULEMAKING ACTION

List each rule number separately, 000-000-0000.
Secure approval of new rule numbers (Adopted rules) with the Administrative Rules Unit prior to filing

ADOPT:

AMEND: 736-015-0006

SUSPEND:

Stat. Auth.: ORS 390.124

Other Auth.:

Stats. Implemented: ORS 390.111 & 390.124

RULE SUMMARY

Amends definitions section of division 15 rules to add families in homes certified by tribal governments and the Oregon Youth Authority to the list of those eligible for the foster family fee waiver.

Tim Wood — Tim Wood — 6/25/12
Authorized Signer — Printed name — Date

*With this original and Statement of Need, file one photocopy of certificate, one paper copy of rules listed in Rulemaking Actions, and electronic copy of rules.

ARC 940-2005

Secretary of State

STATEMENT OF NEED AND JUSTIFICATION

A Certificate and Order for Filing Temporary Administrative Rules accompanies this form.

Oregon parks and Recreation Department	736
Agency and Division	Administrative Rules Chapter Number

In the Matter of: Amending 736-015-0006 to include foster families certified by tribal governments and the Oregon Youth Authority in the group of families that qualify for foster fee waivers under OAR 736-015-0035.

Rule Caption: (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)
Extends fee waiver to foster families certified by tribal governments and the Oregon Youth Authority.

Statutory Authority: ORS 390.124

Other Authority:

Stats. Implemented: ORS 390.111 & 390.124

Need for the Temporary Rule(s):
The Oregon Parks and Recreation Department offers camping and day-use parking fee waivers to two groups: veterans with a service-related disability and Oregon foster homes (including those that later adopt their foster child). The foster home exemption has been in force since the early 1990s. The foster family waiver is called out in statute (ORS 418.625) and when the statute was written it included only foster homes for youth directly certified by one state agency, the Department of Human Services (DHS).

There are two groups of Oregon foster children excluded from the fee waiver because their foster care providers are not certified by DHS: foster homes certified by tribal governments and by the Oregon Youth Authority (OYA). It is possible that these exclusions from the program were unintentional, since these are Oregon youth in every sense save for the jurisdiction serving the foster homeowner. Unlike privately-run and funded foster businesses, foster care systems certified by a tribal government and the OYA are largely dependent on support from nonprofits, personal communities and public social services.

There are approximately 50 homes in the tribal foster care system at any one time, and approximately 40 certified by the Youth Authority. This temporary rule will include those groups in the waiver and allow families with those children to enjoy the same benefit available to other foster children in Oregon.

Documents Relied Upon, and where they are available:

Justification of Temporary Rule(s):
The adoption of this temporary rule will correct the omission of the tribal and OYA foster families from the foster fee waiver program until a permanent rule change can be adopted.

Jim Wood	Jim Wood	6/25/12
Authorized Signer	Printed name	Date

CHAPTER 736 DIVISION 15

RATES

736-015-0006

Definitions

As used in this division, unless the context requires otherwise:

(1) "Adoptive Foster Families" means one or more persons who have adopted one or more foster children pursuant to ORS 418.285. At least one of the children must currently be under 18 years of age and living with the Adoptive Foster Family.

(2) "Commission" means the Oregon State Parks and Recreation Commission.

(3) "Department" means the Oregon State Parks and Recreation Department.

(4) "Director" means the director of the department.

(5) "Enforcement Officer" means a peace officer or park employee specifically designated by the director under ORS 390.050 to investigate observed or reported violations, and to issue oral or written warnings or citations to enforce park area rules.

(6) "Foster Families" means persons ~~certified to maintain~~along with their foster children, who currently maintain:

(a) ~~a~~ A Foster Home, a Relative Home for Children or a Foster Home for Children with Developmental Disabilities, as described in ORS 418.625 ~~and~~ or ORS 443.830~~, with their foster children.~~;

(b) A Foster Home certified by the Oregon Youth Authority under OAR chapter 416, division 530; or

(c) A Foster Home certified by any of the nine federally-recognized tribal governments in Oregon.

(7) "In Kind Services" means a group or person who provides, at the direction of park staff, materials or services whose value to the park area equals or is greater than the normal fees.

(8) "Marketing and Promotion" generally are agency-sponsored events that are of regional or statewide significance promoting tourism or partnerships with local communities, other agencies or economic development.

(9) "Motor Vehicle" as defined in ORS 801.360 means a vehicle that is self-propelled or designed for self-propulsion. ORS 801.590 further defines "vehicle" as "any device in, upon or by which any person or property is or may be transported or drawn upon a public highway and includes vehicles that are propelled or powered by any means."

(10) "Non-Profit Entity" means a group having a 501c(3) exempt status filed with the US Department of Internal Revenue Service.

(11) "Park Area" means any state park, wayside, corridor, monument, historic, or recreation area, except portions of ocean shore recreation areas not abutting a state park or wayside, under the jurisdiction of the department.

(12) "Park Employee" means an employee of the department.

(13) "Park Facility" includes but is not limited to individual and group campsites, day use areas and shelters, cabins, yurts, tepees, camper wagons, meeting halls, lodges, pavilions, and other amenities of the department.

(14) "Park Manager" means the supervisor or designated park employee in charge of a park area.

(15) "Peace Officer" means a sheriff, constable, marshal, municipal police officer, member of the Oregon State Police, and other persons as may be designated by law.

(16) "Person" includes individuals, a public or private corporation, an unincorporated association, a partnership, a government or a governmental instrumentality.

(17) "Reduced Service Level" means a reduction in the normal level of service that a person may reasonably expect due to the department's action/inaction or park facility failure lasting longer than 24 hours.

(18) "Reservation Cancellation" means the person requests an existing reservation be ended without the creation of a new reservation.

(19) "Reservation Change" means a modification to an existing reservation by a person that changes the arrival or departure dates, a complete change to reservation dates, or changes the type of site from the original request.

(20) "Special Events" may be an activity sponsored or co-sponsored by the department, an event that provides entertainment to park visitors, or other activities that promote the mission of the department or Oregon tourism.

(21) "Split Reservation" means a stay at a park area for one person for one continuous date range that requires a mid-stay move from one site to another.

(22) "Traditional Tribal Activities" generally means traditional, spiritual, natural and cultural resource practices that would have been or which still are conducted by a federally recognized tribe or its members.

Stat. Auth.: ORS 390.124
Stats. Implemented: ORS 390.050, 390.111, 390.121 & 390.124

CHAPTER 736 DIVISION 15

RATES

736-015-0006

Definitions

As used in this division, unless the context requires otherwise:

(1) "Adoptive Foster Families" means one or more persons who have adopted one or more foster children pursuant to ORS 418.285. At least one of the children must currently be under 18 years of age and living with the Adoptive Foster Family.

(2) "Commission" means the Oregon State Parks and Recreation Commission.

(3) "Department" means the Oregon State Parks and Recreation Department.

(4) "Director" means the director of the department.

(5) "Enforcement Officer" means a peace officer or park employee specifically designated by the director under ORS 390.050 to investigate observed or reported violations, and to issue oral or written warnings or citations to enforce park area rules.

(6) "Foster Families" means persons along with their foster children, who currently maintain:

(a) A Foster Home, a Relative Home for Children or a Foster Home for Children with Developmental Disabilities, as described in ORS 418.625 or ORS 443.830:

(b) A Foster Home certified by the Oregon Youth Authority under OAR chapter 416, division 530; or

(c) A Foster Home certified by any of the nine federally-recognized tribal governments in Oregon.

(7) "In Kind Services" means a group or person who provides, at the direction of park staff, materials or services whose value to the park area equals or is greater than the normal fees.

(8) "Marketing and Promotion" generally are agency-sponsored events that are of regional or statewide significance promoting tourism or partnerships with local communities, other agencies or economic development.

(9) "Motor Vehicle" as defined in ORS 801.360 means a vehicle that is self-propelled or designed for self-propulsion. ORS 801.590 further defines "vehicle" as "any device in, upon or by which any person or property is or may be transported or drawn upon a public highway and includes vehicles that are propelled or powered by any means."

(10) "Non-Profit Entity" means a group having a 501c(3) exempt status filed with the US Department of Internal Revenue Service.

(11) "Park Area" means any state park, wayside, corridor, monument, historic, or recreation area, except portions of ocean shore recreation areas not abutting a state park or wayside, under the jurisdiction of the department.

(12) "Park Employee" means an employee of the department.

(13) "Park Facility" includes but is not limited to individual and group campsites, day use areas and shelters, cabins, yurts, tepees, camper wagons, meeting halls, lodges, pavilions, and other amenities of the department.

(14) "Park Manager" means the supervisor or designated park employee in charge of a park area.

(15) "Peace Officer" means a sheriff, constable, marshal, municipal police officer, member of the Oregon State Police, and other persons as may be designated by law.

(16) "Person" includes individuals, a public or private corporation, an unincorporated association, a partnership, a government or a governmental instrumentality.

(17) "Reduced Service Level" means a reduction in the normal level of service that a person may reasonably expect due to the department's action/inaction or park facility failure lasting longer than 24 hours.

(18) "Reservation Cancellation" means the person requests an existing reservation be ended without the creation of a new reservation.

(19) "Reservation Change" means a modification to an existing reservation by a person that changes the arrival or departure dates, a complete change to reservation dates, or changes the type of site from the original request.

(20) "Special Events" may be an activity sponsored or co-sponsored by the department, an event that provides entertainment to park visitors, or other activities that promote the mission of the department or Oregon tourism.

(21) "Split Reservation" means a stay at a park area for one person for one continuous date range that requires a mid-stay move from one site to another.

(22) "Traditional Tribal Activities" generally means traditional, spiritual, natural and cultural resource practices that would have been or which still are conducted by a federally recognized tribe or its members.

Stat. Auth.: ORS 390.124
Stats. Implemented: ORS 390.050, 390.111, 390.121 & 390.124