

December 16, 2019

TO: Legislative Assembly

FROM: Department of State Police

RE: HB 4106 – Report on Rulemaking

House Bill 4106 asks state agencies to report annually on their rulemaking actions, both permanent and temporary.

In 2019, the Office of State Fire Marshal processed 10 permanent rulemaking actions that adopted, amended and repealed a total of 70 rules. Table 1 below gives additional detail on what was accomplished in those rulemaking efforts.

The Office of State Fire Marshal also processed 1 temporary rulemakings that amended one rule each. Table 2 below gives the details on what was accomplished and the reasoning behind proceeding with the temporary rule process in those cases.

Table 1: Permanent rules adopted, amended or repealed in 2019		
Description of Rulemaking	Action taken	Rule numbers
Amended and adopted rules reflect changes in civil penalties assessment and the transition to online reporting. Amendments also reflect housekeeping items. Filed: 01/02/2019 Effective: 01/02/2019	Amend	837-085-0010
		837-085-0020
		837-085-0030
		837-085-0040
		837-085-0050
		837-085-0060
		837-085-0070
		837-085-0080
		837-085-0090
		837-085-0100
		837-085-0110
		837-085-0120
		837-085-0130
		837-085-0140
		837-085-0150
		837-085-0160
		837-085-0170
		837-085-0180
		837-085-0190
		837-085-0200
837-085-0210		
837-085-0220		
837-085-0230		
837-085-0250		
837-085-0260		

		837-085-0270 837-085-0280 837-085-0290 837-085-0300 837-085-0305 837-085-0310 837-085-0330 837-085-0340 837-085-0350 837-085-0360 837-085-0370 837-085-0380 837-085-0390
	Adopt	837-085-0055
Amended with minor correction to correct an invalid rule reference. Filed: 03/14/2019 Effective: 03/14/2019	Amend	837-020-0075
Amendment adds back rule language that was inadvertently deleted during an August 2018 rule filing. Filed: 05/02/2019 Effective: 05/20/2019	Amend	837-020-0065 837-020-0077
Amendment corrects statutory reference due to statute renumbering and repeals in ORS Chapter 183 in previous years. Filed: 05/10/2019 Effective: 05/10/2019	Amend	837-085-0330
Amendments and repeals align language with contractual language found between the Office of State Fire Marshal and Regional Hazardous Materials Emergency Response Teams. Also updated definitions for better clarity and addressed housekeeping items. Filed: 09/26/2019 Effective: 10/01/2019	Amend	837-120-0001 837-120-0010 837-120-0020 837-120-0030 837-120-0040 837-120-0060 837-120-0070 837-120-0080 837-120-0090 837-120-0110 837-120-0140 837-120-0301 837-120-0310 837-120-0320 837-120-0330 837-120-0340 837-120-0350 837-120-0360

		837-120-0370 837-120-0390
	Repeal	837-120-0005 837-120-0380
Amendment updates National Fire Prevention Association Standard No. 1963 reference in rule to current 2019 edition. Filed: 09/27/2019 Effective: 10/01/2019	Amend	837-061-0010 837-061-0015
Amendment increased the Petroleum Load Fee that supports the Regional Hazardous Materials Emergency Response Teams. Filed: 09/27/2019 Effective: 10/01/2019	Amend	837-090-1145
Amendments reflect expanded duties for the Statewide Emergency Response Commission Executive Committee members and address housekeeping items. Filed: 09/27/2019 Effective: 10/01/2019	Amend	837-095-0030
Amendments adopt the 2018 International Fire Code with Oregon amendments (Oregon Fire Code, 2019 edition) Filed: 09/27/2019 Effective: 11/15/2019	Amend	837-040-0010

Table 2: Temporary Rule Amendments in 2019	
Description	Amendment added back language that was inadvertently deleted during an August 2018 rule filing.
Action taken	Amend
Rule number	837-020-0065
Need Statement	Amendment added back language that was inadvertently deleted during an August 2018 rule filing.
Explanation	This rule language is necessary for the Office of State Fire Marshal to execute the ability to follow through with Order of Correction to take corrective action when necessary for Cardlock facilities in non-compliance. Violations can pose serious safety risks to citizens.

In 2019, the Oregon State Athletic Commission processed 5 permanent rulemaking actions that adopted, amended and repealed a total of 5 rules. Table 1 below gives additional detail on what was accomplished in those rulemaking efforts.

The Oregon State Athletic Commission processed no temporary rulemakings in 2019.

Table 1: Permanent rules adopted, amended or repealed in 2019		
Description of Rulemaking	Action taken	Rule numbers

Amended and adopted rules to allow mixed martial arts to be held in a fenced area or a ring. The rules Filed: 03/21/2019 Effective: 08/23/2019	Amend	230-070-0000 230-140-0400
	Adopt	230-070-0025
	Repeal	N/A
Amended rule adds boxing shoes to a boxer's required equipment. Filed: 03/21/2019 Effective: 08/23/2019	Amend	230-080-0440
Adopted Rule adopts the unified MMA weight classes and allowances put forth by the Association of Boxing Commissions and Combative Sports. Filed: 03/21/2019 Effective: 08/23/2019	Adopt	230-140-0680

In 2019, the Department of State Police processed 1 permanent rulemaking actions that adopted, amended and repealed a total of 16 rules. Table 1 below gives additional detail on what was accomplished in those rulemaking efforts.

The Department of State Police also processed 1 temporary rulemakings that amended 16 rules. Table 2 below gives the details on what was accomplished and the reasoning behind proceeding with the temporary rule process in those cases.

Table 1: Permanent rules adopted, amended or repealed in 2019		
Description of Rulemaking	Action taken	Rule numbers
Amended and adopted rules reflect temporary changes made permanent pertaining to the transfer of the Ignition Interlock Device Program from the Department of Transportation to the Oregon State Police Filed: 10/30/2019 Effective: 12/31/2019	Amend	257-100-0005
		257-100-0010
		257-100-0015
		257-100-0020
		257-100-0025
		257-100-0035
		257-100-0040
		257-100-0045
		257-100-0050
		257-100-0055
		257-100-0060
		257-100-0065
		257-100-0070
		257-100-0075
		257-100-0080
	Adopt	257-100-0030

Table 2: Temporary Rule Amendments in 2019

Description	The amendments were made to finalize the transition of the Ignition Interlock Device Program from the Department of Transportation to the Department of State Police due to HB 2638 passed in 2018 effective 07/01/2019.
Action taken	Amend
Rule number	257-100-0005, 257-100-0010, 257-100-0015, 257-100-0020, 257-100-0025, 257-100-0035, 257-100-0040, 257-100-0045, 257-100-0050, 257-100-0055, 257-100-0060, 257-100-0065, 257-100-0070, 257-100-0075, 257-100-0080
Description	This rule was included in the original rule, but separated into it's own
Action Taken	Adopt
	257-100-0030
Need Statement	To update language, statutory references and agency references for the transfer of the rules from Oregon Department of Transportation (ODOT) to Oregon State Police (OSP).
Explanation	July 1, 2019 the transfer of the Ignition Interlock Device (IID) program is transferred from the Oregon Department of Transportation (ODOT) to Oregon State Police (OSP) due to HB 2638 passed in 2018. These amendments update the language put forth in HB 2638 and change all references from ODOT to OSP. The renumbering in OAR could not happen until 7/1/19 and so within the OARD system the language could not be updated until after 7/1/19 not allowing sufficient time to process the changes through the standard rule change process prior to going into effect. By putting these rules in as temporary rules, we would avoid issues with the transition and legal ramifications of not having the information updated to constituents, including manufacturers, manufacturer representatives, individuals, OSP, in an effort to avoid enforcement and legal issues.