



## Board on Public Safety Standards and Training & Department of Public Safety Standards and Training: Annual Report on Agency Rulemaking for January 1, 2020 through December 31, 2020.

In accordance with ORS 183.403, the Department reports the following:

1. The number of rules adopted, amended or repealed in accordance with ORS 183.335(2) and (3), i.e., through permanent rulemaking:

Adopted:	11
Amended:	45
Repealed:	0

2. With respect to rules adopted, amended or suspended using the procedure described in ORS 183.335(5), i.e., through temporary rulemaking:

(a) The number of rules:

Adopted:	1
Amended:	8
Suspended:	0

(b) A list of the rules:

Adopted:	259-007-0150
Amended:	259-008-0064, 259-008-0065, 259-009-0065, 259-009-0087, 259-060-0030, 259-060-0120, 259-060-0135 & 259-061- 0240
Suspended:	None

(c) A statement of need for each rule and all of the agency's findings that a failure to act promptly would result in serious prejudice to the public interest or the interest of parties concerned, and

(d) For each rule, an explanation of why proceeding under ORS 183.335 (5) was the most appropriate method for adopting, amending or suspending the rule and why it was not appropriate to proceed in accordance with ORS 183.335 (2) and (3).

### COVID-19 Provisions

OARs 259-008-0064, 259-008-0065, 259-009-0065, 259-009-0087, 259-060-0030, 259-060-0120, 259-060-0135 & 259-061-0240 were filed as temporary rules effective April 1, 2020 through September 28, 2020. The COVID-19 (Coronavirus) Emergency impacted the ability for the Board's constituents to obtain basic and continuing education training. In some cases the emergency response orders impacted access to fingerprinting services. The training and fingerprinting requirements are integral to the certification and licensure standards for each of the disciplines under the Board's regulation. The temporary rules provided temporary process adjustments to assist the Board's constituents with compliance of the both the Board's minimum standards and the state and federal emergency orders in effect during this unprecedented time. The temporary provisions focused on recognizing the obstacles to

accessing training but did not remove or eliminate the completion of any minimum standards. All certifications, licenses and temporary work permits remain subject to denial, suspension, revocation and termination for a failure to meet, or a violation of, the Board's standards.

OAR 259-008-0064 and 259-008-0065 allowed DPSST to defer suspension of public safety professional certifications that could not be maintained in accordance with the standards until after the 2020 calendar year in order to allow additional time to satisfy the training requirements. Without this temporary rule, these public safety professionals would have been subject to suspension of their certifications and prohibited from working in certified positions during the suspension. DPSST adopted 259-008-0001 on September 15, 2020, as a permanent rule to replace these temporary rules.

OAR 259-009-0065 allowed DPSST to approve time extensions for fire services professionals to complete maintenance recertification requirements. OAR 259-009-0087 allowed DPSST to extend fire service agency training accreditation agreements. Without time extensions these certifications and agreements would have expired. These temporary rules expired, but were replaced with permanent rule changes effective November 1, 2020.

OAR 259-060-0030 established temporary provisions for private security provider applicants to perform private security services using a temporary work permit until the required training and fingerprints could be completed for the issuance of private security provider certifications and licenses. Without the emergency temporary work permit provisions no new applicants would be able to provide private security services and certified private security providers would expire and not be able to perform private security services. DPSST filed a permanent rule change effective September 15, 2020 to replace this temporary rule.

OAR 259-060-0120 and 259-060-0135 allowed DPSST to approve time extensions for annual firearms training and requalification requirements for armed private security professionals and private security firearms instructors. Without time extensions these providers would be subject to emergency suspension. DPSST filed permanent rule changes effective September 15, 2020 to replace these temporary rules.

OAR 259-061-0240 allowed DPSST to approve exceptions to self-study hour limits for the private investigator continuing education requirements. Without this temporary rule, private investigators may have been unable to complete their continuing education requirements and would have been unable to renew their license. This temporary rule expired.

#### Procurement Authority Requirement

OAR 259-007-0150 was filed as a temporary rule effective August 20, 2020, through February 15, 2021. This rule was necessary to establish procedures for the Department to follow when making purchases through federal programs in compliance with the Public Contracting Code. DPSST filed a permanent rule change effective November 1, 2020 to replace this temporary rule.

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Questions regarding this report or requests for additional copies of this report may be directed to Jennifer Howald, DPSST Administrative Rules Coordinator, at [jennifer.howald@state.or.us](mailto:jennifer.howald@state.or.us).