

# Agency Rule Review Report Under ORS 183.405

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Rule Number: 150-285-3420

Rule Title: Criteria for Disqualification

Date adopted: 12/17/2015

Date of review: 11/17/2020

This report was prepared and approved by the Department of Revenue Property Tax Division.

Was an Administrative Rule Advisory Committee used for prior rulemaking?

Yes

No

If yes, identify members.

1. Has the rule achieved its intended effect?

Yes

No

a. What was the intended effect?

To provide criteria for disqualification from long term enterprise zone exemption, as required by ORS 285.420(1), when the business does not begin operations or is not reasonably expected to begin operation.

b. How did the rule succeed or fail in achieving this effect?

The rule succeeded by providing helpful criteria to county assessors to use to determine when to disqualify a business from the long-term enterprise exemption.

2. Use the fiscal impact statement information shown in the original adoption of the rule.

a. What was the estimated fiscal impact?

No impact

b. What was the actual fiscal impact?

No impact

c. Was the fiscal impact statement:

Underestimated

Overestimated

Just about right

Unknown. If you check this, briefly explain why it is unknown:

3. Have subsequent changes in the law required the rule to be repealed or amended?

Yes

No

If 'yes' please explain:

4. Is the rule still needed?

Yes

No

Explain: ORS 285C.420(1) still requires that DOR establish disqualification criteria by rule.

5. What impacts does the rule have on small businesses?

A business that has fewer than 50 full-time employees could potentially qualify for property tax exemption under the Long-Term Rural EZ statutes, so the rule could potentially impact a small business.

Department of Public Safety Standards and Training

## OAR 5-Year Review

(ORS 183.405)

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Rule Number: **OAR 259-008-0078**

Adoption Date: **03/24/2015**

Original Advisory Committees Involved:

- Minimum Training Standards Workgroup (2014)
- Corrections, Police and Telecommunications Policy Committees (November 2014)
- Board on Public Safety Standards & Training (January 2015)

Rule Reviewed by:

- Corrections, Police and Telecommunications Policy Committees (February 2020)
  - Board on Public Safety Standards & Training (July 2020)
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1. Did the rule achieve its intended effect? *Yes*

a. What was the intended effect?

*The rule was adopted to identify an employment classification for temporary public safety agency leadership that would be exempt from certification requirements.*

b. How did the rule succeed or fail in achieving this effect?

*The adopted rule identified the criteria to be considered a limited duration administrative position, the exemption from certification and the requirements for certification should the person be found in violation of the requirements or exceeding employment timeline eligible for the certification.*

2. Was the fiscal impact underestimated, overestimated, just about right or unknown? ***Just about right***

a. What was the estimated fiscal impact?

***There were no fiscal impacts identified for small businesses. Fiscal discussions identified that there may be a positive (saving) fiscal impact for public safety agencies who chose to utilize the limited duration administrative position. The potential savings results from not being required to meet certification standards such as a medical evaluation if certification had lapsed, refresher training to reactivate a basic certification and certification maintenance training hours and requirements.***

b. What was the actual fiscal impact?

***There were no fiscal impacts measured.***

c. If the answer to question 2 is unknown, briefly explain why. ***n/a***

3. Have subsequent changes in the law required the rule to be repealed or amended? ***No***

If yes, explain. ***n/a***

4. Is the rule still needed? ***Neutral***

Explain.

***This rule has rarely if ever been used by a public safety agency. The infrequent use may be attributed to lack of knowledge that the rule exists, the restrictions of the eligibility criteria or the employment did not meet the definition of a limited duration, administrative position because the employment included performance of non-supervisory public safety duties such as patrol, investigations, enforcement actions, etc.***

***Further, statute requires certification for individuals who are employed as public safety professionals (ORS 181A.490 police; 181A.520 corrections; 181A.530 parole and probation; 181A.550 regulatory specialists; 181A.560 telecommunicators and emergency medical dispatchers). While this rule***

*was adopted with the intention of recognizing situations where a public safety professional with a lapsed certification is hired to fill a leadership/executive position within an agency for a temporary period, a person hired as a public safety professional is required by law to be certified within 18 months (12 months for corrections officers).*

*The Board and the Department do not have the authority to exempt a public safety professional from certification. This rule creates a path for the Department to recognize a public safety professional, their lapsed status, and the intent of the employing agency not to complete the certification requirements because the individual is a temporary employee. Under this recognition process, the Department can suspend notifications regarding certification requirements until the limited duration time period is exhausted and the individual reaches the statutory certification requirement.*

*The Department will continue to evaluate this rule for effectiveness and need as processes and standards are amended in the future.*