

OFFICE OF THE SECRETARY OF STATE

LAVONNE GRIFFIN-VALADE  
SECRETARY OF STATE

CHERYL MYERS  
DEPUTY SECRETARY OF STATE  
AND TRIBAL LIAISON



ARCHIVES DIVISION

STEPHANIE CLARK  
DIRECTOR

800 SUMMER STREET NE  
SALEM, OR 97310  
503-373-0701

**NOTICE OF PROPOSED RULEMAKING**  
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 259  
DEPARTMENT OF PUBLIC SAFETY STANDARDS AND TRAINING

**FILED**

05/20/2024 10:36 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE

FILING CAPTION: Codifying Eligibility Dates for OLCC Regulatory Specialists (SB 699) and Other Historical Eligibility Dates

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 06/21/2024 5:00 PM

*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.*

*A public rulemaking hearing may be requested in writing by 10 or more people, or by a group with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the Oregon Bulletin or 28 days from the date the Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.*

CONTACT: Jennifer Howald  
503-551-3258  
jennifer.howald@dpsst.oregon.gov

DPSST  
4190 Aumsville Hwy SE  
Salem, OR 97317

Filed By:  
Jennifer Howald  
Rules Coordinator

**NEED FOR THE RULE(S)**

Senate Bill 699 (2023) added Oregon Liquor and Cannabis Commission (OLCC) regulatory specialists to the definition of a public safety officer for the purposes of the Public Safety Memorial Fund (PSMF). This rule change adds the eligibility effective dates for regulatory specialists.

**DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE**

The meeting minutes and materials for the Public Safety Memorial Fund Board are available through the Department of Public Safety Standards and Training (DPSST) by submitting a records request.

**STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE**

These rule changes are not expected to affect racial equity in this state.

**FISCAL AND ECONOMIC IMPACT:**

These rule changes do not have a fiscal impact on the PSMF Board, DPSST, units of local government, members of the public, or small businesses. These rule changes do not impact existing PSMF beneficiaries.

There are no changes to past eligibility. The additions to the rule capture historical eligibility changes and recognize the new eligibility for regulatory specialists which was recently enacted through Senate Bill 699.

**COST OF COMPLIANCE:**

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the

expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

There are no state agencies, units of local government, or members of the public likely to be economically affected by the rule. There are no small businesses subject to the rule change.

---

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

There are no small businesses subject to the rule change.

---

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

The proposed rules were reviewed and approved by the Public Safety Memorial Fund Board.

---

AMEND: 259-070-0010

RULE SUMMARY: OAR 259-070-0010 includes clarifying information used to determine eligibility for Public Safety Memorial Fund benefits. This rule change adds recognition of the addition of OLCC regulatory specialists beginning January 1, 2024, pursuant to SB 699 (2023). This rule change also includes amendments to recognize historical eligibility changes. The historical additions and reorganization will not affect past eligibility or current beneficiaries.

CHANGES TO RULE:

259-070-0010

Eligibility ¶

- (1) Eligibility of award applies to public safety officers who suffered a qualifying death or disability on or after October 23, 1999. ~~Subject to availability of funds, the Board may award benefits to:¶~~  
~~(a) Eligible f~~The following subsections codify the effective dates and legislative changes to eligible beneficiaries. Subject to availability of funds, the Board may award benefits to:¶  
(a) Family members of public safety officers who suffered a qualifying death or disability after January 1, 1997, but prior to October 23, 1999. See Chapter 981, Oregon Laws 1999.¶  
(b) Family members of public safety officers who suffered a qualifying death or disability on or after October 23, 1999; See Chapter 981, Oregon Laws 1999.¶  
~~(bc) A designee of a~~Public safety officers who suffered a qualifying disability on or after January 1, 2002. See Chapter 493, Oregon Laws 2001.¶  
~~(d) Family members and parents of~~public safety officers who suffered a qualifying death or disability on or after January 1, 2004. See Chapter 259, Oregon Laws 2003.¶  
~~(ee) Family members, parents, and designees of~~public safety officers who suffered a qualifying death or disability on or after January 1, 1997, but prior to October 23, 1999 as described in Section 12, 2008. See Chapter 378, Oregon Laws 2007.¶  
(f) Regulatory specialists who suffered a qualifying disability on or after January 1, 2024. See Chapter 212, Oregon Laws 2023.¶  
(g) Family members, parents, and designees of regulatory specialists who suffered a qualifying death or disability on or after January 1, 2024. See Chapter 981, 2023, Oregon Laws 1999, 2023.¶
- (2) Prior to acceptance of an initial application, any individual applying for benefits based on a qualifying disability must provide satisfactory evidence that they meet the definition of "permanent total disability" found in ORS 656.206 and OAR 436-030-0055. Satisfactory evidence is established by submitting:¶  
(a) Proof of Determination of Permanent Total Disability in compliance with the Worker's Compensation Division of the Department of Consumer and Business Services; or¶  
(b) Competent written vocational testimony by a person fully certified by the State of Oregon to render vocational services that the applicant meets the definition of "permanent total disability" found in ORS 656.206 and OAR 430-030-0055.¶
- (3) For the purposes of ORS 243.954(3)(a), "spouse" includes members of same-sex couples whose marriage was validly performed in another jurisdiction, effective January 1, 2014.  
Statutory/Other Authority: ORS 243.970  
Statutes/Other Implemented: ORS 243.956