



## PERMANENT ADMINISTRATIVE ORDER

### DPSST 11-2022

CHAPTER 259

DEPARTMENT OF PUBLIC SAFETY STANDARDS AND TRAINING

**FILED**

10/27/2022 4:04 PM  
ARCHIVES DIVISION  
SECRETARY OF STATE  
& LEGISLATIVE COUNSEL

FILING CAPTION: Repeal of OAR 259-008-0069, Relating to Tribal Law Enforcement and Public Safety Officers.

EFFECTIVE DATE: 10/28/2022

AGENCY APPROVED DATE: 10/27/2022

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

REPEAL: 259-008-0069

NOTICE FILED DATE: 08/02/2022

RULE SUMMARY: The Department of Public Safety Standards and Training, in conjunction with the Board on Public Safety Standards and Training, repeals this rule. OAR 259-008-0069 was adopted for implementation of Senate Bill 412 (2011). The statutes codifying Senate Bill 412 are ORS 181A.940 to 181A.946. ORS 181A.942 was amended in 2021 by Senate Bill 731. The changes to the law result in a need to amend or repeal OAR 259-008-0069. After review, DPSST determined that while the statutes for authorized tribal police officers provide DPSST with rulemaking authority there are no additional requirements or interpretations necessary to carry out ORS 181A.940 to 181A.946. DPSST also finds that training and certification for public safety officers employed by tribal law enforcement units do not require additional interpretation. The authority to certify tribal public safety officers is codified in ORS 181A.510.

CHANGES TO RULE:

~~259-008-0069~~

~~Tribal Law Enforcement~~

~~(1) In order for individuals employed as public safety officers by a tribal government to be eligible for certification as a public safety officer:¶~~

~~(a) The tribal government must comply with all requirements found in ORS 181.610 to 181.712 and OAR 259, Section 8, applicable to law enforcement units.¶~~

~~(b) Tribal law enforcement units must annually complete an Annual Affidavit for Tribal Law Enforcement Units (Form F-8a).¶~~

~~(c) A certified public safety officer employed by a tribal government must comply with all requirements found in ORS 181.610 to 181.712 and OAR 259, Section 8, applicable to public safety officers.¶~~

~~(2) Failure of a tribal government to comply with any requirements of section (1) of this rule will result in the lapse of certification of all certified public safety officers employed with the affected tribal government. Upon reemployment as a public safety officer or upon compliance with requirements by a tribal government, a person whose certification has lapsed may apply for recertification in the manner provided in 2011 OR SB 412 and this rule.¶~~

~~(3) Tribal governments choosing to comply with the provisions of OR Laws 2011 Chapter 644 regarding authorized tribal police officers must submit a resolution to the Department that includes the following:¶~~

~~(a) A declaration of compliance with all requirements of OR Laws 2011 Chapter 644;¶~~

~~(b) Proof of insurance. Acceptable proof of insurance consists of:¶~~

(A) A full copy of the public liability and property damage insurance for vehicles operated by the tribal government's authorized tribal police officers and a full copy of the police professional liability insurance policy from a company licensed to sell insurance in the state of Oregon; or¶¶

(B) A description of the tribal government's self-insurance program which is in compliance with OR Laws 2011 Chapter 644.¶¶

(c) Tribal governments must file a written description of all material changes to insurance policies or the tribal government's self-insurance program with the Department within 30 days of the change.¶¶

[ED. NOTE: Forms referenced are available from the agency.]

Statutory/Other Authority: 2011 OL Ch. 644

Statutes/Other Implemented: 2011 OL Ch. 644