

August 18, 2010

Kevin Starrett  
Executive Director  
Oregon Firearms Federation  
P.O. Box 556  
Canby, OR 97013

Dear Mr. Starrett:

In accordance with ORS 183.333, you have been identified as an interested party of the Psychiatric Security Review Board (PSRB) Gun Relief Program. The purpose of this letter is to notify you that the PSRB has adopted temporary Oregon Administrative Rule (OAR) 859-300-0001, Determination of Sufficient Funding, as required by Oregon Laws 2009, Chapter 826, Sections One and Five.

Enclosed you will find a copy of OAR 859-300-0001, the Statement of Need and Justification, and the Certificate and Order for Filing Temporary Administrative Rules. The PSRB will be initiating permanent administrative rulemaking for the Gun Relief Program in the near future. If you do not wish to participate in the rulemaking process and would like your agency removed from our notification list, please contact: Juliet Follansbee, Gun Relief Program Manager (503) 229-5596 or [juliet.follansbee@psrb.org](mailto:juliet.follansbee@psrb.org).

In an effort to reduce waste and costs, it is our intent to correspond with your office via e-mail rather than U.S. Mail. If you have any questions or wish to receive all future correspondence from this office by U.S. Mail, please contact Juliet Follansbee at the contact information previously stated.

Sincerely,



Juliet A. Follansbee  
Gun Relief Program Manager

JAF:bf

Enclosures (3)

**CERTIFICATE OF SERVICE**

**SERVICE BY REGULAR MAIL:**

I certify that on August 18, 2010, I served the attached Notification of Temporary Rulemaking by mailing in a sealed envelope, with first-class postage prepaid, a copy thereof addressed as follows:

Kevin Starrett  
Executive Director  
Oregon Firearms Federation  
P.O. Box 556  
Canby, OR 97013



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Briona Forrester  
Administrative Specialist  
Psychiatric Security Review Board  
Gun Relief Program

Secretary of State  
Certificate and Order for Filing  
**TEMPORARY ADMINISTRATIVE RULES**  
A Statement of Need and Justification accompanies this form

I certify that the attached copies\* are true, full and correct copies of the TEMPORARY Rule(s) adopted on  
[ **August 17, 2010** ]  
by the Date prior to or same as filing date

Psychiatric Security Review Board, Gun Relief Program 859  
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Agency and Division Administrative Rules Chapter Number

Mary Claire Buckley 620 SW 5th Ave., #907, Portland, OR 97205 503-229-5596  
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Rules Coordinator Address Telephone

to become effective [ **August 23, 2010** ] through [ **February 18, 2011** ].  
Date upon filing or later A maximum of 180 days including the effective date.

**RULE CAPTION**

Determination of Sufficient Funding to Implement Oregon Laws 2009, Chapter 826.

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

**RULEMAKING ACTION**

List each rule number separately, 000-000-0000.

Secure approval of new rule numbers (Adopted rules) with the Administrative Rules Unit prior to filing

**ADOPT: 859-300-0001**

Stat. Auth.: Oregon Laws 2009, Ch. 826 (HB 2853), ORS 161

Other Auth.: None

Stats. Implemented: Oregon Laws 2009, Chapter 826; ORS 166.250, 166.274, 166.291 and 166.470

**RULE SUMMARY**

2009 Oregon Laws, Chapter 826 (House Bill 2853) contains two sections that require the Psychiatric Security Review Board to determine whether it has received sufficient legislative appropriation and/or federal funding to carry out both the records reconciliation and relief programs and then to publish a rule stating the findings of its determination. The Psychiatric Security Review Board must publish a rule acknowledging its findings of sufficient funding prior to the Psychiatric Security Review Board and any other agency carrying out its responsibilities in Sections 1 and 5 of House Bill 2853.

The proposed rule will do so as the Psychiatric Security Review Board has determined it has received sufficient funding to implement the programs in House Bill 2853. Therefore, the Psychiatric Security Review Board needs to adopt this rule on a temporary basis in order to allow it to implement these two programs and to allow other agencies to carry out their responsibilities in House Bill 2853.

  
Authorized Signer

Juliet Follansbee  
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Printed name

August 18, 2010  
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Date

\*With this original and Statement of Need, file one photocopy of certificate, one paper copy of rules listed in Rulemaking Actions, and electronic copy of rules. ARC 940-2005

**STATEMENT OF NEED AND JUSTIFICATION**

A Certificate and Order for Filing Temporary Administrative Rules accompanies this form.

Psychiatric Security Review Board

859

Agency and Division

Administrative Rules Chapter Number

**In the Matter of the Adoption** )  
**OAR 859-300-0001** )  
**Relating to Implementation of Oregon Laws 2009,** )  
**Chapter 829** )

**Statutory Authority,**  
**Statues Implemented,**  
**Statement of Need,**  
**Principal Documents Relied**  
**Upon.**

Rule Caption: (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

Determination of Sufficient Funding to Implement Sections 1 and 5 of Oregon Laws 2009, Chapter 826.

*Statutory Authority:* Oregon Laws 2009, Ch. 826 (HB 2853); ORS 161

*Other Authority:* None

*Stats. Implemented:* Oregon Laws 2009, Chapter 826; ORS 166.250, 166.274, 166.291 and 166.470

**Need for the Temporary Rule(s):**

The 2009 Oregon Legislature passed House Bill 2853, which was signed by the Governor on July 28, 2009. As it pertains to the Psychiatric Security Review Board, the House Bill has two purposes. The first is to reconcile mental health records among the Psychiatric Security Review Board, Oregon State Police, Oregon Department of Human Services, and Oregon Judicial Department, to identify those individuals who are prohibited from purchasing or possessing firearms due to mental health related reasons. The second purpose is to implement a relief program for those individuals who are prohibited from purchasing or possessing firearms due to mental health related reasons. These individuals will be allowed to petition for restoration of that right at a hearing before the Psychiatric Security Review Board.

The House Bill contains two sections that require the Psychiatric Security Review Board to determine whether it has received sufficient legislative appropriation and/or federal funding to carry out the records reconciliation and relief programs and then publish a rule stating the findings of its determination. The Psychiatric Security Review Board must do so before the Psychiatric Security Review Board or any other agency can commence with its responsibilities in Sections 1 and 5 of House Bill 2853.

The Psychiatric Security Review Board has determined it has received sufficient funding to carry out its responsibilities in House Bill 2853. Therefore, the Psychiatric Security Review Board needs to adopt this rule on a temporary basis in order to allow it to implement these two programs, and to allow other agencies to carry out their responsibilities in House Bill 2853.

While the temporary rule is in effect from 8/23/10 to 2/18/11, the Psychiatric Security Review Board will proceed with the permanent rulemaking process to fully implement its responsibilities under House Bill 2853. The Psychiatric Security Review Board finds that its failure to promptly take this temporary rulemaking action will result in serious prejudice to the records reconciliation and gun relief programs.

*Documents Relied Upon, and where they are available:* Oregon Laws 2009, Chapter 826. Available from the Office of Legislative Counsel or the Psychiatric Security Review Board.

**Justification of Temporary Rule(s):**

The Psychiatric Security Review Board's finding of serious prejudice is based upon the agency's conclusion that the following consequences would flow from the failure to immediately take this rulemaking action:

The Psychiatric Security Review Board, Oregon State Police, Oregon Department of Human Services, and Oregon Judicial Department could not begin work on the records reconciliation and gun relief programs until this rule is enacted. The Oregon Legislature has determined that the statute addresses two important interests of Oregonians. First, it protects the important public safety interest of ensuring firearms are kept out of the hands of persons with mental illness who are a threat to others or themselves (record reconciliation program.) Second, it protects the interests of persons with mental illness who are not a threat to others or themselves who may want to possess or purchase a gun (gun relief program.) Thus, any delay in adopting this rule would thwart the implementation of House Bill 2853.

Because the public will have ample opportunity to comment as part of the public hearing process in creating the permanent rules that will guide the administration of these two programs, the Psychiatric Security Review Board believes that the above rule is appropriate as a temporary rule.



Juliet Follansbee  
Printed name

August 18, 2010  
Date

Administrative Rules Unit, Archives Division, Secretary of State, 800 Summer Street NE, Salem, Oregon 97310. ARC 945-2005

**PSYCHIATRIC SECURITY REVIEW BOARD, GUN RELIEF PROGRAM**

**DIVISION 300**

**FUNDING OF PROGRAM**

Note: **Bold and underlined** = new text

**859-300-0001**

**Determination of Sufficient Funding**

**(1) The Psychiatric Security Review Board has determined that it has received sufficient legislative appropriation or other funding to carry out the provisions of Section One of Oregon Laws 2009, Chapter 826.**

**(2) The Psychiatric Security Review Board has determined that it has received sufficient legislative appropriation or other funding to carry out the provisions of Section Five of Oregon Laws 2009, Chapter 826.**

**Stat. Auth.: Oregon Laws 2009, Chapter 826**

**Stats. Implemented: Oregon Laws 2009, Chapter 826; ORS 166.250, 166.274, 166.291 and 166.470**