

House Bill 3318

Sponsored by COMMITTEE ON JUDICIARY

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Redesignates special campus security officers within Oregon University System as public safety officers. Includes public safety officers employed by Oregon University System in statutes relating to police officers.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to public safety officers at state institutions of higher education; amending ORS 133.005,
3 147.425, 181.610, 181.655, 238.005, 243.005, 352.360 and 352.385; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 352.385 is amended to read:

6 352.385. (1) The State Board of Higher Education may, at the request of any institution under
7 its control, authorize that institution to commission one or more of its employees as **public safety**
8 **officers. Public safety officers commissioned under this section shall have the same authority**
9 **as other peace officers as defined in ORS 133.005.** [*special campus security officers. However, the*
10 *total number of special campus security officers commissioned at the institutions in the Oregon Uni-*
11 *versity System shall not exceed 50. Special campus security officers shall have stop and frisk authority*
12 *as set forth in ORS 131.605 to 131.625 and probable cause arrest authority and the accompanying im-*
13 *munities as set forth in ORS 133.310 and 133.315 when acting in the scope of their employment as de-*
14 *finied by the State Board of Higher Education. Special campus security officers shall not be authorized*
15 *to carry firearms as police officers and, except as provided in subsection (3) of this section, shall not*
16 *be considered police officers for purposes of ORS 181.610, 238.005, 243.005 or 243.736.]*

17 [(2) *The Department of Public Safety Standards and Training shall train special campus security*
18 *officers at the expense of the State Board of Higher Education.*]

19 **(2)(a) Public safety officers commissioned under subsection (1) of this section shall com-**
20 **plete training necessary for certification as a public safety officer at an academy operated**
21 **or authorized by the Department of Public Safety Standards and Training. This subsection**
22 **does not apply to public safety officers who are certified under ORS 181.660 (2).**

23 **(b) The Department of Higher Education may use funds in accordance with ORS 181.655**
24 **to help defray the costs of training public safety officers employed by the Oregon University**
25 **System.**

26 (3) The State Board of Higher Education, acting by and through its [*special campus security of-*
27 *ficers*] **public safety officers**, is a criminal justice agency for purposes of rules adopted pursuant
28 to ORS 181.730 (3).

29 **SECTION 2.** ORS 352.360 is amended to read:

30 352.360. (1) The State Board of Higher Education may [*enact such regulations as it shall deem*]

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 **adopt rules that the board deems** convenient or necessary to provide for the policing, control and
 2 regulation of traffic and parking of vehicles on the property of any institution under [*the jurisdiction*
 3 *of the board*] **its control**. [*Such regulations*] **The rules** may provide for the registration of vehicles,
 4 the designation of parking areas, and the assessment and collection of reasonable fees and charges
 5 for parking.[, *and*] **Rules adopted under this section** shall be filed in accordance with [*the pro-*
 6 *visions of*] ORS chapter 183. The board may require that before a quarterly or yearly parking priv-
 7 ilege for any vehicle is granted to any full-time or part-time student to use board property, the
 8 student must show that the vehicle is operated by a student holding a valid [*driver's*] **driver** license,
 9 that the vehicle is currently registered and that the student driving the vehicle is insured under a
 10 motor vehicle liability insurance policy that meets the requirements described under ORS 806.080
 11 or that the student or owner of the vehicle has provided the Department of Transportation with
 12 other satisfactory proof of compliance with the financial responsibility requirements of this state.

13 (2) [*The regulations enacted pursuant to*] **Rules adopted under** subsection (1) of this section shall
 14 be enforced administratively under procedures adopted by the board for each institution under its
 15 [*jurisdiction*] **control**. Administrative and disciplinary sanctions may be imposed upon students, fac-
 16 ulty and staff for violation of the [*regulations*] **rules**, including, but not limited to, a reasonable
 17 monetary penalty [*which*] **that** may be deducted from student deposits, and faculty or staff salaries
 18 or other funds in the possession of the institution. The board shall provide opportunity for hearing
 19 for the determination of controversies in connection with imposition of fines or penalties. [*The*
 20 *board may prescribe procedures for such hearings despite the provisions of*] **Notwithstanding** ORS
 21 183.415, 183.450, 183.452, 183.460 and 183.470, **the board may prescribe procedures for hearings**
 22 **under this subsection**. Persons other than students, faculty or staff may voluntarily submit to the
 23 hearing procedures prescribed by the board[,] and shall be bound by the results [*thereof*] **of the**
 24 **hearing**. The powers granted to the board by this section are supplemental to the existing powers
 25 of the board with respect to the government of activities of students, faculty and staff and the con-
 26 trol and management of [*property under its jurisdiction*] **each institution under its control**.

27 (3) [*The regulations enacted pursuant to*] **Rules adopted under** subsection (1) of this section may
 28 also be enforced by the impoundment of vehicles.[, *and*] A reasonable fee may be [*enacted*] **estab-**
 29 **lished** for the cost of impoundment and storage, if any, prior to the release of the vehicles to their
 30 owners.

31 (4) All fees and charges for parking privileges and violations are [*hereby*] continuously appro-
 32 priated to the State Board of Higher Education to be used to defray the costs of constructing bicycle
 33 racks and bicycle lanes and of traffic control, enforcement of traffic and parking [*regulations*]
 34 **rules**, and maintenance and operation of parking facilities and for the purpose of acquiring and
 35 constructing additional parking facilities for vehicles at the various institutions, departments or
 36 activities under the control of the board, and may also be credited to the Higher Education Bond
 37 Sinking Fund provided for in ORS 351.460. Parking fees shall be established at levels no greater than
 38 those required to finance the construction, operation and maintenance of parking facilities on the
 39 same campus of the state institution of higher education on which the parking is provided.
 40 Notwithstanding ORS 351.072, parking fees or changes in fees shall be adopted by rule of the state
 41 board subject to the procedure for rules adopted in ORS chapter 183.

42 (5) [*Every peace officer*] **Public safety officers commissioned under ORS 352.385** may enforce
 43 the [*regulations made*] **rules adopted** by the board under subsection (1) of this section. [*The board,*
 44 *for the purpose of enforcing its rules and regulations governing traffic control, may appoint peace of-*
 45 *ficers who shall have the same authority as other peace officers as defined in ORS 133.005.*]

1 (6) The State Board of Higher Education and any municipal corporation or any department,
 2 agency or political subdivision of this state may enter into agreements or contracts with each other
 3 for the purpose of providing a uniform system of enforcement of the rules [*and regulations*] of the
 4 board [*enacted pursuant to*] **adopted under** subsection (1) of this section.

5 (7) In proceedings brought to enforce [*regulations enacted pursuant to*] **the rules adopted under**
 6 subsection (1) of this section, it [*shall be*] **is** sufficient to charge the defendant by an unsworn writ-
 7 ten notice in accordance with the provisions of ORS 221.333. In any case in which the defendant is
 8 not subject to and does not voluntarily submit to the hearing procedures prescribed under sub-
 9 subsection (2) of this section, proceedings to enforce [*regulations enacted pursuant to*] **the rules adopted**
 10 **under** subsection (1) of this section shall be brought in the name of the board in a circuit court, a
 11 justice court or a city court for offenses committed within the territorial jurisdiction of such court.
 12 Such courts shall have concurrent jurisdiction over offenses committed within their respective ju-
 13 risdictions. All fines, penalties and court costs recovered shall be paid to the clerk of the court in-
 14 volved and shall be disposed of as provided in ORS 153.630.

15 **SECTION 3.** ORS 133.005 is amended to read:

16 133.005. As used in ORS 131.655 and 133.005 to 133.381 and 133.410 to 133.450, unless the context
 17 requires otherwise:

18 (1) “Arrest” means to place a person under actual or constructive restraint or to take a person
 19 into custody for the purpose of charging that person with an offense. A “stop” as authorized under
 20 ORS 131.605 to 131.625 is not an arrest.

21 (2) “Federal officer” means a special agent or law enforcement officer employed by a federal
 22 agency and who is empowered to effect an arrest with or without a warrant for violations of the
 23 United States Code and who is authorized to carry firearms in the performance of duty.

24 (3) “Peace officer” means:

25 (a) A member of the Oregon State Police [*or*];

26 (b) A sheriff, constable, marshal[,] **or** municipal police officer[.];

27 (c) **An** investigator of a district attorney’s office if the investigator is or has been certified as
 28 a peace officer in this or any other state[, *or*];

29 (d) An investigator of the Criminal Justice Division of the Department of Justice of the State
 30 of Oregon; **or**

31 (e) **A public safety officer employed by the Oregon University System under ORS**
 32 **352.385.**

33 **SECTION 4.** ORS 147.425 is amended to read:

34 147.425. (1) As used in this section:

35 (a) “Health care provider” has the meaning given that term in ORS 192.519.

36 (b) “Law enforcement agency” means:

37 (A) A city or municipal police department.

38 (B) A county sheriff’s office.

39 (C) The Oregon State Police.

40 (D) A district attorney.

41 (E) A [*special campus security officer*] **public safety officer** commissioned under ORS 352.385
 42 [*or 353.050*].

43 (F) **A special campus security officer commissioned under ORS 353.050 (16).**

44 (c) “Person crime” means a person felony or person Class A misdemeanor, as those terms are
 45 defined in the rules of the Oregon Criminal Justice Commission.

1 (d) "Personal representative" means a person selected under subsection (2) of this section to
 2 accompany the victim of a crime to certain phases of an investigation and prosecution.

3 (e) "Protective service worker" means an employee or contractor of a local or state agency
 4 whose role it is to protect children or vulnerable adults from abuse or neglect.

5 (2) A victim of a person crime, who is at least 15 years of age at the time the crime is com-
 6 mitted, may select a person who is at least 18 years of age as the victim's personal representative
 7 for purposes of this section. The victim may not select a person who is a suspect in, or a party or
 8 witness to, the crime as a personal representative.

9 (3) Except for grand jury proceedings and child abuse assessments occurring at a child advocacy
 10 center recognized by the Department of Justice, a personal representative may accompany the vic-
 11 tim to those phases of the investigation, including medical examinations, and prosecution of the
 12 crime at which the victim is entitled or required to be present.

13 (4) A health care provider, law enforcement agency, protective service worker or court may not
 14 prohibit a personal representative from accompanying a victim as authorized by subsection (3) of
 15 this section unless the health care provider, law enforcement agency, protective service worker or
 16 court believes that the personal representative would compromise the process.

17 (5) A health care provider, law enforcement agency, protective service worker or court is im-
 18 mune from any liability, civil or criminal, that might otherwise be incurred or imposed with respect
 19 to a decision under subsection (4) of this section to prohibit a personal representative from accom-
 20 panying a victim.

21 (6) The fact that a personal representative was allowed or was not allowed to accompany a
 22 victim may not be used as a basis for excluding otherwise admissible evidence.

23 (7) The fact that a victim has or has not selected a personal representative under this section
 24 may not be used as evidence in the criminal case.

25 **SECTION 5.** ORS 181.610 is amended to read:

26 181.610. In ORS 181.610 to 181.712, unless the context requires otherwise:

27 (1) "Abuse" has the meaning given the term in ORS 107.705.

28 (2) "Board" means the Board on Public Safety Standards and Training appointed pursuant to
 29 ORS 181.620.

30 (3) "Certified reserve officer" means a reserve officer who has been designated by a local law
 31 enforcement unit, has received training necessary for certification and has met the minimum stan-
 32 dards and training requirements established under ORS 181.640.

33 (4) "Commissioned" means an authorization granting the power to perform various acts or duties
 34 of a police officer or certified reserve officer and acting under the supervision and responsibility of
 35 a county sheriff or as otherwise provided by law.

36 (5) "Corrections officer" means an officer or member of a law enforcement unit who is employed
 37 full-time thereby and is charged with and primarily performs the duty of custody, control or super-
 38 vision of individuals convicted of or arrested for a criminal offense and confined in a place of
 39 incarceration or detention other than a place used exclusively for incarceration or detention of ju-
 40 veniles.

41 (6) "Department" means the Department of Public Safety Standards and Training.

42 (7) "Director" means the Director of the Department of Public Safety Standards and Training.

43 (8) "Domestic violence" means abuse between family or household members.

44 (9) "Emergency medical dispatcher" means a person who has responsibility to process requests
 45 for medical assistance from the public or to dispatch medical care providers.

1 (10) "Family or household members" has the meaning given that term in ORS 107.705.

2 (11) "Fire service professional" means a paid or volunteer firefighter, an officer or a member
3 of a public or private fire protection agency that is engaged primarily in fire investigation, fire
4 prevention, fire safety, fire control or fire suppression or providing emergency medical services, light
5 and heavy rescue services, search and rescue services or hazardous materials incident response.
6 "Fire service professional" does not include forest fire protection agency personnel.

7 (12)(a) "Law enforcement unit" means a police force or organization of the state, a city, port,
8 school district, mass transit district, county, county service district authorized to provide law
9 enforcement services under ORS 451.010, Indian reservation, Criminal Justice Division of the De-
10 partment of Justice, the Department of Corrections, the Oregon State Lottery Commission or com-
11 mon carrier railroad whose primary duty, as prescribed by law, ordinance or directive, is any one
12 or more of the following:

13 (A) Detecting crime and enforcing the criminal laws of this state or laws or ordinances relating
14 to airport security;

15 (B) The custody, control or supervision of individuals convicted of or arrested for a criminal
16 offense and confined to a place of incarceration or detention other than a place used exclusively for
17 incarceration or detention of juveniles; or

18 (C) The control, supervision and reformation of adult offenders placed on parole or sentenced
19 to probation and investigation of adult offenders on parole or probation or being considered for
20 parole or probation.

21 (b) "Law enforcement unit" also means:

22 (A) A police force or organization of a private entity with a population of more than 1,000 res-
23 idents in an unincorporated area whose employees are commissioned by a county sheriff; and

24 (B) A district attorney's office.

25 (13) "Parole and probation officer" means:

26 (a) Any officer who is employed full-time by the Department of Corrections, a county or a court
27 and who is charged with and performs the duty of:

28 (A) Community protection by controlling, investigating, supervising and providing or making
29 referrals to reformatory services for adult parolees or probationers or offenders on post-prison
30 supervision; or

31 (B) Investigating adult offenders on parole or probation or being considered for parole or pro-
32 bation.

33 (b) Any officer who:

34 (A) Is certified and has been employed as a full-time parole and probation officer for more than
35 one year;

36 (B) Is employed part-time by the Department of Corrections, a county or a court; and

37 (C) Is charged with and performs the duty of:

38 (i) Community protection by controlling, investigating, supervising and providing or making re-
39 ferrals to reformatory services for adult parolees or probationers or offenders on post-prison super-
40 vision; or

41 (ii) Investigating adult offenders on parole or probation or being considered for parole or pro-
42 bation.

43 (14) "Police officer" means an officer, member or employee of a law enforcement unit who is
44 employed full-time as a peace officer commissioned by a city, port, school district, mass transit dis-
45 trict, county, county service district authorized to provide law enforcement services under ORS

1 451.010, Indian reservation, **the Oregon University System**, the Criminal Justice Division of the
 2 Department of Justice, the Oregon State Lottery Commission or the Governor or who is a member
 3 of the Department of State Police and who is responsible for enforcing the criminal laws of this state
 4 or laws or ordinances relating to airport security or is an investigator of a district attorney's office
 5 if the investigator is or has been certified as a peace officer in this or any other state.

6 (15) "Public or private safety agency" means any unit of state or local government, a special
 7 purpose district or a private firm which provides, or has authority to provide, fire fighting, police,
 8 ambulance or emergency medical services.

9 (16) "Public safety personnel" and "public safety officer" include corrections officers, youth
 10 correction officers, emergency medical dispatchers, parole and probation officers, police officers,
 11 certified reserve officers, telecommunicators and fire service professionals.

12 (17) "Reserve officer" means an officer or member of a law enforcement unit:

13 (a) Who is a volunteer or who is employed less than full-time as a peace officer commissioned
 14 by a city, port, school district, mass transit district, county, county service district authorized to
 15 provide law enforcement services under ORS 451.010, Indian reservation, **the Oregon University**
 16 **System**, the Criminal Justice Division of the Department of Justice, the Oregon State Lottery
 17 Commission or the Governor or who is a member of the Department of State Police;

18 (b) Who is armed with a firearm; and

19 (c) Who is responsible for enforcing the criminal laws and traffic laws of this state or laws or
 20 ordinances relating to airport security.

21 (18) "Telecommunicator" means any person employed as an emergency telephone worker as de-
 22 fined in ORS 243.736 or a public safety dispatcher whose primary duties are receiving, processing
 23 and transmitting public safety information received through a 9-1-1 emergency reporting system as
 24 defined in ORS 401.710.

25 (19) "Youth correction officer" means an employee of the Oregon Youth Authority who is
 26 charged with and primarily performs the duty of custody, control or supervision of youth offenders
 27 confined in a youth correction facility.

28 **SECTION 6.** ORS 181.655 is amended to read:

29 181.655. (1) The Department of Public Safety Standards and Training, in consultation with the
 30 Board on Public Safety Standards and Training, shall provide a reimbursement program to:

31 (a) Local law enforcement units [*which*] **that** send police officers or corrections officers to the
 32 training academy operated or authorized by the department.

33 (b) **The Department of Higher Education for sending public safety officers to the training**
 34 **academy operated or authorized by the Department of Public Safety Standards and Training.**

35 (2) [*Such*] **The** reimbursement shall be to defray the cost of salaries and other expenses incurred
 36 during the training of the officers.

37 [(2)] (3) Such reimbursement program shall be supported entirely out of funds maintained in the
 38 Police Standards and Training Account after administrative and operational expenses of the board
 39 and Department **of Public Safety Standards and Training** can be met from existing revenues.

40 [(3)] (4) Reimbursement programs shall not apply to nongovernmental organizations.

41 [(4)] (5) Pursuant to ORS chapter 183, the Department **of Public Safety Standards and**
 42 **Training**, in consultation with the board, shall adopt rules necessary to carry out the provisions of
 43 this section.

44 [(5)] (6) Notwithstanding the provisions of subsection (1) of this section, a common carrier rail-
 45 road law enforcement unit shall not be entitled to receive reimbursement of any kind from the De-

1 partment of **Public Safety Standards and Training**.

2 **SECTION 7.** ORS 238.005 is amended to read:

3 238.005. For purposes of this chapter:

4 (1) "Annuity" means payments for life derived from contributions made by a member as provided
5 in this chapter.

6 (2) "Board" means the Public Employees Retirement Board.

7 (3) "Calendar year" means 12 calendar months commencing on January 1 and ending on De-
8 cember 31 following.

9 (4) "Continuous service" means service not interrupted for more than five years, except that
10 such continuous service shall be computed without regard to interruptions in the case of:

11 (a) An employee who had returned to the service of the employer as of January 1, 1945, and
12 who remained in that employment until having established membership in the Public Employees
13 Retirement System.

14 (b) An employee who was in the armed services on January 1, 1945, and returned to the service
15 of the employer within one year of the date of being otherwise than dishonorably discharged and
16 remained in that employment until having established membership in the Public Employees Retirement
17 System.

18 (5) "Creditable service" means any period of time during which an active member is being paid
19 a salary by a participating public employer and for which benefits under this chapter are funded by
20 employer contributions and earnings on the fund. For purposes of computing years of "creditable
21 service," full months and major fractions of a month shall be considered to be one-twelfth of a year
22 and shall be added to all full years. "Creditable service" includes all retirement credit received by
23 a member.

24 (6) "Earliest service retirement age" means the age attained by a member when the member
25 could first make application for retirement under the provisions of ORS 238.280.

26 (7) "Employee" includes, in addition to employees, public officers, but does not include:

27 (a) Persons engaged as independent contractors.

28 (b) Seasonal, emergency or casual workers whose periods of employment with any public em-
29 ployer or public employers do not total 600 hours in any calendar year.

30 (c) Persons, other than workers in the Oregon Industries for the Blind under ORS 346.190, pro-
31 vided sheltered employment or made-work by a public employer in an employment or industries
32 program maintained for the benefit of such persons.

33 (d) Persons employed and paid from federal funds received under the Emergency Job and Un-
34 employment Assistance Act of 1974 (Public Law 93-567) or any other federal program intended pri-
35 marily to alleviate unemployment. However, any such person shall be considered an "employee" if
36 not otherwise excluded by paragraphs (a) to (c) of this subsection and the public employer elects to
37 have the person so considered by an irrevocable written notice to the board.

38 (e) Persons who are employees of a railroad, as defined in ORS 824.020, and who, as such em-
39 ployees, are included in a retirement plan under federal railroad retirement statutes. This paragraph
40 shall be deemed to have been in effect since the inception of the system.

41 (8) "Final average salary" means whichever of the following is greater:

42 (a) The average salary per calendar year paid by one or more participating public employers to
43 an employee who is an active member of the system in three of the calendar years of membership
44 before the effective date of retirement of the employee, in which three years the employee was paid
45 the highest salary. The three calendar years in which the employee was paid the largest total salary

1 may include calendar years in which the employee was employed for less than a full calendar year.
 2 If the number of calendar years of active membership before the effective date of retirement of the
 3 employee is three or fewer, the final average salary for the employee is the average salary per cal-
 4 endar year paid by one or more participating public employers to the employee in all of those years,
 5 without regard to whether the employee was employed for the full calendar year.

6 (b) One-third of the total salary paid by a participating public employer to an employee who is
 7 an active member of the system in the last 36 calendar months of active membership before the ef-
 8 fective date of retirement of the employee.

9 (9) "Firefighter" does not include a volunteer firefighter, but does include:

10 (a) The State Fire Marshal, the chief deputy fire marshal and deputy state fire marshals; and

11 (b) An employee of the State Forestry Department who is certified by the State Forester as a
 12 professional wildland firefighter and whose primary duties include the abatement of uncontrolled
 13 fires as described in ORS 477.064.

14 (10) "Fiscal year" means 12 calendar months commencing on July 1 and ending on June 30 fol-
 15 lowing.

16 (11) "Fund" means the Public Employees Retirement Fund.

17 (12)(a) "Member" means a person who has established membership in the system and whose
 18 membership has not been terminated as described in ORS 238.095. "Member" includes active, inac-
 19 tive and retired members.

20 (b) "Active member" means a member who is presently employed by a participating public em-
 21 ployer in a qualifying position and who has completed the six-month period of service required by
 22 ORS 238.015.

23 (c) "Inactive member" means a member who is not employed in a qualifying position, whose
 24 membership has not been terminated in the manner described by ORS 238.095, and who is not retired
 25 for service or disability.

26 (d) "Retired member" means a member who is retired for service or disability.

27 (13)(a) "Member account" means the regular account and the variable account.

28 (b) "Regular account" means the account established for each active and inactive member under
 29 ORS 238.250.

30 (c) "Variable account" means the account established for a member who participates in the
 31 Variable Annuity Account under ORS 238.260.

32 (14) "Normal retirement age" means:

33 (a) For a person who establishes membership in the system before January 1, 1996, as described
 34 in ORS 238.430, 55 years of age if the employee retires at that age as a police officer or firefighter
 35 or 58 years of age if the employee retires at that age as other than a police officer or firefighter.

36 (b) For a person who establishes membership in the system on or after January 1, 1996, as de-
 37 scribed in ORS 238.430, 55 years of age if the employee retires at that age as a police officer or
 38 firefighter or 60 years of age if the employee retires at that age as other than a police officer or
 39 firefighter.

40 (15) "Pension" means annual payments for life derived from contributions by one or more public
 41 employers.

42 (16) "Police officer" includes:

43 (a) Employees of institutions defined in ORS 421.005 as Department of Corrections institutions
 44 whose duties, as assigned by the Director of the Department of Corrections, include the custody of
 45 persons committed to the custody of or transferred to the Department of Corrections and employees

1 of the Department of Corrections who were classified as police officers on or before July 27, 1989,
 2 whether or not such classification was authorized by law.

3 (b) Employees of the Department of State Police who are classified as police officers by the
 4 Superintendent of State Police.

5 (c) Employees of the Oregon Liquor Control Commission who are classified as enforcement of-
 6 ficers by the administrator of the commission.

7 (d) Sheriffs and those deputy sheriffs or other employees of a sheriff whose duties, as classified
 8 by the sheriff, are the regular duties of police officers or corrections officers.

9 (e) Police chiefs and police personnel of a city who are classified as police officers by the
 10 council or other governing body of the city.

11 (f) Parole and probation officers employed by the Department of Corrections, parole and pro-
 12 bation officers who are transferred to county employment under ORS 423.549 and adult parole and
 13 probation officers, as defined in ORS 181.610, who are classified as police officers for the purposes
 14 of this chapter by the county governing body. If a county classifies adult parole and probation offi-
 15 cers as police officers for the purposes of this chapter, and the employees so classified are repres-
 16 ented by a labor organization, any proposal by the county to change that classification or to cease
 17 to classify adult parole and probation officers as police officers for the purposes of this chapter is
 18 a mandatory subject of bargaining.

19 (g) Police officers appointed under ORS 276.021 or 276.023.

20 (h) Employees of the Port of Portland who are classified as airport police by the Board of
 21 Commissioners of the Port of Portland.

22 (i) Employees of the State Department of Agriculture who are classified as livestock police of-
 23 ficers by the Director of Agriculture.

24 (j) Employees of the Department of Public Safety Standards and Training who are classified by
 25 the department as other than secretarial or clerical personnel.

26 (k) Investigators of the Criminal Justice Division of the Department of Justice.

27 (L) Corrections officers as defined in ORS 181.610.

28 (m) Employees of the Oregon State Lottery Commission who are classified by the Director of the
 29 Oregon State Lottery as enforcement agents pursuant to ORS 461.110.

30 (n) The Director of the Department of Corrections.

31 (o) An employee who for seven consecutive years has been classified as a police officer as de-
 32 fined by this section, and who is employed or transferred by the Department of Corrections to fill
 33 a position designated by the Director of the Department of Corrections as being eligible for police
 34 officer status.

35 (p) An employee of the Department of Corrections classified as a police officer on or prior to
 36 July 27, 1989, whether or not that classification was authorized by law, as long as the employee
 37 remains in the position held on July 27, 1989. The initial classification of an employee under a sys-
 38 tem implemented pursuant to ORS 240.190 does not affect police officer status.

39 (q) Employees of a school district who are appointed and duly sworn members of a law
 40 enforcement agency of the district as provided in ORS 332.531 or otherwise employed full-time as
 41 police officers commissioned by the district.

42 (r) Employees at youth correction facilities and juvenile detention facilities under ORS 419A.050,
 43 419A.052 and 420.005 to 420.915 who are required to hold valid Oregon teaching licenses and who
 44 have supervisory, control or teaching responsibilities over juveniles committed to the custody of the
 45 Department of Corrections or the Oregon Youth Authority.

1 (s) Employees at youth correction facilities as defined in ORS 420.005 whose primary job de-
 2 scription involves the custody, control, treatment, investigation or supervision of juveniles placed
 3 in such facilities.

4 (t) Employees of the Oregon Youth Authority who are classified as juvenile parole and probation
 5 officers.

6 **(u) Employees of the Oregon University System who are commissioned as public safety**
 7 **officers under ORS 352.385.**

8 (17) "Public employer" means the state, one of its agencies, any city, county, or municipal or
 9 public corporation, any political subdivision of the state or any instrumentality thereof, or an agency
 10 created by one or more such governmental organizations to provide governmental services. For
 11 purposes of this chapter, such agency created by one or more governmental organizations is a gov-
 12 ernmental instrumentality and a legal entity with power to enter into contracts, hold property and
 13 sue and be sued.

14 (18) "Prior service credit" means credit provided under ORS 238.442 or under ORS 238.225 (2)
 15 to (6) (1999 Edition).

16 (19) "Qualifying position" means one or more jobs with one or more participating public em-
 17 ployers in which an employee performs 600 or more hours of service in a calendar year, excluding
 18 any service in a job for which a participating public employer does not provide benefits under this
 19 chapter pursuant to an application made under ORS 238.035.

20 (20) "Retirement credit" means a period of time that is treated as creditable service for the
 21 purposes of this chapter.

22 (21)(a) "Salary" means the remuneration paid an employee in cash out of the funds of a public
 23 employer in return for services to the employer, plus the monetary value, as determined by the
 24 Public Employees Retirement Board, of whatever living quarters, board, lodging, fuel, laundry and
 25 other advantages the employer furnishes the employee in return for services.

26 (b) "Salary" includes but is not limited to:

27 (A) Payments of employee and employer money into a deferred compensation plan, which are
 28 deemed salary paid in each month of deferral;

29 (B) The amount of participation in a tax-sheltered or deferred annuity, which is deemed salary
 30 paid in each month of participation;

31 (C) Retroactive payments made to an employee to correct a clerical error or pursuant to an
 32 award by a court or by order of or a conciliation agreement with an administration agency charged
 33 with enforcing federal or state law protecting the employee's rights to employment or wages, which
 34 shall be allocated to and deemed paid in the periods in which the work was done or in which it
 35 would have been done; and

36 (D) Wages of a deceased member paid to a surviving spouse or dependent children under ORS
 37 652.190.

38 (c) "Salary" or "other advantages" does not include:

39 (A) Travel or any other expenses incidental to employer's business which is reimbursed by the
 40 employer;

41 (B) Payments for insurance coverage by an employer on behalf of employee or employee and
 42 dependents, for which the employee has no cash option;

43 (C) Payments made on account of an employee's death;

44 (D) Any lump sum payment for accumulated unused sick leave;

45 (E) Any accelerated payment of an employment contract for a future period or an advance

1 against future wages;

2 (F) Any retirement incentive, retirement severance pay, retirement bonus or retirement
3 gratuitous payment;

4 (G) Payments for periods of leave of absence after the date the employer and employee have
5 agreed that no future services qualifying pursuant to ORS 238.015 (3) will be performed, except for
6 sick leave and vacation;

7 (H) Payments for instructional services rendered to institutions of the Department of Higher
8 Education or the Oregon Health and Science University when such services are in excess of full-
9 time employment subject to this chapter. A person employed under a contract for less than 12
10 months is subject to this subparagraph only for the months to which the contract pertains; or

11 (I) Payments made by an employer for insurance coverage provided to a domestic partner of an
12 employee.

13 (22) "School year" means the period beginning July 1 and ending June 30 next following.

14 (23) "System" means the Public Employees Retirement System.

15 (24) "Vested" means being an active member of the system in each of five calendar years.

16 (25) "Volunteer firefighter" means a firefighter whose position normally requires less than 600
17 hours of service per year.

18 **SECTION 8.** ORS 243.005 is amended to read:

19 243.005. As used in ORS 243.005 to 243.045:

20 (1) "Firefighter" means persons employed by a city, county or district whose duties involve fire
21 fighting and includes a volunteer firefighter whose position normally requires less than 600 hours
22 of service per year.

23 (2)(a) "Police officer" includes:

24 (A) Police chiefs and police officers of a city who are classified as police officers by the council
25 or other governing body of the city;

26 (B) Sheriffs and those deputy sheriffs whose duties, as classified by the county governing
27 body, are the regular duties of police officers;

28 (C) Employees of districts[,] whose duties, as classified by the governing body of the district,
29 are the regular duties of police officers;

30 (D) Employees of the Department of State Police who are classified as police officers by the
31 Superintendent of State Police;

32 (E) **Employees of the Oregon University System who are commissioned as public safety**
33 **officers under ORS 352.385;**

34 (F) Employees of the Criminal Justice Division of the Department of Justice who are classified
35 by the Attorney General as criminal investigators or criminal financial investigators;

36 (G) Employees of the Oregon State Lottery Commission who are classified by the Director of
37 the Oregon State Lottery as enforcement agents; and

38 (H) Employees of Department of Corrections institutions as defined in ORS 421.005 whose du-
39 ties, as assigned by the superintendent, include the custody of persons committed to the custody of
40 or transferred to the Department of Corrections institution[: *but*].

41 (b) "Police officer" does not include volunteer or reserve police officers or persons considered
42 by the respective governing bodies to be civil deputies or clerical personnel.

43 (3) "Public employer" means a city, a county or the state[,] or one of its agencies or political
44 subdivisions that employs police officers or firefighters.

45 **SECTION 9. This 2007 Act being necessary for the immediate preservation of the public**

1 **peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect**
2 **on its passage.**

3
