

Enrolled
House Bill 2790

Sponsored by Representative HUNT; Representatives BARKER, FREEMAN, GALIZIO, GARRETT, KENNEMER, MATTHEWS, SCHAUFLER, STIEGLER, WITT, Senator PROZANSKI

CHAPTER

AN ACT

Relating to Board on Public Safety Standards and Training; amending ORS 181.620, 181.637 and 181.661.

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

SECTION 1. ORS 181.620 is amended to read:

181.620. (1) The Governor shall appoint a Board on Public Safety Standards and Training consisting of 24 members as follows:

(a) Two members *[shall be]* **who are** chiefs of police recommended to the Governor by the Oregon Association Chiefs of Police;

(b) One member *[shall be]* **who is** a sheriff recommended to the Governor by the Oregon State Sheriffs' Association;

(c) One member *[shall be]* **who is** a fire chief recommended to the Governor by the Oregon Fire *[Chiefs']* **Chiefs** Association;

(d) One member *[shall be]* **who is** a representative of the fire service recommended to the Governor by the Oregon Fire District *[Directors']* **Directors** Association;

(e) One member *[shall be]* **who is** a member of the Oregon State Fire *[Fighter's]* **Fighters** Council recommended to the Governor by the executive body of the council;

(f) One member *[shall be]* **who is** a representative of corrections personnel recommended to the Governor by the Oregon State Sheriffs' Association;

(g) One member *[shall be]* **who is** a representative of the fire service recommended to the Governor by the Oregon Volunteer *[Fire Fighters']* **Firefighters** Association;

(h) One member *[shall be]* **who is** a representative of public safety telecommunicators;

(i) One member *[shall be]* **who is** a district attorney recommended to the Governor by the Oregon District Attorneys Association;

(j) One member *[shall be]* **who is** the Superintendent of State Police;

(k) One member *[shall be]* **who is** the Chief of the Portland Police Bureau;

(L) One member *[shall be]* **who is** the State Fire Marshal;

(m) One member *[shall be]* **who is** the Chief of the Portland Fire Bureau;

(n) One member *[shall be]* **who is** the Director of the Department of Corrections;

(o) One member *[shall be]* **who is** the Special Agent in Charge of the Federal Bureau of Investigation for Oregon;

[(p) One member shall represent forest protection agencies recommended to the Governor by the State Forestry Department;]

[(q)] (p) One member [shall be] **who is** an administrator of a municipality recommended to the Governor by the executive body of the League of Oregon Cities;

[(r)] (q) Two members [shall be] **who are** nonmanagement representatives of law enforcement;

[(s)] (r) One member [shall be] **who is** a public member. A person appointed as a public member under this section [shall be a person]:

(A) [Who has] **May have** no personal interest or occupational responsibilities in the area of responsibility given to the board; and

(B) [Who represents] **Must represent** the interests of the public in general;

[(t)] (s) Two members [shall be representatives of] **recommended by and representing** the private security industry [recommended to the Governor by the Private Security Policy Committee; and];

[(u)] (t) One member [shall be] **who is** a representative of the collective bargaining unit that represents the largest number of individual workers in the Department of Corrections[.]; **and**

(u) One member who is a nonmanagement parole and probation officer employed by a community corrections program.

(2) The term of office of a member is three years, and no member may be removed from office except for cause. Before the expiration of the term of a member, the Governor shall appoint the member's successor to assume the member's duties on July 1 next following. In case of a vacancy for any cause, the Governor shall make an appointment, effective immediately, for the unexpired term.

(3) Except for members who serve by virtue of office, no member shall serve more than two terms. For purposes of this subsection, a person appointed to fill a vacancy consisting of an unexpired term of at least one and one-half years has served a full term.

(4) Appointments of members of the board by the Governor, except for those members who serve by virtue of office, are subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565.

(5) A member of the board is entitled to compensation and expenses as provided in ORS 292.495.

SECTION 2. ORS 181.637 is amended to read:

181.637. (1) The Board on Public Safety Standards and Training shall establish the following policy committees:

(a) Corrections Policy Committee;

(b) Fire Policy Committee;

(c) Police Policy Committee;

(d) Telecommunications Policy Committee; and

(e) Private Security Policy Committee.

(2) The members of each policy committee shall select a chairperson and vice chairperson for the policy committee. Only members of the policy committee who are also members of the board are eligible to serve as a chairperson or vice chairperson. The vice chairperson may act as chairperson in the absence of the chairperson.

(3) The Corrections Policy Committee consists of:

(a) All of the board members who represent the corrections discipline;

(b) The chief administrative officer of the training division of the Department of Corrections;

(c) A security manager from the Department of Corrections **recommended by the Director of the Department of Corrections**; and

(d) The following, who may not be current board members, appointed by the chairperson of the board:

(A) One person recommended by and representing the Oregon State Sheriffs' Association;

(B) Two persons recommended by and representing the Oregon [Jail Managers' Association] **Sheriff's Jail Command Council**;

(C) One person recommended by and representing a statewide association of community corrections directors;

(D) One nonmanagement corrections officer employed by the Department of Corrections; [and]

(E) One corrections officer who is a female, who is employed by the Department of Corrections at a women's correctional facility and who is a member of a bargaining unit; **and**

(F) Two nonmanagement corrections officers.

(4) The Fire Policy Committee consists of:

(a) All of the board members who represent the fire service discipline; and

(b) The following, who may not be current board members, appointed by the chairperson of the board:

(A) One person recommended by and representing a statewide association of fire instructors;

(B) One person recommended by and representing a statewide association of fire marshals;

(C) One person recommended by and representing community college fire programs; *[and]*

(D) One nonmanagement firefighter recommended by a statewide organization of firefighters;

and

(E) One person representing the forest protection agencies and recommended by the State Forestry Department.

(5) The Police Policy Committee consists of:

(a) All of the board members who represent the law enforcement discipline; and

(b) The following, who may not be current board members, appointed by the chairperson of the board:

(A) One person recommended by and representing the Oregon Association Chiefs of Police;

(B) Two persons recommended by and representing the Oregon State Sheriffs' Association;

(C) One command officer recommended by and representing the Oregon State Police; and

(D) *[One]* **Three** nonmanagement law enforcement *[officer]* **officers.**

(6) The Telecommunications Policy Committee consists of:

(a) All of the board members who represent the telecommunications discipline; and

(b) The following, who may not be current board members, appointed by the chairperson of the board:

(A) Two persons recommended by and representing a statewide association of public safety communications officers;

(B) One person recommended by and representing the Oregon Association Chiefs of Police;

(C) One person recommended by and representing the Oregon State Police;

(D) Two persons representing telecommunicators;

(E) One person recommended by and representing the Oregon State Sheriffs' Association;

(F) One person recommended by and representing the Oregon Fire *[Chiefs']* **Chiefs** Association;

(G) One person recommended by and representing the Emergency Medical Services and Trauma Systems Program of the Department of Human Services; and

(H) One person representing paramedics and recommended by a statewide association dealing with fire medical issues.

(7) The Private Security Policy Committee consists of:

(a) All of the board members who represent the private security industry; and

(b) The following, who may not be current board members, appointed by the chairperson of the board:

(A) One person representing unarmed private security professionals;

(B) One person representing armed private security professionals;

(C) One person representing the health care industry;

(D) One person representing the manufacturing industry;

(E) One person representing the retail industry;

(F) One person representing the hospitality industry;

(G) One person representing private business or a governmental entity that utilizes private security services;

(H) One person representing persons who monitor alarm systems;

(I) Two persons who are investigators licensed under ORS 703.430, one of whom is recommended by the Oregon State Bar and one of whom is in private practice; and

(J) One person who represents the public at large and who is not related within the second degree by affinity or consanguinity to a person who is employed or doing business as a private security professional or executive manager, as defined in ORS 181.870, or as an investigator, as defined in ORS 703.401.

(8) In making appointments to the policy committees under this section, the chairperson of the board shall seek to reflect the diversity of the state's population. An appointment made by the chairperson of the board must be ratified by the board before the appointment is effective. The chairperson of the board may remove an appointed member for just cause. An appointment to a policy committee that is based on the member's employment is automatically revoked if the member changes employment. The chairperson of the board shall fill a vacancy in the same manner as making an initial appointment. The term of an appointed member is two years. An appointed member may be appointed to a second term.

(9) A policy committee may meet at such times and places as determined by the policy committee in consultation with the Department of Public Safety Standards and Training. A majority of a policy committee constitutes a quorum to conduct business. A policy committee may create subcommittees if needed.

(10)(a) Each policy committee shall develop policies, requirements, standards and rules relating to its specific discipline. A policy committee shall submit its policies, requirements, standards and rules to the board for the board's consideration. When a policy committee submits a policy, requirement, standard or rule to the board for the board's consideration, the board shall:

(A) Approve the policy, requirement, standard or rule;

(B) Disapprove the policy, requirement, standard or rule; or

(C) Defer a decision and return the matter to the policy committee for revision or reconsideration.

(b) The board may defer a decision and return a matter submitted by a policy committee under paragraph (a) of this subsection only once. If a policy, requirement, standard or rule that was returned to a policy committee is resubmitted to the board, the board shall take all actions necessary to implement the policy, requirement, standard or rule unless the board disapproves the policy, requirement, standard or rule.

(c) Disapproval of a policy, requirement, standard or rule under paragraph (a) or (b) of this subsection requires a two-thirds vote by the members of the board.

(11) At any time after submitting a matter to the board, the chairperson of the policy committee may withdraw the matter from the board's consideration.

SECTION 3. ORS 181.661 is amended to read:

181.661. (1) When the Department of Public Safety Standards and Training [*denies application or certification or the department or*], **the Board on Public Safety Standards and Training or a policy committee of the board established under ORS 181.637** believes there is a reasonable basis for **denying**, suspending or revoking, **as applicable**, the **application or** certification of an instructor or a public safety officer, except a youth correction officer [*or fire service professional*], notice and opportunity for a hearing shall be provided in accordance with rules approved by the board and in accordance with ORS 183.415 and 183.417 prior to **denial**, suspension or revocation.

(2)(a) Pursuant to rules adopted under ORS 181.640 and 181.662, the policy committee in the relevant discipline and the board shall review denials, suspensions and revocations based on discretionary grounds.

(b) If a policy committee votes to recommend denial or revocation of the application or certification of an instructor or a public safety officer pursuant to paragraph (a) of this subsection, the notice and opportunity for a hearing required under subsection (1) of this section shall be provided after the committee has voted and before the board considers the committee's recommendation.

(c) If the board disapproves the policy committee's recommendation under paragraph (b) of this subsection, the department shall withdraw the notice issued under subsection (1) of this section.

(d)(A) For cases originally considered by a policy committee, if the department proposes to amend an administrative law judge's proposed order issued in response to a request for a hearing by an instructor or a public safety officer under subsection (1) of this section, the committee shall consider the proposed amendment before the department may issue a final order pursuant to ORS 181.640.

(B) The department's final order may not incorporate the proposed amendment unless the policy committee approves the amendment.

Passed by House May 4, 2009

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Chief Clerk of House

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Speaker of House

Passed by Senate June 4, 2009

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President of Senate

Received by Governor:

.....M.,....., 2009

Approved:

.....M.,....., 2009

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Governor

Filed in Office of Secretary of State:

.....M.,....., 2009

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Secretary of State