

D R A F T

SUMMARY

Requires Department of Public Safety Standards and Training to issue final order no later than 30 days after issuance of proposed order or form of order, and to adopt administrative law judge's findings of historical facts, when administrative law judge issues order approving application or certification of instructor or public safety officer.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to orders issued by the Department of Public Safety Standards and
3 Training; creating new provisions; amending ORS 181.661; and declaring
4 an emergency.

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

6 **SECTION 1.** ORS 181.661 is amended to read:

7 181.661. (1) When the Department of Public Safety Standards and Train-
8 ing, the Board on Public Safety Standards and Training or a policy commit-
9 tee of the board established under ORS 181.637 believes there is a reasonable
10 basis for denying, suspending or revoking, as applicable, the application or
11 certification of an instructor or a public safety officer, except a youth cor-
12 rection officer, notice and opportunity for a hearing shall be provided in
13 accordance with rules approved by the board and in accordance with ORS
14 183.415 and 183.417 prior to denial, suspension or revocation.

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

18 (b) If a policy committee votes to recommend denial or revocation of the

1 application or certification of an instructor or a public safety officer pursu-
2 ant to paragraph (a) of this subsection, the notice and opportunity for a
3 hearing required under subsection (1) of this section shall be provided after
4 the committee has voted and before the board considers the committee's
5 recommendation.

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

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

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

17 **(3) If an administrative law judge issues a proposed order under**
18 **ORS 183.464, or a form of order under ORS 183.650, that approves an**
19 **application or certification of an instructor or public safety officer**
20 **under this section, the department shall issue a final order no later**
21 **than 30 days after the proposed order or form of order is served on the**
22 **department. Notwithstanding ORS 183.650, the department may not**
23 **modify, add to or exclude any of the administrative law judge's**
24 **findings of historical facts in any final order denying, suspending or**
25 **revoking an application or certification.**

26 **SECTION 2. The amendments to ORS 181.661 by section 1 of this**
27 **2013 Act apply to hearings for which written notices are served under**
28 **ORS 183.413 (2) on or after the effective date of this 2013 Act.**

29 **SECTION 3. This 2013 Act being necessary for the immediate pres-**
30 **ervation of the public peace, health and safety, an emergency is de-**
31 **clared to exist, and this 2013 Act takes effect on its passage.**

