

## HOUSE COMMITTEE ON JUDICIARY

March 07, 2003 Hearing Room 357

1:00 p.m. Tapes 70 – 71

**MEMBERS PRESENT:**        **Rep. Max Williams, Chair**  
                                  **Rep. Gordon Anderson, Vice-Chair**  
                                  **Rep. Robert Ackerman, Vice-Chair**  
                                  **Rep. Jeff Barker**  
                                  **Rep. Bob Jenson**  
                                  **Rep. Jerry Krummel**  
                                  **Rep. Floyd Prozanski**

**MEMBER EXCUSED:**        **Rep. Greg Macpherson**  
                                  **Rep. Lane Shetterly**

**STAFF PRESENT:**         **Bill Taylor, Counsel**  
                                  **Danelle Romain, Counsel**  
                                  **Patricia Nielsen, Committee Assistant**

**MEASURE/ISSUES HEARD:**        **HB 2235 – Public Hearing**  
  **HB 2236 – Public Hearing**  
  **HB 2237 – Public Hearing**  
  **HB 2238 – Public Hearing**

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These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

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<b>TAPE/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>TAPE 70, A</b>		
005	Chair Williams	Calls the meeting to order at 1:10 p.m.
010	Alan Scharn	Deputy Director, Oregon Department of Public Safety Standards and Training (DPSST). Presents agency overview.
020	Chair Williams	Opens public hearing on HB 2235.
<b><u>HB 2235 – PUBLIC HEARING</u></b>		
035	Danelle Romain	Committee Counsel. Provides overview of HB 2235, which modifies provisions relating to private security providers.
040	Scott Tighe	Director, Standards and Certification Division, Department of Public Safety Standards and Training (DPSST). Testifies in support of HB 2235. Provides written testimony ( <b>EXHIBIT A</b> ). Presents details.
080	Harold Burke-Sivers	Chair, Private Security Advisory Committee. Testifies in support of HB 2235 and proposes changes. Submits written testimony ( <b>EXHIBIT B</b> ).
090	Chair Williams	Asks about -1 amendments dated 2-20-03 ( <b>EXHIBIT C</b> ).
095	Tighe	Offers to review amendments and return to committee with input.
105	Andrea Meyer	American Civil Liberties Union (ACLU). Testifies in opposition to section 7 of HB 2235, a citizenship requirement. Provides written testimony ( <b>EXHIBIT D</b> ).
165	Rep. Barker	Asks about having that requirement removed.

170	Meyer	Agrees.
175	Chair Williams	Points out the amendments withdraw the requirement.
180	Rep. Prozanski	Advises the General Government Committee also raised that issue, and the requirement was removed to avoid discrimination.
195	Chair Williams	Closes public hearing on HB 2235. Opens public hearing on HB 2236.

**HB 2236 – PUBLIC HEARING**

205	Bob Wolfe	Polk County Sheriff, Vice-Chair of Board of Public Safety Standards and Training, Chair of Corrections Policy Committee, Chair of Public Safety Memorial Fund. Testifies in support of HB 2236, which provides that members of Board on Public Safety Standards and Training who serve by virtue of their offices are not counted in determining whether there is a quorum for Board business. Discusses need to have enough members on the Board to make a quorum. Explains the six members who serve because of their employment often cannot attend to establish a quorum.
230	Alan Scharn	Department of Public Safety Standards and Training (DPSST). Clarifies there is a proposed amendment regarding attendance and quorum count. Submits written testimony ( <b>EXHIBITS E, F</b> ).
245	Rep. Prozanski	Suggests making Board members who serve by virtue of their offices ex-officio members.
255	Scharn	Advises the Board was created by the Legislature and the members are appointed by the Governor and confirmed by the Senate.
265	Chair Williams	Asks how often absence is a problem.
270	Wolfe	Explains it is difficult for members to attend all meetings.
280	Chair Williams	Comments the background of members allows a broad consideration of issues.
300	Rep. Barker	Suggests allowing proxies for attendance at Board meetings.
310	Rep. Krummel	Agrees and comments on helpfulness of advisors. Agrees with suggestion to make some members ex-officio.
340	Chair Williams	Suggests Portland participants still want to have a voice on the Board.
350	Wolfe	Points out it is important to let them have a vote, but difficult to get them to meetings.
360	Rep. Jenson	Asks about quorum requirement.
365	Chair Williams	Explains.
375	Rep. Jenson	Suggests the Board adopt a rule to put the same requirement in place.
390	Scharn	Advises the requirement is under the public meetings rules.
400	Rep. Jenson	Asks whether, if making this change, the public meeting rules also need to be changed.
405	Dianne Middle	Director, DPSST. Advises that because their statutes do not clarify a quorum, it is determined under the public meeting law.
<b>TAPE 71, A</b>		
020	Brian DeLashmutt	Representing Oregon Council of Police Associations (OCPA), Association of Oregon Corrections Employees (AOCE), Federation of Oregon Parole and Probation Officers (FOPPO). Testifies as neutral to HB 2236 and raises concerns. Submits written testimony ( <b>EXHIBIT G</b> ). Discusses make-up of Board membership.
050	Rep. Jenson	Comments on representation from rural Oregon.

060	DeLashmutt	Answers and describes need for balance in type of job and geographical area. Raises issue of ability for employee representative to be released to participate in Board membership.
080	Rep. Krummel	Asks why a jurisdiction would hesitate to allow employee time off to participate.
090	DeLashmutt	Describes actions taken to achieve time off for membership.
100	Rep. Krummel	Asks whether Board members are provided benefits or per diem.
110	Rep. Barker	Advises there is travel pay.
115	Mary Botkin	American Federation of State County and Municipal Employees (AFSCME). Testifies and discusses potential changes to the Board membership. Suggests recruiting more women members.
155	Chair Williams	Closes public hearing on HB 2236. Opens public hearing on HB 2237.

**HB 2237 – PUBLIC HEARING**

160	Bill Taylor	Committee Counsel. Provides overview of HB 2237, which limits authority of Board on, and Department of, Public Safety Standards and Training to disclose photograph of public safety officer.
165	Scott Tighe	Department of Public Safety Standards and Training (DPSST). Testifies in support of HB 2237. Submits written testimony <b>(EXHIBIT H)</b> .
210	Rep. Barker	Expresses concern about impact of political aspects of investigations with regard to lapsed certification.
230	Tighe	Advises the intent is not to go back to closed cases, but to move forward with cases from the present time. Offers to work on solution.
250	Brian DeLashmutt	Representing Oregon Council of Police Associations (OCPA), Association of Oregon Corrections Employees (AOCE), Federation of Oregon Parole and Probation Officers (FOPPO). Submits testimony and testifies in opposition to bill in its present form. Raises issues with possibility of expanded powers granted by vague parameters of inquiry-based investigations <b>(EXHIBIT I)</b> .
275	Mark Landauer	Government Relations, City of Portland. Testifies as neutral on HB 2237. Raises concern about limiting the information the Department may seek. Suggests the information must be related to the investigation being conducted. Asks for clarification of an employer's liability when answering Department requests for medical fitness information.
320	Rep. Prozanski	Asks about concern over investigations into medical conditions.

325 Landauer Discusses specific examples.  
340 Chair Williams Closes public hearing on HB 2237. Opens public hearing on HB 2238.

**HB 2238 – PUBLIC HEARING**

350 Bob Wolfe Polk County Sheriff, Chair of Public Safety Memorial Fund Board. Testifies in support of HB 2238, which changes payment of benefits awarded by Public Safety Memorial Fund Board to payment in lump sum.

**TAPE 70, B**

005 Wolfe Continues discussing need for coverage for the memorial fund. Refers to submitted written testimony (**EXHIBIT J**).

050 Rep. Barker Encourages continuation of benefits to dependants. Suggests amendment to protect long-term benefits.

060 Rep. Anderson Asks whether employees are also covered by PERS.

065 Rep. Barker Responds that not all public safety employees are PERS members.

070 Chair Williams Relates discussion from last session about other benefits available to families of fallen officers. Comments that this benefit is made timely in the short-term, to get families over a short-term difficulty.

090 Rep. Prozanski Asks about limit of payments to a family over the long-term.

100 Wolfe Discusses benefits for spouse, and children up to 22 years old.

110 Chair Williams Comments on keeping the system solvent.

120 Rep. Barker Advises the three firefighters in Coos Bay had 11 children.

135 Brian DeLashmutt Representing Oregon Council of Police Associations (OCPA), Association of Oregon Corrections Employees (AOCE), Federation of Oregon Parole and Probation Officers (FOPPO). Testifies in opposition to HB 2238. Submits written testimony (**EXHIBIT K**). Expresses concerns about lump sum payments not being preserved for dependents in the long-term.

185 Rep. Ackerman Comments that current law provides other benefits to families, such as workers' compensation and Social Security. Agrees with intention.

205 Chair Williams Asks about establishing an upper limit to the lump sum or award, but also giving the fund some stability by establishing a cap on total dollars available for beneficiaries.

225 DeLashmutt Responds there is no problem with dollar limits on certain portions of funds. Points out the intent was to track the children rather than to give money up front. Offers to work on restructuring benefits.

245 Chair Williams Asks for parties to negotiate, with Committee Counsel's involvement. Requests that Rep. Westlund should participate.

255 Rep. Jenson Expresses concern over managing benefits on behalf of families because it seems to be too much interference.

285 DeLashmutt Assures that normal families can make rational decisions. Points out that lump sum may go astray.

305	Bob Livingston	Oregon State Firefighters Council, DPSST Board member. Supports working together to find cost controls while also providing benefits. Suggests looking for others with expertise to advise investing lump sum revenues, such as State Treasurer's office.
340	Chair Williams	Closes public hearing on HB 2238. Adjourns committee at 2:29 p.m.

### **EXHIBIT SUMMARY**

**A – HB 2235, written testimony, Scott Tighe, 2 pp**  
**B – HB 2235, written testimony, Harold Burke-Sivers, 1 p**  
**C – HB 2235, -1 amendments (2-20-03), staff, 1 p**  
**D – HB 2235, written testimony, Andrea Meyer, 2 pp**  
**E – HB 2236, written testimony, Alan Scharn, 2 pp**  
**F – HB 2236, written testimony, Rick Lewis, 1 p**  
**G – HB 2236, written testimony, Brian DeLashmutt, 1 p**  
**H – HB 2237, written testimony, Scott Tighe, 2 pp**  
**I – HB 2237, written testimony, Brian DeLashmutt, 1 p**  
**J – HB 2238, written testimony, Alan Scharn, 3 pp**  
**K – HB 2238, written testimony, Brian DeLashmutt, 1 p**