



# Oregon

John A. Kitzhaber, MD, Governor

Department of Public Safety Standards and Training

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**DATE:** March 6, 2013

**TO:** House Rules Committee  
Chris Garrett, Chair  
Wally Hicks, Vice-Chair  
Val Hoyle, Vice-Chair  
Phil Barnhart  
Vicki Berger  
Michael Dembrow  
Paul Holvey  
Bob Jenson  
Bill Kennemer

**FROM:** Marilyn Lorange, Legislative Coordinator

**SUBJECT:** House Bill 2560

The Department of Public Safety Standards and Training (DPSST) has reviewed the provisions of House Bill 2560. As introduced, HB 2560 prohibits board and committee members from serving on rule advisory committees if "the rule would affect the activities of the board, commission, committee or work group."

DPSST has identified some technical concerns with the bill, based on the statutory relationship between our agency and its Board and policy committees, and between those bodies and the constituencies that each Board or committee member represents.

Our Board is statutorily charged to develop and approve minimum standards that govern both DPSST and all of Oregon's public safety professionals, through the administrative rule process. Our policy committees and Board then oversee minimum standards enforcement, based on the rules that have been developed. The members of our committees and Board work in various capacities in the professions they represent (police, corrections, parole & probation, fire, 9-1-1 dispatch, polygraph examiners, and the private security/private investigations professions). The mission of those members is to serve as a liaison and a voice between their industry segment and the larger policy decisions of DPSST and its Board.

Policy committee and Board approval of proposed rules is required before any rulemaking process formally begins. Each policy committee meets the definition of, and serves as, a rulemaking advisory committee for proposed rules impacting the public safety discipline it represents.

For complex rulemaking we also use subcommittees or workgroups that may represent multiple segments of our public safety customers. These groups generally consist of committee or Board

members and other subject matter experts, and further meet the definition of rulemaking advisory committees.

In all of our rulemaking, it is the policy committees and Board members who forward information about proposed rule changes to the particular segment of the industry that they represent, and likewise represent those concerns on rulemaking subcommittees or workgroups. The rules developed through these processes regulate both their professions AND the committee and Board processes for reviewing the qualifications for those who work in public safety in Oregon.

Because the rules they oversee all impact subsequent Board and committee decisions, it appears to DPSST that HB 2560 as introduced would not allow our Board or policy committee members to serve in one of the key roles that our statutes outline for them, which is to oversee development of the rules that implement our statutory responsibilities, as representatives of their portion of the public safety community.